

**CITY OF NEWARK
DELAWARE
COUNCIL MEETING MINUTES
August 3, 2015**

Those present at 6:00 p.m.:

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

Staff Members: City Manager Carol Houck
City Secretary Renee Bensley
City Solicitor Bruce Herron
Deputy City Manager Andrew Haines
Finance Director Lou Vitola
Planning & Development Director Maureen Feeney Roser
Development Supervisor Michael Fortner
Community Affairs Officer Ricky Nietubicz

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1. The Council meeting on the Comprehensive Plan began at 6:04 p.m. in the Council chamber.
 2. Ms. Sierer gave an overview of the format of the meeting for the evening and introduced Ms. Feeney Roser for her presentation.

Ms. Feeney Roser stated that the presentation would cover changes to the Comprehensive Plan since the May 18th workshop and discussion regarding options for future land use designations for larger pieces of property in western Newark which have been of concern to Council and the public during the Comprehensive Plan update, are largely undeveloped or underdeveloped and are under pressure for development.

Substantive changes to the Comprehensive Plan since May 18th included changing the approach used for the institutional land use designation to reflect current and existing uses of the property as well as future land use designations. Staff found that that approach was not appropriate because while the City allowed institutional changes in many of its zoning districts, the City does not have a zoning designation which corresponds to the future of institutional land use, meaning there was not a zoning district for which only institutional uses were permitted. Therefore, while it is appropriate to use institutional land use designation to show how a property is currently being used, because the Comp Plan has the force of law and no development is permitted except as consistent with that plan, for those properties with current institutional land uses such as school, churches, government buildings, staff has changed the future land use designations to reflect their zoning classifications. Mr. Fortner reviewed the changes, which included schools and day cares, churches, government buildings, and community uses. The underlying zoning of each would correspond with the zoning in the surrounding area.

Ms. Feeney Roser noted that at previous workshops, particularly when the Comp Plan chapter 10 was reviewed, some members of Council requested that the Newark Country Club property be shown as active recreation for its future land use designation as well as the existing land use designation to reflect much of what Council, Planning Commission and staff had heard as community concerns throughout the Comp Plan process. This was a reasonable request because active recreation was also used as a future land use designation for other areas of the City, mostly swim clubs, etc.

However, when investigating these options similar to what was found with the institutional land use designations just discussed, it was found that while active recreation

was permitted in many of the RD zoning districts, the only category which would permit only recreational uses was PL, parkland zoning. While PL zoning was appropriate for publicly-owned properties, zoning privately-held lands PL could remove substantially all options for economically viable land uses. Therefore, those properties could not have a future land use designation as active recreation.

The same was done with utilities. The City had a utility future land use designation but no matching zoning district to support that. Staff went back to the most appropriate zoning category land use designation for those properties as well. They were shown on the slide which listed the four swim clubs that would now have a future land use designation of residential low density.

Mr. Fortner discussed utilities and said these were mostly City-owned parcels and ranged from a water treatment plant to the public works yard. Staff looked at the underlying zoning. A lot of it was zoned parkland such as water towers were – the parcel was so small there was no other appropriate use but as a pocket park at some point.

Ms. Feeney Roser said for these changes, this was just an example of what the Comp Plan would look like or the version in front of Council tonight looked like. For existing land uses, there was active recreation. For the country club site there was some institutional – the Newark Manor Nursing Home just to the right of the country club site and then Downes Elementary School. Also shown was institutional but in looking at the future land uses there would be low density residential as the designation for all of them.

According to Ms. Feeney Roser during the past three years of going through the process a number of concerns were heard and there was a lot of discussion about two relatively large properties in western Newark which were currently under pressure for development. There was discussion about using an active recreation land use designation for the future for the country club and staff found out that they could not. Tonight staff would present options for discussion and consideration of action. The two properties were the Newark Country Club site at 300 West Main Street and the International Literacy Association at 924 Barksdale Road. The Newark Country Club site did have a land use designation as active recreation but the existing land use designation for the ILA property was vacant.

Three potential options about what to do with these properties would be discussed tonight. They were to: (1) leave the Comp Plan designations for future land use as they are; (2) to create a new land use designation to be known as residential estate homes which would apply to these relatively large undeveloped parcels or (3) create a new land use designation category of residential cluster recreation district.

Option one – No change:

For the Newark Country Club site, the current Comp Plan designation was residential low density for future uses, meaning 10 or fewer dwelling units per acre. The residential low density designation was compatible with a number of the City's residential zoning districts and also the STC zone. Low density residential might not be thought about when discussing RR and RM or STC, but our zoning does allow less dense development in RM (garden apartments) which would normally allow up to 16 units per acre. That would be more than what low density residential could do, but a property could be zoned RM and the City has several of them that are not large enough for development at 16 units, so they might be able to fit into a low density Comp Plan designation. The current property was zoned RS, a single family residential type zoning allowing a minimum lot of 9,000 square feet and was a large property of nearly 120.4 acres. In the current draft of the Comp Plan the country club was designated as a focus area which recommended master planning activities for the development of it which would be an opportunity for community stakeholders to help develop a plan for the site that would identify development options, community needs, access issues, general improvements, infrastructure that might be necessary for it as well as the impact upon the surrounding area. Concerns were raised during the Comp Plan process but also during a previous major subdivision process that the City went through in 2008 where a subdivision was approved for 271 single family homes. That subdivision sunset in February 2013, but nothing else changed with the site.

For the Barksdale Road site, the no change aspect leaves the Comp Plan V future land use designation as commercial. Commercial would allow a variety of uses; retail restaurant and service type uses, and was compatible with several of the different zoning districts. In this case, that property was zoned BL, a lighter commercial type use. It allowed office use and some very light commercial. The property was currently vacant and was almost seven acres. The Barksdale Road property had a series of restrictions already on it. One of the reasons was that it was a fairly unusual process when it was zoned BL to begin with and there were a set of restrictions placed on it to limit the impact that commercial development might have at that particular site. There was a 50-foot wide conservation easement running against the properties in the Oaklands adjacent to the north of it. There were limits on the size of the building and where it could be located – there was a fairly extensive list of restrictions already placed on the property. That summed up option one.

Option two – Estate zoning

Option two would be to create a new land use designation for residential estate homes and recreation, which could apply to these properties if the decision was made to do that. The City would create this designation for the Comp Plan, which would be defined as having single family detached residential dwellings of a minimum of one acre in size and allowing parkland, recreation and open space and accessory uses as part of that. If that change was desired, with Council's direction, the City could change those land use designations in the Comp Plan for both or one of them. Then within 18 months of the adoption of the Comp Plan, we would be required to adopt a new zoning district that would coincide with the estate home and recreation land use designation in the Comp Plan. This possibility would apply to the country club and also to the vacant parcel associated with the ILA property. If the City were to go this route, staff would work on putting together a new zoning district for estate home and recreation which would be a low density use that would also allow some institutional uses to be considered by Council.

One dwelling unit per acre was thought to be appropriate for this type of zoning district. It would allow the development of lands around it. It said private but did not necessarily have to be private, but it would allow lands that were committed to leisure and recreational uses that were primarily open space in character to complement the residential development. The recommended recreational uses could be parks or golf courses or regional recreation facilities or comparable uses. Building requirements would then have to be established with the goal of conserving open spaces, views and natural features. It would not be limited to ample landscaping, buffering and substantial building setbacks on those one acre parcels to ensure that the low density character of the area was preserved. Staff believed this option would foster the City's land use goals of decreased density for the site, would decrease traffic capacity, congestion, etc.

Option three: Residential cluster zoning

The third option was much like the second one but would create a new land use designation for residential cluster homes and recreation. That would be inserted into the Comp Plan. It would be defined as a Comp Plan designation which would allow single family or multi-family cluster development designed to preserve at least 50% of the site as open space which again could be public or private and accessory uses. If Council desired to do that this designation could be used for either parcel or both, and then within 18 months a zoning category would need to be adopted to match.

The zoning district that would accompany that would allow low density residential and compatible institutional uses but would allow for a mix of housing types, predominantly single family homes but also multi-family clustered units on the property. The key point of this was that 50% of the site would need to be preserved as open space.

It was assumed that allowable recreational uses would also be parks and golf courses, regional recreation facilities and similar uses. It would meet the goals of preserving and conserving open space, views and natural features and would allow ample landscaping, buffering and setbacks as with the previous proposal to ensure that the low density character of the area was preserved. This option would not necessarily decrease

density substantially, but it would allow for the preservation of open spaces and views and might assist with drainage issues and the like.

Ms. Feeney Roser summarized that option one would make no changes to the Comprehensive Plan as it related to these sites, option two would go for the estate home type zoning for one or both and option three would go for the cluster home and recreation type zoning at land use designation and then follow up with the zoning.

Mr. Ruckle was confused about the clustered parts and asked the acreage for the townhouses and what kind of homes would there be within that 50%? Ms. Feeney Roser said the actual details of that would be finalized when developing the zoning district. They would be discussed with Planning Commission and Council going along, but in her view it would be townhouse type development, perhaps some high-rise condominiums, but it would be in locations where the open space views could be preserved for both parcels. She was not sure a high rise could be done on Barksdale Road and maintain views. The country club property had some contours in it where there could possibly be some high density development that would be seen from the road while preserving open space. The details of what would be allowed would have to be done in the zoning ordinance. This was a land use designation that would allow that to be developed.

Mr. Ruckle commented that Middletown was putting in a huge sports complex and it was drawing a lot of buyers to purchase down there. With 50% open space this could be an opportunity to have something like that to offer to residents. Ms. Feeney Roser said that was one of the regional recreation facilities they have talked about. They were thinking more on the lines of Delcastle Park in New Castle County that had a variety of recreation. That would be something the City would allow.

Ms. Hadden thought the cluster development would have more of an impact on roads and that the estate development would have less of an impact. To leave it the way it exists, depending on how it was laid out and planned could have a strategic effect on roads. Ms. Feeney Roser concurred.

Mr. Gifford asked whether the previous development proposed for the country club fell under the new stormwater regulations. Ms. Feeney Roser confirmed that it did not. Mr. Gifford asked what effect the new regulations would have on the development of the area. Ms. Feeney Roser said it would reduce it but was not sure how much – with the RS zoning, they would have to do stormwater management more significantly. Mr. Gifford was trying to find the problem with the zoning as it exists today. If the country club did have the new stormwater regulations he assumed it would not have a big impact on flooding issues in town. He asked if that was something that would be addressed during the building of a development. Ms. Feeney Roser said that was correct.

Mr. Gifford asked what the major concern was with the ILA property since it only bordered the neighborhood on one side and it had a 50' buffer. He wanted to hear those concerns before discussing a zoning adjustment in the Comp Plan. Mr. Morehead noted that was district 1. The concerns were that it was zoned commercial, so while there were some rules in place to preserve the residential nature of those homes, some of those were the premium homes in district 1 and backing out onto a commercial property that has not been there in the past when the homes next door back out onto the park would be the primary consideration. The second consideration was traffic – if fully developed it would add to the problems on Cleveland and Hillside. Mr. Gifford would be surprised if the small property would have a large impact on traffic. He thought there were good rules in place to protect residents from any noise. He was not aware of any plans to develop the property into something extremely noisy and thought there was an opportunity to talk to the owners about any concerns.

Ms. Feeney Roser confirmed that the seven acres was just the vacant property. Mr. Fortner added there were three parcels for sale. The first parcel going west was light commercial, had some offices and a hair salon. Then there was the International Literacy Association building which was an office building for them. After that was the vacant parcel which would be zoned as the same as the other two parcels. Ms. Sierer received confirmation that all three parcels were zoned the same right now. She asked the

ramifications if one individual buys all three parcels. Mr. Fortner said the developed parcels would remain as they are now and no residential was permitted on those. The vacant parcel would have to be developed under the BL zoning which was very limited light business. Ms. Feeney Roser explained in order to do something different Council would have to rezone it.

Mr. Markham asked how large a parcel was being considered for the larger estates. Ms. Feeney Roser said the estate was a minimum of an acre. RH zoning now allows half acre, so they went to a full acre for the estate type zone. Mr. Markham asked what the current demand was for that housing type in the City. Ms. Feeney Roser replied that no developer had come and tried to build anything that large. She heard we did not have options for the people we were trying to attract who transferred to Aberdeen from New Jersey and executives from Bloom. She heard from several architect types that Newark did not have an estate-type housing that might attract folks to live here. Mr. Markham asked what the largest comparable was – Wyncliff, Woods and Christianstead were half an acre, so this would be something new in the City. Ms. Feeney Roser reported that RH is the largest and that was half acre and this would be a new, very large lot residential development.

Mr. Markham asked what the mixed cluster would be. In looking at the country club property Ms. Feeney Roser could see a mix of townhomes and perhaps a high rise building. There might be some single families and a multi-family mix, maybe townhouses.

Mr. Markham thought it would be challenging for the open recreational space to be available to the public and not seem private with the larger estate homes. Ms. Feeney Roser said we would have to have easement agreements for parkland to get people there. Mr. Markham thought of the mixed development as more open and available for more people to get to that open space. Ms. Feeney Roser agreed and thought the large lot residential (one acre) was that they could be set back very far. Nottingham Road could be made to appear that there was open space. This was now borrowed open space because it was a private country club. She thought there were ways to create area requirements that may give the impact of more open area, but for the most part they would be privately owned. The biggest advantage of the estate housing would be a significantly lower traffic impact.

Mr. Gifford asked whether under the RS zoning either of these estates homes or the cluster development could be built. Ms. Feeney Roser said it was a minimum lot size, so a developer could build one acre lots. For the cluster development there was an opportunity to do site plan approval which allowed for density bonuses if you do certain things to make the development better for the community, if you have lots of energy conservation or if you maintain a lot of open space there. There was some flexibility in the Code now as it presently exists to do that. Mr. Gifford said then the cluster development was nothing new, it was just the wording for trying to keep some of the area. Ms. Feeney Roser said except that would be the only thing that could happen. Mr. Gifford asked how much would be left open. Ms. Feeney Roser said 50%.

Mr. Chapman's concern from listening to the presentation and the conversations so far was looking at the two properties together and trying to come up with this same plan that was going to be appropriate for both. He worried about the unintended negative consequences when governments try to paint with a broad brush. He wanted to steer the conversation more to separate the two properties, because he thought the most appropriate solution for the two properties was probably not exactly the same. He appreciated that staff identified two properties that were of larger acreage that were currently open space or at least not traditionally built for commercial or residential uses. Ms. Feeney Roser remarked they were in the same planning districts.

In regard to the country club property which was in his district 5, he tried to discuss the property in almost every chapter of the plan so far. This was because it remained the primary concern of people he talked to in his district as well as folks immediately adjacent to it, and he would even go so far as to say that even in the last two and a half to three years when the public threat of that property becoming developed into residential usage or something has dissipated from comparable to seven or eight years ago.

The majority of complaints he receives are about traffic and density issues getting into or out of district 5. Most people he spoke to about the country club property preferred that it remain open space. He would rather it be underused, green, open and not very much traffic. In reality that was probably not going to happen, so if it gets developed the question becomes, what would you prefer to see there? No one that he spoke to wanted to see commercial industrial use or something that would be high traffic or noisy or unpleasant to the surrounding residential area. When it comes to residential development, the greatest concerns were traffic related to the new development, stresses on infrastructure or possible noise which he dismissed.

Taking that into consideration, the future use makes sense to keep in terms of low density. He did not think that could be affected by cluster development. We've maintained a majority or a high proportion of the current property as open space, but usable open space was debatable. There was probably going to be a large retention pond for water runoff. The other places were relatively swampy or turn into overgrowth. The amount of traffic that would come out of there in a cluster development – we've heard numbers upwards of 500 plus units for that acreage in a cluster type development. Ms. Feeny Roser thought at one point they came in to just chat about what could be and thought at one point they were at 500 units.

Mr. Chapman noted on page 60 in the updated comprehensive plan there was a chart that looked at historical traffic data and the changes that have occurred in average daily traffic from 2001-2009. It pin points a few areas in the City that have either historically been or were currently identified as possible trouble areas. He circled four. Third is East Cleveland Avenue from North Chapel Street to Kirkwood Highway/Capitol Trail an increase of 10.5%. Fourth from the bottom was New London Road, Kirkwood Highway, Main Street to Country Club Drive – increase of 13%. The bottom two were West Main Street and North College Avenue – increases of 24% and 51%. Those four areas directly surround, lead to or egress from the country club property. Adding 500 plus units, even in the existing by-right use 272, possibly 250 with the new water drainage, sewage code whatever, there was already an identified hot spot of traffic and congestion. We are also working off of dated data unfortunately. That leaves his argument open to, well things could have gotten better but he said they have not. All of the phone calls asking him to change the timing on the lights and to quit messing around with Casho Mill underpass – there's a lot of issues. He thought this issue in terms of future land use for the Newark Country Club property was either preserve as much open space as possible or reduce or prevent additional density and congestion as much as possible. He did not think that the City could necessarily accomplish both perfectly, that was the truth of the world.

The idea of increasing the lot size on that property, maintaining what has been – his hope continued to be a low density residential future land use if it was not the current recreational similar type use he thought was the closest thing to both that the community might find, while making the property still economically viable for the current owners. He called it a compromise – the people in district 5 understood the likelihood was that the property would be developed. With that in mind they told him their preference was for the least amount of congestion and density increase.

As far as the stormwater system, additional flow from additional units into the infrastructure was a concern, not necessarily just runoff but current RS zoning that would allow 250, 9,000 square foot lots was going to have more covered space than current and more than a cluster and more than larger lot sizes. As far as public need, the only thing we see in the way of development is multi-family. He would like for Council to take a proactive step in saying, "Not in this area, we are not doing it for all the right reasons." In his opinion he thought minimum lot sizes were a lot like maximum speed limits. If they were allowed to put in 253, 9,000 square foot lots they would. Mr. Chapman thought the proper way forward was to maintain the future land development use, low density and increase the lot size. He thought that was a good compromise.

Mr. Ruckle spoke from his experience as a realtor and said top level executives moving into the area were trending away from the larger lots. They would rather have a second home, so they were buying a nice house on a half to a third of an acre lot. Most of them were going to Middletown or Pennsylvania, so he did not know if having the large

lots would be attractive because the builder would charge an additional \$100,000-\$150,000 on the home. That was his concern with the increase in lot size – he did not think the demand was going to be there. Unfortunately, high paying positions were disappearing from the area from companies such as Astra Zeneca and DuPont.

Mr. Morehead noted that Council talked about traffic and need and open space. When he talked to folks in district 1, traffic was probably the #1 consideration to do with the country club if it has to change. There was a strong desire that it would not change, but that was not realistic. In looking at the various through roads that connect down to Elkton Road, they all go through some portion of district 1. The problem with the train bridge on Casho Mill would be magnified if hundreds of homes are built. There were problems with the speed limits on Bent Lane – there were about 120 homes along that road and the speed limit is 25 mph. Drivers frequently go 60 and 70 mph there. To make that situation worse was not looking forward. This was an opportunity to improve the quality of life in this town and he thought his job on Council was to be responsible to the folks who already live here to improve their quality of life as much as possible. Although he would like the country club to stay as it is, he agreed with Mr. Chapman that larger lot sizes represented the best compromise.

Ms. Hadden agreed with Mr. Chapman's logic behind the compromise – increasing the lot size and going from RS to RH.

Mr. Markham requested a point of clarification and asked if Council was only discussing the country club or only the two previously mentioned properties. There was one other property he would like to throw in the mix at some point in time.

It made sense to Mr. Morehead to split up the properties and vote on them individually so it may be appropriate to hear what property Mr. Markham was interested in. The property Mr. Markham was thinking of was off of Paper Mill and right now the church was there and it abuts against a property in the County which was also undeveloped at the moment. It was an institutional property so that would fall under the original presentation which said there was no institutional zoning and could be found on page 128 of chapter 10 in "existing land use A." Mr. Gifford asked if that was on the institutional list in the first presentation. Mr. Fortner said he overlooked that. It was a low density residential classification for future land use.

Mr. Gifford reflected on the conversation between Messrs. Morehead and Chapman. He pointed out it was one of the few undeveloped pieces of land that was walkable to Main Street and it was almost like an opportunity wasted to have a walkable community if you have estate lots – he can imagine a lot fewer people walking from those larger homes and it would be more of an automobile-centered development. Also, he asked if there was a provision in the previous development that would have allowed a cut through to the area by the George Wilson Center to Rt. 896 – would that have been a through road? Ms. Feeney Roser said it was – when Emily Bell Place was developed the road was reserved for future right of way and it was built to connect to it – they would have to pay to connect to that road because that developer did it but there is an opportunity to come out there should that be good for traffic. Mr. Gifford asked if traffic would be reduced. Mr. Chapman said no, the previous developer bought a home on Country Club Drive that they planned to demolish and make an additional entrance and exit from that side. It was not necessarily how many ways can you get in and out, Nottingham and Fairfield being good examples, there was a lot of different places to enter and get out. It was they all lead to some major thoroughfare and intersection so you are letting more people get out to the main thoroughfare faster in a less regulated feed.

Mr. Gifford said in looking at all the work done to make Newark affordable, this did not seem to fit with any of that, especially the estate route. He felt there were issues because the owners were not asking for any change in their zoning designation and was concerned about bringing the property owners into the discussion. He mentioned property rights and that the City would be imposing this upon someone through the Comprehensive Plan.

Ms. Feeney Roser explained they would get notification because whatever Council decided to do tonight, the Comprehensive Plan still had to go through the regular process of public hearings and notifications.

3. Ms. Sierer opened the discussion to the public.

Anne Mehring, District 1, agreed with Messrs. Morehead and Chapman about the lower density zoning. The traffic was a problem on Hillside Road and because of the density of the area she asked how those problems could be fixed in the future given the limited space. Although she did not use the country club she valued the space. She asked for examples of cluster development. Ms. Mehring thought it would be a good idea to have a cut through for bicycling in the area but not necessarily for traffic.

Mr. Ruckle responded there were two cluster developments – one recently was the Village of Fox Meadow. It was an over 55 community with totally different types of housing there. The other would be Brennan Estates which were clustered up in small townhouses, large townhouses, smaller single family and larger single family. It was probably the most successful housing development ever done in Delaware and the Village of Fox Meadow was second behind that. They have walking trails, parks, etc.

He asked Ms. Mehring if we did go with the cluster and 50% could be a sports complex, did her children play any sports? Ms. Mehring said her children's favorite things to do were swimming, karate and bicycling. Ms. Mehring added parents in her neighborhood enjoy the idea that their kids can go out and bicycle and do things around the house and don't have to schedule their children in so they have the freedom to enjoy being kids instead of going from one activity to the other.

Ms. Feeney Roser added the City did not have cluster zoning now but we have site plan approval so if you look at the village of Evergreen they were given a few more units and were closer together than normal and there was some open space there that would not be there if they had just done the cookie cutter type.

Jim McKelvey, District 4, asked for clarification on the slide that outlined the options 1, 2 and 3 and soon after that gave more detail on option 1 and then got to option 2 which was the residential estate. He did not understand the second bullet point "large lot single family home uses at least one dwelling unit per acre". Ms. Feeney Roser clarified the wording and said the intent was for large lot single family uses that would be limited to one dwelling unit per acre or larger lots.

Deb Morehead, District 1, asked when talking about the cluster housing and the 50% open space, was the City sure it was discussing contiguous open space or 50% in total of small parcels of open space. Ms. Feeney Roser said it did not say that, that would be something the City would have to get into when talking about creating a zoning district – what are the area requirements for it. At this point the City was talking about 50% of the site being preserved, but not necessarily as one contiguous piece. Ms. Morehead thought that would make a difference in one's understanding of what the City is thinking discussing.

Ms. Morehead's second question involved public use of that open space. Any of these options she would like personally to be able to use that open space as a citizen of Newark and not because she owned a piece of property in that new development.

Ms. Morehead wondered if it would be possible for either of the parcels (more so the country club parcel) to impose similar limitations like the ones shown that were already put in place on the Barksdale Road property to help insure the quality of that piece for the surrounding neighborhoods. Ms. Feeney Roser said that was possible through the subdivision process. The issue would be if it was a by-right plan you could not impose them, they would have to be voluntarily agreed to which they were for the Barksdale Road property because they were asking for a rezoning.

4. There being no further questions from the public, the presentation was returned to the table.

Ms. Hadden said since district overlays were illegal in Delaware it seemed to her the next legal choice to minimize growth impact on the community would be to change the current zoning at these two locations from RS to RH. From what she heard tonight, increasing the lot size to below an acre sounded like a more desirable option for the current market as well. She spent a lot of time talking about options expanding on this to see what the City could do to minimize future growth impact for infill in other areas of the community. She wondered if there was any aspect of this that could be moved into some of the other RS areas in some districts. There would have to be some minimum lot size that would be applicable. Ms. Feeney Roser reiterated that she was asking were there other RS vacant properties in the City that this theory could apply to. Ms. Feeney Roser said there would be very few that would be more than five acres in size. There was a property behind homes on Capitol Trail that was fairly large that could be looked at for rezoning. Staff did not go into detail at all regarding rezoning between RS and RH because they were talking about the Comp Plan and the current Comp Plan designation of low density residential would allow a City initiated rezoning. Ms. Feeney Roser could go through comparison if Council thought that was helpful. Ms. Hadden said this was a conversation they could have later.

Mr. Ruckle asked for the current minimum lot size. Ms. Feeney Roser reported the minimum lot size for RS was 9,000 square feet, not quite a quarter acre. Half an acre was 21,780 square feet. He asked if the minimum lot size was half an acre how many houses would be on that property. Ms. Feeney Roser said depending on the new stormwater regulations if what was developed previously was taken, it was about 112 units. Mr. Ruckle said he could not support going up to a full acre but a half acre made sense because there was high demand in the market for that lot size.

Mr. Chapman reiterated that Council's role with the Comprehensive Plan was to prevent harm to the general public and to improve quality of life while looking towards the future. He thought forcing too large could be just as dangerous and a different way than having an unlimited amount of units to a given area. He thought the best way to move forward with the country club property specifically was not necessarily any of the three options recommended which were do nothing, estate homes or cluster development. He thought it was in between the do nothing and the estate home which would be simply rezoning that parcel from RS to RH. They were both inside the low density residential and both have the same other uses allowable. What he liked about it was its immediacy in terms of being able to implement, it was a fair compromise and touching on and strategically impacting a lot of concerns in a positive way and not too much if at all impacting some of the negative concerns as well as leaving a lot more room if not just as much as there currently is in terms of economic viability.

MOTION BY MR. CHAPMAN, SECONDED BY MS. HADDEN: TO REZONE TAX PARCEL NO. 1801300001 OTHERWISE KNOWN AS THE NEWARK COUNTRY CLUB PROPERTY FROM RS ZONING TO RH ZONING AND REQUEST THAT STAFF BEGIN WORKING ON PUTTING THAT TOGETHER FOR FUTURE COUNCIL ACTION.

Ms. Sierer made the following statement. "I am a member of the Newark Country Club. I have reviewed both the City Code of Ethics and the State Code regarding the potential for a conflict of interest. I have also discussed this matter at length with our City Solicitor. It is my belief that my participation in the discussion and any preliminary votes taken tonight will not result in any financial benefit or detriment to me as defined in the City and the State Codes. However, in the event that any motions relating to the Country Club property are passed by Council tonight, I will apply to the City Board of Ethics for an advisory opinion pursuant to Section 2-97.19 of the City Code regarding interpretation of the relevant Code provision with respect to any future votes concerning land use designations which affect the Country Club property."

AMENDMENT BY MR. MOREHEAD, SECONDED BY MR. CHAPMAN: TO DIRECT STAFF TO BEGIN THE PROCESS OF CONSIDERATION OF THIS ZONING AND TO PRESENT THAT TO COUNCIL FOR A FIRST READING AT THE AUGUST 10, 2015 COUNCIL MEETING.

AMENDMENT PASSED. VOTE: 6 to 1.

Aye: Chapman, Hadden, Markham, Morehead, Ruckle, Sierer.
Nay: Gifford.

Question on the Motion as amended was called.

MOTION AS AMENDED PASSED. VOTE: 6 to 1.

Aye: Chapman, Hadden, Markham, Morehead, Ruckle, Sierer.
Nay: Gifford.

8. 924 Barksdale Road

MOTION BY MR. MOREHEAD: THAT THE 924 BARKSDALE ROAD PROPERTY BEING A LARGE, CURRENTLY VACANT PROPERTY THAT IS PROPOSED TO BE LOW DENSITY RESIDENTIAL BE ZONED RH AND DIRECT STAFF TO PRESENT THE DOCUMENTATION FOR FIRST READING AT THE AUGUST 10, 2015 COUNCIL MEETING.

Ms. Feeney Roser explained that the land use designation in the Comp Plan was commercial so something would have to be done there and then talk about whatever zoning Council wanted to do because it was not low density residential at the moment.

Mr. Morehead withdrew the motion.

She added that it was possible for Council to change the land use designation in the Comp Plan from commercial to low density residential and then she supposed another motion could be entertained for a zoning district but the Comp Plan would have to be amended which was an ordinance change as well. Mr. Herron noted the Comprehensive Plan would have to be adopted first.

Mr. Morehead was comfortable with the restrictions that were in place as long as they were adhered to with future development. Ms. Feeney Roser was aware of them and made that information available to anyone who has talked with the City about the property which was currently for sale. In addition, the adjacent neighbors were aware as well.

Regarding the Paper Mill Road property, Mr. Markham requested to direct staff to investigate the options because Council did not have that information. Mr. Markham thought staff would want to review the other institutional properties since, as previously reported by Ms. Feeney Roser, there was not a zoning district for which only institutional uses were permitted. Council agreed with the direction to staff.

6. The next Comp Plan workshop was scheduled for Monday, October 5 at 6:30 p.m.

7. Meeting adjourned at 7:39 p.m.

Renee K. Bensley
Director of Legislative Services
City Secretary