

**PLANNING COMMISSION MEETING  
CITY OF REHOBOTH BEACH**

**January 14, 2011**

The Regular Meeting of the Planning Commission of the City of Rehoboth Beach was called to order at 6:30 p.m. by Chairman Preston Littleton on Friday, January 14, 2011 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

**ROLL CALL**

Mr. Timothy Spies called the roll:

Present:           Mr. Brian Patterson  
                      Mr. Harvey Shulman  
                      Mr. John Gauger  
                      Mr. David Mellen  
                      Chairman Preston Littleton  
                      Mr. Timothy Spies  
                      Mr. Francis Markert, Jr.  
                      Mrs. Jan Konesey

Absent:            Mr. Patrick Gossett

Also Present:     Mr. Glenn Mandalas, Esq., City Solicitor  
                      Mr. Mike Hoffman, Esq. of Baird Mandalas LLC  
                      Ms. Terri Sullivan, Chief Building Inspector

A quorum was present.

**APPROVAL OF MINUTES**

There were no minutes available for approval at this meeting.

**CORRESPONDENCE**

There was no general correspondence.

**OLD BUSINESS**

Chairman Littleton called for the review of the draft Resolution of the Planning Commission of the City of Rehoboth Beach, Delaware, granting conditional approval pursuant to Chapter 236, Section 236-12 of the Municipal Code of the City of Rehoboth Beach, Delaware, 2001 as amended, of Major Subdivision Application No. 0708-05 also known as "Oak Grove at the Beach" for the property located at 43 Canal Street, comprised of the following lots on Canal Street: Lot Nos. 43, 44, 45, 46, 47 & 48, the following lots on Sixth Street: Lot Nos. 26, 27, 28, 29 & 30, and the property located at 512 Rehoboth Avenue comprised of Lot No. 42A, Tax Identification Numbers 334-13.20-175.00 and 334-13.20-176.00 to ensure that the changes requested during the Planning Commission's December 10, 2010 Regular Meeting were adequately incorporated. Discussion will be limited to the adequacy of the above-referenced Resolution and revisions to Application documents not previously reviewed by the Planning Commission made to conform to the Resolution. The Planning Commission may take action on Major Subdivision Application No. 0708-05.

Chairman Littleton noted that at the December 10, 2010 Planning Commission Meeting, the Commission had gotten to the point of nearly doing a conditional approval. A number of changes were discussed and were agreed to by both to the Planning Commission and Applicants. Since that meeting, there has been a considerable amount of work done by the Applicants and Applicants' attorney, City attorneys, Mr. David Mellen, Mr. Timothy Spies and Chairman Littleton which has resulted in the documentation of what was discussed and agreed upon at the December meeting. Copies of the Declarations of the Architectural Review Board, Escrow Agreement, Conservation Easement, a revised updated draft Resolution (red-line and clean copy) for conditional approval of the Oak Grove project, and a new plat plan were distributed to the Planning Commission prior to this meeting. The only changes to the plat plan were a reference number footnote on page 1 and the addition of page 3 which contains all conditions that are set forward in the draft Resolution and two visuals, one of which relates to the trees at the proposed Jones Lane and the other relates to trees regarding the conservation easement.

Mrs. Jan Konesey made a motion, seconded by Mr. John Gauger, to approve and accept the Resolution for conditional approval.

Chairman Littleton noted that the plat plan before the Planning Commission will not be signed tonight. The plat plan will be signed when a final approval is reached.

Chairman Littleton said that when the Oak Grove Applicants first came before the Planning Commission in terms of a conceptual review, the Planning Commission was impressed with what Oak Grove was trying to do. At that time, it was a commercially zoned piece of property. The Applicants wanted to develop the property as a residential property, and they were very committed in trying to make it a green development in terms of maintaining trees, stormwater management, etc. From that time, the Planning Commission was supportive of what the Applicants were attempting to do, but there were a number of issues with the Application when it came forward. During the first hearing, the Oak Grove Applicants asked for the Application to be tabled because of another action being considered by the City Commissioners. In the course of this Application, there have been three Board of Commissioners' actions related to the Application but which are applicable city-wide. At the beginning of 2010, the Planning Commission ran into another issue in regard to rear lot lines which were not consistent with a zoning ordinance. A Board of Adjustment action was taken in favor of the Applicants' request which then allowed the Planning Commission to move forward. All of those things are documented through the first four pages of the Resolution. From Page 5 of the Resolution are statements of requirements of the Planning Commission from a legal standpoint regarding compliance with the Code. One of the things in the application that had to do with discretion of the Planning Commission based on maintaining or saving of natural resources primarily regarding trees, was the allowance of a road to be developed under Code provision 236-21(M)(2) which is a short dead-end street. A short dead-end street can only be used if the Planning Commission is convinced that there is a significant preservation of natural resources such as trees being the primary issue. That issue consumes a great deal of the rest of the document, and it has to do with the protection and preservation of trees. There are two categories of trees: 1. Six trees that are adjacent to Jones Lane itself. 2. Ten trees that are within the property which were specifically designated as trees to be preserved. The Conservation Easement has been written that will put the trees in an easement or perpetual preservation. Detailed wording is provided in the Resolution of what happens to the trees if they are injured or damaged naturally or artificially, etc. Also found in the Resolution is an Escrow Agreement which has to do with the western side of Canal Street. The Planning Commission asked for a study to be done by a land use planner, Mr. Kyle Gulbranson of URS Corporation, Building Inspector Terri Sullivan and Mr. Alan Kercher, City Engineer. A recommendation was made to the Planning Commission regarding the property on the western side of Canal Street. Some of that land consists of right-of-way which the City owns, and some of the land is controlled by Army Corps of Engineers. The recommendation which resonated well with the Planning Commission was for a pathway and improvements to be done on the western side of Canal Street. From the City's standpoint, public use standpoint and in keeping with recommendations of the Comprehensive Development Plan (CDP) to improve that side would be advantageous for the City rather than on the east of Canal Street. The Applicants volunteered to put into escrow \$20,000.00 which the City could use toward the improvements of the western side of Canal Street. Also in the Resolution are a number of engineering related conditions of which most are triggered by and are nearly verbatim from the Subdivision Code. There are also additional engineering requirements. The desire of the Applicants was for this project to be a green development; and they are proposing, which the Planning Commission has concurred with, a bio-retention area and pervious parking on both sides of Jones Lane. The Applicants and the Planning Commission have reached an agreement that the City will be responsible for maintaining the right-of-way and maintaining the paved section of Jones Lane which will be constructed per the City Engineer's requirement. The pervious area and bio-retention area will be maintained by the Applicants. It is fully recognized that as this development gets underway, there will be other engineering issues discovered as this project moves forward. The Planning Commission is deferring to the City, City Engineer and Building Inspector on those engineering requirements, all of which would be reflected on the final plat for final approval. In regard to the proposed Escrow Agreement to develop the western side of Canal Street, the City Commissioners have the authority to accept it, not the Planning Commission; and the Resolution addresses that as a condition. In regard to the Conservation Easement itself, it gives the City and the Planning Commission authority; and no action by the City is required.

City Solicitor Mandalas noted that the Applicants raised one thing the Resolution does not include and asked the maker of the motion to amend the following: 1. In the third whereas clause on Page 4 ending with August 31, 2010, it should read: "...with revision dates of October 29, 2009, March 12, 2010,

July 29, 2010, August 31, 2010, September 28, 2010 and January 4, 2011.” 2. In Section 2 on Page 14, it should also read: “...with revisions on October 29, 2009, March 12, 2010, July 29, 2010, August 31, 2010, September 28, 2010 and January 4, 2011...”

Mrs. Konesey, maker of the motion and Mr. Gauger, second to the motion, accepted the amendments to the motion.

Mr. Shulman asked what the difference is between the protection of the six trees during the construction phase and thereafter and the 10 trees that are covered by the conservation easement. It is important to mention that as a result of the last two meetings, 15 trees are being protected of which one is protected by both documents. The 50% increase in the number of trees being protected thereafter was a direct result of public testimony in which people emphasized that they felt the Planning Commission could do more than just protect those original trees in the conservation easement and try to make sure that for long term more of the trees on the property are subject to protection. Mr. David Mellen said that all the trees are protected, but the six trees will be in the right-of-way on Jones Lane. Chairman Littleton said that some of the replacement has to be at the mutual agreement between the City and the Applicants. The Resolution has spelled out the definition of the maintenance of the subject trees. The Applicants have been committed to maintaining trees on the property, and the Planning Commission has assured this by identifying some trees for protection. City Solicitor Mandalas noted that Planning Commission has elected to preserve natural resources, and that is the important part of this process.

Mr. Brian Patterson pointed out that in regard to the exhibit numbers for the Resolution, it was his understanding that Exhibit 1 depicts the six trees and Exhibit 2 depicts the 10 trees. In paragraph No. 3 on Page 9, the 10 trees are referred to as Exhibit 1 which should be changed to Exhibit 2. City Solicitor Mandalas noted that the language in Section 5.1.8 on Page 6 was borrowed from the Declaration of Covenants which has the Exhibits reversed from what is written in the Resolution. Chairman Littleton said the attorneys will make sure that in all points, Exhibit 1 will depict the six trees and Exhibit 2 will depict the 10 trees.

Mrs. Konesey, maker of the motion and Mr. Gauger, second to the motion, accepted the second amendment to the motion.

(Patterson – aye. Shulman – abstained. He agreed with the comments stated by Mr. Mellen. The Planning Commission has been responsive to the public not only in regard to the trees but to the concern about the streetscape on Sixth Street and driveways and the concern about sufficient parking in the neighborhood which led to the Planning Commission telling the Applicants that they had to do things differently regarding the short dead-end street. The public had some good input, but he was sure there were members of the public who would have preferred to not see this happen and they will still be disappointed. Mr. Shulman has a broad view of the Planning Commission authority. The Planning Commission can require a lot in the context of a major subdivision and probably if the evidence was there and if the Applicants wanted to get into a major battle, the Planning Commission could have required more. Everything is give-and-take. The Applicants are to be commended for their cooperative spirit. The Applicants have a design, and they basically got a lot of what they wanted for their design; but they also made a lot of changes and let the Planning Commission work its will to try to protect the public. Mr. Shulman did not vote aye or no because his concerns were with the change in ownership during the application process. The ownership had been changed back, and he knows what the rationale was. If his vote had made a difference and if it would be a close vote one way or another, then he would have not abstained and would have voted to make a decision. This Application has gone through a long process and it would have been a shame to see it die. Mr. Shulman knows Chairman Littleton had said that the Planning Commission is going to clarify its rules and application procedures so that what happened here with the change of ownership will not happen again in future situations without consequences of starting the application process over again. He would have preferred to see a decision rather than a retransfer. This Application was not subjected to a site plan review because the City adopted a site plan statute after this Application was filed. The next major subdivision will be subjected to both the subdivision ordinance and the site plan review ordinance. Mr. Shulman was proud of the Planning Commission not giving up on this Application and being somewhat bold. There has been some talk about how long the process has taken. He thought Chairman Littleton had previously said that the Planning Commission did not have the formal application in its final form until March 2010. The fact that the Planning Commission has done this in 10 months since the Application has been finalized is a testament to very long meetings. Gauger – aye. Mellen – aye. A project this large, a major subdivision, is by its very nature complex and involves a great number of compromises. Not only are the Applicants not getting everything in the way that they wanted it, but individual members of the Planning Commission along with the public may feel the same way about certain

aspects of it that could have been done differently. It is important to point out that over the course of the Planning Commission's deliberations for approximately two years, the public has made significant comments, contributions and requests. The public comments can be categorized into two divisions: 1. Comments that dealt with the process by people urging the Planning Commission to move on more quickly than what the Planning Commission did. 2. Substantive comments made by the public that related to the actual design. To the degree possible, the Planning Commission has attempted to use its influence to try and accommodate those concerns as best as it could. Some of the concerns which were voiced by the public in opposition to certain aspects of the design have been protected. Those concerns were heard, and the Planning Commission attempted to make conditions or at least influence the Applicants to accept those concerns and perhaps change the design. Something like this is not clear cut and is always filled with compromises. In general, the compromises have been within the context of what the Code allows the Planning Commission to do, and what the Applicants have asked for; and the Planning Commission itself had the requirement of not only making sure that it operates within the Code of the City, but it has the interest of the City and its residents especially those in close proximity to this development at heart. The Planning Commission has tried to act in the best way it could to comply with the requests of the Applicants and to protect the fellow residents in close proximities. To a great degree, the Planning Commission has done that, and Mr. Mellen was sure that there will be some people who feel that it has not. Littleton – aye. He congratulated the Applicants for trying to do a subdivision that will be a gateway to the City. The Applicants had the ability to do some things that would have been unattractive and not in the best interest of the City in terms of design, but their desire was to do a green project that would be a very nice entranceway to the City. It has been 20 years since the last major subdivision has been acted upon. This Application could have been done more efficiently than it was from both the Planning Commission's side and the Applicants' side. Chairman Littleton was impressed that since December 2010, things have moved much quicker. This is the best decision from rational people working for a common interest to come up with a final result that would not only protect the City, but also be an asset to the City and also represent an approach that would be reasonable and viable for the Applicants. He voted aye for the Applicants to move forward. The Applicants will return to the Planning Commission for a final approval. Spies – aye. Markert – aye. Konesey – aye.) Motion carried.

Chairman Littleton noted that one of the conditions was the escrow agreement. The Planning Commission, at the Mayor and Commissioners Regular Meeting on January 21, 2011, will be presenting a cover letter from Chairman Littleton informing them of the Planning Commission's action and a copy of the Resolution. The escrow agreement will require action by the Mayor and Commissioners for acceptance. There is a fallback position if the Mayor and Commissioners do not accept it. The Planning Commission supports the acceptance. Mr. Mellen and Mr. Spies will be in attendance at that meeting and will inform the Mayor and Commissioners up to speed on what the Planning Commission has done and focus in particular on the escrow agreement and why from a land-use standpoint and for the good of the community and for the good of the City the Planning Commission thinks that the development on the western side of Canal Street is the right thing for the Mayor and Commissioners to accept. It would be advantageous to the City and to the Applicants in particular. The Applicants and their attorney will also be in attendance at that meeting.

City Solicitor Mandalas said that the Resolution is the governing document which describes when final approval can be granted. There are approximately 14 conditions, and those conditions have to be satisfied; but none of those conditions require actual installation or infrastructure improvements on the property. There are performance guarantees that are contemplated under the Code for the infrastructure improvements, and they have to be in place and reviewed by the City Engineer to make sure they are in proper form. The other conditions of approval are outlined in the Resolution; and once those conditions are satisfied, then the Applicants can return and request final approval. It is at that time the Planning Commission would sign the final plat which would be recorded, if final approval is granted.

Mr. Shulman added that besides the Resolution, the Code must be adhered to. Before he signs off on a final plat of this project, he wants to make sure that whatever the performance guarantees are they are not going to result in a situation such as St. Michael's Place. In regard to the final approval, all of the outstanding issues will need to be nailed down to make sure that it will in fact be done if the plat is signed. City Solicitor Mandalas agreed. The Planning Commission is in some ways a quasi-legislative body as it approves these things, but the Planning Commission is not actually changing code, so whatever code is on the books is entirely applicable to this subdivision as it is to any other one in addition to the Resolution.

## **NEW BUSINESS**

Chairman Littleton called for the Preliminary Review of Partitioning Application No. 1110-03 requesting the partitioning for the property located at 807 King Charles Avenue, Lot Nos. 38, 39, 40 & 41, Block 25, into two

(2) lots with Lot Nos. 38 & 39 becoming one (1) lot of 5,000 square feet and Lot Nos. 40 & 41 becoming one (1) lot of 5,000 square feet. The property is owned by E. Douglas Kuhns, Trustee of E. Douglas Kuhns Revocable Living Trust and Eileen P. Kuhns, Trustee of Eileen P. Kuhns Revocable Living Trust. The Partitioning has been requested by Vincent G. Robertson, Esq. of the law firm Griffin & Hackett, P.A. on behalf of the owners of the property. Chairman Littleton noted the Preliminary Review procedures.

Chief Building Inspector Terri Sullivan read her report with exhibits. (Copy attached.)

Exhibit A – Application packet which includes property location survey, partition survey, tree plan and photographs, submitted on November 15, 2010.

Ms. Sullivan acknowledged that no additional trees will need to be planted on the proposed new lot with the house. City Solicitor Mandalas had nothing to add.

Mr. Vincent G. Roberts, Esq. of the law firm Griffin & Hackett, P.A. represented the owners of the property. He noted that the Application had been submitted with two (2) surveys, photographs showing adjacent properties, Planning Commission Affidavit, relevant portions of the Revocable Trusts, and Power of Attorney. In addition, he thought it was more informative to have the overhead photographs with the lot lines superimposed to give the Planning Commission an idea of the structures that are located on the lots other than a survey. There are no encroachments, overhangs, etc. Mr. E. Douglas Kuhns is an elderly gentleman, and his wife is currently in a long-term care facility. There are no plans to sell at this time, but this property is their asset. Mr. Kuhns plans on residing on the property and has no plans at this point in time, to sell the lot; but he does need to be able to do that if and when the need should arise. There are no plans to remove any trees. If sometime in the future Lot Nos. 38 & 39 would be developed, they would need to be in compliance with the tree ordinance. Nothing is changing with regard to visually how either one of the properties appears with the exception of the removal of the garage and the deck. Attorney Robertson acknowledged that Mr. Kuhns has signed as Trustee and Power of Attorney on the Application because his wife is incapacitated. Both owners have signed either directly or by Power of Attorney by the second owner.

Mr. Mellen referred to G-9 of the Application and noted that a survey is required showing the adjacent buildings and their heights. Attorney Robertson noted that the overhead photograph with the lot lines superimposed on it was submitted because it provides as much information as a survey. He did not know how legally the height of an adjacent neighboring structure has any bearing on a partitioning application. Mr. Shulman said that one of the things to look at is potential adverse impact on adjoining properties. Depending on what structures are on adjoining properties, where they are located and the heights could determine if there is anything which is troublesome enough that a condition could be imposed as part of the partitioning. By looking at the location, height, etc. regarding a structure, the Planning Commission can see whether those concerns are supported by evidence and it could consider adverse impact or not. Chairman Littleton said that when the Application for Subdivision was written, the Planning Commission consulted with surveyors because the concern of trespassing on a property was an issue. Every survey the Planning Commission has received, the surveyor is able to shoot without going onto the property. Attorney Robertson said that this particular surveying firm did not like the thought of having to go out to survey adjacent structures, not because of the inconvenience of it but because of crossing the property. Attorney Robertson understood the issue of encroachment, but he was not concerned about the heights of the adjacent structures. That is why the City has a height limitation. If there are concerns about heights of structures on adjacent properties, it should be dealt with by ordinance not on an ad hoc basis. Mr. Shulman said that under the subdivision ordinance, potential adverse impacts cannot be ignored. The Application requests the survey showing adjacent structures, and it is not unreasonable to request it to satisfy the subdivision ordinance.

Attorney Robertson noted that the survey which has been provided shows the locations of trees and can be noted as both a tree survey and tree protection plan. The tree protection plan occurs when a building permit is pulled. That plan will be provided at the time the demolition of the garage and deck occurs. Ms. Sullivan referred to the survey and noted that all trees in the demolition area to be protected by four foot orange fencing. Mr. Shulman said that the tree survey shows where the trees are located on the property, and the tree preservation/protection plan shows what trees will remain on the property; but it does not necessarily mean they will remain in perpetuity. Attorney Robertson said that the trees should not be affected by the demolition of the garage and deck with the exception of tree no. 2.

Mr. Spies suggested that the curb-cuts and off-street parking should be shown on the survey. Attorney Robertson noted that a curb-cut and off-street parking can be found on the boundary line where the driveway is located between Lot Nos. 41 & 42. There are no other curb-cuts, and a curb-cut would be

required, if Lot Nos. 38 & 39 are approved for the construction of a house.

Chairman Littleton requested that the photographs be labeled. Attorney Robertson said that when the public hearing occurs, he will present a booklet which will include the labeled photographs.

There were no comments from the public.

Mr. Shulman made a motion, seconded by Mrs. Konesey, to move this Application to Public Hearing with the understanding that at least two weeks before the Public Hearing, the Applicant will provide the missing information which has been identified tonight. Motion carried unanimously.

Attorney Robertson will provide a tree preservation plan, a survey showing the curb-cuts and footprints of the structures on adjacent properties, and labeled photographs for the Public Hearing to be held on March 11, 2011.

## OTHER BUSINESS

Chairman Littleton called for the review and discussion of proposed updates to the Planning Commission's By-laws and Policy/Procedures. The Planning Commission may take action to amend these documents.

Chairman Littleton has reviewed the By-Laws and provided a red-lined copy to the Planning Commission for its review. Suggested amendments to the respective section of the By-Laws are:

1. No. 2. One regular meeting shall be held each month on the second **Friday at 6:30** p.m. in the Commissioners Room.
2. No. 7. All maps, plats and other matter required by law or by the Application for Subdivision **or Site Plan Review** are to be filed in accord with City requirements.
3. No. 10. If any person shall be aggrieved by the action of the Planning Commission an appeal in writing to the City Commission may be taken within ten (10) days after the date of the action of the Planning Commission. (See 236-6 **and 236-35**.)
4. No. 14. Agenda: Applications for subdivisions **or site plan review** will be considered in the order of their submission and in accord with the provisions of Chapter 236.
5. No. 15. Order of Consideration **of Subdivision or Site Plan Review Applications:**

Chairman Littleton had also suggested that the deadline should remain the same in No. 16. "Deadline for Consideration of Agenda Items: Unless otherwise agreed to by a majority of members of the Planning Commission present and voting, no remaining agenda item, with the exception of adjournment, shall be taken up after 10:00 p.m." Discussion ensued among the members regarding this matter.

Mrs. Konesey made a motion, seconded by Mr. Spies, to approve the modifications to the By-Laws with the exception of No. 16 by changing the time of adjournment to 9:30 p.m. instead of 10:00 p.m. (Patterson – aye, Shulman – aye, Gauger – aye, Mellen – aye, Littleton – abstain, Spies – aye, Markert – aye, Konesey – aye.) Motion carried.

Chairman Littleton has also reviewed the Policies and Procedures and provided a red-lined copy to the Planning Commission for its review. Suggested amendments to the Policies and Procedures are:

1. No. 1. If a member of the Planning Commission is absent from a public hearing (as described in **Chapter 236** of the City Code) of an application for **a subdivision or site plan review** and the public hearing is continued to a future meeting or meetings, that member shall not vote on the subject application unless he/she has listened to a **recording** of the public hearing...
2. No. 2. A member of the Planning Commission who is absent from a preliminary review (as described in **Chapter 236** of the City Code) of an application for **a subdivision or site plan review** is not required to listen to the **recording** of the preliminary hearing...
3. No. 3. When a member of the public wishes to submit written testimony at a public hearing (as described in **Chapter 236** of the City Code) of an application for **a subdivision or site plan review** but not speak at the meeting...

Public Comment:

1. Mr. Richard Kirchoff, 34 Sixth Street, reported that the audio recordings of the Planning Commission meetings have not been posted on the City website, and he asked if posting the audio recordings is located in the Policies and Procedures. Chairman Littleton noted that this would be a decision made by the City Commissioners if they want the audio recordings of the Planning Commission meetings on the City website. Chairman Littleton will communicate to the Mayor and Commissioners that the audios

should be uploaded to the website.

Mr. Shulman made a motion, seconded by Mrs. Konesey, to adopt the amendments to the Policies and Procedures. Motion carried unanimously.

Chairman Littleton called for the Building Inspector's report.

There was nothing to report.

Chairman Littleton called for the City Solicitor's report.

There was nothing to report.

Chairman Littleton called for the report, discussion and possible action concerning those activities or assignments taken at Regular or Workshop Meeting of the Mayor and Commissioners that directly relate to the Planning Commission.

Mr. Mellen reported that there is an issue which should be addressed by the Mayor and Commissioners or the Board of Assessment to address when a property owner believes he/she bought a lot with 100 feet of frontage; but when the lot is surveyed, the owner finds out it is less than 100 feet. It happened on Oak Avenue and may be happening on Rodney Street. The owner ends up in a current survey situation where the lot does not comply with the way it was believed to be.

Chairman Littleton called for the report of any new subdivision applications that may have been submitted in the prior 28 days and the status of pending applications or requests.

No new subdivision applications have been filed to date.

Chairman Littleton noted that with the guidance of City Solicitor Mandalas, the Planning Commission cannot take action on a partitioning or major/minor subdivision when there is a question of ownership where the ownership is not known. In regard 2 St. Lawrence Street, the Applicant and his attorney asked the Planning Commission to table the application, and they were going to investigate further and meet with the Mayor and Commissioners to discuss trying to ascertain or clear up the issue of ownership. In an email during the past week, Mr. Chase T. Brockstedt, Esq., the Applicant's attorney, was trying to schedule a meeting with Mayor Cooper to discuss what has been learned to date. City Solicitor Mandalas said that a meeting has not been scheduled to date. Mr. Brockstedt has requested to be placed on the agenda for the March 11, 2011 Planning Commission meeting. All information along with a revised application will need to be submitted a minimum of 28 days in advance of the meeting.

The next Regular Meeting will be held on March 11, 2011 at 6:30 p.m.

Mrs. Konesey made a motion, seconded by Chairman Littleton, to adjourn the meeting at 8:33 p.m.

**RECORDED BY**

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(Ann M. Womack, Recording Secretary)

**MINUTES APPROVED ON  
MARCH 11, 2011**

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(Preston Littleton, Jr., Chairman)