

**PLANNING COMMISSION MEETING  
CITY OF REHOBOTH BEACH**

**August 9, 2013**

The Regular Meeting of the Planning Commission of the City of Rehoboth Beach was called to order at 6:32 p.m. by Chairman Preston Littleton on Friday, August 9, 2013 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

**ROLL CALL**

Mr. Francis Markert called the roll:

Present:           Mr. Brian Patterson  
                      Mr. Harvey Shulman  
                      Mr. John Gauger (left meeting at 8:30 p.m.)  
                      Mr. David Mellen  
                      Chairman Preston Littleton  
                      Mr. Francis Markert, Jr.  
                      Mrs. Jan Konesey (left meeting at 9:45 p.m.)  
                      Ms. Lynn Wilson

Absent:            Mr. Michael Strange

Also Present:     Ms. Terri Sullivan, Chief Building Inspector (left meeting at 7:42 p.m.)

Also Absent:     Mr. Glenn Mandalas, City Solicitor

A quorum was present.

**APPROVAL OF MINUTES**

Minutes of the July 12, 2013 Planning Commission Regular Meeting were distributed prior to the meeting. Minutes of the May 10, 2013 Planning Commission Regular Meeting were not available for approval.

Mrs. Jan Konesey made a motion, seconded by Mr. Markert, to approve the July 12, 2013 Planning Commission Regular Meeting minutes as written. (Patterson – aye, Shulman – aye, Gauger – aye, Mellen – abstained, Littleton – aye, Markert – aye, Konesey – aye, Wilson – aye.) Motion carried.

**CORRESPONDENCE**

There was none.

**OLD BUSINESS**

There was none.

**NEW BUSINESS**

There was none.

**OTHER BUSINESS**

Building Inspector's Report.

Ms. Sullivan reported that demolitions will be starting on September 16, 2013. Three demolition permits have been issued in August 2013.

City Solicitor Report

Chairman Littleton noted that there was an appeal on the Rodney Street partitioning. The appeal hearing has not been scheduled to date.

Chairman Littleton called to review and discuss an action plan, identify further research needs and plans to obtain information and public comment input with regard to the Resolution Regarding Side Lot Setbacks for Properties with Frontages Greater Than 50 Feet passed by the Mayor and Commissioners on June 21, 2013.

Chairman Littleton noted that at the July meeting, he was tasked to develop an action plan in response to the Board of Commissioners resolution asking the Planning Commission to study and present recommendations

concerning lots with frontages greater than 50 feet. He identified four questions to be answered by the Planning Commission. From this discussion a resolution could be drafted and discussed at a public meeting which would provide an opportunity for input from the public. Chairman Littleton reminded the Planning Commission that at the last meeting Building Inspector Terri Sullivan had stated that if the side lot setbacks are increased for larger lots, there is no impact on FAR (Floor Area Ratio), lot coverage and natural area. The four questions are as follows:

1. What should be the factor that the aggregate side lot setback be increased based on its frontage dimension?

Chairman Littleton noted that currently a 50 foot wide lot requires a six foot minimum side yard setback with an aggregate of 16 feet. An example was provided for a 100 foot wide lot which would have a 32 foot aggregate. The aggregate side lot setback would increase in direct proportion to the increase of frontage in excess of 50 feet. In terms of streetscape, it is desired to have air, light and scale to the properties.

2. Should the increase be proportional on both sides of the lot or can one side be the current six foot minimum and all the extra amount be on the other side of the lot?

Chairman Littleton noted that for a 100 foot wide lot, the minimum side yard setback would be 12 feet.

Mr. Brian Patterson said that it would force a person to place his/her house more on the center of the lot; but in the future, that person may want to subdivide without demolishing the house and still use the second lot as part of the property. If the proposed minimum is more than eight feet, it will create a problem with regard to a 100 foot wide lot that is sub-dividable. The safest minimum would be six or eight feet.

Mr. David Mellen said that with a subdivided 100 foot wide lot, there should not be less than the current requirements for a 50 foot wide lot. There would be an advantage to a wider section in terms of driveway and off-street parking. One issue is how much off-street parking should be required. Currently, two off-street parking spaces are required. Mr. Mellen could foresee the requirements of having more off-street parking for a bigger house. Mrs. Konesey agreed.

Mrs. Jan Konesey commented that with regard to a future partitioning and having one lot compliant, it would be based on the size of the structure. She would be willing to decrease the side lot, but keep it proportionate, if it is tied to the FAR of the house being built on the lot.

Chairman Littleton noted that if the side lot setback would be changed on a lot with 100 foot frontage, there is incentive for someone to build two houses vs. one house.

Mr. Patterson said that the Planning Commission does not want to discourage people from having cottages and open space.

Mr. Harvey Shulman said that with a wider setback area, the more likely it is to save trees. If the setbacks are proportionate so that the minimum setback is 12 feet, it might destroy the flexibility of having a wider setback which would be more than the proportionate amount on one side of the house in order to save trees and having a smaller setback on the other side. By necessity, it would limit the flexibility to save trees and the Building Inspector's flexibility to suggest to a property owner to move a proposed house in order to save trees. In terms of streetscape, Mr. Shulman would like a balance to it.

Mrs. Konesey said that if a lot is deeper, the rear setback would not be proportional. She would like to seek the rear yard setback also being proportional. She suggested that it be noted that the Planning Commission strongly recommends the City Commissioner should look at proportional rear yard setbacks for deep lots and that it be included as part of the overall look at setbacks.

Chairman Littleton said that the trigger for this would be street frontage. A marginal note could be added to also address rear yards. The Planning Commission's charge was specifically on side yard setbacks for frontages in excess of 50 feet, and its response back to the City Commissioners should be in response to what was asked.

Mr. Shulman said that it is not known how many lots would be affected by this proposal. A 75 foot wide lot cannot be subdivided. That lot, assuming it has a regular depth, would be 7,500 square feet. A 60% FAR would mean that a 4,300 square foot home built on the lot. If the setbacks are increased proportionally, but the size of the house is not decreased, this will push the house more to the rear of the lot or upward. Mr. Markert agreed. He suggested that there should be some flexibility and control with regard to giving some latitude to trees and their placement.

Chairman Littleton thought that the 32 feet should be reclaimed.

3. Is there agreement that corner lots should be excluded?

Chairman Littleton thought that the corner lots should be excluded because there are two frontages and different setbacks on corner lots. Currently, the smaller dimension drives the front yard setback.

Ms. Sullivan said that with 12 feet being the minimum setback, the Planning Commission could require that the 20 foot front yard setback could be on the street side. Currently, a 10 foot front yard setback is required to be on the street side.

Mr. Shulman said that in the case of a corner lot, according to the Code, a front yard is provided for each district and shall be required on each street on which the lot abuts. A corner lot would have two front yards.

Mr. Mellen said that under side yard setbacks, the short side of a corner lot that abuts a street is the front. The minimum front yard setback is 15 feet, and the setback opposite the street would be 10 feet. He proposed that the front yard setback should be a minimum of 20 feet on the street side and 12 feet opposite the street side. With regard to lining up setbacks of houses relative to other houses and a corner lot, it would be logical to line up the side setback so it is equal to the other houses.

Mrs. Konesey said that the setbacks for corner lots would be proportional.

4. Mr. Shulman was going to look into including the requirement of this recommendation for the first two items listed in Section 260-26 of the Zoning Code under "Commercial", i.e., "uses in R-1" and "all other Tier 1 uses".

Chairman Littleton said that in Section 270-26. Currently, R-1 uses in a commercial area are the same as the R-1 District. There are no setbacks in Tier 2 & 3 uses in a commercial district. Tier 1 is basically residential uses which also includes mixed-use.

Ms. Sullivan said that mixed-use is a structure that usually has commercial on the first floor and residential on the second floor or commercial in the front and residential in the back.

Mr. Shulman said that Tier 1 use in Section 270-14(C) is any R-2 use. Any R-2 use includes R-1 use. Tier 1 is any residential use plus a mid-rise apartment and tourist, boarding or rooming house. Tier 2 is hotels, motels, etc. Tier 3 includes fire stations, etc. The setback requirements in Section 270-26 are a minimum of six feet with a 16 foot aggregate if something is a residential use in a commercial district such as a single-family unattached home. If there is a semi-detached home in the R-2 use, the setback requirements are a minimum of 10 feet with a 20 foot aggregate. With commercial uses, there are no setbacks. In a commercial district where there is predominantly residential usage, it makes sense to follow the setback areas, even if they are proportional. In a commercial district where there is predominantly commercial usage and an occasional house, it does not make a lot of sense to increase the setbacks to protect the neighbors when the neighbors are commercial uses.

Mr. John Santarelli, 67 Henlopen Avenue, asked if the Planning Commission's proposal would be proportional for an odd-shape lot that is more than 50 feet wide but less than 100 feet wide. He also asked what would happen with the setbacks if there would be additions or changes in configurations to the footprint of the house. Chairman Littleton responded in the affirmative. With a 75 foot wide lot, the minimum side yard setback would be nine feet with an aggregate of 24 feet. Any additions or changes in configurations to the footprint of the house after the adoption of an ordinance would fall under the requirements of the adopted ordinance. Anything existing would be grandfathered. As a hardship condition, a variance may be obtained through the Board of Adjustment.

The majority of the Planning Commission members agreed with the proposed recommendation that would apply to side yard setbacks in R-1 and R-2 Districts and R-1 uses in the commercial districts. Mr. Shulman disagreed.

City Commissioner Patrick Gossett said that with regard to expanding additional comments or unintended consequences, the total aspect should be brought forward with the recommendation by the Planning Commission to the Mayor and Commissioners to consider adjustments to other parts of the code.

Chairman Littleton proposed that this recommendation be drafted with comments and then placed on the City website to announce that at the next meeting, there will be discussion. The consensus of the Planning

Commission members was for Chairman Littleton to draft the recommendation and forward it to the City Commissioners. Included in the recommendation will be that the Commissioners should also be looking at rear lot setbacks and FAR, in addition to the rear of an existing legally conforming house would have to be inset by whatever the proportion depending on the frontage.

Mr. Santarelli voiced concerned about the trees and how the outfall pipe line will be trenched when it is run east to the beach along Henlopen Avenue. Chairman Littleton suggested that he should initially talk with the Mayor and City Manager. City Commissioner Gossett said that the City is still awaiting the Record of Decision to be signed by the Secretary of DNREC which then will allow the City to begin the process of securing financing and begin the initial design phases for the outfall project. The routing and specific placement of the pipe will be included in the first step of the design phase which will happen parallel to financing the project. Once the Record of Decision is completed, a public hearing will be held about the next process. He could not answer where the outfall pipe will be placed along Henlopen Avenue.

Chairman Littleton called for the reports and discussion with regard to the Resolution Regarding the City's Trees passed by the Mayor and City Commissioners on December 21, 2012 tasking the Planning Commission to research and propose amendments, as necessary, to the City's ordinances, regulations or procedures which are designed to protect and augment the City's urban forest in order to ensure the environmental health, beauty and enjoyment of Rehoboth Beach's trees.

1. Report from and discussion with Planning Commission members who have been conducting interviews in response to the Board of Commissioners' assigned task to "...seek input from the City Parks and Shade Tree Commission, Board of Adjustment, City Manager, Public Works Department, Building and Licensing Department, City Arborist and other City, County and State officials in order to determine the effectiveness of existing ordinances and suggested measures for improving the ordinances, their interpretation and their enforcement" as related to the City's objective to preserve and augment the urban forest, be it on private or public lands.

Mr. Shulman provided a summary of the interview he and Mrs. Konesey had with Mayor Cooper. The Mayor strongly believes that this is not just a community issue, but each property owner has a responsibility to contribute to the community good. To have an effective rule or regulation, this would need to be applied lot-by-lot and not just deal with an overall tree canopy issue. It is extremely difficult to protect trees when the Zoning Code allows sizable houses to be built and lot coverage to be up to 50%. Mr. Shulman did not think that the Mayor likes the idea of trees being removed on private property and then an owner wants to plant new trees on public property. Planting trees on public property presents issues such as the individual's responsibility to the community, but every tree on public land has to be maintained. This could impose a lot of other issues on the City. The Mayor felt that the Planning Commission really needs to build public consensus for whatever it is going to recommend. In building that public consensus, it will be an educational process and experts are needed.

Mrs. Konesey thought that there was consensus with: 1. Right tree, right location. The City needs to do more individualization in its tree plan. The City should take responsibility for saying that if someone lives in a certain area in the City, then certain trees and sizes are to be planted, and people would be identified to help an owner. 2. Adjudication of disputes. It is believed that community rights are needed. 3. Addressing maintenance of trees and how this would be handled. 4. The number of trees per lot. 5. Address a City streetscape plan. 6. Address a street tree list. 7. Replacement of existing trees.

Mrs. Konesey provided a summary of the interview she had with Mr. Tom Evans, Chairman of Board of Adjustment. He would do nothing with setbacks; but instead, the current ordinance needs to be improved. Stricter controls are needed with the current tree ordinance and see what that accomplishes over the next five to ten years. If it does not accomplish the goal of a healthy, diversified urban forest, then other avenues should be looked at such as increasing setbacks, etc. It is time to err on the side of community and neighborhood rights vs. property rights. Different neighborhoods may require different species of trees. The City does not have a comprehensive street tree program. City owned land that residents treat as theirs, should be planted as part of the street tree plan. Tree ordinance appeals should go to the Board of Adjustment. Mrs. Konesey provided a summary of the interview she had with Mr. Frank Cooper, member of Board of Adjustment. A variance can be obtained to preserve specimen trees, but no one has ever come to the Board of Adjustment and asked for one. The City has never said to a person that he/she can get a variance from the side yard setback to preserve a tree. Size and prevalence of trees are a good indicator of property values. The approved list of trees is not appropriate. With regard to current

mitigation if a tree must be removed, a replacement should be as equal to as possible as to what was removed. Neighbors should be notified when a big tree is being cut down and when construction is about to take place. The City does not impose fines for violating the law, and there is inconsistent enforcement of the ordinance. The City should have a street tree plan. Delmarva Power and Light should not be exempt from the tree ordinance. The number of trees mandated per lot should be increased. Mrs. Konesey also noted that Mr. Evans did not think a person should have to go through the current Board of Adjustment process, but that there should be a fairly quick administrative process that the Board of Adjustment could use to deal with trees.

Mr. Patterson provided a summary of the interview he had with Mr. Walter Onizuk, City Arborist. With regard to street tree issues, the highlights were that there is a lot of misunderstanding and confusion. Clarification is needed with regard to whose responsibility it is for maintaining street trees located between the sidewalk and curb. An abutting property owner is responsible for repairing sidewalks. The City is addressing the issues found by Davey Group such as pruning, etc. with regard to these trees. When the City has planted new street trees, abutting property owners were not routinely consulted; and there have not been a lot of complaints filed. Most of the plantings have been done in the commercial area, in medians and in the parks. The City needs to have a plan for dealing with planting street trees along sidewalks. With regard to private property issues, the highlights are that the City Arborist has not gotten complaints about the permitting process, only about what the requirements are and mitigation. When someone comes in with a hazardous tree issue, it is usually clear cut, and there is not a lot of gray area. This also includes when new development may create a hazard. The City Arborist cannot enforce the aspiration that "all reasonable efforts must be made" to save protected trees. If there would be more specificity in the ordinance, the City Arborist would be able to deny more tree permit applications. Determining what prevents "reasonable development" is more subjective and is a source of controversy. The City Arborist has denied permits because the Code requires him to; people disagree about what reasonable development is; and the Parks and Shade Tree Commission will overrule him. The biggest complaint from people is that the tree ordinance is confusing and they do not understand it. He suggested (1) not focusing on small trees and letting people do what they want with trees smaller than five inch caliper, (2) having a minimum number of trees if a new tree has to be planted, (3) specifying the kind of tree to be planted, and (4) give more control to the City Arborist to tell people where the right location is. A source of frustration for the City Arborist was tree protection during construction. The City Arborist also thought that there should be a larger permit fee to remove a bigger caliper trees. Mr. Patterson provided a summary of the interview he had with Ms. Terri Sullivan, Building Inspector. With regard to street tree issues, the highlights were that there are a lot of hurdles which she does not have the power to overcome such as placing trees where they will interfere with a passenger getting out of a car; planting smaller, juvenile trees because there is only two feet of grass and the root ball of a three inch caliper tree is too big; care, watering and fencing for newly planted trees and who will do it; narrowing five foot wide sidewalks in locations where a tree would be planted so a more substantial tree could be planted; putting bump-outs at corners for planting of trees. ADA permits a sidewalk to be three feet wide in a specific location in order to plant a larger tree. Trees will displace sidewalks, but ADA only allows a maximum of 1/2" displacement. Maintenance is an issue because property owners do not maintain the street trees as well as they should, and the City does not want to devote the resources for doing that. The Building Inspector asserted that it is the responsibility of the property owner to maintain the street trees, and the City has the right to bill people when it has to maintain those trees. With regard to private property issues, the highlights are that mitigation is a source of frustration for the City staff that is responsible for trees. When people are required to mitigate a tree, one-for-one, it creates a big burden which they cannot bear on their lot and they want to find locations off of their lot to plant a lot of the new trees. The City's parks are filling up and cannot accommodate the new trees anymore so that leads to monetary mitigation. Initially, there was a fairly large tree fund, but according to Ms. Sullivan the Parks and Shade Tree Commission is not giving a fair mitigation fee and are discounting it heavily. It is overkill to be protecting four inch dogwood trees. The current Code leads to removal of trees that should be preserved and protection of trees that should be removed. The Building Inspector favored an approach that a species of tree needs to be specified and should be required to be planted. There should be more focus on better mitigation and less focus on trying to save every tree. The Building Inspector noted several problems with enforcement and penalties: 1. Unless a person is caught in the act of cutting, damaging or poisoning a tree, the penalty is unenforceable. 2. If a tree is removed without a permit by a licensed professional, then the company will forfeit its business license in the City for two years. The Building Inspector will not ever enforce this penalty. Ms. Sullivan would prefer to have a sufficient penalty that she can enforce reasonably. Mr. Patterson noted that the City Arborist and Building Inspector did not think there is any reason to mail a notice to neighbors. The issue of when a permit is

issued, no work would be able to happen for a period of time after the permit has been posted, would be disruptive to the construction process. The Building Inspector is aware of and planning to use electronic permitting which could be mailed out to anyone who is interested and posted. The penalty is \$500.00 per day until paid for a tree to be removed without a permit. A summons has to be served on the person every day in order to collect the fine. At this point, this process is not being done. This is not being enforced. A person might only be served one time. Mr. Patterson concluded that the City is spending too much effort in protecting the wrong kinds of trees, and it is not mitigating properly. The issue of front yards is important. If the purpose is to have a treed City, there should be trees in place so people can see them.

Ms. Wilson summarized her interviews with the members of the Parks and Shade Tree Commission. The members thought that the tree ordinance needs to be simplified. They have a hard time applying the ordinance, and it is confusing to them and to the public. The members use a common sense application of the ordinance. There should be lists of trees that can and cannot be planted. The trees that should not be planted should be allowed to be removed without going through the City. The members believe the idea of the right tree in the right place. The City does not do proper pruning or maintenance. It does not have a master plan. Open space and sunlight in the parks is valued too. The City should follow up on the permits because there is no way to know whether or not the ordinance is working and how it is applied. Because there is not enough natural space on a lot is probably the reason that the members use a common sense approach in granting appeals. Noticing to citizens would open up a can of worms and would delay an owner's plans. There should be protection of large trees, and there should be a clear differentiation between trees and bushes. There should be more of an incentive to plant and maintain trees. The lack of natural space is causing some people to not build sidewalks to their doors. Most citizens do not know about the tree ordinance because they do not have to deal with it.

2. Discussion of input gained from August 9, 2013 afternoon Special Meeting with representatives of tree service companies, builders and construction companies doing business in the City.

Chairman Littleton noted that invitations were sent out to 28 companies, but representatives of only two companies were in attendance at the Special Meeting this afternoon. He suggested that the information from the representatives not in attendance at the meeting should be forwarded to Ms. Sullivan who will then report to the Planning Commission. With regard to polling insurance companies, Chairman Littleton has received the names of three agencies that are doing business in the City.

3. Review and discussion of planned web-based survey of residents relative to trees and the tree ordinance.

Mr. Markert said that the Planning Commission had talked about the concept of engaging the public and preparing a survey about trees, public perceptions, ideas of general trends, etc. He noted that Chairman Littleton had discussions with Mr. Max Hamby, IT Director, about using a software program to generate a survey on the City website or post it to the email list that the City currently has. It would be worthwhile to receive responses from the public. Generating the survey would be a good thing to do, but to what extent would it be reliable. It would allow the Planning Commission to get an indication of people's thoughts, trends, etc. The primary purpose of the survey is to show that the Planning Commission did its best to elicit public comment.

At the last meeting Mrs. Konesey had volunteered to work with Mr. Markert in developing a survey. Since that meeting, Chairman Littleton has worked on the questionnaire, but he found that based on the Planning Commission's charge with maintaining and increasing the number of trees in the City responses from the public on certain information might not be able to be used. Listing the rationale and background would provide a different response. He thought that providing general questions with background and discussion would be better because the Planning Commission would be reaching out to the public to provide an open dialogue.

Mr. Patterson thought that it would be a mistake to send out a questionnaire, and he suggested that this matter should be discussed in a public meeting. False responses could be elicited from a questionnaire. The responses would be useless as an information gathering tool because the Planning Commission would not know if the questions are understood and if they are a representative group when answering the questionnaire. It would be tragic if the Planning Commission would create a record that defeats the purpose of the charge.

Mrs. Konesey had misgivings about Ms. Sullivan receiving anonymous comments from builders. Mrs. Konesey said that there are some builders who she would pay more attention to than others, and if the comments are anonymous she would look at it in a different way. Mr. Patterson also had the same

concerns. The comments would be filtered through the building inspector, and the Planning Commission could weigh the comments. A survey will take on a life of its own. The numbers will be published, and it will become set in stone. Ms. Wilson said that it would create expectations.

Mr. Mellen noted that it is difficult to get people focused on the real problem, and he did not know how the data would be interpreted.

Mr. Shulman thought that a survey would be very contentious. The Planning Commission needs to build support along the way. He suggested sending out a survey asking four simple questions and telling people that the Planning Commission may be back in touch with them. After receiving the responses, the Planning Commission could decide to follow it up with another survey asking four more questions. Mrs. Konesey agreed with Chairman Littleton that a survey should not be done right now, but the Planning Commission could discuss it at a later date. Mr. Patterson and Ms. Wilson also agreed.

City Commissioner Gossett asked how the collected data from a survey would be used by the Planning Commission. He thought that the survey could be sent out to individuals who have been impacted by the tree ordinance.

The majority of the Planning Commission members were in support of not pursuing a survey at this particular time, but it could be discussed at a later date.

4. Identify any additional data needs and plan to attain same.

Mr. Markert noted that while he was compiling information from the tree removal permits, he noticed that there was no file of the tree removal applications for which no permits were given. If the application was denied, it was put in the street file. There is no system that controls and tracks the issuing of permits so there currently is no way to manage what is going on. Recommendations should be made with regard to the City's means by which tree removal is monitored.

5. Public comment/input relative to trees and the tree ordinance.

Chairman Littleton noted that the desire of getting public input and response remains very high. This is an objective that the Planning Commission has to do. The Planning Commission can remind and solicit people. Mr. Markert ensured that Save Our City would distribute information.

Mr. Mellen thought the Planning Commission should advertise that the City is a tree city and that there is concern about how to maintain it into the future.

Mrs. Konesey said that a statement of values as a city should be issued by the Planning Commission. The Planning Commission should establish a list of what should be in the tree ordinance and what needs to be addressed. Discussion ensued.

6. Initial discussion concerning the outline for and drafting the Commission's report.

Chairman Littleton asked the member who would physically do something with the report. He thought that there should be discussion with City Solicitor Mandalas about the legal rationale of possibly placing the tree ordinance in the Zoning Code. The Planning Commission has received its input, and it needs to start working on a document.

Mrs. Konesey volunteered to work with another member to go through the tree ordinance to see what can be salvaged and add new things to it. She was looking at what the ordinance should read in each component, not the legalized language. Then City Solicitor Mandalas or Attorney Mike Hoffman could put it into ordinance form.

Ms. Toni Sharp, 1002 Scarborough Avenue Extended, said that she would like to see what the real objectives are and to get consensus from the Commissioners of the real objectives. The next level is of what the core problems are that the Planning Commission intends to fix. She would like to see it in a very simplistic view of how many items the Planning Commission wants to attack and in the order of importance.

Mrs. Konesey said that she would work with the different points in the ordinance and provide an executive summary of each of the points and why the Planning Commission would be doing it this way. Ms. Wilson thought that the findings, summary or points need to be done, and then the Planning Commission could go to the City Commissioners. Mr. Mellen voiced concerned about starting out with an overview. What would happen is that the City Commissioners would go line by line with the

ordinance. Chairman Littleton acknowledged that in what will be presented to the City Commissioners, the intent is to be obvious about what the core issues are.

Mr. Patterson volunteered to help with clarifying the points for the next meeting.

Mr. Shulman said there is consensus that with regard to the public land portion of the ordinance, there are things that can be done in the ordinance which will maintain or increase trees and canopy on public land. He did not know if clearing up the ordinance with respect to private land would maintain or increase the canopy. Mr. Patterson said that changes in mitigation should be made to increase tree canopy on private land in the long run, but he did not know about protection. Part of the issue is with enforcement.

Mr. Markert thought that the architecture of the tree ordinance will require major work.

Chairman Littleton next moved to the Site Plan Review agenda item which was to:

1. Review and discuss need to update application.
2. Develop an action plan for drafting instructions to applicants and related supporting documents.

Chairman Littleton said it is critical that the Planning Commission should decide what it wants to do with regard to the application process and the supporting administrative documents. The importance of the site plan review documentation becomes more acute because of some developments going on in the City. The Planning Commission needs to start working on translating information into a document it can start working on. One year ago, the Planning Commission agreed to use on an interim basis an application which was developed by Mr. Patterson.

Mr. Shulman thought that the site plan review ordinance is very good; but there is only a skeletal application which would not be useful for a larger development situation, and the Planning Commission has no instruction sheet.

Chairman Littleton said that the Planning Commission needs the instruction sheet for itself as well as for the applicants.

Mr. Patterson, Mr. Shulman and Ms. Wilson will begin working on the administrative documents.

No new subdivision applications have been submitted to date.

The next scheduled Regular Meeting will be held on September 13, 2013 at 6:30 p.m.

There being no further business, Ms. Wilson made a motion, seconded by Mr. Patterson to adjourn the meeting at 10:16 p.m.

**RECORDED BY**

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(Ann M. Womack, CMC, City Secretary)

**MINUTES APPROVED ON  
JANUARY 10, 2014**

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(Francis Markert, Secretary)