PLANNING COMMISSION MEETING
CITY OF REHOBOTH BEACH

May 11, 2012

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, May 11, 2012 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

ROLL CALL

Mr. Francis Markert called the roll:

Present:	Mr. Harvey Shulman (arrived 6:33 p.m.) Mr. John Gauger Mr. David Mellen Chairman Preston Littleton Mr. Francis Markert, Jr. Mrs. Jan Konesey (arrived 6:32 p.m.) Ms. Lynn Wilson Mr. Robert Anderson
Absent:	Mr. Brian Patterson
Also Present:	Mr. Glenn Mandalas, City Solicitor Ms. Terri Sullivan, Chief Building Inspector

A quorum was present.

APPROVAL OF MINUTES

Minutes of the March 9, 2012 Planning Commission Regular Meeting and April 13, 2012 were not available for approval.

CORRESPONDENCE

Correspondence will be read when the "development of ordinances and regulations regarding the City's lakes" portion of the meeting is held.

OLD BUSINESS

Chairman Littleton called for the Public Hearing of Partitioning Application No. 0212-01 for the property located at 200 Hickman Street, Lot Nos. 30, 31, 32 & 33, Block 18, into two (2) lots with Lot Nos. 30 & 31 becoming one (1) lot of 5,000 square feet and Lot Nos. 32 & 33 becoming one lot of 5,000 square feet. The Partitioning has been requested by Charles E. Sheehan III, MD, owner of the property. Chairman Littleton noted the Public Hearing procedures. All discussions held at the Preliminary Review were entered into the record.

Ms. Ann Womack, City Secretary, verified that this Application has been duly posted and advertised.

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

Exhibit A – Application for Subdivision with Attachments – Addendum, (12) Photographs, Recorded Deed, Existing Conditions Survey Plan, Tree Removal & Protection Plan and Partition Survey Plan.

Ms. Sullivan noted that the Application for Demolition has been submitted to the Building & Licensing office, but approval has not been done to date. In addition, the dimension from the adjacent carport to the property line is four feet.

Chairman Littleton provided the Applicant with the Document Log which is the detailed listing of all the exhibits. Since this will not be a total demolition but a remodel, it can occur between May 15th to September 15th.

Dr. Charles Sheehan III, owner of the property was in attendance at the meeting. He provided testimony that the basement entry block will be removed and the area will be filled. In reference to the house, he has no intentions of selling it. There is a possibility that the bare lot may be sold. A final decision regarding the

property has not been made.

Chairman Littleton noted the City has an Architectural Review Manual that is worthwhile for people to peruse when they are considering construction or remodeling of a house and how it might fit in with the rest of the neighborhood, etc. This resource is available to everyone.

There was no correspondence and no public comment.

Chairman Littleton closed the public portion of the Public Hearing and called for discussion among the members of the Planning Commission.

Mr. David Mellen made a motion, seconded by Mr. Markert, to approve the partitioning with the condition that the demolition takes place as described and in the appropriate time. Motion carried unanimously.

Chairman Littleton noted that this is a conditional approval. When the demolition is finished, the Building Inspector will certify to the Planning Commission that the condition regarding demolition has been met at which time the Planning Commission will grant final approval. After this has been done, the two individual lots will need to be registered at the Sussex County Recorder of Deeds in Georgetown, DE.

Chairman Littleton called for the update on the status of the appeal of the 2 St. Lawrence Street partitioning.

City Solicitor Glenn Mandalas had met with Mr. Richard Harris, owner of the property and Attorney Chase Brockstedt earlier this week. It was a productive meeting, and City Solicitor Mandalas has the expectation that they will be able to prepare what to take to the Board of Commissioners to get feedback from them.

NEW BUSINESS

Chairman Littleton called for the Preliminary Review of Partitioning Application No. 0412-02 for the property located at 21 Queen Street, Lot Nos. 1, 2, 3 & 4, Block 33, into two (2) lots with the westerly portion of Lot Nos. 1, 2, 3 & 4 becoming one (1) lot of 5,005 square feet and the easterly portion of Lot Nos. 1, 2, 3 & 4 becoming one lot of 5,005 square feet. The Partitioning has been requested by James Fuqua, Jr., Esq. of the law firm Fuqua, Yori and Willard P.A. on behalf of CFRE Holdings I, LLC, owner of the property. Chairman Littleton noted the Preliminary Review procedures.

Ms. Ann Womack, City Secretary, verified that this Application has been duly posted and advertised.

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

Exhibit A – Application for Subdivision with Attachments – Existing Conditions Plan, Tree Preservation & Partition Plan, Planning Commission Affidavit, Certified Resolution of CFRE Holdings I, LLC, (6) Photographs and Deed.

Ms. Sullivan noted that based on the surveys submitted, both proposed lots have 50 feet of frontage on a street, have a lot size of at least 5,000 square feet and can fully contain a 4,000 square foot rectangle. She acknowledged that the existing structures have been removed per a demolition permit and that all the trees are intact. No photograph was presented of the lot as it now exists with the building demolished.

Mr. Tim Willard, Esq. of the law firm Fuqua, Yori and Willard P.A. represented the owner of the property. He provided testimony that the two proposed lots meet the statutory requirements for size. Both proposed lots are at least 50 feet wide and at least 100 feet long. The proposed lots will be facing the lake and will have 50 feet of frontage for each lot. The house and the garage have been removed. All 11 trees noted on the survey for Parcel 1 and three trees on Parcel 2 still remain on the property. The code enforcer has indicated that the density will not be met on Parcel 2 because it has been indicated that two trees must be removed, especially if a front porch is built. The Applicant has no problem with addressing that issue by mitigation and planting more trees, if necessary, than the three trees that are required. The intent is to build two houses, one on each lot. Attorney Willard identified the trees in the photographs. He could not directly answer why the holly tree would have to be removed. There will be a time when the property owners apply for a building permit, and this issue would have to be addressed. At that point in time, it would be decided if the tree needs to be removed or not. At this stage, the Applicant is erring on the side of being cautious in case the tree would have to be removed. All reasonable efforts must be made to save the trees.

Mr. Michael Early, PLS of Merestone Consultants, Inc. and Mr. David McCarthy, builder, were in attendance at the meeting.

Chairman Littleton suggested that when returning to the Planning Commission, the Applicant should

show the preservation of trees pending the design of the houses rather than showing the trees to be removed. Some of the trees outside the setback area are probably trees, for other reasons, that should be removed. The Planning Commission is respectful that three trees are the minimum requirement, but it encourages property owners to preserve as many trees as possible.

Mr. Harvey Shulman said that when a lot has the minimum number of trees on it and unless those trees are in the middle where the house will be built, the notion that something which is essentially on the setback line is not the way the tree ordinance was meant to operate. The notion of the tree ordinance was that mature trees particularly in the setback areas or right on the property line should be preserved, even in a situation where there is not a minimum density. Even if a tree is located in the building envelope, the tree ordinance says that unless there is not a practical alternative, the tree is not subject to removal. Mr. Shulman suggested removing the language "to be removed" from the holly tree on the plan. He would also like find out how close the 15 inch magnolia is to the property line. The proper language if it was to reflect the tree ordinance is "tree to be removed only if no reasonable effort can save it". It would have to be a significant burden that would have to be met to say why a fully mature holly or magnolia tree in the beach block is interfering with the reasonable development of the property.

Mr. Mellen said there should be some encouragement or thought to maintain the communal tree canopy. He would prefer to see conditional statements on the survey such as "may be removed if necessary".

Mr. Markert noted that he had visited the lot after demolition. The trees on the corner are cordoned off by protective fencing, and he thought it was an amenity to have those tree there. It would be disheartening to remove those trees when there is continuity to the rest of the street. This is a prime example where there is essentially woodland in close proximity to the lake. There is an additional degree of sensitivity because this would provide an opportunity for filtering and a buffer which would exist there. Here is an opportunity to retain an improvement as opposed to losing something that is quite valuable. Ms. Wilson and Mrs. Konesey agreed.

Chairman Littleton thought that not every tree is worth saving. There is the practicality of what can be done to develop a piece of property the way an owner wants to develop it and save trees.

Attorney Willard acknowledged that the reference to Parcel 2 on the plan will be changed from 17 to 19 Queen Street.

There was no correspondence and no public comment.

Chairman Littleton closed the public portion of the Public Hearing and called for discussion among the members of the Planning Commission.

Mr. Shulman made a motion, seconded by Mrs. Konesey, to move the Application to Public Hearing with a request that the Applicant provide information about the 15" magnolia tree and an updated photograph of the property.

City Solicitor Mandalas noted that nothing the Planning Commission can do would grant permission to remove a tree. That would only happen at the stage when applying for a building permit. There are certain circumstances under which the Planning Commission can attach a condition to an approval.

Mr. Mellen noted that he would feel more comfortable if the drawing relative to trees is put in the condition sense rather than positive sense.

Motion carried unanimously.

OTHER BUSINESS

Chairman Littleton called for the report by the City Solicitor and review, discuss and possible formulation of recommendation to the Board of Commissioners regarding the draft Code amendment – Major Subdivision bonding requirements.

City Solicitor Mandalas had distributed of the draft Code amendment prior to the meeting. The most significant change to this ordinance is Section 236-7(C). There are sun-setting provisions that were not previously in the Code. This ordinance mainly deals with performance guaranties. When the Planning Commission approves a major subdivision that has certain infrastructure requirements, there has been a requirement in the code that the developer obtain and provide to the Planning Commission a copy of a performance guaranty which basically says that the developer is bonded and will complete the improvements.

In the event that the developer does not complete the improvements, the City can then execute on the bond and get certain monies to complete the improvements itself. The previous provision did not indicate how much the bond had to be or what improvements have to be covered under the bond. The proposed amendment would change Section 236-15(A) to say that "[A]s a condition of subdivision approval, prior to making any improvements, the subdivider shall finish a performance guaranty sufficient to cover 150 percent of the estimated cost of the improvements to be made, in a form acceptable to the City, for the ultimate installation of the following: (1) Streets. (2) Street name signs. (3) Sidewalks. (4) Curbs. (5) Street lighting. (6). Shade trees. (7) Grading. (8) Buffer zone planting. (9) Culverts and storm sewers. (10) Sanitary sewers. (11) Water. In Section 236-15(C), this provision refers to any case where the bond does not work, and there is a dispute. This provision will ensure that the City would have the opportunity to recover attorneys' fees in the event that the bond is not working the way it should properly work. The City Engineer and City Solicitor have to review and approve the form of the bond.

Mr. Shulman said that in Section 236-17, the performance guaranty shall not be released and shall remain in full force and effect until all requirement improvements it guarantees are inspected and approved in writing by the City Engineer. Even when the City Engineer thinks everything is done, it should have to come back to the Planning Commission before the bond is released. The Planning Commission should sign off on it. With regard to Section 236-15(C), the provision should say "the City shall be entitled to collect its reasonable legal fees and costs incurred in such action if it substantially prevails". In Section 236-15(A), "in a form acceptable to the City" should be changed to "in a form acceptable to the Planning Commission". When the Planning Commission approves a major subdivision, it should know what the bond says. The actual bond should be subject to Planning Commission approval.

City Solicitor Mandalas noted that City Manager Gregory Ferrese would not get involved with a bond issue. The bonding is a creation within the Subdivision Code, so the Planning Commission would have authority to say what the bond will look like and whether it is ultimately released or not. He suggested that Section 236-15, a new subsection (B) would be inserted that would say "[I]ncorporated within the performance guaranty shall be a provision requiring that the performance guaranty shall not be released and shall remain in full force and effect until all required improvements it guarantees are inspected and approved, in writing, by the City Engineer and the Planning Commission. The current subsections (B) and (C) would change to subsections (C) and (D). Since the bond is a creation of the Planning Commission's statute and it Code, it is not wrong for the Planning Commission to have that authority.

Mr. Markert said that this is a system of control, and it is appropriate.

Mr. Mellen said that to give up some amount of financial control would be wrong. It rests with this Commission.

City Solicitor Mandalas will incorporate the provision as he had read it. In subsection 236-15(A), "the City" will be stricken and "the Planning Commission" will be inserted. Discussion ensued as to whether "substantially prevails" should/should not be included in the language of the proposed ordinance

Chairman Littleton said that with regard to approving by the engineer with the concurrence of the Planning Commission, the Planning Commission would be relying on the engineer to inspect manholes and measuring sewer flow rates, etc. He asked City Mandalas what his thoughts were on striking City engineer and inserting Planning Commission. City Solicitor Mandalas said that when conditions are attached to a subdivision approval, the Building Inspector reports back to the Planning Commission on whether the conditions have been met or not.

Ms. Sullivan suggested saying that the bond is released after the the Building Inspector and City Engineer come back to the Planning Commission and say that all has been completed and the Planning Commission approved the final subdivision plat, instead of saying the Planning Commission has to review the bond and approve everything.

Mrs. Konesey said that the Building Inspector goes out and measure the lot to make sure it is 50 feet x 100 feet and there is a 4,000 square foot rectangle, not the Planning Commission; but the Planning Commission approves it. The Building Inspector cannot make that approval. The Engineer would be going out and confirming that the street is there, the sewer flows as it should, etc. and comes back and gives a report to the Planning Commission, but the Planning Commission approves the release of the bond.

Mr. Shulman said that there has to be a legitimate reason for the Planning Commission to deny releasing the bond. To say the "City Engineer with the concurrence of the Planning Commission" would give the City Engineer the right to say no which means it would not even get to the Planning Commission.

Mr. Shulman was looking for maximum flexibility where the Planning Commission has to sign off on the end.

Chairman Littleton said he is looking for language that City Solicitor Mandalas would be comfortable with while standing before the Board of Commissioners and recommending adoption of this proposed ordinance. City Solicitor Mandalas acknowledged that he agreed with substituting the Planning Commission. Chairman Littleton requested that the proposed ordinance be brought back to the Planning Commission for review. He would like to send this proposed ordinance and the proposed merger-by-use ordinance to the Board of Commissioners at the same time.

Mr. Shulman spoke to the process. With regard to the proposed merger-by-use ordinance, it would affect the Zoning Code and that is a different process. With regard to the proposed bonding ordinance, the City needs a way to make sure that developers finish the work before the bond is released. It is a change to the Subdivision Code, and he hoped that this would be done first.

City Solicitor Mandalas noted that with regard to Section 236-7(C)(3), the intent is for (2) one-year extensions. Prior to the major subdivision approval becoming void, if a developer comes in before it sunsets, they can ask for up to a one year extension. If the developer still does not get it done during that one year period, they can come back to the Planning Commission again and ask for another year extension. The developer would have one year to start the improvements and be done within two years from approval. The time to complete the improvements is measured two years from the time of the initial major subdivision approval. Chairman Littleton suggested inserting the current language from the code with regard to just cause into the proposed ordinance.

Mr. Shulman said that probably every major subdivision will require site plan review. The site plan review ordinance is clear that site plan approval is for one year and then there can be an extension for another year. He argued for a (1) one-year extension so that it conforms to the site plan review provision.

The consensus of the Planning Commission was to change the completion of the improvements to one year.

City Solicitor Mandalas suggested that with regard to one year, the language would be "[P]rior to the major subdivision approval becoming void, the subdivider may for good cause shown apply to the Planning Commission for an extension of the time periods included in this Section of up to one (1) year".

Mr. Shulman made a motion, seconded by Mrs. Konesey, that the Planning Commission members agree to the draft proposed ordinance as modified with a review to be done by the Chair and to authorize the Chair to forward it to the City Commissioners. Motion carried unanimously.

Chairman Littleton called for the report by the City Solicitor and review, discuss and possible formulation of recommendation to the Board of Commissioners regarding Merger-By-Use and Subdivision requirements.

City Solicitor Mandalas mentioned that at the last meeting, the Planning Commission wants to continue the practice with regard to lots that have been merged and those properties coming before the Planning Commission to un-merge. The Planning Commission would like to have a more formalized process going forward for any properties that merge in the future. It had been discussed whether the future mergers would be for zoning purposes and title purposes or just zoning purposes.

Chairman Littleton thought that the Planning Commission only has a problem with the Board of Adjustment and how it thinks it can do subdivisions or partitioning. A simple clarification is needed that the Planning Commission does subdivisions and partitionings because currently there is confusion of jurisdiction.

Mr. Shulman agreed. Whatever the Planning Commission does in the whereas clauses has to make clear that it would not be changing the process. The Planning Commission would be clarifiying the way it has to consistently interpret the existing Code. The only thing the Planning Commission would be doing is amending the Subdivision Ordinance to make clear what the ordinance has always considered to be a merged lot. In Sectioin 270-4, there is a definition of "lot", and there is a definition of "lot" in Section 236-3. Mr. Shulman suggested leaving the ambiguity in the Zoning Ordinance and make the change in the Subdivision Ordinance to conform with the way the Planning Commission has been interpreting both the Zoning and Subdivision Ordinances, and make it clear by amending another part of the Subdivision Ordinance that in case where lots have been merged, the non-merger can only take place pursuant to approval of the Planning Commission.

City Solicitor Mandalas said that he was reluctant to do it that way. If the Planning Commission is predominantly talking about merger for purposes of zoning, it needs to be clarified in the Zoning Ordinance. The Zoning Ordinance has to explicitly define when a merger has occurred or when it has not occurred. The definition of "lot" in the Zoning Ordinance says that it may merge if a structure is built across two lots.

Nothing shall prevent the merger, and nothing shall require the merger. The definition of "lot" while it anticipates the possibility of merger, it does not explicitly require merger. The new definition of "lot" which City Solicitor Mandalas anticipated being in the Zoning Code is that "[T]wo or more lots as shown on the Zoning Map shall be considered merged for purposes of this Chapter if the lots are utilized as one parcel through their use or through the placement of a structure or structures thereon, regardless of when the structure or structures were originally placed. Once merged, the lots shall remain merged unless subdivision approval is obtained from the Planning Commission".

Mr. Shulman suggested the following edit, "…regardless of when the structure or structures were originally placed or the use originally took place". City Solicitor Mandalas agreed to the edit. Mr. Shulman said that this would not be a change to the way the Planning Commission has been applying the Code. This is a response to applicants who claim the language is confusing, vague, etc. There is nothing in the Subdivision Ordinance that says the City will not recognize a lot as having been subdivided if it did not go through the subdivision process. If the Subdivision Ordinance would specifically say that the City does not recognize something that did not go through the subdivision process and approval by the Planning Commission, then they could not go to the Board of Adjustment. City Solicitor Mandalas has taken the position that the merger was for zoning purposes and a separate title remains to the two lots. A much larger issue would be subdivision for title purposes and would be a lengthier ordinance. He has always thought that merger needs to be clarified.

The consensus of the Planning Commission was to send both ordinances together to the Board of Commissioners.

Mr. Shulman suggested that in few months a parallel change should be made in the subdivision ordinance. When the proposed ordinance is sent forward, it would also be good to say "[W]hereas this eliminates any uncertainty that it is the Planning Commission and not any other entity in the City that rules on the land that has been merged for purposes of un-merging". Chairman Littleton said that if the lots are un-merged, there is the potential for adverse impact on surrounding neighbors. The Planning Commission has the authority under public health, welfare, etc. to be looking at adverse impact. This would be eliminated if there is an automatic un-merger. It is a public process that gives the neighbors a chance to understand what is going on.

City Solicitor Mandalas read the proposed provision to the Zoning Code. Two or more lots as shown on the Zoning Map shall be considered merged for purposes of this Chapter if the lots are utilized as one parcel through their use or through the placement of a structure or structures thereon, regardless of when the structure or structures were originally placed or when the use originated. Once merged, the lots shall remain merged unless subdivision approval is obtained from the Planning Commission. He asked for discretion as to whether to strike "that nothing herein shall prevent the merger of two or more lots".

Mrs. Konesey made motion, seconded by Mr. Gauger, to draft the ordinance and use the language as amended by the City Solicitor and with a review to be done by the Chair and to authorize the Chair to forward it to the City Commissioners. Motion carried unanimously.

Chairman Littleton called for the Building Inspector's Report.

Ms. Sullivan reported that at approximately 8:00 a.m. on May 12, 2012, work will be started to clear Deer and Central Parks of all invasive plants.

Mr. Shulman suggested that in the Building Inspector's Report, it should be noted how many tree permits have been issued during the month and the total number of trees which have been taken down. Chairman Littleton did not think the Building Inspector should report a punch list to the Planning Commission. Mrs. Konesey said that it may not necessarily have to be a monthly report; but if there is a trend with large specimen trees, it might be worthwhile knowing. Mr. Markert did not think it should be required as a monthly report, but trees are the cornerstone of the CDP in terms of maintaining them as a natural resource in the City. It would be appropriate to know how many trees have been downed in specific period of time.

City Solicitor Mandalas warned the Planning Commission that this matter was not noticed on the agenda. It would be appropriate for a future discussion if the Planning Commission wants to put on its agenda a discussion as to what the Building Inspector's Report will entail.

Mrs. Konesey suggested talking to the City Commissioners and asking if this matter can be looked at by the Planning Commission as part of the tree canopy and the CDP, etc. Mr. Markert thought that it is appropriate for the Planning Commission to assess and collect information throughout the period when the CDP is prepared. This information would ultimately be used in the development of the CDP.

Mr. Mellen said that it is within the Planning Commission's purview to say that trees should remain until actual plans for houses are presented for lots that are being partitioned.

Chairman Littleton called for the City Solicitor's Report.

City Solicitor Mandalas noted that a Public Hearing has been scheduled on May 18, 2012 for the moratorium ordinance.

Chairman Littleton called for the report on the April 20, 2012 University of Delaware workshop "Land-Use and Development Administration".

Mrs. Konesey report that she and Ms. Wilson attended the Land-Use and Development Administration workshop. Commissioner Patrick Gossett was also in attendance. The City of Dover requires applicants to pay for and post any legal notices themselves. It is not done by the City employees. A planning representative from the City of Dover was the speaker at the workshop along with Ms. Linda Raub. The Planning Commission sends a report to the Board of Adjustment with recommendations for how it wants the Board of Adjustment to vote on issues. The applicants receive a copy of the report, and it is posted. A written report is done by the Planning Commission as to why a decision was made the way it was along with a recommendation to the Board of Adjustment. A conditional use goes with the property and stays with the property forever; but there can be a revocation process built in. In some municipalities a report is prepared by someone in the City government of all the variances and conditional uses that have been given, and what currently is being done. An annual review is recommended.

City Solicitor Mandalas noted that the City of Lewes does it for some of its subdivision work and zoning changes. The City requires that the attorney or a representative to give a certification of the notices.

Chairman Littleton said that Mr. Markert, possibly Mr. Mellen and Commissioner Gossett will be attending a Cape Sub-Region public showing of the regional plan that is being done at the University of Delaware on May 17, 2012 at 6:00 p.m. A future meeting may held in the City.

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

Mr. John Gauger reported that there has been a lot of work done to make bicycling safer in Rehoboth. A map has been done showing Rehoboth Avenue is not recommended for families with younger children. Bicycle boulevards, etc. are shown on the map. The idea is that the map will be done before Memorial Day Weekend. There will be more areas for bicycle parking in the City.

Chairman Littleton called for information in preparation for Planning Commission's April 12, 2012 Workshop Meeting.

Correspondence:

1. A letter dated May 9, 2012 from Vincent Robertson, Esq. of the law firm Griffin & Hackett P.A. on behalf of Ms. Melissa Thoroughgood of Thoroughgood Woods. Ms. Thoroughgood joined the other concerned individuals and groups who are expressing frustration over how properties along Silver Lake are being treated. The City is reacting to a single property by taking action against every other property along the lake. It is entirely unfair to prohibit property owners who have not created any problems along Silver Lake from the full use, enjoyment and development of their properties while the City undertakes its review of the buffer issue for an indefinite period of time. The most significant points of runoff or drainage into the lake are not the surrounding private properties. The City has multiple point sources where storm drains direct untreated and unfiltered rainwater and runoff directly into the lake. The proposed moratorium and buffer unfairly and arbitrarily penalizes property owners while the primary source of water and potential contaminants remains. Because the subdivision and 10 foot buffer were the result of an extensive and recent review by the City, it is inappropriate and entirely inequitable to impose a moratorium upon the construction of any improvements on the lot of Thoroughgood Woods nearest to Silver Lake. It has already received so much scrutiny about any potential impact on Silver Lake before it was approved. It is unfair, arbitrary and discriminatory to impose an additional five foot of buffer area upon it. The Planning Commission had agreed that 10 feet of buffer is all that is necessary to reasonably protect Silver Lake. Any basis for imposing such a buffer on Ms. Thoroughgood's lot or other properties along the lake is further undermined by the fact that such a regulation does not affect the most significant source of runoff into the lake: the City itself.

Attorney Robertson requested on behalf of Ms. Thoroughgood that her property be exempted from the current moratorium and the 10 foot buffer that was agreed to and imposed upon Lot 3 be allowed to remain unaffected by the current legislation that is being considered by the City for properties along Silver Lake.

Chairman Littleton noted that Mr. Mellen has been doing a lot of analyses using some of the data that has been received recently. Mr. Mellen will be giving a presentation at the Workshop Meeting.

No new subdivision applications have been received to date.

The next scheduled Regular Meeting will be held on June 8, 2012 at 6:30 p.m.

A Workshop Meeting will be held on May 12, 2012 at 10:00 a.m.

Mrs. Konesey made a motion, seconded by Mr. Gauger, to adjourn the meeting at 9:35 p.m. Motion carried unanimously.

RECORDED BY

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(Ann M. Womack, CMC, City Secretary)

MINUTES APPROVED ON
AUGUST 10, 2012

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(Preston Littleton, Jr., Chairman)