CITY OF DOVER PLANNING COMMISSION
December 19, 2016

The Regular Meeting of the City of Dover Planning Commission was held on Monday, December 19, 2016 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Roach, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert. Mr. Holden was absent.

Staff members present were Mrs. Ann Marie Townshend, Mrs. Dawn Melson-Williams, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present was Mr. Gregg Moore. Speaking from the public were Mr. Michael Pantsos, Mr. Mark Reaves, Mr. Dave Houghton & Ms. Barbara Kepner.

APPROVAL OF AGENDA

Mr. Holt moved to approve the agenda as submitted, seconded by Mr. Baldwin and the motion was unanimously carried 7-0 with Mr. Holden absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF NOVEMBER 21, 2016

Mr. Holt moved to approve the Planning Commission Meeting minutes of November 21, 2016, seconded by Ms. Maucher and the motion was unanimously carried 7-0 with Mr. Holden absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Tuesday, January 17, 2017 at 7:00pm in the City Council Chambers.

Mrs. Townshend provided an update on the regular City Council and various Committee meetings held on November 28 & 29, 2016 and December 12 & 13, 2016.

Mrs. Townshend stated that a list of filing deadlines and meeting dates was provided in the packet.

Mrs. Townshend stated that the IPA Planning Education Series 2017 begins in January. The first event is Planning 101: Planning Your Community's Future which will be held on January 13, 2017 at 9:00AM to noon at the Paradee Center. Commission members can let Staff know if they would like to attend.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Townshend presented the audience information on policies and procedures for the meeting.

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW DEVELOPMENT APPLICATIONS

1) Z-16-07 Kays Property on McKee Road – Public Hearing and Review for Recommendation to City Council on rezoning of a 4.35 acre+/- parcel located on the west side of McKee Road north of College Road, between 1216 and 1282 McKee Road. The property is zoned CPO (Commercial and Professional Office Zone) and the proposed zoning is IO (Institutional and Office Zone). The

property is subject to the COZ-1 (Corridor Overlay Zone). The owner of record is George J. Kays & John J. Kays and the equitable owner is Medcore Partners c/o Michael Graham. Property is an unaddressed parcel on McKee Road. Tax Parcel: ED05-067.00-01-33.00-000. Council District 1. Ordinance #2016-28. *The First Reading of this Zoning Map Amendment was completed at the November 28, 2016 City Council Meeting. Public Hearing before the Planning Commission is scheduled for December 19, 2016 and Final Reading/Public Hearing is scheduled before City Council for January 9, 2017.*

Representatives: Mr. Gregg Moore, Becker Morgan Group

Mrs. Townshend stated that this a rezoning request for approximately 4.35 acres located on the west side of McKee Road north of College Road and just south of Emerald Pointe. It is currently a vacant parcel. The purpose of the rezoning is to allow for a physical rehabilitation hospital. The current zoning classification is CPO (Commercial and Professional Office Zone) with the COZ-1 (Corridor Overlay Zone). The proposed zoning is IO (Institutional and Office Zone) and it would still be subject to the COZ-1 (Corridor Overlay Zone). In looking at the surrounding properties, the properties southeast and west are zoned CPO (Commercial and Professional Office Zone). The southeast property is residential in character and seems to have been in existence for some time. There are also residential properties zoned R-8 (One Family Residence Zone) that abut the property that are located on Topaz Circle in Emerald Pointe and lands immediately across McKee Road include residential properties that are outside of the City limits and parcels associated with North Dover Elementary School which is zoned IO (Institutional and Office Zone). The property is designated as Office within the *Comprehensive Plan* and the IO (Institutional and Office Zone) is consistent with that land use classification.

The applicant had meeting that was held at City Hall Council Chambers last Wednesday. They sent a mailing to all of the property owners within Emerald Pointe to try to get dialogue going with the property owners at that time. The Commissioners do have the DAC agency comments. At this point, because it's a rezoning the agency comments are more advisory in nature. When it gets to the point of a development application is when you will see more detailed comments particularly as it relates to the transportation network. The DelDOT comments at this point simply state that they have no comments at this time, but they would have comments and requirements as it relates to development of the property. This is a recommendation to City Council; City Council has the ultimate vote on whether or not a rezoning application is approved.

Dr. Jones questioned if the proposed building would be a physical rehabilitation facility? Responding to Dr. Jones, Mrs. Townshend stated yes, it would be an in-patient rehabilitation hospital. Right now, there is no facility like that in Dover or Kent County at all. There is a rehabilitation hospital associated with the Bayhealth facility in Milford and then there is one in Middletown.

Mr. Roach questioned if there were any people who attended the meeting held last week and if so what were their comments in regards to the project? Responding to Mr. Roach, Mrs. Townshend stated that there were a number of people who came; she is thinking about 5-6 people. As they would expect, the biggest issue that is brought forward from the neighbors is the issue of traffic and how the transportation network is addressed in the development of the site.

Mr. Holt questioned if they approved a rehabilitation hospital a couple of months ago? Responding to Mr. Holt, Mr. Tolbert stated that it was a medical facility.

Mrs. Townshend stated that at Eden Hill there is a skilled nursing facility that's under construction. While there are some similarities, they are different in that this is an actual hospital and the other is a skilled nursing facility. It is a difference in how there are regulated by the State and funded.

Mr. Tolbert questioned even though this is a rehabilitation hospital, will they treat all kinds of illnesses there or will it be limited? Responding to Mr. Tolbert, Mr. Gregg Moore stated that it is a rehab facility; it is not drug rehab or behavioral rehab. It is physical rehab for either trauma victims or people that are being discharged from the hospital that need specific rehab. It could be from a stroke, surgery, head trauma or something similar to that. What happens is there are actual beds at this facility which is why it's called a small hospital. There are thirty-four (34) beds and the patient would be getting rehab in their facility and then staying overnight until they were able to live in normal confines.

Mr. Tolbert stated that usually there is a limited amount of time that a patient can stay there. Responding to Mr. Tolbert, Mr. Moore stated that he's sure that there are limitations through Medicare and payment issues with insurance companies as to how long certain treatments are to be, but they do vary depending upon the type of rehab that a person is getting and whatever the trauma might have been.

Ms. Maucher questioned if their property would still be subject to the two story maximum? She knows that they approved an ordinance that would grant a waiver if they were more than fifty (50) feet off of the roadway. Responding to Ms. Maucher, Mrs. Townshend stated that that ordinance was recommended for approval by the Planning Commission but at this point it has been tabled by City Council so it would still be subject to the two story limitation.

Ms. Maucher further questioned if that limitation would affect this project? Responding to Ms. Maucher, Mr. Moore stated no, they are proposing a two story building. It's a very small thirty-four (34) bed facility. It's not a very large facility and they can actually accomplish what they want in two stories. The developer has actually done two story buildings in other locations so that was their plan.

Mr. Tolbert questioned if the company had additional facilities in Delaware? Responding to Mr. Tolbert, Mr. Moore stated no, but they have other facilities in other parts of the country.

Dr. Jones questioned if this was a privately owned hospital? Responding to Dr. Jones, Mr. Moore stated yes.

Mr. Tolbert opened a public hearing.

Mr. Michael Pantsos – unknown

Mr. Pantsos stated that he heard about this project and he has lived in Dover his whole life and he thinks it's a good idea because Dover has grown immensely and we are going to need more medical facilities. That way people don't have to go out of town for rehab. He doesn't really see a reason of why it shouldn't be built. It's medical rehab so there's not going to be problems with different

situations. We never know when any of us will need it; we won't have to travel out of town. He has known people who go to Wilmington and it's hard for their families to visit them. He doesn't think there will be much traffic because it's not like a factory where there are people coming in and out at different hours. It's like a nursing home and he's never seen a nursing home with heavy traffic. He doesn't see anything negative and he thinks there's a need for it.

Mr. Mark Reaves – 10 Tanzanite Court Dover DE 19904

Mr. Reaves stated that he is the President of the Home Owners Association for Emerald Pointe. The HOA believes that this project is a good project and he believes that it will help the community out significantly. Their major concern is the traffic as was discussed. What they really want to have as part of this project is inclusion into the conversations with DelDOT because they have also pursued something with traffic in relation to their development and DelDOT has made promises of something to ease the traffic with a traffic light. They have had a few fatalities on McKee Road and although this project won't increase a large amount of traffic, a small amount of traffic entering or exiting the facility could cause a severe traffic incident as people would try to immediately turn left heading northbound on McKee Road. They would like to be included in that conversation with DelDOT as they move forward if granted the approval so that they can make sure there is a comprehensive solution to that traffic in the multiple locations; the Emerald Pointe development, the hospital's entrance and exit, and also the left turn and right turn at College Road.

Mr. Tolbert questioned if Emerald Pointe's HOA has had any meaningful contact with DelDOT? Responding to Mr. Tolbert, Mr. Reaves stated yes, in reference to this particular project he sent an email address out to their management company to this project's management company and they said that they have reached out and spoken to Emerald Pointe's management company which is IPS Management. He hasn't had a full conversation as to what was discussed; however, he knows that it's a concern for them to really be included in the conversation with DelDOT. If they move forward and plan everything out with DelDOT but certain issues aren't addressed, then it's going to be a difficult situation moving forward. A separate side conversation will then need to be had and DelDOT may say why weren't we aware of this. It's just much better if they are included in that discussion.

Mr. Tolbert stated that he would recommend that the HOA contact DelDOT themselves and find out exactly what's going on with the project. Responding to Mr. Tolbert, Mr. Reaves stated that they have he just isn't sure what the schedule is for this project.

Mr. Tolbert stated that in his opinion, they need the information first hand. Responding to Mr. Tolbert, Mr. Reaves stated that he didn't know if the City would put that stipulation in their approval to make sure that Emerald Pointe is included in the meetings with DelDOT. He is just asking if they can be included in the conversation. He's not sure if that's something that is within the Commission's purview or if it's just something that the HOA will have to pursue on their own.

Mr. Tolbert stated that in his opinion, it's appropriate for him as the President of the HOA to contact DelDOT personally. Responding to Mr. Tolbert, Mr. Reaves stated that DelDOT has no responsibility to discuss their business with us.

Mr. Tolbert stated that as a citizen in that development, it's your business.
Mrs. Townshend stated that the City can certainly help to facilitate those discussions.

Mr. David Houghton – 132 Carnoustie Road Dover DE 19904

Mr. Houghton stated that he lives in Fox Hall and he thinks it would be a great idea to have this facility. It will be professional people with good pay and benefits. He doesn't want to see another vape shop or tattoo shop opening up or another liquor store coming into town. He just thinks it's a great idea to have more professionals in their neighborhood.

Ms. Barbara Kepner – 142 Red Oak Drive Dover DE 19904

Ms. Kepner stated that she lives in Hidden Oaks and she thinks that the idea of this facility is a great idea. She's a nurse so it would be a great place to work. As far as the traffic is concerned, she does hope that there is a solution. She knows that living off of College Road, the traffic there gets backed up all of the time. As far as the facility itself goes, she would love to see that come into their neighborhood. Like Mr. Houghton said, it would be nicer than another liquor store or something like that.

Mr. Tolbert closed the public hearing.

Mr. Holt questioned that when this project comes up as a Site Plan, that would be a good time for the HOA to be here for the hearing as far as the traffic and so forth.

Mr. Moore stated that they have no problems with the DAC Report. They actually reached out to meet with the neighbors so that they were aware of any issues that they had. In the meeting last week, they heard that traffic was an issue and during the Site Plan phase would then be tasked with designing an entrance and figuring out turn lanes and intersections. They are prepared to do that and are prepared to make the information available so that the HOA knows that. They did reach out to the HOA to understand where they were headed in terms of the communications with DelDOT so they have already done the discussion with them. A rehabilitation hospital under this zoning as they are proposing would be a very low traffic creator because the people getting their rehabilitation are actually in this hospital in overnight stays. A similar size medical office building would actually generate a tremendously higher amount of traffic because people would be coming into their doctor's office and departing every hour and it creates a lot more traffic. So as traffic generators go, this is a very low traffic generator which hopefully they can mitigate some of the issues that they have heard from the neighbors.

Dr. Jones stated that she believes that she heard Mr. Moore say that they would be in the process of developing the Site Plan and working out the intersections and so forth and then they would make the information available to the homeowners. She is asking based upon what she is hearing, will there be some involvement prior to as you develop the roadways as opposed to after the fact? You have had this communication going on and as opposed to delivering it once it has been decided. Responding to Dr. Jones, Mr. Moore stated that they would be fine with having another meeting with the neighbors once they have developed their Site Plan and they have their more detailed plans. They showed the neighbors who came to the meeting their first layout plan but until they get through the zoning they really can't get too far into the design phase. Once they get the correct zoning they will be willing to come back to meet with the neighbors and show them what they do know, show them what they have from DelDOT and do that prior to coming back to the Planning Commission for a Site Plan.

Dr. Jones questioned if they would initiate that contact? Responding to Dr. Jones, Mr. Moore stated yes, they would do it the same way they did it last time by notifying the neighbors that they were having a meeting.

Dr. Jones moved to recommend approval to City Council for Z-16-07 Kays Property on McKee Road for a change in zoning form CPO (Commercial and Professional Office Zone) with COZ-1 (Corridor Overlay Zone) to the proposed zoning of IO (Institutional and Office Zone) with COZ-1 (Corridor Overlay Zone), seconded by Mr. Holt and the motion was unanimously carried 7-0 by roll call vote with Mr. Holden absent. Mr. Roach voting yes; in situations like this you have to pick your poison because you have facilities that need to be built but in the same sense you still deal with the issue of traffic but he appreciates the applicant letting them know that they are going to stay in constant communication with the HOA. He feels that important to the process. Mr. Holt voting yes; he thinks it's going to be an improvement for the whole area and this zoning is going to be a big change to make this possible. Mr. Baldwin voting yes; he thinks this is a much needed project for this area. Dr. Jones voting yes; she is especially impressed that the residents are in favor of this without any hesitation except with traffic and she is feeling reassured that the residents and all of those impacted by this facility will have some involvement. Mrs. Welsh voting yes; for the reasons stated by Dr. Jones because that is exactly where her mind was going. Ms. Maucher voting yes; they revised zoning is appropriate for the area. Mr. Tolbert voting yes; for all of the reasons previously stated. Also, from what he is reading lately people are living longer and they are in need of rehabilitation. For those reasons, we need a rehabilitation center closer than the ones available now. It's not only going to service the area but it's going to service this entire metropolitan area and perhaps even more.

2) MI-16-17 Text Amendment: Tractor Trailer Parking – Public Hearing and Review for Recommendation to City Council on a proposed text amendment that would prohibit the parking of tractor trailers, or any part of a tractor trailer, in all residential zones and in certain nonresidential zones (CPO, C-1, C-1A, C-2, C-2A, and SC-1). The amendment would also limit the parking of tractor trailers to designated loading zones or loading areas in certain nonresidential zones (C-3, C-4, IO, SC-2, and SC-3). Ordinance #2016-25. *This Zoning Text Amendment was introduced at the Council Committee of the Whole: Safety Advisory and Transportation Committee meeting of November 15, 2016 and the First Reading was completed at the November 28, 2016 City Council Meeting. Public Hearing before the Planning Commission is scheduled for December 19, 2016, and Final Reading/Public Hearing is scheduled before City Council for January 9, 2017.*

Representatives: None

Mrs. Townshend stated that this is a proposed amendment to the text of the *Zoning Ordinance,* specifically Article 6 Off-Street Parking. It would add a new Section 6 for tractor trailer parking. Specifically, it would prohibit the parking of tractor trailers or any part of a tractor trailer in all residential zones and the lower intensity non-residential zones which would be CPO, C-1, C1-A, C-2, C2-A and SC-1. It would also restrict the parking of tractor trailers within the C-3, C-4, IO, SC-2 and SC-3 zones to the designated loading areas. The last change is that it would add a definition of tractor trailer. This was brought forward due to Council sponsorship. This was drafted by Staff but as they got into the review they determined that there needed to be some improvements to it that would improve the understanding of it and the enforceability of it. There are two proposed Staff

amendments. Staff Amendment One would allow for normal loading and unloading. If you've got a convenient store and they are unloading merchandise that would not be considered parking; that would be considering loading and unloading type of operation. You have probably seen it in places like The Hamlet Shopping Center, where you will see tractor trailers parked for a day or two. We have received a number of complaints about that, which is one of the reasons for the proposed ordinance. The other amendment that Staff has is the definition. When she looked for definitions, Mrs. Townshend couldn't find anything great so she took what the dictionary had which is extremely simplistic and staff could end up getting us in arguments with people over what exactly a tractor trailer is. What they did was looked at some of the DMV definitions. Staff amendment Two would replace the definition of tractor trailer but also add a definition for tractor truck and semi-trailer which are out of the State Code definitions for that type of vehicle. The ordinance was distributed to the DAC and there were no comments from them. They did receive some comments from the Code Enforcement division, specifically their concerns about enforcement because it would be something on private property that is enforced by Code Enforcement not by the Police Department. Specifically, the Code Enforcement staff wanted to make it clear that their working hours are typically normal working business hours and they do have some scheduled evening and weekend hours but in the middle of the night if someone is upset about a tractor trailer being parked somewhere our Code Enforcement staff is unable to enforce for immediate response. They also wanted to put on the record that typically they site the property owner not the vehicle owner. For instance, if there is an abandoned vehicle on a property the Code Enforcement staff sites the property owner not the vehicle owner. If somebody gets a notice for this because they violated the Code it would be the property owner not the vehicle owner. So it's really on the property owners to not allow it if this ordinance passes.

Ms. Maucher questioned what the penalty was if there were a violation? Responding to Ms. Maucher, Mrs. Townshend stated that the Code is not specific with regard to penalties so typically when that's the case there is an administrative determination on penalties. Typically, on a commercial property they would issue a first notice with no fine, a second notice with no fine and then a third notice on a commercial property might be $50.00 and then it would escalate from there.

Ms. Maucher further questioned if it were the same for a private property? Responding to Ms. Maucher, Mrs. Townshend stated that for a residential property, for some violations they start fines at $25.00. For something like this which is specifically in a residential area that's really a nuisance, they may start the fines at $50.00 since it's a commercial vehicle.

Ms. Maucher questioned if that is spelled out in the Code? Responding to Ms. Maucher, Mrs. Townshend state no, the Code Enforcement Supervisor develops administrative procedures for fines.

Mr. Holt questioned what would be the time limit for this ordinance? Would it be overnight, 2-3 days or 2-3 hours? Responding to Mr. Holt, Mrs. Townshend stated that it would be anything that exceeds loading and unloading. She would say typically if it's 2-3 hours, Code Enforcement staff is probably not going to do anything. If it's there for more than a day, then Code Enforcement would then enforce. It will also be largely complaint driven. In terms of Code Enforcement priorities, it will probably be complaint driven or if we know that we are getting a lot of complaints about it then we would be more proactive in looking for it.

Mr. Holt stated that this gives them a little teeth to be able to take some kind of action with some back up.

Mr. Tolbert questioned if someone called the Police what would they do? Responding to Mr. Tolbert, Mrs. Townshend stated that the Police would not be able to give a ticket because it's not on a public roadway. If the Police got called, one of two things would happen. Either they would hand off the complaint to Code Enforcement or they would simply say that they weren't able to do anything. Typically, our staff and the Police Department work well together so she would expect that it would be handed off to our staff once they are aware that they can do that. If the ordinance is adopted they would work with the Police Department to work on information flow.

Ms. Maucher questioned if penalties are included in ordinances? Responding to Ms. Maucher, Mrs. Townshend stated no, the only ordinance that she can think of that is specific to the penalties that they enforce is grass. Everything else is administrative.

Mr. Baldwin questioned if this is limited to the description of a tractor trailer of a tractor and a 40-60 foot trailer? What about the single unit trucks that are basically the same size just not as long? Would they be included? Responding to Mr. Baldwin, Mrs. Townshend stated if it meets the definition of a semi-trailer based on the amendments. So that's every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rest upon or can be carried by another vehicle. There's two types of tractor trailers. There's the tractor trailer where it's truly just a trailer and then there's some where there's a little bit more on the tractor side that bares the weight. Those are the two types of vehicle that would be covered under this.

Mr. Baldwin questioned that if he's driving a forty (40) foot single unit box truck would that be covered under this ordinance? Responding to Mr. Baldwin, Mrs. Townshend stated no, that would not be covered under this. They are already not allowed in residential zones. Commercial vehicles that exceed a one ton carrying capacity are not permitted in residential zones. So really from that perspective it related more to the non-residential zones.

Dr. Jones questioned if there have been a lot of citations and fees paid for this violation? Responding to Dr. Jones, Mrs. Townshend stated that there has been nothing for this because it's not a code violation to have at this point.

Dr. Jones further questioned what about the other trucks that are not allowed in residential areas? Responding to Dr. Jones, Mrs. Townshend stated that there are fines issued for those but again typically it's after they have been given a couple chances.

Dr. Jones stated that she was looking for frequency. Responding to Dr. Jones, Mrs. Townshend stated that it's a frequent violation. She doesn't know if it gets to the point of frequent fines.

Dr. Jones stated that she is thinking if this is really enforceable and if it is enforceable is there a possibility that this ordinance be changed or amended. If a homeowner is going to be fined shouldn't there be something in writing that says how much the fine is? Responding to Dr. Jones, Mrs. Townshend stated yes, a letter is sent.

Dr. Jones questioned if that was an arbitrary number? Responding to Dr. Jones, Mrs. Townshend stated no. The Code Enforcement staff has a notebook of procedures.

Dr. Jones stated that she thought that the supervisor determines whether or not the fine is $25.00 or $50.00. Responding to Dr. Jones, Mrs. Townshend stated yes, in the procedures.

Mr. Holt stated that Code Enforcement would probably give a warning first before a fine. Responding to Mr. Holt, Mrs. Townshend stated yes, they give two warnings typically before a fine is issued.

Ms. Maucher questioned how many complaints have been received? Is it a huge issue or a select area? Responding to Ms. Maucher, Mrs. Townshend stated that this was brought forward by members of Council who were received complaints from their constituents. She doesn't receive these complaints but it was enough where Council members wanted to do something about it.

Ms. Maucher questioned if there are alternatives for parking a tractor trailer? These are obviously independent contractors so what options will they have? Responding to Ms. Maucher, Mrs. Townshend stated that this specific Ordinance does not affect the industrial zones. It does not affect the IPM, M and the IPM-2 zones.

Ms. Maucher stated that if you had a commercial business that leased space for parking such vehicles, would that be an issue? Responding to Ms. Maucher, Mrs. Townshend stated that if it was zoned industrial it would not be a problem. If it's some type of a trucking terminal it would have designated spaces. She thinks that there are places outside of the City like the Smyrna Rest Stop where there are areas for tractor trailer parking. The Royal Farms at Pearson's Corner has areas for that as well. There are locations outside of the City that actually are designed for that type of use. She thinks that the concern that she has heard through some members of Council is that there are a number of places in the City where they are parking in commercial parking lots, taking the parking spaces, and they are unattractive. More importantly she thinks is that if the truck driver is sleeping in the unit it's likely idling, especially in the hot and cold weather where you need the heater or air conditioning. Those are the concerns that have been relayed to her by members of Council. She does think that there is some State regulation but she is not sure. It may be under DNREC about the idling but she is not sure how well that's enforced.

Mr. Tolbert opened a public hearing.

Mr. Mark Reaves – 10 Tanzanite Court Dover DE 19904

Mr. Reaves stated that he understands this proposal for the amendment to the parking of tractor trailers. His main concern is as he is understanding it, the fees would be charged to the property owner and not necessarily the tractor trailer owner. He believes that there should probably be some charges associated to the tractor trailer owner in the event that someone does park a tractor trailer with the intent to unload it the next morning. They unhook their tractor and maybe come back at a later time and the owner of the property is not necessarily aware or having any responsibility until he sees the truck drive hours later. He thinks they bear some responsibility as the tractor trailer owner instead of burdening some of the City's business owners. He is not sure how the complaint may have come through but there should be some responsibility on the tractor trailer owner. If someone is continuously maybe establishing a parking lot for tractor trailers, then that is something

direct that the City can address to that particular business owner and secure a heavier fine for someone who is doing something like that. His only concern was to ensure that they didn't over burden the business owners and that we give some of the responsibility to the tractor trailer owners that maybe have been abandoning these trailers or using them for storage or something outside of what their purpose is in the City area.

Mr. Tolbert stated that he thinks that if a person parked on private property and the owner of that property didn't know it then it sounds like it would be trespassing. That can be handled by law. The property owner does have significant recourse.

Mr. Reaves stated that in some properties he is sure there are numerous properties that people may own and may not be physically in that presence and someone could be parking on that property without the owner being aware of the situation. As they get fines, they should probably know what's going on with their property but if this is a continuous thing then it may be something where the owner is not aware. The tractor trailer owners and operators should definitely get fined and have some responsibility instead of they move in and out and then we fine our own business owners or residents.

Mr. Tolbert closed the public hearing.

Mr. Holt stated that there may just be a lot of property that the property owner owns and he doesn't live there and the person could park the tractor trailer there for weeks or months without the owner knowing. Responding to Mr. Holt, Mrs. Townshend stated that she needs to find out if it's a practice or a Code reason of why the enforcement is with the property owner. They may be able to take enforcement action against the vehicle owner as well but she needs to have Staff look into that.

Mr. Tolbert stated that the property owner as he understands it is responsible for everything that goes on at their property. They have an obligation to know what's going on at the property that they own.

Mr. Holt stated that they could own a lot of properties and not realize that one of them is being abused by somebody parking there.

Mr. Roach stated that he thinks the one thing that they keep missing is the fact that the first time that the City sees a tractor trailer parked they don't send a fine. There are several warnings that are going to be sent out to a property owner; it's their responsibility to check their mail and see that there are several warnings being sent out for a tractor trailer being parked on their property. They would then take that time to see that there is an abandoned trailer and that's when they would call the Police Department. He doubts that the City would fine the property owner if they said they didn't know where the tractor trailer came from or who parked it there. He thinks that they are just skipping to the idea of a fine because he heard the same thing at first. They give out several warnings so even if you are a property owner, if you get 2-3 warnings that you have a tractor trailer parked on your property at some point in time you should either find out who it is, call the Police or reach the City and let them know that it's not your trailer. At some point in time the owner has to take some responsibility to figure out who is parking on their property.

Dr. Jones stated that she wants to extend Ms. Maucher's concern in terms of the Royal Farms and

the Smyrna Rest Stop. She thinks that the faces of the truck driver may have changed over the years. She has a friend whose son drives a tractor trailer and she doesn't know where he parks his truck but is there any place within the City that you know of where there could be some relief for a truck driver who lives in Emerald Pointe whose wife works and there is nobody there to come pick him up to take him home. She is trying to think of some kind of relief instead of an entrapment. Responding to Dr. Jones, Mrs. Townshend stated that there are locations that are zoned appropriately. We used to have a trucking terminal where the Royal Farms is located on Saulsbury Road. She is not aware of any other facilities.

Mr. Tolbert stated that he sees tractor trailers parked frequently at the Home Depot parking lot.

Mrs. Townshend stated that under this Ordinance they would have to be parked in the loading area.

Ms. Maucher stated she feels like there is no option for certain individuals who need an option. Presuming that the Planning Commission passes this and it goes to City Council, how soon after Council does it go into effect? Responding to Ms. Maucher, Mrs. Townshend stated that it goes into effect upon adoption. The Commission doesn't have to recommend approval.

Ms. Maucher questioned if it's published for written comments? Responding to Ms. Maucher, Mrs. Townshend stated that all Ordinances are available on the City's website. They are actually in the carousel in the Chambers and they are available through the Planning Office of the City Clerk's Office. They are available for public review.

Dr. Jones moved to not recommend approval to City Council for MI-16-17 Text Amendment: Tractor Trailer Parking at this time, pending some additional information, seconded by Ms. Maucher and the motion was unanimously carried 0-7 by roll call vote with Mr. Holden absent. Mr. Roach voting yes; in regards to the fines and the concerns brought up by Dr. Jones in regards to parking of people coming from outside of the City. He wants a better understanding of where people coming from outside of the City will be able to park. He would suggest that it's not just objective fines; that there will actually be set fines whether it's for the individual or the property owner. Mr. Holt voting yes; he thinks that they could look into this amendment a little bit deeper. Mr. Baldwin voting yes; we do need some additional information on where these trucks can and cannot park in the City. He is also concerned about the description of a tractor trailer. Dr. Jones voting yes; she is uncomfortable with anything else at this time because she thinks there needs to be some kind of conversation with people who are impacted by this amendment to perhaps give some additional information. Mrs. Welsh voting yes; for all of the reasons previously stated. Ms. Maucher voting yes; she thinks additional information is needed particularly by people who are impacted. Mr. Tolbert voting yes; he thinks there needs to be more work done with regards to tractor trailer parking in this area. As this town grows you are going to have an increasing number of tractor trailers coming into this town and there needs to be some kind of appropriate facilities for parking those vehicles except all over residential areas.

Meeting adjourned at 8:11 PM.

Sincerely,

Kristen Mullaney
Secretary