

MINUTES  
TOWN COUNCIL WORKSHOP  
Thursday, May 5, 2016  
Bethel Center – 28307 Clayton Street

CALL TO ORDER 6:00 p.m.

Mayor Truitt called the meeting to order at 6:00 p.m. Those in attendance were Mayor Truitt, Vice Mayor Baull, Councilman Miller, Councilman Chandler, Councilwoman Ulrich, Town Administrator Long, Attorney Witsil and AECOM's Kyle Gulbranson.

NEW BUSINESS:

- a. Review and discuss an ordinance to amend the Municipal Code of the Town of Dagsboro, Delaware, to adopt conditional use zoning classifications in all zoning districts defined in Chapter 275; to authorize the Planning and Zoning Commission to review conditional use applications by amending Section 34-8; to adopt a definition of "Conditional Use" by amending Section 275-8; to adopt a procedure to review, determine and regulate conditional uses by adopting new Section 275-47 entitled "Conditional Uses"; to provide notice requirements for conditional use applications by an amendment to Section 275-63; and to provide for Site Plan Review and approval of a conditional use application by amending Section 275-40

Questions and Concerns: In the past the town has had bad experiences with conditional uses. A conditional use was granted and conditions were placed on it. Over time the conditions were not complied with, and the growing business didn't fit the site. How will the Town enforce the conditions for compliance? What would be the time and cost of enforcement? Should conditional uses be added to every district? If we move forward with this, could we build in additional procedural protections such as, any adjoining property owner who objects can come to council and state why they don't think it's appropriate? Council could still approve the conditional use but it requires a unanimous vote. Attorney Witsil stated the super majority vote is a more comfortable provision. Conditional Use applications get the same notice as a rezoning with 15 days in advanced notice in the paper and certified letters to surrounding property owners.

The highway commercial and industrial district would be the only districts where manufacturing would be permitted. Stacey stated that she likes Bridgeville's Conditional Use Ordinance. She then reads it to the Council:

The Town Commissioners shall determine whether each conditional use application:

- (1) Is in harmony with the purposes and intent of the Comprehensive Plan.
- (2) Will be in harmony with the general character of its neighborhood considering density, design, bulk, and scale of proposed new structures.
- (3) Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties.
- (4) Will not cause objectionable noise, vibrations, fumes, odors, dust, glare, or physical activity.
- (5) Will have no detrimental effect on vehicular or pedestrian traffic.
- (6) Will not adversely affect the health, safety, security, or general welfare of residents, visitors, or workers in the area.
- (7) Complies with all other applicable standards, laws, and regulations in addition to the provisions of this chapter.
- (8) Meets all other additional requirements for certain conditional uses set forth in the code.

Council questioned if we grant someone a conditional use and they are violating the conditions how would we shut that down? Attorney Witsil stated that first we would issue a violation letter and give them time to stop. Second, it would be brought to Council to vote to draft an ordinance to rescind the conditional use, and post notice of a public hearing on the matter. If the applicant chooses to ignore the Town and continue to operate, then we take them to the Chancery Court on a junction for not complying with the ordinance. We can't put an official end to the business without the court judge. When the injunction is ordered we can put a fine in for every day they are in operation thereafter.

Conditions for approval should be listed. Specific procedures for revoking approval should be listed as well. Penalties will be placed under the existing enforcement and penalties section. A full site plan review will be required for conditional use applications. Additional discretionary options can be built in. We will propose a draft that everyone is comfortable with then we will submit it to the state for review. The council has the right as a whole to shut down a conditional use. The biggest concern for the town is that you open a box of unlimited opportunity for businesses. In the event that it is not a desired use, you can turn it down, but they will have the opportunity to challenge the denial if they chose to. Attorney Witsil will make changes on the proposed ordinance to incorporate recommendations heard tonight.

b. Review and discuss Dagsboro's Downtown Development District Plan.

Kyle presented the draft DDD plan. This designation offers 20% grant funding for development or redevelopment costs to business owners. Priority properties are shown in red within the plan. The survey had good participation from residents but not businesses. The survey is available in the plan as well. The Town Council needs to list the incentives to bring in the businesses and investors. 20% of scoring criteria for this designation is based on incentives. If you list 5 or 6 incentives you have to do them and implement them by a certain time. Because we are small we can't offer huge financial incentives. Some examples of incentives are: Town Center Zoning District offers mixed uses, the Town offers technical assistance through planner and engineers, special zoning districts, and a streamlined change of use process. The variance fee was set very high at \$3,000 several years ago, which is higher than anywhere else. This can be reduced down and shown as an incentive. High EDUs are a discouragement, they could be possibly reduced as an incentive or have the applicant pay them in installments over a period of time instead of being due at the application stage. Reduce property taxes for 3-5 years or waive the town's property transfer fees. You could offer a tax deduction on the cost of the improvements. The Council agreed on adding the following incentives: deferred EDU payments, tax reduction based on the value of improvements to the property for 10 years, and reduce the fee for variances by 50-75%. Also the incentives need to be specified when they will be implemented in the process. The designation lasts for ten years. The final plan will be scheduled for a vote during the regular May Town Council Meeting.

ADJOURNMENT

The workshop adjourned at 8:41 p.m.

Respectfully submitted,

Amelia KW Ronco  
Town Clerk