

MINUTES OF MEETING

DAGSBORO PLANNING & ZONING COMMISSION

BETHEL CENTER – 28307 CLAYTON STREET

WEDNESDAY – APRIL 9, 2014

Call Meeting to Order: The regular meeting of the Dagsboro Planning and Zoning Commission was called to order at 7p.m. by Chairwoman Gayle Chandler. Those in attendance were Chairwoman Chandler, Vice-Chairwoman Nancy Marvel, Commissioner Scott Crater, Commissioner Janice Kolbeck, Commissioner Patrick Miller, Commissioner E.F. Quillen, Town Engineer Kyle Gulbranson, Town Administrator Stacey Long and others as listed on the sign in sheet.

Approval of Agenda: A motion was made by Commissioner Quillen to approve the Agenda for tonight's meeting and seconded by Vice-Chairwoman Marvel. All in favor. Motion carried.

Approval of Minutes: March 12, 2014 Minutes a motion was made by Commissioner Quillen to approve the minutes of the March 12, 2014 meeting and seconded by Vice-Chairwoman Marvel. All in favor. Motion carried.

Old Business:

1. **Appointment of Secretary:** A new Secretary must be appointed for the Commission as Pat Miller was the previous secretary, the commissioners were questioned as to whether someone might be interested in filling this position but with every one being busy with work and personal matters it was decided that for the time being the minutes will be transcribed by Town Hall and the issue will be addressed by the commission again next month. A motion was made by Commissioner Marvel to table the selection of a secretary until the next meeting and it was seconded by Commissioner Crater. All in favor. Motion carried.
2. **Review, discussion and possible consideration of Preliminary Approval for Village on Pepper's Creek subdivision:** John Murray of Kercher Engineering was present to go over the plans for the Village on Pepper's Creek. Chairwoman Chandler had questions about comments in section #12 regarding the storm water ponds and where they were located. The storm water ponds are located in the open spaces, recreation areas, trails etc. they will be aerated and fenced with a depth between 3 and 6 ft. The flood plain was addressed also with findings that according to FEMA, that the area is outside of the 100 year flood plain. Commissioners Marvel and Kolbeck had concerns as to the increase in traffic and also in regards to a single entrance. DelDOT is currently reviewing the plans as they relate to the traffic and the entrance issues. Chairwoman Chandler also had questions about the buffer area shown on the plan with reference to the North and South benchmarks and whether or not they were sufficient, it was determined that with the wooded area that exists this area is adequate. She also had a question about an item in section #5, pertaining to Lot #38 and the 40 ft. right of way, it was explained that this is the norm that allows access for regular maintenance by the state along maintained roadways. Since there were 2 commissioners absent at the last meeting, Mr. Murray gave a review of the project to bring everyone up to speed. The plan was originally presented in 2005 as a cluster residential project with final approval given in 2008, but with that project having sunsetted, the projected is being be filed with the same basic plan except for minor changes that are required due to new rules and regulations. It was stated that the Planning and Zoning Commission only recommends approval of projects and that the Town Council has the final say and actual approval comes from them. Questions were raised as to when the plans for lighting and landscaping would be available and it was disclosed that these areas are addressed as part of the final review process. Commissioner Crater had concerns as to how the completion of the roads would be handled as there are several subdivisions in town that are still in

terrible condition because the final coating of asphalt has not be laid and driving is somewhat hazardous. Kyle Gulbranson of URS interjected that measures are now in place to insure that the roads are completed properly, through the issuance of bonds that guarantees funding of the roads. A motion was made by Commissioner Kolbeck to recommend preliminary plan approval and forward it to the Town Council for approval. Motion was seconded by Commissioner Quillen. All in favor. Motion carried.

3. Review Chapter 275 Article XII, Sign Regulations of the Dagsboro Code. Consideration of recommending an amendment to this ordinance to allow for digital/electronic signage in the Highway Commercial District. Kyle Gulbranson from URS presented a modified draft of the ordinance for digital/electronic signs from Georgetown that was reviewed at last month's meeting. The Indian River High School and Clayton Crossing have both requested signs of this type, the high school is moving forward because they are exempt from the sign regulations. The Dagsboro Volunteer Fire Department will have an electronic sign as they applied and received a waiver directly from the Town during site plan approval. Electronic signs would be allowed only on Rt. 113 in the Highway Commercial district, and the property would require actual frontage on the highway. A maximum of 75% would be available for the electronic/digital display, with no rapidly flashing or multicolor lighting allowed and no video signage. The acceptable speed for flashing information would be no less than 8 seconds. The sign would be free standing and there would not be any wall signs allowed on the buildings served by the sign and only 1 sign per shopping center. Clayton Crossing has 2 entrances, 1 from Clayton Street onto Royal Boulevard and another entrance on Rt. 113. According to the Millsboro ordinance #5, the sign must be certified and checked annually to see if it operates within ordinance standards. Chairwoman Chandler also had tweaks that needed to be made in section #1, that the word adjacent to Rt. 113 be changed to read on Rt. 113 as the interpretation of adjacent could vary and could result in unwanted signs and in section #7, public information should be changed to read public service/emergency information only. Kyle will take this information and revise it again for the next meeting.

New Business:

1. Review and discuss possible change of use for 33214 Main Street (previously (MNK Maintenance) Terry Bratten, manager and Patty Scanio of Dagswood, were present to represent the interests of converting the old filling station/cabinetry shop into a delicatessen. They have already started renovating the interior of the establishment to get ready to open their venture but have run into opposition from DelDOT regarding the entrance to the property. Several business there in the past who have used the entrances as they are now without issue. They would like to use the Southern entrance on Main Street only and block off the Northern one with planters/beams etc. DelDOT is saying that they must make a new entrance off of Cannon Street, across from the Serendipity Quilt Shop entrance. There is already a parking lot on the Main Street side of the property and a new entrance would involve major work and cost. There are also issues with right of way determinations and how the existing parking lot must be updated to be satisfactory. There are other issues to be discussed as the project progresses such as whether or not the parking lot must be paved or can be left gravel, ADA requirements and capacity issues which will be dealt with by the Department of Public Health and the Fire Marshall, but these can be addressed at a later date, the issue now is with DelDOT and the entrance. The commission agreed that the Deli could be an asset to the town and that would be a wonderful thing. Kyle Gulbranson from URS commented that the first step should be with DelDOT and the town to work out the entrance issue before jumping ahead to other matters. After much discussion a motion was made by Commissioner Kolbeck to recommend approval of the South Main Street entrance for Dagswood Deli to remain open and seconded by Commissioner Marvel. All in favor. Motion carried.
2. Review and discuss possible restaurant establishment at 33168 Main Street (previously Dagsboro Café) Janna Cavat was present to represent this project in a desire to open a pizzeria/breakfast establishment with delivery. Since the location has already been used for this before and is an approved use, the best plan of attack is for her to start obtaining all the necessary permits from the Department of Health, Fire Marshall and DelDOT and when she has received all these a business license can be issued by the town. They will be doing cosmetic work on the inside and hope to install new windows on the parking lot side

and out front in the future. In the event that they change the hours of operation in the summer or on nights and weekends this could be accomplished with a temporary variance at a later date with council approval. Ms. Cavat will begin obtaining the necessary approvals and submit all required documents to the town.

3. Preliminary review of Dagsboro's Comprehensive Land Use Plan to consider any changes and updates as required by the State every 5 years. The last review was back in 2009 and must be reviewed soon, it is not mandatory to make changes but you do need to review and if no changes are made write a letter to the state saying it will stay as it is. Kyle Gulbranson from URS commented that it would be best if the commission could devote an entire session to the review when other issues do not need attention and it was decided that May would be good as the only pending item is the sign ordinance. There have been minor changes since the last plan, the 2010 census showed the population at just over 1,000 compared to 500 in 2000, before the housing boom collapsed the projected population of Dagsboro in 2020 was 5,000 but that is unrealistic now, the town is still experiencing growth in several areas, Chapel Crossing, Woodlands and Prince George's Acres but not to the projected extent. The town is also no longer in support of the Blue Route By-Pass of Rt. 113. With all these items and more to consider it was deemed best to table this review until the next meeting when all members have had time to review the information.

Prior to adjournment there were issues brought up that need discussion concerning the acceptable use of colors and murals on the exterior of buildings in town, the quaint small town charm and integrity of the area should be maintained and this is something that should be discussed at a later meeting.

Adjournment: At 8:50 p.m. a motion was made by Commissioner Kolbeck to adjourn and seconded by Commissioner Marvel. All in favor. Motion carried.

Respectfully Submitted

Duane Kenton

Town Clerk