

Minutes of Meeting
Dagsboro Planning & Zoning Commission
Bethel Center-28307 Clayton Street
March 15, 2017

- I. Call Meeting to Order: Chairman Connor called the meeting to order at 6:00 p.m.

Those in attendance were: Chairman Brad Connor, Co-Chairperson Cathy Flowers, Commissioner Scott Crater, Commissioner Earl Savage, Town Administrator Cindi Brought, and Town Engineer Kyle Gulbranson. Commissioner Cindy Gallimore was absent. Please see the sign in sheet for others in attendance.

- II. Approval of Minutes:

- A. February 15, 2017 – Planning and Zoning Meeting minutes

Motion to approve February's meeting minutes was made by Commissioner Crater. Seconded by Commissioner Flowers. All in Favor.

- III. New Business:

- A. Discussion of Planning and Zoning Meeting dates – first Wednesday of each month going forward

The Planning and Zoning Commission will now meet on the first Wednesday of the month so that they are before the Town Council meetings.

- B. Paul Hardy – Proposal for the Town of Dagsboro

Paul Hardy was present with the Hardy Family Foundation, out of the Washington D.C. area. Mr. Hardy lives locally and has been here for twenty years. He has a Master's Degree from the University of Maryland and has been a sales director for a pest control service for twenty years. His father has passed and they are looking at different business avenues to use the money from his estate. His family is very interested in the Botanical Gardens and there are not many hotels in the area so they are looking for the blessing of the Planning and Zoning Committee and Town Council to do a small hotel in town. They really would like to be in the town, not at the beach. The hotel will be fairly small and will be a high-end hotel. They would like it to be a reflection of the Botanical Gardens. They would be doing different activities like taking vans to the beach and hosting gardening shows.

Commissioner Flowers expressed concern over the traffic in that area (33334 Main Street) since there are small streets and there are already a lot of accidents. Mr. Hardy replied with only twenty rooms, it would only be possibly twenty cars. Commissioner Flowers asked where they would have the traffic entering from. Mr. Hardy replied that without an architect's design, it is hard to answer that kind of question at this point. He would prefer an off-road entrance, but is open to the input from the Commissioners and Council members. Mr. Gulbranson pointed out that Del-Dot would have the final say on the entrance. Mr. Hardy replied that their initial thoughts were to have traffic enter off of the main

road and then they would have valet take their car around the back. Customers would then be able to exit out the back to where their car is.

Mr. Gulbranson explained that as far as zoning, the current town code only allows hotels out in the highway commercial district. Therefore, if Planning and Zoning were to recommend this project, the zoning would have to be changed. Mr. Hardy stated that is why he is at the meeting – he would really like to be near the Botanical Gardens. Mr. Hardy did mention that he knows until they build a name for themselves, they might not have much consumer traffic because it isn't really a hotel area. However, he does not want to go to the beach and be just another beach hotel.

Chairman Connor expressed concern about the vacancy rates – there might be more in the summer, but during the winter, there might not be much demand. As a business man, his thoughts are directed towards if this business will be profitable and if it makes sense. Mr. Hardy replied that for them it isn't just about making the money, they love the Botanical Gardens. Commissioner Flowers agreed and feels they would be empty a lot because of the proximity to the beach.

Mr. Gulbranson suggested that they may want to look into the property across the street and just north of the current proposed location that surrounds the old S&J Restaurant. Chairman Connor agreed that it is for sale and is ten acres. Mr. Gulbranson also noted that location might be a better location from an access point of view. He stated that years ago the owner (Mr. Mills) was going to put a Food Lion on the property, but it didn't happen. Mr. Hardy asked if it was due to a flood plain issue. Mr. Gulbranson stated that some of that area is on a flood plain, but he thinks that can be addressed. He did share that there is a power line adjacent to the west side of that property with a right-of-way underneath it of about sixty feet. He thinks the grocery store didn't fit, but for Mr. Hardy's purposes, it might work. Mr. Hardy mentioned that is a lot of land for their project, but Mr. Gulbranson mentioned he might be willing to subdivide it.

Commissioner Crater asked what Mr. Hardy envisions the hotel to look like – one story or two, will there be a restaurant, etc. Mr. Hardy responded that they would possibly use the existing structure and then going back behind it. It would possibly be two stories. He is not planning on having a restaurant on site. They want the gardens to be the focal point of the entire place. They do not, however, want to be the typical brick/cement type of hotel; they want it to look very nice. Chairman Connor clarified that this would be their own, custom project and not a main hotel chain. Mr. Hardy affirmed that they would not be a chain, but it is possible that they would use their software for the technology aspect.

They also want to have shuttles running to and from the garden and to and from the beach. Commissioner Flowers asked if the shuttles would be a smaller van or a big bus. Mr. Hardy replied that it would be a ten passenger van, at the most.

Mr. Hardy stated he would not want to open until the gardens are close to open so that could be possibly another two or three years. Chairman Connor clarified that even if Planning and Zoning would recommend this project, Town Council may not approve it. He wanted Mr. Hardy to understand that he would have to do some preliminary work and there is no guarantee it would be approved. Mr. Gulbranson stated that Planning and Zoning would have to recommend the town zoning change to allow the hotel. Mr. Hardy replied that he understood. Mr. Gulbranson also mentioned that the town does not have conditional uses so changing the zoning code is the only option. Mr. Hardy asked for clarification about the "mixed use" term. Mr. Gulbranson responded that the Town Center lists specific businesses that are allowed. Hotels are not listed, but there are bed and breakfasts that are capped at eight units.

Mr. Hardy asked what his next step would be. Commissioner Crater and Chairman Connor both responded that he would need plans. Mr. Gulbranson suggested that he could just have a rendering for a conceptual idea like this and that he wouldn't need official engineering plans at this point in time.

Mr. Hardy also asked for any initial opinions on the project. Commissioner Crater stated that he likes the idea of a quaint hotel on Main Street, but his concern would be that it would be too commercial. He would want it to fit in with the town. Mr. Hardy asked if there were any opinions on the look of the Clayton Theater.

Mr. Hardy also shared that his son, Clayton Hardy, through his mother's side of the family, is supposedly related to John M. Clayton so there is possibly a historical tie to the community. Chairman Connor informed Mr. Hardy that when he has the renderings ready, he can let them know and come to the next meeting.

Commissioner Flowers stated that she is very concerned about that location in regards to the traffic. Mr. Hardy replied that it is only twenty rooms and asked if that would make that much difference. Commissioner Flowers said that she thinks it would. Mr. Hardy thought maybe some of the people staying at the hotel to volunteer at the gardens could park at the gardens and take the shuttle back and forth. Mr. Gulbranson pointed out that the Mills property has a lot of road frontage and the entrance could be further away from that intersection.

Commissioner Crater asked if the Botanical Gardens will have seasonal hours. Mr. Hardy replied that he thinks it would. Commissioner Crater then asked if Mr. Hardy is affiliated with the gardens. He is not; by volunteers/workers, he meant scientists or people that will be coming from out of town for short periods of time.

IV. Old Business:

A. Discuss Delaware National Guard Project

This project will just need preliminary approval for the Town Council meeting. The new plans will be in for that meeting. The only change is that they removed the water tanks. Commissioner Flowers made a motion to accept the preliminary approval of the National Guard project. Second was made by Commissioner Crater. All in favor.

B. Continue review of sign ordinance

Mr. Gulbranson made a chart of the components of the Bethany Beach and the Dagsboro sign ordinances to compare them. The first one he looked at was the clearance – how high and how far out from the building the sign can be. The Bethany ordinance has a vertical requirement of eight feet; the bottom of the sign must be eight feet above the sidewalk. The Dagsboro code is a little different because on a public right-of-way or alley, there is a twelve foot vertical clearance requirement, but only eight feet everywhere else. Councilwoman Flowers clarified if this would be because a truck would need clearance. Mr. Gulbranson responded that is correct and he recommended they keep that part of the ordinance the way it is.

For the horizontal requirements, for signs that are attached to the building, Bethany Beach allows the sign to project out over 2/3rds of the sidewalk. Dagsboro's town code states three feet for an awning

sign and three and a half feet for a marquee sign. Suspended signs must be at least twelve inches from the building.

Commissioner Crater asked if twelve feet high is too high and if it should be lowered to eight. Mr. Gulbranson said they should look at it from the perspective of the right-of-way, other than that, Dagsboro's code is the same. Chairman Connor stated he thinks eight feet is better. Mr. Gulbranson thought about Healthy Habits. They had a free standing sign, however, when they did their survey, they found out that the sign was actually in Del-Dot's right-of-way and they had to take it down. Chairman Connor remembers that they didn't even ask about signs or do any sign permits, but then were made when the town told them to take the signs down.

Mr. Gulbranson summarized that the vertical clearance is the same in Bethany and Dagsboro, except for the right-of-way issue. Commissioner Crater asked Mr. Gulbranson to define the right-of-way and if Porto's sign at the sidewalk is in the right-of-way. He replied that the right-of-way is Del-Dot's or the town's right-of-way that the street is built in and it varies by location – it's a different width in every part of town. When a survey is done, the Del-Dot or town right-of-way should be defined on that survey. Most properties on Main Street have the sidewalk included in the right-of-way. Commissioner Crater stated that Porto's sign is over the sidewalk. Mr. Gulbranson replied that is a good example because the pole is not in the sidewalk, but there is overhang over the sidewalk so according to the code, it should have twelve feet of clearance. Mr. Gulbranson suggested that he doesn't think they should change that. Commissioner Flowers agreed that twelve feet is good.

Chairman Connor mentioned the sign at Charles Moon Plumbing. Commissioner Crater stated he thinks that sign is illegal anyway. Mr. Gulbranson stated he didn't bring that part tonight because of a lack of time, but that he did find two and half pages of inconsistencies between the town code and the design standards. Commissioner Crater asked how the right-of-way would be found out. Mr. Gulbranson stated it would have to be from that property's survey. Commissioner Crater asked if the town gets a copy of the survey. Mr. Gulbranson stated if the sign is in question, yes, they would request to see the survey. Commissioner Crater clarified that there is nowhere they could go if they wanted to check somebody's survey. Mr. Gulbranson replied that some properties do have a survey on file, but some properties would have a survey that is forty or fifty years old. He doesn't think not having the surveys is very important, unless there is an issue. Mr. Gulbranson suggested they could state that any free-standing sign requires a survey. This would also help to discourage the freestanding signs.

In looking at freestanding signs, Bethany does allow freestanding signs, but they can only be a maximum of fifteen square feet. Dagsboro allows thirty-two square feet. Mr. Gulbranson stated he is not sure why anyone would bother with a fifteen square foot sign and Chairman Connor agreed it wouldn't be very noticeable. Mr. Gulbranson suggested that if they do keep freestanding signs that the size be lowered. Chairman Connor suggested twenty-four square feet. Commissioner Crater suggested following the Bethany code of fifteen square feet. Chairman Connor agrees that would be fine or he would be fine with the compromise of twenty-four square feet. Commissioner Flowers and Commissioner Savage liked the compromise of twenty-four square feet.

As far as the height of a freestanding sign, Bethany allows the maximum of fifteen feet. Dagsboro's maximum height is sixteen feet. Mr. Gulbranson did share that Millsboro updated their code and made the maximum out on Route 113 to be twenty feet so if out on the highways allows only twenty feet, and Main Street in Dagsboro allows sixteen, sixteen is pretty tall for the area and suggests bringing it down a little, to maybe fourteen. Commissioner Savage mentioned that the cars are traveling faster through

town here than in Bethany. He also mentioned the sign for the high school is hard to read unless the driver slows down. His concern is that if a sign is too small, people won't be able to read it.

Mr. Gulbranson summarized the decisions made to this point. They are keeping the vertical requirements of eight feet (or twelve feet for the right-of-way). For the horizontal requirements they are going to follow Bethany's requirements of no more than two-thirds of the sidewalk.

Dagsboro's code has no requirements for construction signs. Bethany allows four different construction signs on a site (so four different contractors could have a sign). Mr. Gulbranson said this would probably only happen on a large site, such as out on the highway. Chairman Connor mentioned that the Parkers have purchased the old doctor's office on the highway and he mostly does shopping centers so that is probably coming soon. Mr. Gulbranson stated that is a good point – that currently, the highway requirements are the same so they might want to make these changes for Town Center district only and separate out the highway.

Bethany allows real estate signs in the residential areas that are up to 288 square inches and in commercial areas up to 32 square feet. Dagsboro allows anywhere in town, a four square foot sign to advertise a property for sale. Just recently a person wanted to put a larger sign up on property that is for sale on the highway, but the town code wouldn't allow it. Mr. Gulbranson shared that Sussex County recently updated their code and they found out that for years realtors have been putting up illegal signs because the county code only allows twenty-four square feet. Chairman Connor asked if the 288 square inches is the standard size for the real estate signs. Mr. Gulbranson stated he thinks it is. He suggested they keep the four square foot requirement that the town currently has for residential and use Bethany's requirement for the commercial. Commissioner Crater mentioned that the 288 square inches is actually two square feet so it is smaller than the current regulation, but that he is fine with it.

Chairman Connor clarified that they do not need a sign permit for the real estate signs – they just have to adhere to the size. Mr. Gulbranson stated that the town has been requesting commercial properties to get a sign permit. Commissioner Flowers asked if the real estate signs section addresses the open house signs. Mr. Gulbranson responded that those are temporary signs. Chairman Connor stated that usually those are put in on the weekend and taken right back out so they cannot get caught and there isn't much that can be done. Mr. Gulbranson shared that the Town of Millville banned the temporary signs for any advertising of developments outside of the town limits of Millville and that every Friday afternoon the code enforcement officer rides around town to check.

For the set-backs, the language between Bethany's and Dagsboro's ordinances is similar, but Bethany includes a diagram. Bethany does have language that includes a clear sight triangle, which Mr. Gulbranson thinks is good to have and recommends that it would be incorporated into Dagsboro's code. Bethany's code requires thirty feet. Commissioner Crater mentioned that if Moon Plumbing was new and this was the code, his current pole sign would not be allowed. Mr. Gulbranson confirmed that is correct. Commissioner Crater asked if thirty feet was too big. Mr. Gulbranson agrees that it is and might need to be scaled down. He suggested that they use twenty feet and have it measured from the corner. Commission members were in agreement.

The next section was residential signs. Mr. Gulbranson and Chairman Connor are not aware of any issues with residential signs in town. He recommended keeping this section as is, especially since there is not much different.

Next, the commission looked at wall signs. There are some differences here. Bethany allows a lot more signage than Dagsboro. Bethany allows two signs per tenant space in the CL-1 district – one primary wall sign and two secondary signs are permitted per building. The total area cannot exceed fifty square feet or fifteen percent of the building face, whichever is less. Commissioner Crater asked what the CL-1 district is. Mr. Gulbranson and Chairman Connor specified that it is the downtown area. Chairman Connor pointed out that those areas also don't really have land so that is why so many wall signs are allowed.

Mr. Gulbranson shared that Bethany also has a Sign Review Committee that reviews all signs before a permit is issued. It would need to be a group of people who would be able to gather together fairly quickly so that businesses do not need to wait too long for a sign. Town Council would not work as well for this committee because it would be hard for them to meet within a couple of days.

Mr. Gulbranson also recommended using a sliding scale based on the size of the building. Commissioner Crater asked if there would still be a ceiling. Mr. Gulbranson and Chairman Connor agreed there would have to be. Currently, only one wall sign per business is allowed. Commissioner Flowers thinks if a business is on a corner, they should be able to have more than one wall sign. Mr. Gulbranson agreed that they should have one sign per street face. Commissioner Crater asked if a business has two signs, if there would be a square footage not to be exceeded. Chairman Connor and Mr. Gulbranson agreed there would be a limit not to be exceeded, but that it should be scaled based on the size of the building. Mr. Gulbranson did ask the Commission to consider if they allow a business to have two wall signs, how they would feel if one of those sides faces a residential neighborhood. They could not think of an example of this currently. There are some business that face houses, but the houses are still in the Town Center district, not a residential district.

The next category is awning signs. Mr. Gulbranson pointed out that Dagsboro's awning requirements are not much different than Bethany's. Commissioner Crater mentioned that the problem with the awning signs is that everybody questions whether something is considered an awning or not, just like Moon Plumbing in the past. Mr. Gulbranson agreed that the definition of awning needs to be clarified. Commissioner Crater likes that Bethany only allows awning signs as a last resort because if the business were to close and took the awning sign with them, it would leave the frame on a building and it would not look aesthetically pleasing. Mr. Gulbranson mentioned an awning is a temporary structure added to a building, it is not permanently attached to the building. He suggested keeping the wording that Bethany uses and allow awnings only as a last resort. Commissioner Crater asked how high an awning has to be. Mr. Gulbranson answered that it must have eight feet of clearance. He suggested the definition of an awning should state that it is a weather protective structure made of non-permanent/temporary materials such as cloth or vinyl. Mr. Gulbranson asked if the Commission feels it is worth the time to change the wording for awning signs or if they just want to say they aren't allowed. Commissioner Flowers pointed out that there are a couple of awnings in town, the barber shop and the beauty parlor, and the beauty parlor does have a sign on the awning. Commissioner Savage asked about an aluminum awning. Chairman Connor and Commissioner Crater agreed it would be an awning if it could be removed. Commissioner Savage stated that a business could have an awning without it being a sign. Chairman Connor agreed and stated that is how the barber shop awning is.

Projecting signs were the next type of sign to consider. Dagsboro only allows projecting signs to be six square feet, but Bethany allows sixty square feet. Commissioner Crater mentioned that Bethany has taller buildings and people would be looking up to a second story of a building. Chairman Connor and Commissioner Crater agreed that Bethany's ordinance of projecting signs is good. Mr. Gulbranson

agreed that if the projecting sign requirements were larger, it might encourage businesses to use those instead of the freestanding signs. He also suggested following Bethany's requirement that projecting signs must be at least ten feet apart from each other and that there is eight feet of clearance.

Window signs were also examined. Commissioner Crater stated window signs look nice, referring to a coffee shop that paints the sign on the window, but then asked if they are referring to the open signs placed in a window. Bethany does not have a definition of window signs, so Mr. Gulbranson suggested that would need to be defined. Commissioner Flowers mentioned the murals and paint done on Dagsboro Paint and Wallpaper windows and stated she likes that. She also pointed out that the current definition says it is a sign installed on the inside or outside of a window that is visible from the sidewalk or street. Mr. Gulbranson questioned using the term "installed" and suggested revising the definition of a window sign. Bethany allows a larger window sign, but again it is scaled to the size of the building, but not to exceed twenty-four square feet. Dagsboro's cap is six square feet.

Mr. Gulbranson considers sandwich boards to be more of a temporary sign. Chairman Connor mentioned that those signs are the type that people sneak out on the weekend and don't follow sign ordinances for. Commissioner Crater feels those signs can add to the small town charm. Commissioner Flowers pointed out that Bethany does prohibit these signs from being in the public right-of-way. Dagsboro only allows a two-by-three foot sign, but Bethany allows up to eight square feet. Mr. Gulbranson stated he is not sure if they allow eight square feet total or eight square feet per side. Chairman Connor and Commissioner Crater agreed a two-by-four still isn't very big.

Mr. Gulbranson asked the Commission if they wanted to address residential signs since it has not been an issue. Chairman Connor stated that he doesn't think it applies to anything. The discussion moved onto mural signs. Commissioner Crater pointed out that the ordinance states a mural can be on any wall and that there is no limit, which is not a good thing. Mr. Gulbranson pointed out that a mural that is not advertising anything is just artwork, but a mural that is advertising something is another sign. Commissioner Crater believes any mural should have an advertisement and be considered a sign. Commissioner Flowers disagreed. Commissioner Crater clarified that the town couldn't say anything about a regular mural, but they would be able to regulate a mural if it is advertising the business and related to the business. Mr. Gulbranson suggested that it just state that any mural advertising a business must meet the requirements of the sign ordinance. Chairman Connor agreed and stated then the committee could see it and approve if it fits the theme of the business. Commissioner Flowers asked about the beach themed murals that people use. Chairman Connor said they would not be excluded; it would just be to make sure it isn't something inappropriate.

Mr. Gulbranson will write up the recommendations that the committee has come up with so that they can compare them. Commissioner Flowers stated that another project for the committee will then be to look at the discrepancies in the design standards.

V. Adjournment:

Motion to adjourn was made by Commissioner Savage and seconded by Commissioner Flowers. All in favor.

Respectfully Submitted,
Megan Thorp, Town Clerk