

Minutes of Meeting  
Dagsboro Planning & Zoning Commission  
Bethel Center-28307 Clayton Street  
May 12, 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. Please see the sign in sheet for others in attendance.

- II. Approval of Agenda

Commissioner Flowers made a motion to approve the agenda. Commissioner Crater seconded the motion. All in favor.

- III. Approval of Minutes:

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

Commissioner Savage made a motion to approve the March 15, 2017 meeting minutes. Seconded by Commissioner Flowers. All in favor.

- IV. New Business:

- A. Review and Recommendation to Town Council Regarding Heather's Homeworks – Peter and Heather DeMarie presentation request for additional parking at 29475 Vine's Creek Road (Dr. Adkin's Office)

Peter and Heather DeMarie are removing the pond that used to be on the property and would like to make between 15 and 20 parking spaces for their employees available, using gravel.

Mr. Gulbranson stated the town code would require a buffer between this business and the residential home located behind it. The DeMarie's stated their newest drawing has moved the parking closer to the business and there will now be a grass buffer in between. Commissioner Flowers was concerned about the noise from a business parking lot and found this change to be more favorable. She asked what their employee shifts tend to run. Mrs. DeMarie stated they are 8am to 6pm, with a night shift two nights a week that consists of just two ladies from 5pm to 10 or 11pm. They do not have Sunday hours, but they do a lot of Saturday rentals.

Chairman Connor asked Mr. Gulbranson if a buffer is still needed since the parking has been moved. Mrs. DeMarie stated there is a magnolia tree and then a cluster of trees already in place.

Commissioner Crater pointed out that the town code states parking should be paved. Mr. Gulbranson stated that the Planning and Zoning will need to discuss and decide if the pavement will be required immediately or if they would like to set a time frame for the DeMarie's to pave the parking area. Commissioner Crater agreed that paving a parking area is expensive, but would like to have a set time

frame for when the paving will be done. He stated Jayne's Reliable had that option, but chose to pave right away. Mr. Gulbranson stated that Blossom's chose to use gravel at first and then they paved their parking lot within two years. Commissioner Flowers stated paving is easier on employees and customers than gravel because gravel is easier to slip, trip, or fall on. However, she also realizes that the cost might not be feasible right now. Mr. Gulbranson and Chairman Connor both stated if they use crusher run, it would be a good base for paving later and is better than gravel.

Mr. Gulbranson stated that with ADA standards, they would need two handicapped spaces for the number of spaces planned. Mr. DeMarie replied that those would be marked right up front. He also pointed out the buffers they added so that the parking lot would not be easily seen.

Commissioner Crater asked Mr. Gulbranson what needs to be done with the code for this situation or if it is just done on a case-by-case basis. Mr. Gulbranson shared that the Town of Georgetown has just updated its parking code for similar reasons and their new wording is that the Planning Commission has discretion over the parking requirements. He recommended that they set a time frame for the DeMarie's and then during that time, can look into a code change. Mr. DeMarie stated they would like to ask for five years. Commissioner Crater feels like that is a long time. Mr. Gulbranson suggested two years. Commissioner Crater and Chairman Connor were in agreement for two years and then the situation can be re-evaluated, if needed, because two years is enough time to see if there are complaints or issues with the gravel. Town Administrator Brought also agreed that two years would be long enough to see if the code change goes through as well, if they choose to go that route. Mrs. DeMarie stated that they do want the property to look nice since they are a cleaning business and their appearance does represent their company.

Mr. Gulbranson asked if it is less than 5,000 square feet. Mrs. DeMarie answered that it is; it is 4,800. Commissioner Savage feels the town needs to do what they can to make it easier for businesses to move into town, but also feels that there is a code for a reason and it should be adhered to. Chairman Connor agreed that the code could be examined.

Commissioner Crater made a motion to approve the gravel parking lot for two years, with the DeMarie's adding the required buffers. Commissioner Savage seconded the motion. All in favor.

B. Review and Discussion for Recommendation on the De-annexation Resolution  
(Hearn/Bireley property)

Chairman Connor stated that the property owners are claiming the \$750,000 for sewer is a hardship, but the property owners would not have to pay that to sell the land; it would be the developer. He and the Town Administrator have also been in contact with Sussex County, who states that is not a fixed number and they will work with the property owners. Mr. Gulbranson understands that there has not been any kind of engineering design. They would have to put in a pump station and a pump station is anywhere from \$500,000 to \$750,000 so that is where that number is coming from.

Chairman Connor stated the developer would just divide that cost into the houses they build and sell so they don't have to pay it in the long run and the Bireley's would never have to pay this if they are selling. If they de-annex, the County could tell them they don't allow the number of houses requested or that sewer is required so the cost would still be there anyway.

Mr. Gulbranson has spoken to Mrs. Bireley and she told him that they were planning on selling the property for development and when they found out how much the sewer improvements would be, they put it on hold. They are getting information from their realtor is that without sewer, they would have to sell all 18 acres to one person or to divide it into farmettes and the Town of Dagsboro does not allow horses, livestock, etc.

Chairman Connor pointed out that if they go back to the County, they will not be able to access our water so they will have to treat their water. His other concern is that the tax payers are paying all of the legal fees for this de-annexation process. Town Attorney Witsil has already been paid thousands of dollars for what has been done so far and it will only continue to rise. Mr. Gulbranson stated map changes will need to be done also. Commissioner Crater added that in 2009 the town paid for them to annex into town. Mr. Gulbranson stated that Bireley's did have to pay an annexation fee then.

Commissioner Crater stated that to de-annex, it is a process. Mr. Gulbranson stated that the true process for a de-annexation is a referendum and an election. He recently went through this in Millville and the State Planning Office told him that they have never had a de-annexation.

Commissioner Flowers feels it is unfair to the tax payers to pay for this process and that the reason the town is hesitant to do things is because it sets a precedent. This would set a precedent to neighborhoods that there have been issues with and they might say they want to de-annex also. In the end, the property owners will sell the land and make a profit and she feels it is not fair that the town will be needing to work out the costs in the budget. Town Administrator Brought shared the taxes from this property that the town makes is about \$590.

Commissioner Savage stated that when you look at the pros and cons of de-annexing this property, he is hearing that the cons outweigh the pros. Commissioner Gallimore asked for clarification on what the hardship for the family is – if it is because the property will be harder to sell or something else. Mr. Gulbranson and Town Administrator Brought replied that they are claiming because it is in town, it is harder to sell the property because it limits the use.

Chairman Connor said that they have to do what is in the best interest of the town and he doesn't see how this helps the town – you don't recommend something that is going to cost money. He understands this will lead to hurt feelings, but that this costs the town money.

Commissioner Crater suggested they look into the future also. If a developer buys the property and puts homes on the land, the town would get taxes from those homes. Allowing them to de-annex is also potentially throwing away future revenue. Chairman Connor agreed that a developer would eventually buy the property and the current owners would never have to pay this fee. Commissioner Flowers suggested another option being that if they want to de-annex, they could, if they pay what it is costing the town in fees, staff hours, etc.

Chairman Connor doesn't want to hurt anybody, but feels they need to do the right thing for the town. Mr. Gulbranson is curious as to how the property is being marketed. Commissioner Flowers doesn't live far from the property and would not be opposed to a farmette with horses so that is a possibility to help the property owners avoid the financial hardship. Mr. Gulbranson stated that Frankford adopted an ordinance that does allow farm animals if they have a certain sized property. Chairman Connor stated that the sewer issue would still be there even if the property would split into three farmettes. The property would probably not be approved for septic and even if it were, each of those three would have

to pay for septic installed and Commissioner Crater mentioned, septic systems don't last forever, whereas the pumping station would.

Commissioner Savage agrees. He knows the owners and thinks highly of them and doesn't want to upset anybody, but at the same time, the Commission has a job to do and they need to do their job.

Commissioner Crater made a motion not to approve the de-annexation of the Hearn and Bireley property due to the financial hardship to the town. Commissioner Savage seconded the motion. All in favor.

V. Old Business:

A. Delaware National Guard Armory – Review for Recommendation

Mr. Gulbranson stated they made changes based on what was previously recommended. Screening and landscaping have been added, and water tanks went away.

B. Discussion of Bethany Beach Sign Ordinance and Future Ordinances

Chairman Connor stated he thinks the sign ordinance is important, but that the issue is the cost for the town. He asked Mr. Gulbranson about how many more hours he thinks it would take. Mr. Gulbranson replied that he thinks they are at the point where the ordinance can be drafted. He stated that the signs are the most difficult of the ordinances to deal with.

VI. Adjournment:

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

Respectfully Submitted,  
Megan Thorp, Town Clerk