

Minutes of Meeting
Dagsboro Planning & Zoning Commission
Bethel Center-28307 Clayton Street
July 13, 2017

I. Call Meeting to Order:

Co-Chairperson Cathy Flowers called the meeting to order at 6:00 p.m.

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

II. Public Comment:

No public comment was made.

III. Approval of Minutes:

A. June 8, 2017 – Planning and Zoning Meeting minutes

Commissioner Savage made a motion to approve the June 8, 2017 meeting minutes. Seconded by Commissioner Crater. All in favor.

IV. New Business:

A. Kern – Old Heathman Jewelers Parking for Business

Matt and Karen Kern own the property that was Heathman Jewelers and would like to open a small restaurant, but do not have parking on the property. They have contacted the Masons across the street and were told they meet once a month on a Tuesday night. Mrs. Kern stated she also contacted Steve Parsons and was told they could use his Law Office property for parking and that he would send something to the town about it. She knows customers would not park there, but they could use it for the employees to park. Customers could then park on the street or use the parking lot at the Masons.

Co-Chair Flowers asked if the restaurant would be open for all three meals. Mrs. Kern replied that they would start with only offering dinner, but would probably eventually add lunch. Mr. Kern stated the lunch would not be offered every day because the food they will be serving takes a lot of time to prepare and he won't have a lot of people to help. He would also like to offer brunch on Sundays since there are not any businesses in the area that offer brunch. The restaurant would then close after brunch and remain closed on Mondays so that they would have a day and a half off each week. Mr. Kern has reviewed the numbers and sees the business as being profitable. They have seen the amount of traffic the town has and the types of restaurants in the area. Most restaurants in the area use Sysco and do not promote local products. Mr. and Mrs. Kern are aiming to be as close to 100% local as possible, even down to grains. Some items will need to be subsidized from Pennsylvania, Maryland, or Virginia. As far as seafood, they will get as much off of the Chesapeake as possible.

Mr. Kern has experience working for some of the best restaurants in the country when he lived in New York. He has seen how larger restaurants attempt to use local products, but are looking at mass products. They would like to keep their business small to make using local products more feasible. Mr. Kern already has been in contact with eighteen local farms that are signed on to subsidize local products for the restaurant. Some also have longer growing times and are willing to grow the produce that the Kerns request. They do not plan to be a high-end, fine dining establishment, but they would like to provide good food in a comfortable environment that is affordable. They like the small-town feel and are hoping to be a destination restaurant – bringing people from all around to Dagsboro since there are no other similar restaurants. They have some rough business models and are still working on them and would like to move forward with getting approvals.

Mr. Gulbranson stated that parking is the biggest hurdle for this location. Originally, the Kerns had thought of putting a parking lot in behind the building and using the movie theater as an access point. Mrs. Kern shared that the owner of the theater was open to this, but after talking to her lawyer, she wouldn't sign an agreement because if she were to ever sell the property in the future, she didn't want the easement attached to her property. The Kerns had also considered purchasing a small portion of the Bodenweiser property on the other side, but the owners were unwilling to sell. This has left them less than the required space for customers to drive through to get to the parking lot.

Mr. Gulbranson stated for their size, they are required to have fifteen parking spaces and that the Town Center District allows for off-street parking and on-street parking. There is a requirement for the parking to be within 500 feet of the business so the Parsons property would not work, but the Masonic Lodge would. Mr. Gulbranson suggested to the Kerns that they speak with the owner of the old produce stand.

Commissioner Crater asked if anybody knows how many cars can fit, legally parked on Main Street. Mr. Gulbranson shared that when they went through the downtown development standards, they discussed that if the parking on Main Street was painted, people would realize that they could park there. Commissioner Crater also asked where the "within 500 feet" requirement for parking came from. Mr. Gulbranson replied that it was made because they wanted the parking within walking distance. Commissioner Crater pointed out that the drawing looks like the building that the Kerns now own is actually on the property line. Mr. Gulbranson stated that the Sussex County maps do not match up correctly because it is an aerial photograph and taken at an angle, leaving everything off by about twenty feet.

Commissioner Crater confirmed with the Kerns that they own the property behind the building and asked how many cars could fit there for parking. Mr. Kern stated that they calculated at least fifteen cars could fit, but that they would need to extend the building a little for a kitchen and office space. Co-Chair Flowers stated the problem is that there is not enough clearance on either side of the building to get behind the building if they put parking there. Commissioner Crater asked if the property would be considered land-locked, but Mr. Gulbranson stated that it has road frontage on Main Street. Commissioner Crater compared the Kern's property to the Chandler's, another property in town that has frontage on Main Street, but has an easement in the back and suggested something similar would be advantageous for the Kern's property. He suggested they could knock the building down, park in the front and move the building to the back or have an attorney investigate how they can get access to the property that is land-locked. The Kerns are hesitant to knock the building down because the Heathman Jeweler's building has been there so long. Mr. Gulbranson stated that the property does have access from the Main Street so it isn't land-locked. Commissioner Crater again brought up the other property in town and how they have road frontage and access to all of their property from Main Street, but also

have an easement in the back, meanwhile, the Kern's do not have access to all of their property from Main Street. Mr. Gulbranson stated it is a much larger property.

Mr. Kern stated that they realized this issue was probably just lost as they town grew, starting back in 1948 because things change like the regulations and legislation. They want to make sure they work with the town and follow the rules. They have spoken to the owners of the property next door and even though that property is not for sale, they are open to selling it for \$195,000. Commissioner Crater suggested they buy the amount of property needed and asked how much that would be. Mr. Gulbranson estimated twenty-five feet. Mrs. Kern stated she doesn't see that as an option.

Co-Chair Flowers asked if they have considered what they will do about a dumpster. Mrs. Kern replied that the owner of the Clayton Theater is okay with them using their driveway for a dumpster. Co-Chair Flowers also asked how many people the restaurant will be able to seat at one time. Mr. Kern replied that they will have around 62 seats; 68 if they have some outdoor seating. They will have a bar, if they can get approved for a liquor license, but will only serve local beer, no shots, and will not be open late at night.

Mrs. Kern asked if the produce stand and the Masonic Lodge turns them down, what they would do for parking. Commissioner Crater suggested that they use the on-street parking, but that it is first-come, first-serve parking. Co-Chair Flowers stated that when a movie is playing, the street is already full, but that the timing may work out. Mr. Kern stated that with the dumpster, they will not need a large one like other restaurants. He has four farmers already interested in picking up the organic waste, which most restaurants have about 45% to 50% of the waste is organic waste. They also would then have recycling. Where he currently works, they wheel out the bins from the back to the front. This would make it easier on the waste removal company as well. Mr. Gulbranson stated it seems like they would have room for a pathway beside the building and Mr. Kern agreed and said the right side of the building has about six and a half feet.

Mrs. Kern asked where or to whom they would present the on-street parking idea. Mr. Gulbranson asked if Del-Dot has already been contacted. Mrs. Kern replied that when they first purchased the property, Del-Dot informed her that they have on-street parking and are okay. Mr. Gulbranson suggested the next step would be for the Kerns to contact the property owners previously discussed and see if they can work anything out with them and the town will make some calls to verify on-street parking.

The Kerns also shared renderings of what they are planning for the building. Commissioner Crater asked about the sign on the awning. Mr. Kern replied that they will be removing the awning completely. Commissioner Crater stated they have a big bar. Mrs. Kern replied the bar will seat 22 and then there will be seating for 56 more in the restaurant. Town Administrator Brought asked if people will be able to just sit and drink at the bar or if it will be like Cactus Café, in which patrons must purchase dinner also. Mrs. Kern stated they won't be required to order dinner. Co-Chair Flowers asked if it will be like Nectar and Mrs. Kern replied that it would. Mr. Kern replied that a big portion of the bar will be a raw bar. Co-Chair Flowers also informed the Kerns that Dagsboro was a dry town, until recently and that many of the commission members were opposed to liquor in the town. Mr. Kern stated that their alcohol prices will be higher than a regular bar because there are so many breweries already in the area so it will be more for those that want a drink with dinner. Mr. Gulbranson stated that the Town Center District restricts the last call to 10:00 p.m. Mr. Kern stated they will have a small menu of high-end cocktails, some choice

beers, and some nice house wines – liquor that compliments the menu, not liquor that people would go out just to drink.

Commissioner Crater asked what the next step is. Mr. Gulbranson stated the Kerns should contact the property owners discussed about parking and he would contact Del-Dot about the on-street parking. Commissioner Crater asked if the property owners need to be contacted if the Kerns can just use on-street parking. Mr. Gulbranson suggested they still contact the property owners as a back-up plan.

Commissioner Savage asked if consideration has been put into people crossing the street in that area. He stated that somebody trying to cross on a Friday or Saturday would not be able to get across. Town Administrator Brought confirmed that she has to use the crosswalk at the light to be able to get across. Mr. Gulbranson asked what people do currently when going to a movie. The Commission members stated people just cross. Co-Chair Flowers stated that Del-Dot has been asked about a crosswalk at Bethel Center and they wouldn't do it. Commissioner Crater asked if the town could be sued if somebody were to get hit. The response was no. He stated that they don't want anybody to get hurt, but that the town can't be liable and the Kerns can't be liable.

Mr. Gulbranson informed the Kerns that once they move forward with on-street parking, they will need to come back to Planning and Zoning with site plans and the parking would be part of the approval process. Commissioner Crater suggested they contact the property owners of the lot behind Charles Moon Plumbing, since they have a lot to sell. He asked if there was a way to figure out how many cars would need parking for the restaurant. Mr. Kern said the average party is two to four or three to five, which would usually arrive in one car so it would average between 25 and 30 vehicles for them to be completely full.

V. Old Business:

A. Kyle Gulbranson – Sign Ordinance Changes

Mr. Gulbranson went through and made a draft of the changes so it would be ready if the Commission is looking to submit it to Town Council or Attorney Witsil for changes in ordinance format. It has the definition section and then Chapter 275, Section 74 are the changes for the Commercial District Sign Ordinance. The majority of the changes made just apply to the Town Center District, but there were a few changes that applied for all the commercial district.

Mr. Gulbranson stated the changes will be much easier to enforce. Co-Chair Flowers agreed that not only will it be easier for the Town Administrator, but also for potential businesses coming to town to understand because it isn't as confusing. Commissioner Crater asked if murals are addressed. It was stated that murals were a part of the discussions, but no decisions were made. Mr. Gulbranson feels a mural is art if it is not naming the business or advertising for it.

Commissioner Crater asked if someone does not meet the sign requirements, if they would be given a grace period or if they would be grandfathered in forever. Mr. Gulbranson replied that the code states that if the business changes hands or the building is vacant for a year, it must become compliant.

VI. Public Comment:

There were no public comments made by the audience.

VII. Adjournment:

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

Respectfully Submitted,
Megan Thorp, Town Clerk