

Minutes of Meeting
Dagsboro Planning & Zoning Commission
Bethel Center-28307 Clayton Street
February 1, 2018

I. Call Meeting to Order:

Chairman Brad Connor called the meeting to order at 6:00 p.m.

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

II. Reorganization of Planning & Zoning Commission – Nominations and Vote

- A. Chair – Cathy Flowers nominated Brad Connor to continue as Chairperson. Scott Crater seconded the nomination. All in favor.
- B. Vice Chair – Brad Connor nominated Cathy Flowers to continue as Vice-Chairperson. Scott Crater seconded the nomination. All in favor.
- C. Secretary – Brad Connor nominated Town Administrator Cindi Brought to continue as Secretary. All in favor.

III. Public Comment:

No public comment was made.

IV. Approval of Agenda

Commissioner Savage made a motion to approve the agenda. Vice-Chair Flowers seconded the motion. All in favor.

V. Approval of Minutes:

- A. September 14, 2017 – Planning and Zoning Meeting minutes

Commissioner Savage made a motion to approve the September 14, 2017 meeting minutes. Seconded by Vice-Chair Flowers. All in favor.

VI. New Business:

A. Review and Discussion of proposed Restaurant/Bar (33262 Main Street – Old Heathman’s Jewelry Store)

Mr. Gulbranson informed the Commission that the Kerns are looking for a change of use and site plan approval from the Town. AECOM has done a preliminary review of the configuration of the restaurant and the site plan. They will be expanding the building by about 1,500 square feet, which is in the parameters of the Town Center zoning district. The new building will be in conformance with the requirements for the district. The only issue Mr. Gulbranson found is that the Town Center district requires an eight foot setback and on the north side of the property, the building is on the property line so it is non-conforming in that respect. However, it pre-dates the zoning code so it is grandfathered in. The addition does not make the non-conforming aspect worse – it just continues the building line with the property line on the north side and all of the other setbacks are within the code. The Town Center zoning district does have specific requirements for restaurants, such as a percentage of seating area versus bar area and the Kerns are in compliance with that requirement. Another requirement is that alcohol can’t be served after 10 p.m. and the Kerns are aware of that. Town Center requires that lot coverage does not exceed 60% and the Kerns will still only be at 32%, even with the addition. Mr. Gulbranson informed the Kerns previously that the rooftop equipment should be screened from view and the Kerns are planning on that also.

Previously, the Kerns had come to Planning and Zoning and the lack of on-site parking was discussed. On-street parking is available within 500 feet of the establishment; approximately forty spaces. The Kerns have since gone to Del-Dot and received approval for utilizing on-street parking. The code also requires pedestrian walkways from the public sidewalk and that requirement is addressed in the plan. They also need to provide the location of any propane tanks, dumpsters, grease holding tanks, and provide a concrete pad and proper screening. State agency approvals will include the Fire Marshall’s Office and Division of Public Health. Mr. Gulbranson stated they do not need Conservation District approval because the addition is only 1,500 square feet and the threshold for disturbance is 5,000 square feet so they are well under that threshold.

George Bendler reviewed the plans and since he is a building inspector also, he looked at the interior. He noted the Kerns need to provide the location of a grease interceptor to be installed on site (the County will require that). The bar area will require a hand sink and a 3-bay sink, per Division of Public Health and the service station may require a hand sink also, but this would be out of the Town’s responsibility. A dedicated mop sink will be required. The convection cook line needs to be noted if it will be electric or gas.

Based on the number of fixtures, the restaurant will have 4 EDU’s. Mr. Gulbranson would assume there are probably already 2 EDU’s so the Kerns would have to consider the cost of adding 2 EDU’s.

Commissioner Crater asked if the new addition meets the setback requirements. Mr. Gulbranson stated it is on the property line, but it is grandfathered in. Commissioner Crater asked if this was done in the past and Mr. Gulbranson stated that yes, it has been done with an existing building. Typically, in the

past, buildings in the center of a town were built from property line to property line. The Town code states that if there is a non-conforming situation, you can expand it, but you can't increase the degree of non-conformity. In this case, the non-conforming situation is the set back and they will not be increasing the degree of that.

Commissioner Savage asked for more details about the parking situation and the movie theater. Mr. Kern replied that they had discussed the parking lot with the owner of the Clayton Theater, but she did not want to sign any agreement for letting them use the parking lot because it could cause issues if she wanted to sell her property at a later time. They then went to Del-Dot to get approval for the on-street parking. Commissioner Savage asked if the fire department needs to be involved in any approvals. Mr. Kern replied that once they are sure they meet any of the demands the Town would have, they would like to send the plans immediately to the health inspector and the Fire Marshal to keep communication open and hopefully avoid a lot of changes. Mr. Gulbranson confirmed that before the Town Council can approve the plan, they will need to have the Fire Marshal's approval. Vice-Chair Flowers stated Dagsboro Days recently had to make last minute changes due to the Fire Marshal. Mr. Gulbranson confirmed this, but stated he thinks the Kerns will not have as many problems because they are essentially gutting the interior and Dagsboro Days was retrofitting an older interior. Mr. Kern replied that they have to run all new lines, all new electrical, etc. – the building is just simply the bones for their business.

Chairman Connor asked what the next step is. Mr. Gulbranson stated the next step would be for the Kerns to get all of the final details for fixing the front of the building and the screened area in the back, etc. on their plan and bring that back to the Planning and Zoning Commission for approval and then the next month a recommendation can be given to Town Council so they can give preliminary approval.

Commissioner Crater asked if the roof pitch meets the requirements. Mr. Gulbranson replied that it is compliant at some places (over the barber shop portion). The existing roof does not have a pitched roof, but they are proposing a pitched roof for part of it and then a parapet wall. The code does not address having a mixed roof line as long as the pitch portion meets the requirements.

Commissioner Crater asked how the bar meets the percentage of patron requirement with twenty-two seats. Mr. Kern stated that the drawing was just done to show them what would be possible, they wouldn't actually have that many seats at the bar. The report states there will be twelve seats. Mr. Gulbranson calculated the bar to be 360 square feet and based on his calculations, they are within the requirements. The town code states that 85% of the area must be dedicated to permanent dining – it does not mention bar space.

Commissioner Crater asked what the Kerns were doing about a dumpster. Mr. Kern replied that their next step is to design the patio for behind the restaurant because they could keep their dumpsters behind there and then just wheel them out on trash night. After the patio is built, they plan to just do a simple wooden fence to hide the dumpster. Vice-Chair Flowers stated they won't have a large dumpster anyway if they are wheeling it out. Mr. Kern replied they will have a small dumpster, a recycling bin, and then a bin for vegetation scraps that local farmers will be using.

Chairman Connor asked if a recommendation could be made now, based on the Kerns making any needed changes. Mr. Gulbranson stated they could, based on the condition the Kerns will add to their site plan the paved pad and the screening for the dumpster, the paved path to the street for deliveries and dumpster, and the grease trap.

Commissioner Savage made a motion to recommend to Town Council the approval for the Kerns site plan based on the changes mentioned. Vice-Chair Flowers seconded. All in favor.

The Kerns are aiming for a February of 2019 opening. They would like to open in the winter when it won't be as busy so that they can work out any "bugs" that come up with a new business and figure out the flow to the restaurant.

B. Review, Discuss, Possible Acceptance of Planning and Zoning Rules from 2011

Commissioner Savage made a motion to accept the rules for the Planning & Zoning Commission. Commissioner Crater seconded the motion. All in favor.

VII. Old Business:

VIII. Public Comment:

IX. Adjournment:

Motion to adjourn was made by. All in favor.
Meeting adjourned at 6:39 p.m.

Respectfully Submitted,
Megan Thorp, Town Clerk