

Minutes of Meeting
Dagsboro Planning & Zoning Commission
Bethel Center-28307 Clayton Street
September 6, 2018

I. Call Meeting to Order:

Co-Chairperson Cathy Flowers called the meeting to order at 6:00 p.m. The Commission held a moment of silence in memory of Scott Crater.

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

II. Public Comment:

No public comment was made.

III. Approval of Agenda

Commissioner Savage made a motion to approve the agenda. Commissioner Gallimore seconded the motion. All in favor.

IV. Approval of Minutes:

A. July 5, 2018 – Planning and Zoning Meeting minutes

Commissioner Gallimore made a motion to approve the July 5, 2018 meeting minutes. Seconded by Commissioner Savage. All in favor.

V. New Business:

A. Combination of Lots on King George III Street – 233-11.00-432.00 & 433.00

Town Administrator Brought explained that this is a new property owner. The original owner had both pieces of land and the house was built in the middle of the two pieces even before the subdivision came about. Now they are selling the properties and the new owners would like the lots to be combined so there will not be any questions in the future.

Co-Chairperson Flowers asked how many water meters are on the property. Town Administrator Brought replied that it is just one. Co-Chairperson Flowers remembers another similar situation to this. Mr. Gulbranson confirmed that. He explained that the Prince George's Acres subdivision was approved by Sussex County before it was annexed into the town limits of Dagsboro. This particular situation predated the town having any involvement there.

Mr. Gulbranson reviewed the survey and everything is in order. Commissioner Savage made a motion to recommend approval to combine the two lots. Seconded by Commissioner Gallimore. All in favor.

B. Change of Use – Delmarva Billiards

Leo Weigand of Delmarva Billiards was present to explain his business. He currently has two other billiard businesses – one in Georgetown and one in Milford. The Chief of Police in both towns has been in contact with Chief Toomey for references and he has a letter of recommendation from Brian Pettyjohn. The pool hall in Milford before Mr. Weigand took over had at least seventy-three police calls. He took over and the police have not been called to his location once in the two years he has been there.

His current building in Georgetown is being sold to make room for the new family court building. He came in contact with Mike Cummings from Clayton Crossing when looking for a new space. He will be in the other end of the building where the cosmetology school is. He will be putting in eight to twelve pool tables, a ping-pong table, two dart boards, and a cornhole space. He usually doesn't open until four or five in the afternoon and closes between twelve and one in the morning. It depends on the teams because there are tournaments on weekends, but the liquor licensing board requires the business to be closed by 2 a.m.

Mr. Gulbranson informed the Commission that Delmarva Billiards is moving into an office/flex space so there is not a site plan required; he will just need to apply for a building permit when he is ready to do the tenant fit-out. From his understanding, there will be a small bar. Mr. Weigand confirmed and they will do some type of food, but that hasn't been decided yet. Mr. Gulbranson stated the property is in the highway commercial district so the billiards component and bar component and food service are all permitted uses in that district. The reason Delmarva Billiards is going through Planning and Zoning is for the Change of Use because it is converting vacant office space to a new use so it is just an administrative Change of Use.

Commissioner Gallimore asked if the Georgetown location has had any problems where police needed to be called. Mr. Weigand replied that there have been none. He has been there for six and a half years and the only issue was because a picture window was broken – a rumor started that there was a big fight in the building. It was actually broken by an oxygen tank falling off a table and part of it breaking the window.

Co-Chairperson Flowers asked if there will be a lot of outside activity. Mr. Weigand replied that there will not be; the only outside activity would be smoking. Co-Chairperson Flowers asked if there will be a designated smoking area or if it will just be anywhere outside and if there will be a container for the cigarette butts. Mr. Weigand replied that the smoking area would probably be toward the back of the building. He found that the containers tend to walk away so he uses something different that has concrete and sand, but there will be something there and it will be emptied every other day.

Commissioner Savage asked if there was anybody there for security. Mr. Weigand replied it is just himself. He has twenty-two years in the military and was a paramedic for fifteen years. He also has a policy that if a customer is banned for any reason, they may never come back – it isn't just a temporary ban for a week or two. He also has a camera system inside and outside and can hear what is going on and speak to people through the system.

Commissioner Savage made a motion to recommend approval of the Change of Use for Delmarva Billiards to the Town Council. Commissioner Gallimore seconded the motion. All in favor.

C. Review of Comprehensive Plan – Update Due by April 2019

Mr. Gulbranson explained that the original comprehensive plan for Dagsboro was done in 2009 and then was updated in 2015. Delaware state law requires a review of the plan every five years and for the plan to be updated every ten years. In 2015 there were some minor changes made, mostly in the transportation section because at that time they were discussing the bypass around town. The original approval date for the update was March of 2015 so the plan needs to be reviewed, any updates made, and a draft written by March of 2019.

The commission has been given a copy of the 2015 plan. Mr. Gulbranson suggests they read the plan and for the next meeting be ready to review sections one and two and the maps in the back of the document. One of the maps was for future annexation areas. Mr. Gulbranson stated that the town was very aggressive when the plan was made and the annexation area is huge. He suggested they look at that for the next meeting. Mr. Gulbranson explained the memo the commission was given. The state has changed some of their requirements so some things will need to be addressed. He would like the commission to look at the vision statement for next time and see if that still fits. The demographics will all need to be updated also. Mr. Gulbranson did a quick check and found the current estimate to be 1,060, which means the town has grown a little faster than what was anticipated. When the plan was first done in 2009, the development boom was occurring so there were 2,600 new homes proposed, but it needs to be considered how many of those were actually built.

Co-Chairperson Flowers asked about the process of the update if the commission just makes recommendations to the Town Council and how long it would take. Mr. Gulbranson stated that last time the Planning and Zoning Commission wrote the plan. They reviewed the 2009 plan and made notes where things needed to be changed and then re-wrote the plan from that. He is suggesting they follow the same process with the 2015 plan. Once they feel the draft is ready, they'll pass it on to the Town Council to review and make changes if they feel any are needed. Town Council then has to adopt the plan and it gets sent to the Office of State Planning for review. Mr. Gulbranson also informed the commission that the state office does offer a plan where they have state agencies sit down and review the comprehensive plan and offer suggestions on changes that need done. The commission agreed that would be worthwhile.

VI. Old Business:

VII. Public Comment:

Jim Thompson from The Woodlands was present. The last time he came to Planning and Zoning, it was suggested that he go before Town Council. He informed the Commission that he did that. He feels that the Town Council didn't grasp the concept that the land belongs to the homeowner's association. He met with Town Administrator Brought prior to the meeting to try to find the plan that shows the Army Corps of Engineers notes, but they couldn't find it. Mr. Thompson then met with Rich Collins, but hasn't heard back from him yet.

At the Town Council meeting, Mr. Thompson asked that they withhold any building permits. He claims he didn't get an answer. He met with Jessica from the county, but she informed him that they already approved the plans and there is nothing they can do. He then met with DNREC and they told him that isn't true because Sussex County Conservation District is tasked with enforcing the Delaware Erosion and Sediment Control. He reached out to Rob Arlett and didn't get an answer, but one of his aides replied that it is the responsibility of the county to enforce.

Mr. Thompson asked if the Planning and Zoning Commission has any say in whether or not building permits are issued. Town Administrator Brought replied that it is up to the town – Planning and Zoning doesn't have anything to do with that. Mr. Thompson stated there is a topography map that shows a gradual slope and he claims the topography there now is dramatically different. Mr. Gulbranson believes there was a revised plan in 2015 that changed the grading also. Mr. Gulbranson also stated that about five feet of soil will be removed when they are finished with the storm water management. Mr. Thompson asked the town to not issue any permits if the revised plan is not being followed. Mr. Gulbranson informed him that the permits are already being on hold.

VIII. Adjournment:

Motion to adjourn was made by Commissioner Savage and seconded by Commissioner Gallimore. All in favor. Meeting adjourned at 6:36 p.m.

Respectfully Submitted,

Megan Thorp, Town Clerk