

Minutes of Meeting
Dagsboro Planning & Zoning Commission
Virtual
February 11, 2021

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 Audrey Miller, Commissioner Cindy Gallimore, Commissioner Earl Savage, and Town Administrator Cindi Brought. Please see the sign in sheet for others in attendance.

II. Public comment:

No public comment was made.

III. Approval of Minutes:

a. Meeting Minutes of January 7, 2021

Commissioner Savage made a motion to approve the minutes. Commissioner Miller seconded the motion. All were in favor.

IV. New Business:

a. Clay Snead Presentation of Preliminary Plans Vines Creek Centre – Property 29471 Vines Creek Road

Clay Snead turned the presentation over to his Engineering Consultant Carlton Savage of Scaled Engineering.

Mr. Carlton Savage presented a Preliminary Site Plan for approval for 29471 Vines Creek Road in regard to changes that have been made. The intent is to present a mixed use for the parcel number 2-33-11.00-131.05. The property is located west of Armory Road and sits between two existing Town Center properties, which are Heather's Home Works, LLC. and Rosana's Holistic Hair Salon. The proposal for this property is three identical and very similar buildings that will be mixed use in nature. The buildings will be 4,800 square feet in total for each building. The foot print will be around 2,400 square feet and it would be two stories in height. The first floor of each building would be retail/office space. He stated that they don't have any potential tenants lined up per say, but there would be a mix of retail and office use. The upper levels would be two apartments in each building with each apartment being 1,200 square feet for a total of 2,400 square feet in each building. He stated that the setbacks on this property are 10 foot in the front, however, you do have an average setback. Mr. Gulbranson in his report eluded to this being about 30 feet. They are placing the building approximately 35 feet back. The side yard setbacks are eight feet and currently show 10 feet off of the right side of where the buildings are located and 25 feet in the rear.

The existing lot area is about .84 acres. The maximum height requirement is 35 feet and the maximum building size should be 20,000 square feet and they are well below that. The plan will be to orient three buildings as you go to the back of the property on the right side with an entrance on the left side. That entrance would lead to a parking lot which will run down the sides of the buildings and the front of the building oriented to the side. They have allotted for 36 total parking spaces, 32 regular and 4 handicap spaces, which does meet the requirements in the Code for the apartments and the retail use. He stated that the intent is to split the first level of each building. The front would be a patron area of approximately 1,400 square foot and the rear would be for offices, behind the scenes for retail, and bathrooms. They are providing a dumpster at the rear of the drive isle with the appropriate screening that meets the town requirements. He stated that they do show some landscaping on this plan, however, the Town of Dagsboro has an extensive landscape requirement and they will add the additional landscaping that meets the requirements at a later review.

The buildings are about five feet apart, they realize that is fairly close, but they did not want one long building for a couple of reasons. One reason is that the Code eludes that if you have more than three apartments in one building then you could get into an apartment building scenario, which was not the intended use for this project. Town Center District is zoned commercial with apartments above and the Code is vague on the apartment side of things. If you are not planning an apartment complex then there are not a lot of requirements.

Mr. Carlton Savage stated that they had meetings with DeIDOT previously in regard to the liquor store. The improvements shown on this plan mimic what DeIDOT is requiring. DeIDOT is requesting a bike lane of about five feet and a right turn lane into the property if you are entering from the East. There would not be a left turn lane into the property as it is not warranted. DeIDOT is requesting a sidewalk in an easement that would be set off the road and that sidewalk would connect to the sidewalk for the site.

The parking spaces are 10x20. He stated that they are not in the flood zone. The sewer is provided by the County. The water is provided by the Town of Dagsboro. The five feet between the buildings will need to be reviewed by the Fire Marshal. There are different requirements that the architect would work with to ensure the buildings are safe for the tenants both commercial and residential. He stated that there may be requirements for exterior fire walls or sprinkler systems and that would be determined based on the review by the Fire Marshal and the other constraints in the State Fire Code and Building Code. There will be a storm water management pond of some nature at the back of the property. He stated that it might be an infiltration pond or a wet pond, but they will be designed based on the storm water regulations and go through Sussex Conservation District and receive approvals from their office. They will submit plans to the State of Delaware for an entrance approval, but this plan mimics what was discussed in preliminary meetings with DeIDOT.

Commissioner Earl Savage asked if the reference to retail business was just open ended to businesses or would the Town have say in what type of businesses go in there. Town Engineering Consultant Gulbranson stated that any business would have to be a permitted use under the Town Center District requirements. Commissioner Savage asked if the various approvals by the Sussex County Conservation District and Fire Marshal, had not been obtained as yet. Mr. Carlton Savage stated that this was correct and once they have approval from the P&Z Commission and Mayor and Council they would move forward with these approvals. He stated that they would gain the approvals by the detail submissions that are required by each agency and the approvals would be provided to the Town once they are obtained. Mr. Gulbranson stated that if the applicant receives Preliminary Approval from the Town the

next stage would be to work with all of those agencies to ensure that they meet the requirements prior to the Town granting Final Plan Approval. Mr. Gulbranson stated that based on the agency reviews the plan that is submitted for Final Plan Review may be slightly different or it could be the same.

Chairman Connor stated that the list of approved uses within the Town Center District, as long as the commercial tenant was that type of business on the approved uses, then Snead Properties could lease to them. Mr. Carlton Savage stated that this was correct and they are not looking for high turnover type uses. At DelDOT's level on this roadway, with turn lanes and things, they would not have inappropriate uses for the property. They are gearing toward a doctor, professional office or boutique retail type business. Those types of businesses would fit in more with the character of the town and have a quieter setting for the above tenants.

Commissioner Gallimore asked where the entrance is going to be for the apartments in each of those buildings. She also asked if the apartments were going to be accessed with a stairway on the outside of the building. Mr. Carlton Savage stated that they are currently working on the architectural plans. He stated that they will have a Preliminary Plan for those before it gets to the Mayor and Council. He also stated that it does show on the plan, a door at the front that says stairs. On the second level, there would probably be a vestibule and the two doors. He stated that there was discussion about where the parking would be for the residential tenants, which he still needs to discuss with his client to provide guaranteed parking for them. Commissioner Savage asked if there were plans for an elevator. Mr. Carlton Savage stated that he would discuss that with his client as the architectural plans progress and maybe one building would have an elevator. With only two units, Mr. Savage felt that cost would overtake the need. Chairperson Connor asked if the stairwell would have to be ADA compliant. He stated that this would not be the case. Everything on the commercial level would be ADA compliant, but when it comes to private apartments he doesn't believe it is required.

Town Engineer Gulbranson stated that Scaled Engineering did receive AECOM's initial review letter. He stated that currently the plan, as presented, meets the requirements of the Preliminary Site Plan approval process. There are more details that will need to be flushed out prior to Final Site Plan approval. Mr. Gulbranson stated that one issue he wanted to bring up is that the Town does have design standards and therefore the look and architecture of the building will need to meet those standards.

Co-Chairperson Flowers inquired about the screening and buffering around the surrounding areas and the lighting. Mr. Carlton Savage stated that there is a substantial screening requirement especially with the parking on the side; there are extra requirements to screen that from the neighboring property. He is showing some vegetation there with either a fence or a combination of fence and screening that meets Code requirements. He stated that there is existing woods in the back, which they will try to preserve as a screen versus tearing it down, but that will depend on the survey of the property and where the trees fall. In terms of the lighting, it will be LED style facing downward with house side shields to limit light going behind the light into the neighboring properties. He stated that there would be a 20 foot pole light for the parking lot and that would be facing downward so it doesn't provide light pollution to the neighboring properties. There will be lights on the front of the buildings to light the sidewalk and the building itself but all lighting will be screened from neighboring properties.

Commissioner Savage asked for confirmation that this was just the Preliminary Site Plan approval. Chairperson Connor stated that "yes that is correct". Mr. Gulbranson stated that the Preliminary Site Plan whether, the P&Z Commission chooses to make a recommendation for approval or not, would then go to Town Council for their concurrence. Town Council actually approves the Plan and the P&Z Commission is a recommending body. He stated that if the P&Z Commission makes the decision to recommend approval to the Town Council, this would then be on the Town Council's agenda for Preliminary Site Plan approval. At that point the applicant would go and do all the necessary State Agency requirements and then they would come back to the P&Z Commission with a Final Site Plan for approval.

Commissioner Savage made a motion to recommend the Preliminary Site Plan Approval for Vines Creek Centre. Commissioner Miller seconded the motion. All were in favor.

V. Public Comment:

Anthony Lorenz, 29198 Shady Creek Lane, Dagsboro, DE, stated that he is happy with the change and is wondering how many apartments will be above the buildings. Chairperson Connor stated two above each building. Mr. Lorenz also inquired what is the highest a light can be in the Town. Town Engineering Gulbranson stated that 20 feet is the highest. Mr. Lorenz stated that he appreciated the change and felt it was a much better fit for the Town.

Mr. Lorenz asked if P&Z Commission is still working with the Botanical Gardens for the streetscapes. Town Administrator Brought stated, "no we never have". Chairperson Connor stated that they are outside city limits. Mr. Lorenz stated that he was reading through the Comprehensive Plan Review and a couple years ago they had suggested that and he was just seeing if anything had happened with it.

Karen Treuting stated that she has a concern with traffic as it is tough to get around that corner five months out of the year.

VI. Adjournment:

Commissioner Savage made a motion to adjourn. Co-Chairperson Flowers seconded the motion. All were in favor.

Meeting was adjourned at 6:29 p.m.

Respectfully Submitted,

Stacy West, Town Clerk