

Minutes of Meeting  
Dagsboro Planning & Zoning Commission  
Bethel Center  
February 2, 2023

I. Call Meeting to Order:

Commissioner Cathy Flowers called the meeting to order at 6:00 p.m.

Those in attendance were: Commissioner Brad Connor, Commissioner Cathy Flowers, Commissioner Cindy Gallimore, Commissioner Janice Kolbeck, Commissioner Ed Burton, Town Administrator Cindi Brought, and Engineering Consultant Kyle Gulbranson. Please see the sign in sheet for others in attendance.

Reorganization of P & Z Commission and Vote

Vice-Chairperson Cathy Flowers nominated Brad Connor for Chairman. Commissioner Kolbeck seconded the motion. All were in favor.

Chairman Brad Connor nominated Cathy Flowers for Vice-Chairperson. Commissioner Burton seconded the motion. All were in favor.

Reappointment/Appointment of Commissioners

Brad Connor and Janice Kolbeck were reappointed, and Ed Burton was appointed for 3-year terms—through December 2025.

II. Public Comment:

No public comment was made.

III. Approval of Minutes:  
November 3, 2022

Commissioner Gallimore made a motion to approve the minutes. Commissioner Kolbeck seconded the motion. All were in favor.

IV. New Business:

a. Cea Dag Final Approval Recommendations

Engineering Consultant Gulbranson stated that most recent plans for the Cea Dag Project are completed for finishing out the project. The plans given are for the last two building in the development, which will be a different style townhouse, called Garage Townhouses. The plans include all the updates requested, included is sewer and water utility, lighting, and landscaping plan; all Town requirements have been met except for one issue. He added that there is a tax ditch issue with one of the townhomes and steps are being taken to have the issue resolved.

Jake Booth, President of Capstone Homes, stated that there are currently two different styles of buildings in Cea Dag and with the current project, a third style will be added; side-by-side, two-story townhouse and all

buildings would cosmetically blend with the design and color. The plan has been shared with the HOA, and they are excited to have the community completed even though they will be losing car parking area. He also stated that when they contacted DNREC to have the inspection completed on the left townhouse shown on the plans, it shows a tax ditch on the back left corner which connects to Savannah Square Shopping Center, Cea Dag Townhouses and Royal Farms (Two Farms) but, there is no tax ditch located there. Since there is a recorded Tax Ditch showing on the State map, they must request a Map Amendment with DNREC's Tax Ditch Organization which updates the maps and have it properly recorded. He added that with this process, the State contacts all three property owners and completes the process which will clear up the maps on all three parcels. Mr. Booth added that his engineers estimate this process to take a couple more months. Since the tax ditch is still pending, he asked P & Z if it would be possible to put the townhouse in question on hold and not apply for building permits for that building until the DNREC Tax Ditch issue is satisfied; however, he would like to proceed with the construction of the first building.

Engineering Consultant Gulbranson confirmed that the issue with the Tax Ditch is a mapping error.

Commissioner Kolbeck made a motion for recommendation to the Town Council for approval of the Cea Dag Final Plans with the condition that no building permits be issued for Lot A until the Tax Ditch situation is resolved. Commissioner Flowers seconded the motion. All were in favor.

b. All Fur Love Preliminary Approval Recommendation

Engineering Consultant, Kyle Gulbranson, stated that a dog grooming business is being proposed at 33225 Main Street. Included, are plans for where the parking will be located, which includes 4 parking spaces plus one handicapped space, and existing curb cuts for the entrance to the property. He added that a dog grooming business is a permitted use in the Town Center District, and everything meets the Town's requirements for their Preliminary Plan.

Nicholas Morgan stated that he and his wife, who currently works at a corporate dog grooming business, would like to bring a new grooming business to Dagsboro. Commissioner Flowers asked, "How many days would you plan to be open?" Mr. Morgan stated that his wife plans to be open 6 days, Monday through Saturday and closed on Sundays. Commissioner Flowers asked if his wife would be working alone. Mr. Morgan stated, "My wife and one other employee." Tony Morgan asked for the Council's input on offering evening hours. Commissioner Flowers stated, "Some people work all day long," but suggested waiting to see what their customers' needs are. Commissioner Kolbeck stated that starting a new business, being open 6 days a week and working evenings, might be a lot to start out with. Tony Morgan asked, "Are there any time restrictions in the Town?" Commissioner Burton stated that he did not have an issue with the later hours, since basically it will be owners dropping off and picking up their dogs.

Tony Morgan stated that they spoke with DelDOT about the number of parking spaces needed and were told based on the size of the building and the amount of employees (two groomer and one secretary) that 5 parking spaces would be sufficient but in the by-laws of the Town, it states that 1 parking space is needed for every 100 square feet, which would be 12 spaces. Since the building is over 5000 square feet, a sediment pond would be required for run-off, which is a big expense. Engineering Consultant Gulbranson stated that the requirement for parking spaces that Mr. Morgan was referring to, is for retail stores or restaurants. Commissioner Connor stated, "Yes, that is correct." Engineering Consultant Gulbranson stated that since the grooming business wouldn't have numerous vehicles like a restaurant would, it would fall under the lower rate and when he calculated it, five parking spaces is what would be required by the Town Code.

Tony Morgan stated that they would like to get a waiver from DNREC since their building is 400 sq. ft. over 5000 sq. ft or they would need to reduce their building size by 400 sq. ft. They aren't able to omit one parking space. Engineering Consultant Gulbranson confirmed that 5000 sq. ft. is a threshold for the Sussex Conservation District to do a review but that doesn't necessarily mean that a sediment pond would be required. A review would be completed and then a decision made, so it doesn't automatically mean that improvements would need to be made for storm water drainage.

Tony Morgan asked for some guidance as to what the Town would prefer to see with landscaping since this is his first commercial location. Engineering Consultant Gulbranson stated, "The landscaping requirements are listed in the Town Code," and if the large tree by the driveway needed to be removed, he recommended adding some street trees along the sidewalk.

Engineering Consultant Gulbranson asked Mr. Morgan, "What are you planning to use the nice shed for that is on the property?" Tony Morgan replied, "It is being used for storage and right now it is filled with lumber for the building."

Commissioner Burton made a motion to recommend "All Fur Love" Preliminary Plan Approval to Town Council. Commissioner Gallimore seconded the motion. All were in favor.

c. Dovetail Home Preliminary Approval Recommendation

Schuyler Hannum stated that he and his wife, Jamie Idzi, are proposing a 60x85 parking lot which would accommodate 20 cars, this is more than they would need for the 1200 sq feet retail store. He added that they already have the existing curb cuts. Engineering Consultant, Kyle Gulbranson, asked, "Will you be using both of them, for entering and exiting?" Mr. Hannum stated, "Yes, we are planning to use the curb closest to Porto's for the exit to try and keep traffic flowing since it is farthest from the intersection and are open to making it a right-turn only exit if necessary.

Engineering Consultant Gulbranson stated that for 1200 sq. feet of retail space, 12 parking spaces would be the minimum required but you are able to have more. Schuyler Hannum stated, "We would like to have the option to have 20 parking spaces and feel that the retail store will be able to accommodate that many customers." Commissioner Kolbeck asked, "Is there lighting available for the parking lot or will the business only be open during the day?" Mr. Hannum stated, "Yes, they would just be open during the day." Jamie Idzi stated, "There might be an event occasionally that would extend into evening but not very late at night." Commissioner Flowers asked, "How much of the first floor are you using for the retail space, all of it?" Mr. Hannum stated that the first floor would also include the Coffee Shop and the parking spaces include the Coffee Shop parking.

Engineering Consultant Gulbranson asked Mr. Hannum, "Have you had any conversations with DelDOT yet?" Mr. Hannum replied, "No, not yet." Engineering Consultant Gulbranson stated, "I recommend you get in touch with them, since existing curb cuts are being used, there shouldn't be an issue, but you never know."

Commissioner Kolbeck asked, "Would DNREC need to be contacted before a tentative decision can be made on the parking lot?" Engineering Consultant Gulbranson asked, "How many square feet is the proposed parking lot?" Schuyler Hannum stated that it would be 5100 sq. feet. Engineering Consultant Gulbranson stated that the threshold requirement for a review by Sussex Conservation District is 5000 sq. feet and anything over that would need to be submitted for a review by them. He recommended scheduling an appointment with Jessica Watson at Sussex Conservation District and share your proposal with her and contact DelDOT.

Town Administrator Brought stated, "Part of the retail space would be a Coffee Shop, but what else would be offered there?" Jamie Idzi replied, "Woodworking and hostess gifts with the focus on US made goods, glassware, and kitchen items. We are still working on the assortment of items." Schuyler Hannum added that he would start with small woodworking items until he sees what the market is looking for and kitchen items such as cutting boards and utensils. Engineering Consultant Gulbranson stated all of the uses mentioned are permitted uses in Town Center.

Commissioner Kolbeck made a motion to recommend Dovetail Home Retail Marketplace and parking lot to Town Council for Preliminary Approval pending the approvals from DelDOT and Sussex Conservation District/DNREC. Commissioner Flowers seconded the motion. All were in favor.

V. Old Business

There was no old business.

VI. Public Comment:

Engineering Consultant Gulbranson stated that there is an issue that he wanted to bring to the Council's attention with how accessory structures are listed in the Town Code. Town Code states that a Residential resident is only permitted to have 900 sq. feet in total of accessory structures (shed, detached garage, pole building, etc.) and very often residents are turned down because the structures are over the limit and are not permitted without getting for a Variance and there is no reason for a Variance because those are for hardship cases. He added that a solution to this issue would be to change the Town Code to a sliding scale based on the size of the property which would allow residents with larger properties to have a greater square footage for accessory buildings. Commissioner Kolbeck stated that she liked that idea. Commissioner Connor asked, "Do other towns that you represent have the sliding scale?" Engineering Consultant Gulbranson stated, "Very few towns have a 900 sq. foot limit threshold and could get some examples to go by." He added that he feels the sliding scale makes sense because there are two-acre properties in town and those residents are very limited right now. Commissioner Flowers stated that she would not want properties to be filled up with accessory buildings. Commissioner Connor stated, "That is where the sliding scale would come in." Engineering Consultant Gulbranson stated that having a sliding scale, you can then cap it off at a certain square footage based on property size and limit the number of buildings per property also.

Commissioner Flowers asked, "What would be the process in making this change?" Engineering Consultant Gulbranson stated that he would get some examples put together to share. Town Administrator Brought stated that they would have to add it to the agenda and then recommend it to Town Council for a change in the Town Code. Commissioner Connor stated, "We can take a look at it next month."

Nicholas Morgan stated that in the plans for "All Fur Love", there are 5 lights proposed and asked if that would be adequate lighting for the property. Engineering Consultant Gulbranson stated, "When you come back to P&Z after you received your DelDOT approval and have your final plans, you will need to indicate at that time which lighting you are going to use."

VII. Adjournment:

Commissioner Kolbeck made a motion to adjourn. Commissioner Gallimore seconded the motion. All were in favor.

Meeting was adjourned at 6:48 p.m.

Respectfully Submitted,  
Wendy Rayne, Finance Clerk