

Minutes of Meeting
Dagsboro Planning & Zoning Commission
Bethel Center
April 6, 2023

I. Call Meeting to Order:

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

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

II. Public Comment:

Commissioner Connor welcomed Carol Thompson to the P & Z Commission and appreciates her service. He added that he looks forward to working with her.

III. Approval of Minutes:

February 2, 2023 Meeting Minutes
(March 2, 2023 Meeting Cancelled)

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

IV. New Business:

a. Final approval (Recommendation) Highlands of Pepper's Creek

Zac Crouch, of Davis, Bowen and Freidel, Inc., stated that all approvals have been submitted for the proposed 51 single family lots and asked for any questions on the project.

Engineering Consultant Gulbranson stated that the Highlands of Pepper's Creek's most recent plan is code compliant and meets all the Town's requirements and has received all agency approvals. He stated that it is up to the Planning & Zoning Commission to issue Final Approval (Recommendation) to the Town Council on the project.

Commissioner Kolbeck asked, "When is the widening of Clayton Street and the left turn lane coming East supposed to happen?" Zac Crouch stated that it would be after September 15, 2023, since DelDOT has a restriction on work being completed in the summer.

Commissioner Connor asked if the new Entrance Plan was included in the plans presented. Zac Crouch stated, "Yes", they had to make a small modification to the Entrance Plans and DelDOT has approved the changes and the information has been submitted to the Town.

Mr. Ed Burton asked to see the revised plan for the entrance into the Highlands of Pepper's Creek. Zac Crouch showed Mr. Burton the revised Entrance Plan and explained that the easement was removed from Mr. Burton's property, and they still have the easement for Riverview Associates. Mr. Burton stated, "The easement is removed from my property and that answers my question." Commissioner Connor confirmed that they reworked the entire entrance.

Commissioner Flowers made a Recommendation to Town Council to approve the Final Plans for Highlands of Pepper's Creek. Commissioner Kolbeck seconded the motion. All were in favor.

b. Review and Discuss Possible Changes Accessory Buildings (275-26 Town Code)

Engineering Consultant Gulbranson stated that the Town has a limit on how large an accessory structure can be on a property, which is 900 sq. feet or 30% coverage, whichever is higher, including pole buildings, man caves, and sheds, etc. The problem is that several times a year, they have residents come to apply for a building permit and have already purchased their building and the building size is over the limit that is allowed. They are then told that they are not able to have that size building since it is over the size limit and in the past, some residents have lost money because of this.

He also stated that he feels the size of the accessory building should be based on the size of the property owned since there are some properties in Town that are 20 acres. He has put together a sliding scale that shows as the property size gets larger; the accessory buildings can be larger. He added that he is suggesting capping the number of accessory buildings to 3 since there is not a limit currently. Kyle Gulbranson referred to the packet presented with the sliding scale depending on the total lot area (sq. ft.)/maximum size for accessory building.

Commissioner Flowers asked what would happen to properties that are over these new limits already? Engineering Consultant Gulbranson replied, "They would be grandfathered in until one of the buildings is removed and then they would be required to follow the new guidelines."

Engineering Consultant Gulbranson stated that if the Town Council decides to move forward with the changes, a zoning change and public hearing would be required and then be approved by the Town Council. Town Administrator Brought stated that her only concern would be if this would cause issues for residents who have been denied in the past and lost money because of it. Commissioner Flowers stated that they need to take responsibility for not checking the Town Code before they purchased the accessory building. Commissioner Connor stated that they are trying to make changes and address the issue. Commissioner Kolbeck stated, "That's why we have public hearings," it gives residents a chance to voice their opinion. Mr. Gulbranson stated that an accessory building shouldn't be larger than the principle building on the property but with this sliding scale, it is a possibility in certain circumstances.

Commissioner Kolbeck made a motion to recommend the changes that were presented on accessory buildings to the Town Council for review and possibly schedule a Public Hearing. Commissioner Flowers seconded the motion. All were in favor.

V. Old Business

There was no old business.

VI. Public Comment:

a. Proposed New Business – Jennifer Rodgers (Concept Discussion Only)

Jennifer Rodgers and her husband Kevin Rodgers were present, and Mrs. Rodgers stated that she is the owner of a small business called 'Heal Well LLC' and is a Massage Therapist and Licensed Holistic Health Practitioner. She stated that currently she rents space from a chiropractor and would like to open her own facility so she can expand the number of services that she provides. She added that she was approached by Rosana Dorsett,

of Rosana's Holistic Hair about purchasing her property and wanted to see what is required to change the business and see if she can financially afford the changes required.

She also stated that she and her husband made a rough drawing of what the space currently looks like now and added that they don't plan to make a lot of changes, but she would not be doing hair services. She explained that the space is very open right now for the hair studio and plans to remove the shower in the bathroom to make the room larger and add a shower in one of the rooms to uphold one of her services. Since the space is very open, they would add walls to make two separate rooms with closed doors. Kevin Rodgers stated that there would be no changes to the exterior except for cosmetic updates.

Commissioner Connor asked, "How much parking would be needed?" Engineering Consultant Gulbranson stated that the current business was approved as a home occupation because Rosana Dorsett lived there also, and they would need to file a Change of Use Application. He explained that they would need to submit a sketch of the property showing where the parking lot would be located. All requirements are posted online under the Town Code. He also stated that Town Center requires the parking lot to be paved and thought there would need to be one handicap parking spot and 5 additional parking spaces marked out. Kevin Rodgers asked if they would need to make any changes to the entrance. Engineering Consultant Gulbranson recommended they reach out to DeIDOT since the entrance currently is for residential use, and they would need a commercial entrance and be ADA Compliant.

Kevin Rodgers asked if it would be possible to expand the existing building in the future. Engineering Consultant replied, "Yes, you could definitely expand the building."

Commissioner Thompson asked, "What types of Wellness Services would be offered?" Jennifer Rodgers stated that she offers one-on-one nutritional consultations and currently she is a Certified Nutritional Health Practitioner and in September she plans to take her boards to become a Complimentary Alternative Health Practitioner which is like a naturopathic doctor. She added that she helps people feel better naturally and would like to include services that accompany that such as a sauna, infrared light and pulsed electromagnetic field therapy. She added that she is a Medical Massage Therapist and plans to offer massage therapy also.

Commissioner Thompson asked what their plan was for a timeline. Kevin Rodgers stated that their hope is 3-5 months, but it depends on how long it takes with DeIDOT and the new entrance and to become ADA Compliant. Engineering Consultant Gulbranson stated that DeIDOT is very familiar with the area since they are working with other businesses right next to this one and felt that this may help them.

VII. Adjournment:

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

Meeting was adjourned at 6:30 p.m.

Respectfully Submitted,
Wendy Rayne, Finance Clerk