

DAGSBORO PLANNING AND ZONING COMMISSION  
MINUTES OF THE MEETING ON APRIL 8, 2009

The regular meeting of the Dagsboro Planning and Zoning Commission was called to order on Wednesday, April 8, 2009, at Bethel Center. Members present were Loretta Zsido, Lisa Boyce, Gayle Chandler, Herb Disharoon, and Marjorie Eckerd. The following people were also present: Kyle Gulbranson of URS and Mayor Wayne Baker; Vice-Mayor Patti Adams and Councilman Norwood Truitt arrived later with Councilman Truitt leaving early.

AGENDA: A motion was made by Loretta and seconded by Lisa to approve the agenda for this evening. The vote in favor was unanimous.

APPROVAL OF MINUTES: A letter dated March 30, 2009 from Mayor Baker asked the Commission to change the March 11, 2009 minutes. The minutes state "Mayor Baker approved the church's building permit"; however, no building permit was ever initiated by Pastor Philips. Mayor Baker sent him a letter approving the church, provided that certain improvements were done to the property. There was some discussion that Pastor Philips and his church were not on the official agenda. A motion was made by Lisa and seconded by Herb to approve the minutes as amended. The vote in favor was unanimous.

NEW BUSINESS:

A discussion ensued on the re-zoning of the Hearn/Bireley property from Sussex County A-R to a Town of Dagsboro Residential District. A motion to change the zoning from Sussex County A-R to a Town of Dagsboro Residential District was made by Loretta and seconded by Lisa. The vote was in favor with Gayle abstaining.

Doug Warner of Element represented HKS, the company that is developing The Highlands of Peppers Creek. The Commission was presented with a site plan for the 36.49 acre project and building designs for the 333 condominium units. The Commission asked questions on the following topics: sidewalks and trails, construction entrance, landscape buffering, building heights (Element discovered a discrepancy between the Town's codes, specifically between 275.8 in the definition of Height and in 275.15C HR - High Density Residential District - Building Height), storm water management pond, position of the main entrance, open space, tax ditches, future vehicular access to General's Green, parking, and emergency vehicle access. Marj will address the discrepancy in the Town Code on next month's agenda.

Marj read a definition of "Change of Use." Kyle handed out change of use information from the Town of Leland, N.C. which defines change of use as "A change of use occurs when: The use of an existing building changes [and/or] The use of a shop area in a shopping complex changes or is occupied for first time." There was a discussion of the expenses involved in altering an existing structure to update it according to current ADA and State of Delaware laws. It was recommended that the wording of the Town's code section 275-58A be altered by deleting the phrase "applied for at the time of application for a building permit" and by changing the wording of the sentence "Such occupancy permits shall be granted or denied in writing within 30 days

from the date....” Marj will compile a checklist for a certificate of occupancy; Commission members are asked to provide her with suggestions.

The Commission is being asked whether Savannah Square can change their comprehensive sign plan to accommodate Dollar General, considered an anchor store. Savannah Square’s sign plan states “The sign shall consist of individual channel letters with a maximum height of 32 inches and depth of 5-1/2 inches,” etc. A possible tenant, Dollar General, is considering the rental of several storefronts. However, their signage has letters that are four inches higher than Savannah Square’s plan; the overall sign area of Dollar General’s sign meets Savannah Square’s requirements. Other tenants have complied with the sign criteria. Comments from the Commission considered this problem a fairness issue. A motion was made by Herb and seconded by Lisa to adhere to Savannah Square’s comprehensive sign plan and to not recommend any variance in letter height; the vote in favor was unanimous.

**OLD BUSINESS:**

WBOC-TV contacted Marj about the Town’s possible adoption of the Delaware Wildlife Action Plan. Marj told WBOC-TV that the Planning and Zoning Commission was just beginning to study this issue and would keep WBOC-TV up-to-date on any decisions that are made. It was decided that more information about the Plan needed to be obtained, so a motion was made by Gayle and seconded by Loretta to table the Plan. The vote in favor was unanimous.

**ADJOURNMENT:** A motion was made by Herb and seconded by Gayle to adjourn the meeting. The vote in favor was unanimous.

Respectfully submitted,

Gayle Chandler  
Secretary