

DAGSBORO PLANNING AND ZONING COMMISSION
MINUTES OF THE MEETING ON MAY 13, 2009

The regular meeting of the Dagsboro Planning and Zoning Commission was called to order at 7:00 p.m. on Wednesday, May 13, 2009, at Bethel Center. Members present were Gayle Chandler, Herb Disharoon, and Marjorie Eckerd. The following person was also present: Kyle Gulbranson of URS.

Agenda: A motion was made by Gayle and seconded by Marj to approve the agenda for this evening. The vote in favor was unanimous.

Approval of Minutes: A motion was made by Marj and seconded by Gayle to approve the minutes. The vote was two in favor and one (Herb) opposed.

New Business:

Doug Warner of Element was present to represent HKS, the company that is developing The Highlands of Pepper Creek. The Commission discussed HKS' second site plan; their first plan has been approved but not yet carried out. The Commission reviewed the May 6, 2009 letter from URS commenting on the revised preliminary site plan of the Highlands of Pepper Creek and Element's May 16, 2009 letter of response. 1) The definition of building height remains a contentious issue. Dagsboro's building code 275-15C states that "no building shall exceed 35 feet in height," yet in section 275-8 the definition of "height" is "the vertical distance of a building measured from a point where the center line of the building to be erected intersects with the center line of the street on which the building will face to the median of the roof line and shall include no more than three stories." The Highlands is willing to reduce the height of the units' ceilings to eight feet; the roof's pitch could be adjusted to a 4/12 pitch, but this would not meet Dagsboro's code, which states, "the minimum allowable roof pitch shall be a 6/12 pitch." The Highlands could lower their overall height to forty feet (eight foot ceiling heights and 6/12 roof pitch); this will not meet the thirty-five foot height restriction. The Town's lawyer says the thirty-five foot height is the intent of the code; The Highlands disagree with the lawyer's legal opinion. 2) The stormwater pond has no fencing but rather a level bench around it; Mr. Warner says that they are following State of Delaware regulations. Objections about the pond were its danger to small children and its overall large size. Prospective buyers consider the stormwater pond waterfront, and the Highlands will not block the pond's view from its potential residents. 3) The Highlands is asking for a waiver from the town code to have sidewalks on only one side of the street; they want to instead have a recreational trail system that will encircle the site. This will be a public trail, just like the one to be built at the Woodlands. No material (stone, mulch, etc.) has yet been specified for use on the trail though one could be during the planning stages. If the Town requires sidewalks on both sides of the street, then the Highlands will eliminate the trail system. 4) It was suggested that there be a link to the adjoining property (Generals Green) to provide access for emergency vehicles; the construction entrance on the northeast corner could be used for this purpose. 5) Parking will be designated for each building unit and will also be close to each building. Residents must back out of their parking spaces into Dagsworthy Circle, which conflicts with town code. However, the town code contradicts itself and needs to be amended. A solution could be to lower speed limits within the development. 6) The buffer area was discussed. A tax ditch adjoining Generals Green is under dispute. 7) Lighting will be addressed on the final plan when the utility companies run their cables. 8) The pool house designs were not provided but will be given to the Commission.

Problems voiced about the preliminary site plan included the building height, sidewalk waiver, stormwater pond, and overall site design. In addition, concerns were raised over the absence of two members when deciding such an important matter (approval of the second preliminary site plan). Gayle made a motion to table the site plan, and Herb seconded it. The vote was two in favor and one (Marj) dissenting. The preliminary site plan will be on next month's agenda.

Old Business:

URS submitted a 'change of use checklist – items that if required should be submitted on a site plan.' Loretta emailed Marj with her suggestions for change of use. Everyone agreed that change of use was important and should be implemented as soon as possible. However, it was agreed that more work needed to be done on change of use. A motion was made by Gayle and seconded by Herb that change of use be tabled until next month; the vote in favor was unanimous.

Adjournment: A motion was made by Herb and seconded by Marge to adjourn the meeting. The vote in favor was unanimous. The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Gayle Chandler
Secretary