

**Town of Bethany Beach
Planning Commission Meeting Minutes
February 18, 2012**

The Bethany Beach Planning Commission held a meeting on Saturday, February 18, 2012 at 9:00 a.m. in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, who presided; Mike Boswell; John Gaughan; and Fulton Loppatto.

Excused members: Faith Denault and Chuck Peterson

Also present: Susan Frederick, Building Inspector; Councilpersons, Jerry Dorfman and Joseph Healy; Lindsey Good, Administrative Secretary; and interested members of the public.

Mr. Killmer called the meeting to order at 9:04 a.m.

OPENING OF MEETING

Approval of Agenda

Mr. Gaughan made a motion to approve the agenda. Mr. Loppatto seconded the motion and it was unanimously approved.

Discussion/Approval of the Planning Commission Minutes of January 21, 2012

Mr. Gaughan made a motion to approve the minutes dated January 21, 2012. Seconded by Mr. Boswell, the motion was unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Killmer)

Mr. Killmer gave the following report:

The Committee held a meeting on February 10, 2012 to discuss and vote on an application submitted by Mr. Ed Ide of i3a Consulting Engineers for Mr. Tim Haley owner of the Blue Crab restaurant. The request was for a new decorative parapet and four (4) new signs for properties located at 210 Garfield Parkway, Units A, B, C, D, Lots 10-12, Block 108, in the C-1 Zoning District, Bethany Beach, DE. The application was approved as submitted.

Mr. Killmer noted that Mr. Haley's based the design of his proposed improvements of the four units on a commercial building designed by Ms. Frederick located in the City of

Rehoboth Beach, Delaware. He also noted that he thought that the proposed design would greatly improve the appearance of the four storefronts and overall enhance the downtown business district.

Comments/Updates Regarding the February Town Council Meeting (Killmer)

Mr. Killmer gave the following report:

- A public hearing was scheduled for March 13th on the proposed housekeeping amendments to the Table of Dimensional Requirements related to the R-1A District.
- Council opposed the video taping of Town Council meetings.
Mr. Loppatto made a suggestion that the public can e-mail comments or questions to the Commissioners to be addressed at the meetings.
- Council approved the 2010/2020 Comprehensive Development Plan with the incorporated recommendations from the Delaware Office of State Planning Coordination. The Comp. Plan will be sent back to the Office of State Planning Coordination with a cover sheet to be certified and signed into law by Governor Markell. Mr. Killmer expressed his appreciation to the Commissioners for all of their hard work towards completing the 2010/2020 Comprehensive Plan.
- Council approved a Supplement to FY 2012 Budget for the amount of \$55,000 for the Army Corps of Engineers Feasibility Study as approved in July 2011. Mr. Killmer noted that he was the only member who opposed this supplement.
- Council approved the increase of the amount charged for the purchase of a second Residential Parking Permit from \$25 to \$35. Mr. Killmer explained that there would be a salary increase for year round as well as seasonal police officers to keep the Town competitive with the salaries offered by surrounding municipalities.

Comments, Q&A and Discussion for the Planning Commissioner Members (All)

There were no comments or questions at this time.

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

There were no comments or questions at this time.

NEW BUSINESS

Review of Documentation from the Delaware State Housing Authority Regarding Practical Options for Low Cost Housing Affordability; Part #1 Accessory Dwelling Units (Killmer)

Mr. Killmer explained that one of the recommendations from the Delaware Office of State Planning for the 2010/2020 Comprehensive Development Plan was for the Planning Commission to review, study and determine if it is possible to create opportunities for the creation of low-cost housing within the corporate limits of Bethany Beach. Mr. Killmer stated that at the end of the process the Planning Commission's recommendations on affordable housing would be sent to the Town Council. He added that this issue is a vital concern, considering that the average age of Town residents is about sixty-five (65) years

old and based on the fact that our Town's residents will require services that are essential to maintaining the health and welfare of our older population. However, many of the "younger" individuals who provide these services cannot afford to live in the Town possibly creating a key disconnect with those individuals that provide the key services to those individuals that will continually need and depend on those same services.

Mr. Killmer emphasized that this will be a challenging task, but it is the Commission's responsibility to thoroughly vet the issue and present our findings and recommendations to the Town Council as well as sometime in the future updating our Comprehensive Plan.

The Committee reviewed the document on "*Accessory Dwelling Units: A Practical Option to Promote Affordability*" by the Delaware State Housing Authority.

Mr. Killmer made a point, in reference to Page 9 of the above document, that only two municipalities in the State of Delaware that currently permit Accessory Dwelling Units (ADUs) in their communities.

Mr. Boswell stated that he feels this concern does not relate to this resort town. The only way that the Town can accommodate those who provide services is to provide affordable housing in nearby towns.

Mr. Killmer explained that the Town is only one (1) square mile, and the Zoning Code does not favor the creation of ADUs. He noted that all coastal communities have the same issues as the Town of Bethany Beach. Although he can sympathize with this issue, accomplishing it would create many problems with the Town's Zoning Code, since there are regulations in place that prohibit the creation of ADUs.

Mr. Gaughan commented that he was at first skeptical of the idea of providing affordable housing units. However, after reading through the information provided by the Delaware State Housing Authority, he felt that there are possible aspects to accomplishing it, even though it would be challenging. He does not feel the idea of establishing affordable housing should be dismissed, adding that other communities have special exceptions to their Code in able to accommodate certain situations. He also found it interesting that the State Capital (Dover) and other large cities allow affordable housing units.

Mr. Killmer advised that there would be additional sections on Affordable Housing prepared by the Delaware State Housing Authority that the Commission will have a chance to review at future meetings. Mr. Killmer expressed thanks to the Commissioners for taking the time at looking over this document and providing their input.

Mr. Killmer mentioned that he and Mayor Tony McClenny attended a conference on the topic dealing with the most recent housing crisis. He was made aware of the fact that that after the last census it was determined for the first time only forty nine percent (49%) of the population are married and/or living together versus fifty-one percent (51%) of the population who live alone or were never married, are divorced or widowed. This shift in living styles shows that people have altered their housing priorities from a suburban to a

more urban environment. This shift in life styles are based on such factors as their desire to reside in areas with public transportation, to be near friends and people of similar age and interests, and to be close to entertainment, restaurants, museums, cultural events and to live in smaller size housing units. He emphasized that this trend will continue to increase over time and the percentage of housing units being occupied by individuals is even higher throughout Europe.

Mr. Killmer noted that Sussex County had recently passed an ordinance which gives builders the ability to construct higher number of housing units on a property if they would also construct a number of identical housing units for lower income families, but to date no builder/developer has taken advantage of this ordinance.

OLD BUSINESS

Approval of a Final Draft For an Updated Ordinance of the Town Regarding Fences (425-16B) (Killmer)

Mr. Killmer stated that he incorporated all of the changes from the meeting last month into an updated ordinance, Section §425-16. Regulation of Perimeter Fences.

The Commission reviewed the updated drafted ordinance on the Regulation of Perimeter Fences.

Mr. Boswell made one amendment to the document that dealt with prohibiting chain-linked fences on residential properties.

The Commission unanimously voted to approve the final draft for the updated ordinance, *425-16 Regulation of Perimeter Fences*, as amended.

Continued Review of Zoning Code Issues Related to Bulk Density and Floor Area Ratios (FAR) (Frederick)

Ms. Frederick explained that she has been researching other municipal zoning codes and the methods that they use in their codes to address the issue of bulk density. She provided some basic information for the Commissioners to review to assist them in determining which practices would be best for future consideration in Bethany Beach. She also provided a list of zoning code practices that she has found to be common for addressing building bulk density, a comparison chart that identifies how other towns in the vicinity are addressing the issue and photos of existing and recently constructed dwellings in Bethany Beach that have features that either create the impression of being “over-sized” or that have features that manipulate their bulk creating less bulk overall.

Mr. Killmer asked Ms. Frederick to further explain the following item under “Practices that Address/Reduce Building Bulk in Residential Construction” in the document:

1. HEIGHT

*Determine a maximum permitted height for dwellings (all towns).
Determine a maximum height for flat roofs and decks to eliminate flat roofs and
“boxy” buildings (North Shores, Rehoboth).*

Ms. Frederick explained that the City of Rehoboth addresses bulk density using regulations related to height by not permitting roof decks above a height of fourteen (14) feet from an elevation taken from the center of the street and requiring a minimum roof pitch of 5/12.

Mr. Killmer questioned if this issue is already addressed in the Code.

Ms. Frederick replied that this issue is only addressed for buildings in a flood zone where the height is determined from base flood elevation.

Ms. Frederick also advised that limiting the permitted number of stories of a house could reduce the bulk density.

Mr. Loppatto suggested limiting the permitted height of flat decks on homes.

Ms. Frederick stated that several other towns require a percentage of the lot to be natural /green. The Town currently allows property owners to pave and/or cover as much of the lot as they wish.

Mr. Killmer said that going green would be a great concept to consider, but stated that they he had reviewed the matter in the past and if enforced would create a lot of properties that would need to be “grandfathered” because of our current regulations

The Commission ensued with a discussion on ways to amend the Zoning Code to limit building bulk.

Mr. Killmer asked Ms. Frederick to draft a document based on Bulk Density requirements for the Town by May, and to include photos of structures that would meet proposed new guidelines.

SUMMARY OF ACTION ITEMS

- A. Mr. Killmer will create a draft document on low cost housing alternatives to present to the Town Council, after the Commission reviews all of the sections prepared by the Delaware State Housing Authority.
- B. Ms. Frederick will draw examples of illustrations for the Planning Commissioners to review and consider incorporating one into the updated ordinance on fences.
- C. Ms. Frederick will draft a proposal on Bulk Area Density requirements for the Town, and it will include photos of examples. She will complete this by May.

ADJOURN

Mr. Loppatto made a motion to adjourn the meeting. Seconded by Mr. Gaughan, the motion was unanimously approved.

The meeting was adjourned at 10:27 a.m.

The next meeting is scheduled for March 17, 2012.

Respectfully Submitted:

Lindsey Good, Admin. Secretary