

**Town of Bethany Beach
Planning Commission Minutes
November 17, 2012**

The Bethany Beach Planning Commission held a meeting on Saturday, November 17, 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; Faith Denault; John Gaughan; and Chuck Peterson. Excused member: Fulton Loppatto.

Also present: Susan Frederick, Building Inspector; Margaret Young, Town Council Member; Lindsey Good, Administrative Secretary; and interested members of the public (Bruce Frye; Patrick McGuire, Jerry Morris, Tracey Mulligan).

OPENING OF MEETING

Approval of Agenda

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

Discussion/Approval of the Planning Commission Minutes of September 22, 2012

Mr. Gaughan made a motion to approve the minutes dated September 22, 2012. Seconded by Ms. Denault, the motion was unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Denault/Killmer)

Mr. Killmer reported that there was a Non-Residential Design Review Committee meeting held on November 9th, 2012 to discuss and vote on two (2) applications.

The first application was submitted by Richard Haxton of Kent Signs, for Ann Raskauskas tenant of 776 Garfield Parkway "Bethany Area Realty, LLC" for a new sign for the business located at Lot 2, Block 24, in the C-2 Commercial Zoning District. The application was unanimously approved and conformed to both the Town's Sign Ordinance as well as the Bethany Beach Design Guidelines.

The second application was submitted by Christopher Cullen from the firm Davis Bowen & Friedel, Inc., for St. Martha's Episcopal Church located at 117 Maplewood St. for a partial demolition of an existing structure and the construction of a major new addition. The Church property is located at Lot (s) 13, 15, 17, 19, 21, and 23, Block 123, in the R-1 Residential Zoning District. The application was unanimously approved and met all of the requirements as outlined in the Bethany Beach Design Guidelines.

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

Mr. Killmer reported the following:

- Mr. Gravier reported at the meeting that the Streetscape Project is moving forward. Contracts have been mailed out to potential bidders. Construction will begin on the north side of Garfield Parkway first, and work on the south side will begin in 2014. The project is being fully funded by a grant of \$2.6 million dollars.
- Mr. Gravier reported that the east side of North Pennsylvania Avenue, where a number of commercial businesses are located, will undergo a beautification process which will involve removing a number of utility poles, installing ADA-approved sidewalks and installing upgraded streetlights.
- Mr. Gravier provided an update on the new retention pond at the Collins Street Water Facility. Mr. Killmer noted that the Town Council has a preliminary timetable of when processes of this project will be completed, and he was concerned with the issue regarding the completion date being May 30th, 2013 on the submitted contracts.
- Council voted to approve the resolution to reaffirm the use of the Church/Neff parcel as a park. Public hearings will be scheduled in the future.
- The Town Council approved all of the Committee Appointments submitted by the Mayor.
- There was an appeal submitted to the Board of Adjustment regarding the decision of the Building Inspector, Susan Frederick, for property owned by Carl Tull, 314 Second Street, for property identified as Block 20, Lot 8, in the R-1 Residential District. Mr. Killmer explained that Mr. Tull felt that the Building Inspector misinterpreted the Town Code as it relates to accessory structures.
- Council voted not to hold a Town Council meeting in December.

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

- Mr. Killmer reported that the Town of Bethany Beach's 2010-2020 Comprehensive Plan has been approved by the State Planning Office. In addition, because of the delay by the State of approving the Comprehensive Plan the Plan's effective date has been changed to 2012-2022.
- Mr. Gaughan presented an article regarding the City of Lewes being partly funded by the State of Delaware to help support "green" projects. He suggested that this should be considered when moving forward with the Streetscape Project, and asked Mr. Killmer to give the article to the Town Manager, Cliff Gravier, to review.

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

There were no comments or questions at this time.

NEW BUSINESS

Discuss and Vote To Possibly Canceling The December 22, 2012 Planning Commission Meeting

Hearing no objections to cancel the December 22, 2012 Planning Commission meeting, Mr. Killmer called for a motion.

Mr. Gaughan made a motion to cancel the December 22, 2012 Planning Commission meeting. Seconded by Mr. Peterson, the motion was unanimously approved.

OLD BUSINESS

Review and Discussion Of A Power Point Presentation Dealing With A Number of Options That Address Residential Building Bulk (Frederick)

Ms. Frederick gave a presentation on Residential Building Bulk. She explained that she included in the presentation various options on ways to address building bulk in the Town Code. She noted that that the examples used in her presentation are not intended to be viewed negatively, but are meant to address concerns from the Planning Commission and members of the public. These concerns include parcels developed to the maximum height, width and lot coverage permitted, resulting in boxy appearances.

Ms. Frederick reviewed the following options that have been discarded for resolving the issue:

- A. Height:** The current zoning code addresses height adequately.
- B. Floor Area Ratio:** FAR was considered and discarded as not sufficiently addressing bulk.
- C. Natural “Green” Area Requirement:** It was considered so as to require a certain percentage of the lot to be natural “green”, but this requirement alone failed to adequately address all of the building bulk related issues as well as the fact that for many non-year-round residents they wouldn’t be able to maintain the landscaping on a year-round basis.
- D. Limit the Number of Bedrooms and Bathrooms:** This option would not adequately reduce bulk.
- E. Require a Greater Variation in Front Façades:** This option is not related to overall bulk.

The following options that Mr. Frederick feels should be considered are as follows:

- A. Limit the Number of Stories to Two and a Half (2 ½):** Limiting the number of stories would reduce bulk by lowering height of exterior walls and the eave line, encourages the use of dormers, prohibits and discourages flat rooms, reduces habitable area on the top “half” floor, and creates new dwellings that are more compatible and in scale with adjacent existing homes.
- B. Adopt a Minimum Roof Pitch for all Dwellings or Dwellings Over Two (2) Stories:** Adopting a minimum roof pitch will lower the height of the exterior walls, lower the roof eaves, prohibit and discourage flat roofs, reduce the allowable habitable area on third levels, create newer dwellings more compatible and in scale with adjacent older homes, and encourage the use of dormers. Minimum pitch could be adopted for R-1 districts only, where houses tend to be taller and on smaller lots.
- C. Require Variation in the Eave Line:** Variation in the eave lines would break up roof areas and create a more varied overall bulk.
- D. Require Side Elevations to Contain Variation (similar to front requirement):** This option will help in creating a less “boxy” design but may not achieve sufficient reduction in overall scale by itself.

Requiring variation in the side elevations will reduce “cavernous” feeling between dwellings; add interest to the building design; create newer dwellings more compatible with existing homes; and allow additional air, light and space between buildings.

- E. Promote Tradeoffs:** As a positive approach, offering code tradeoffs or incentives may work to benefit both the Town and its residents. However, tradeoffs with the existing Town Code requirements are very difficult because it already allows large structures. Features that would be desirable may include dormers, open porches and decks, reduction in lot coverage, steeper roof pitches, and less planes and greater variation in planes.

Mr. Patrick McGuire, property owner, referenced the option of limiting the number of stories, and questioned if the lower level of a structure where the garage is located, is considered a story. Ms. Frederick replied that it is considered a story since it is enclosed.

The Commission ensued a discussion on exactly what defines a first story to be considered a “full story” or a “half story”.

After much discussion on all of the options presented by Ms. Frederick, the Commission agreed that promoting tradeoffs in the existing Town Code would be a good way to approach the issue of Residential Building Bulk. Mr. Killmer explained that property owners are more satisfied when there are more options in regards to constructing for new residents. Ms. Frederick added that it is a more creative approach and that it would

promote diversity. As stated in the presentation, features that would be desirable may include dormers, open porches and decks, reduction in lot coverage, steeper roof pitches, less flat planes and greater variation in planes.

Ms. Frederick referenced the City of Rehoboth Beach as an example, and explained that they increased the front yard setback but included a five (5) foot allowance for front porches as a design tradeoff in their code.

Ms. Frederick stated that one other option to be considered would be to decrease the maximum percentage of lot coverage permitted for corner lots, because the current permitted coverage of forty percent (40%) is nearly all of the space remaining within setbacks. Mr. Killmer stated that he agrees.

Mr. Killmer said that a meeting with architects, designers and engineers will be scheduled, and the Commissioners need to create a complete list of definitions and review them at a future meeting to make sure that all members are comfortable with them and we have all of the important items properly defined.

Mr. Tracey Mulligan, property owner, noted that this presentation is exactly what the Building Inspector should have done and that Ms. Frederick did a great job.

Mr. Killmer expressed his appreciation to Ms. Frederick for creating and presenting this information on Residential Building Bulk, and added that her presentation was outstanding.

Ms. Margaret Young, Council member, commented that she is very happy that this issue is finally being addressed.

SUMMARY OF ACTION ITEMS

- A. The Planning Commission is going to review definitions and determine additional definitions, and suggest additional incentives/trade-offs for Residential Building Bulk.
- B. Ms. Frederick will provide additional examples of parcels that are examples of positive alternatives for reducing overall building bulk as recommended in her Power Point presentation.

ADJOURN

Mr. Gaughan made a motion to adjourn the meeting. Ms. Denault seconded the motion and it was unanimously approved. The meeting was adjourned at 10:38 a.m.

The next meeting is scheduled for January 19th, 2013.

Respectfully Submitted:

Lindsey Good, Admin. Secretary