

**Town of Bethany Beach
Planning Commission Minutes
September 21, 2013**

The Bethany Beach Planning Commission held a meeting on Saturday, September 21, 2013 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, Chairman, who presided; Mike Boswell; John Gaughan; and Fulton Loppatto.

The following members were excused: Faith Denault and newly appointed member, Jerry Morris.

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

OPENING OF MEETING

Mr. Killmer called the meeting to order at 9:00 a.m. He expressed his appreciation towards former Planning Commission member, Charles (Chuck) Peterson for all of his hard work and dedication while serving on the Planning Commission. Jerry Morris has been appointed as a new member of the Planning Commission.

Approval of Agenda

Mr. Gaughan made a motion to approve the agenda. The motion was seconded by Mr. Boswell and unanimously approved.

Discussion/Approval of the Planning Commission Minutes of June 22, 2013

Mr. Loppatto made a motion to approve the minutes dated June 22, 2013. The motion was seconded by Mr. Boswell and unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Denault/Killmer)

Mr. Killmer reported the following:

There was no Non-Residential Design Review Committee meeting, so there was no report.

Comments/Updates Regarding the September Town Council Meeting

Mr. Killmer reported that there was a Town Council Reorganizational Meeting on September 16th, 2013. At this meeting, Council members Jerry Dorfman, Joseph Healy, and newly appointed Charles (Chuck) Peterson were sworn into office. Appreciation was expressed towards Carol Olmstead, who has served on Council for many years but decided not run this term. Mayor Tony McClenny was nominated to serve as Mayor, Jack Gordon was nominated to serve as Vice-Mayor and Jerry Dorfman was nominated to serve as Secretary/Treasurer.

It was decided that the Council meetings would continue to take place on the third Friday of each month at 2:00 p.m.

Council voted to approve awarding a contract for the Y2013 Street Rehabilitation Project.

The Planning Commission members were also appointed at the September Town Council meeting. The following members were re-appointed to serve on the Planning Commission: Faith Denault and John Gaughan. Since only one member of the Town Council can serve on the Planning Commission, newly elected Town Councilman Chuck Peterson can no longer serve. Mr. Jerry Morris has been appointed by the Town Council to complete Mr. Peterson's term on the Planning Commission, which expires in October of 2014.

There was no regular Town Council meeting this month.

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

Mr. Killmer stated that Item. (A) Nomination and Election of the Planning Commission's Chairperson and Vice Chairperson for 2013/214 will be postponed for the next meeting's agenda, so that all members are in attendance to vote.

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

There were no comments or questions at this time.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Review and Possible Vote For Changes To The Town Code That Involve Sections (§424-2) Definitions and Word Usage; (§425-87) Off-Street Parking and (§425-87C) Permitted Uses

Mr. Killmer explained that there are three (3) issues regarding the current Code, Section 424-2 and 425-87 and 425-87(C) that need to be addressed. 1.) Mr. Jack Burbage has discussed plans of the proposed hotel with the public at numerous public hearings and/or meetings and the proposed changes to the section §425-87C codifies the proposed amenities that were promised by Mr. Burbage to the community. 2.) Ownership of the property may change in the future and the Town wants to insure that any future changes must comply with the proposed updates. 3.) Because off-street parking is a critical component in the CL-1 Zoning District more restrictive off-street parking requirements are in order. Mr. Killmer added that the proposed changes basically consist of adding more definitions and addressing off-street parking related issues.

The Commissioners reviewed that draft ordinance and made the following changes:

A. *“Commercial Lodging”*: *Hotels or motels, in a building or group of buildings, offering transient lodging accommodations on a daily rate to the general public. Additional services to be provided shall include **Mandatory Amenities** and/or other restaurants, meeting rooms, **pools, spas**, and recreational facilities.*

B. *“Commercial Lodging Room.”* *A **Standard Guest Room or Oversized Guest Room in Commercial Lodging** containing a bathroom, or access thereto, and sleeping facilities, but without a **Kitchen** or cooking facilities.*

C. *“Kitchen”*: *A room or area (either in whole or in part) used for cooking and/or food preparation and/or containing any form of cooking facilities and/or food storage facilities such as stoves, countertops for food preparation, ovens, refrigerators; provided, however, that areas containing a compact refrigerator, coffee pot, microwave, mini-bar, or similar compact amenities shall not be considered a “kitchen”.*

D. *“Standard Guest Room”*: *A Commercial Lodging Room with standard accommodations for a maximum of four (4) occupants in any configuration of beds (e.g. one king size bed, two queen sized beds, or up to four twin beds are permitted) or any type of furniture capable of converting into beds or sleeping facilities. Temporary bedding/temporary sleeping accommodations (i.e., **cribs**, rolling cots, air mattresses), as commonly used in hotels/motels, shall be allowed for temporary use for one additional occupant as necessary.*

E. *“Oversized Guest Room”*: *A Commercial Lodging Room with standard accommodations for more than four (4) occupants in any configuration of beds including, but not limited to, any type of furniture capable of converting into beds or sleeping facilities.*

F. *“Mandatory Amenities”*: *An amenity that is required to be provided on-site for Commercial Lodging containing fifty (50) or more Standard Guest Rooms and/or Oversized Guest Rooms in a Commercial Lodging structure or complex.*

Mr. Gaughan noted that clarifying the Code is a positive step for the Town Council, and questioned what the steps of the process are for moving forward with approving the proposed ordinance. Mr. Killmer explained that if the Planning Commission approves the draft ordinance at today’s meeting, the next step is to hold a public hearing, and then it will be added as an agenda item to be discussed and voted on by Town Council at a future regular Town Council meeting. It is categorized as a pending ordinance until it is voted on by Town Council.

Mr. Killmer called for a motion at this time. Mr. Gaughan made a motion to approve the proposed amendments including the changes made at today’s meeting to Sections (§424-2) Definitions and Word Usage; (§425-87) Off-Street Parking and (§425-87C) Permitted Uses of the Bethany Beach Town Code. Mr. Loppatto seconded the motion and it was unanimously approved.

A Draft Ordinance To Regulate Residential Bulk Density In The R-1, R-1A And R-1B Zoning Districts

Mr. Killmer stated that Ms. Frederick did an outstanding job on her Residential Building Bulk presentation. Mr. Killmer created a draft ordinance based on Ms. Frederick's PowerPoint slides so the Planning Commission can more easily perform a line-by-line review of the proposed ordinance to regulate residential bulk density in the R-1, R-1A and R-1B zoning districts. After the Planning Commission creates a draft ordinance that may take several months to complete, Ms. Frederick will again invite developers, builders and designers back to a future Planning Commission meeting to capture their concerns/issues with the proposed draft ordinance as well as possibly including their suggestions and recommendations that will be need to be approved by the Planning Commission and sent on to the Town Council.

The Commission reviewed and made changes to the draft ordinance on regulating bulk density. Mr. Killmer is going to make all of the suggested changes to the draft document and Ms. Frederick will obtain additional information to be incorporated into the ordinance.

At the next Planning Commission meeting, the Commissioners will review Draft B of the ordinance, and after any changes are made it will then be distributed to representatives of the building industry to review.

SUMMARY OF ACTION ITEMS

- A. Ms. Frederick will review additional trade-off ideas to incorporate into the draft ordinance on Residential Bulk Density.
- B. Mr. Killmer will make all of the Planning Commission's suggested changes to the draft ordinance on Residential Bulk Density.
- C. Ms. Frederick will establish the percentage of required side elevation in the draft ordinance on Residential Bulk Density.
- D. The Planning Commission will decide what photos of houses to add to the proposed ordinance that clearly illustrate and support the principles outlined in the Residential Bulk Density draft ordinance.

Respectfully Submitted:

Lindsey Good, Admin. Secretary