

**Town of Bethany Beach  
Planning Commission Minutes  
January 24, 2014**

The Bethany Beach Planning Commission held a meeting on Friday, January 24, 2014 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; Fulton Loppatto; and Jerry Morris.

The following members were excused: Faith Denault

Also present: Susan Frederick, Building Inspector; Council members, Chuck Peterson and Margaret Young; Lindsey Good, Administrative Secretary; Nathalie Fernandes, Receptionist; and interested members of the public.

**OPENING OF MEETING**

Mr. Killmer called the meeting to order at 9:00 a.m.

Approval of Agenda

Mr. Morris 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 November 16, 2013

Mr. Gaughan made a motion to approve the minutes dated November 16, 2013. The motion was seconded by Mr. Morris 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 January Town Council Meeting***

Mr. Killmer reported that the meeting dealt with a lot of small issues that do not pertain with the Planning Commission.

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

Mr. Morris questioned the status of the proposed hotel. Mr. Killmer replied that the status of the construction for the hotel has not changed. They still need licensing prior to receiving a building permit and they need approval from the Fire Marshal, the Army Corporation, Sussex conservation, and Sussex sewer. Mr. Killmer explained that there are still issues with the configuration of Hollywood Street as well as where the contractors will be parking, staging areas, and the wells at the end of Hollywood Street. There are still a lot of issues to be dealt with

by the franchise owner and the town is working with them. Mr. Killmer noted that Ms. Frederick has made a list of what she requires of them in order for them to receive a building permit. There are a lot of issues regarding the timeline because pile driving is not permitted between Memorial Day and Labor Day; time is of the essence.

Mr. Gaughan wanted to clarify if the property has already been sold. Mr. Killmer stated that it has not been sold.

Ms. Frederick stated that they have provided partial plans for final review. The Fire Marshal has not approved anything yet. Mr. Killmer reiterated that this was an outstanding issue. Ms. Frederick explained that the Fire Marshal is not aware that the site plan was not accepted by the Town because the proposed site plan deals with a lot of changes with the public land. She went on to discuss how she is unsure about the wells at the end of Hollywood Street and is in contact with the town engineer in order to answer the following questions: why do we need them; why were they placed there; and can they be moved. Mr. Killmer mentioned the sewer situation and Ms. Frederick explained that according to them, the sewer would be able to handle the load of the hotel.

## **PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION**

There were no comments or questions at this time.

## **OLD BUSINESS**

### Review of Draft C of the Ordinance To Regulate Residential Bulk Density

Mr. Killmer explained that he took all the recommendations to make the Ordinance consistent. He also noted that rather than listing all the details for examples of possible tradeoffs or revisions to the current zoning code to reduce residential bulk density, Mr. Killmer suggested that the trade-off chart, which is in for review and next on the agenda, be used as a reference.

## **NEW BUSINESS**

### Review The Trade-Off Chart For The Proposed Residential Bulk Density Ordinance.

Mr. Killmer mentioned that the chart is easy to read. Ms. Frederick explained that most of the ideas discussed in the prior meeting were put into the chart. She stated that the corner lots are not permitted to increase side yards because they already cover 40%. The chart shows a decrease in lot coverage, but an increase in side yards, front yards, and rear yards. Mr. Killmer questioned if everything on the chart is dimensional and whether the footnotes should be described and Ms. Frederick replied that it is a work in progress. She went on to discuss that footnote (n), for 36% lot coverage, deals with the front of property line which is mainly seen on Central Boulevard and the northern downtown area of Bethany Beach. Ms. Frederick also noted that the corner lots are problem lots because even the lots with 38% coverage cannot increase setbacks. The chart gives options to encourage less property use. Some property owners have smaller lots, so then they can opt to go with less lot coverage which means fewer setbacks.

Ms. Frederick explained about the minimum roof pitch was made in order to make the houses look less “boxy.” Mr. Killmer asked if there is a minimum basic roof pitch and Ms. Frederick replied that 3:12 is the minimum roof pitch. Mr. Killmer suggested that they keep the roof pitch minimum for lots that cover 40 and 38 percent as 5:12 and to change the roof pitch minimum for lots that cover 36 percent as 3:12. All agreed.

Ms. Frederick began to discuss the vary eave line but Mr. Killmer recommended removing that portion out.

Ms. Frederick is working on illustrations to go along with the chart. Mr. Killmer questioned if the chart should be restricted to R-1 zones, as well as R-1A and R-1B. Mrs. Frederick agreed because most of the issues lie around the houses in the downtown area.

Mr. Killmer asked about the new FEMA maps for new homes and Ms. Frederick stated that some of the new houses are problematic. Ms. Frederick has the current FEMA maps and the new maps that have not yet been adopted. The maps are changing a lot of elevations of properties and Ms. Frederick has recommended that new houses install flood bins now rather than later because flood insurance may not cover it. She does not want homes being built now that will not be prepared for flooding later down the road when homeowners may not be able to afford flood insurance. There is a problem being encountered with the new AO zones. Ms. Frederick advises owners of the new, yet to be adopted, FEMA so they have options. Mr. Killmer noted that many of these properties are investments so it is unfortunate that new owners do not take advantage of the information given by Ms. Frederick.

Mr. Killmer restated that the chart is very good and a lot easier to visualize. When the illustrations are done as reference, it will make it the chart even better to understand. He will revise the Residential Bulk Density Ordinance to refer to the Trade-Off Chart rather than listing the details. Mr. Killmer also noted that the chart should include the meanings of footnote (b) and (n) so others would not have to search in the Town Code. They will review this all again.

Review Proposed Changes To Article XV Of The Town’s Zoning Code Regarding The Size and Number Of Permitted Compact Car Parking Spaces In The CL-1 Zoning District And The Number Of Required Off-Street Parking Spaces For Residentially Zoned Properties.

Mr. Killmer explained that the Town Code does not address the concept of smaller parking spaces for compact cars and he added an additional section under Section 425-86:

*B. In the Commercial Lodging Zoning District (CL-1) are permitted compact automobile parking spaces that shall have a minimum width of eight (8) feet and a minimum length of sixteen (16) feet. The total number of compact automobile parking spaces is limited to a maximum of fifteen (15) percent of the total number of required parking spaces in the CL-1 Zoning District.*

There is limit made to the number of compact car parking spaces for Commercial Lodging because there is only a certain amount of space available for parking, and in order to take full advantage of that, a limit on compact parking spaces is being made to fulfill the space entirely.

Mr. Morris noted that it states that the maximum amount for compact parking space is 15% when nationally it is 12-13%. He explained that visitors would normally come to a beach and hotel with a bigger car, rather than a compact car, so he suggested changing it down to 10%. Mr. Killmer explained that it was originally at 17% and dropped it down to 15% because it would not be in compliance with the current ordinances if it were less. He added that those spaces will not be restricted to only smaller cars because there are SUVs that are acknowledged as compact.

In regards to the number of residential parking, Mr. Killmer researched surrounding towns in the state of Delaware and other states, such as California and Florida, to establish a parking space to dwelling unit ratio. Currently section 425-87 A (1) states:

*(1) Residential single standard dwelling unit, multi-dwelling unit and two or more bedroom apartments: two spaces per dwelling*

And Mr. Killmer changed the current section to the following consensus:

*(1) Residential Parking Requirements: Every dwelling unit in a residential structure, whether a detached single family dwelling unit or one of several dwelling units in a multifamily residential or mixed use structure in each zoning district shall require a minimum of off-street parking spaces based on the following requirements:*

*Two (2) off-street parking spaces for up to three (3) bedrooms*

*Four (4) off-street parking spaces for up to five (5) bedrooms*

*Six (6) off-street parking spaces for up to seven (7) bedrooms*

*Seven (7) off-street parking spaces for up to eight (8) bedrooms*

*Eight (8) off-street parking spaces for up to nine (9) or more bedrooms*

Mr. Loppatto questioned how it will be possible to go by those guidelines if homeowners are only allowed a driveway with a width of twenty (20) feet. Mr. Killmer replied that by having little space for parking will help minimize the sizes of houses being built in town. Mr. Loppatto clarified that he is not against the change, but does not want conflicting rules being made. Ms. Frederick commented that many of the houses are on ally-ways and the streets do not have a right of way, and that results in people parking in the backyard. Mr. Killmer commented that he would like to pass this change along to Town Council with the Commissioners approval.

Mr. Loppatto motioned to approve the changes to §425-86 and §425-87. The motion was seconded by Mr. Morris and unanimously approved.

Mr. Killmer asked for the Commissioners to email him their schedules so they can go back to a regular Saturday morning schedule.

## **SUMMARY OF ACTION ITEMS**

- A. Mr. Killmer will revise the Residential Bulk Density Ordinance.
- B. Ms. Frederick will edit the Trade-Off Chart and create illustrations to accompany the chart.

**ADJOURN**

Mr. Gaughan made a motion to adjourn the meeting. Mr. Boswell seconded the motion and it was unanimously approved. The meeting was adjourned at 9:57 a.m.

Respectfully Submitted:

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Nathalie Fernandes, Receptionist