

**Town of Bethany Beach
Planning Commission Minutes
November 17, 2007**

The Bethany Beach Planning Commission held a meeting on Saturday, November 17, 2007 in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, who presided; Donald Doyle, Tony McClenny and Fulton Loppatto. Kathleen Mink requested and was excused from this meeting.

Also present: Mayor Carol Olmstead, Councilman Tracy Mulligan, Councilman Steve Wode, Councilman Joseph Healy, John Eckrich, Building Inspector, Seville Pettit, Administrative Secretary and interested members of the public.

The meeting was called to order at 9:03 a.m.

OPENING OF MEETING

Approval of Agenda

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

Discussion/ Approval of the Planning Commission Minutes of October 20, 2007

Mr. Killmer advised the Planning Commission held a meeting on November 5, 2007 and the minutes were not prepared. The minutes will be reviewed at the January meeting.

Mr. McClenny and Mr. Doyle suggested some changes to the minutes. Mr. Doyle made a motion to approve the minutes as amended. The motion was seconded by Mr. McClenny and unanimously approved.

Announcements/ Comments/ Updates

Commercial Design Review Update (McClenny/Killmer)

Mr. McClenny reported the Commercial Design Review Committee approved the modified plans presented by Mr. Connor, owner of the Connor Mall, LLC. All the committee members were present and Mr. Connor was very receptive to the changes that were recommended.

Mr. Killmer added that the changes that were recommended by the committee members would make significant improvements to **the appearance of the exterior** of the building.

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

Mr. McClenny stated there was a second reading and discussion at the Town Council meeting ~~for~~ **regarding proposed changes to Chapter 40**, which the Planning Commission ~~members~~ had reviewed and approved.

One of the **Planning Commission's recommendations** that was ~~suggested amendments that did pass~~ **approved by the Town Council**, was to have a the Town Council representative ~~liaison join the~~ **be an ex-officio member of the** Planning Commission as an ~~ex-officio member~~, which would allow **full participation of the Town Council liaison in all the Planning Commission activities with the exception for their ability to caste a vote.** ~~discussions without a vote.~~

Mr. McClenny noted that Chapter 40 has been approved **by the Town Council** and will be added to the Town Code.

Mr. Killmer announced there will be a ~~need advertisement~~ to fill a **the newly created** position on the Planning Commission. **In the future all terms for members of the Planning Commission will be for three-years.** ~~be it will be a three-year term.~~

Mr. Doyle questioned the start date of the new terms provided by **the updated** Chapter 40. Mr. Killmer stated it will begin in October 2008.

Update of Planning Commissioners Future Plan Related Projects (All)

Mr. Killmer stated it is important to ~~finish working~~ **complete the review and updating of** ~~on~~ Chapter 245. ~~and review~~ **The review of the progress on the of special projects will be done** on a quarterly basis unless **specifically requested by a special projects sponsor. .**

Comments, Q&A and Discussion for Planning Commission Members

A. Note: There will be no Planning Commission Meeting in December

There was no discussion at this time.

PUBLIC COMMENT/ QUESTIONS FOR THE PLANNING COMMISSION

There was no discussion at this time.

NEW BUSINESS

URS Survey of Comprehensive Plan Status (McClenny)

Mr. McClenny provided the Planning Commission members with a memorandum regarding the Comprehensive Development Plan survey provided by Mr. Bob Slavin a representative of the URS Corporation.

Mr. McClenny continued, stating the URS is one of the larger engineering and municipal planning firms in the country. They have contacted the Town to participate in the survey along with other **Sussex County** municipalities. ~~and the purpose is to allow the municipalities to gain a perspective in confidentiality of their comprehensive plan progress.~~

The purpose of the URS survey is establish what parts of each municipalities Comp Plan have been completed, areas that still need to be completed and compare various issues and difficulties that are encountered by each of the Sussex County municipalities. All information supplied to URS will be confidential and the results of the survey will be shared among all who participated in completing the survey.

Mr. Loppatto noted, responding to Ms. Mink's previous email **regarding the Bethany Beach Comp Plan**, he reviewed it to see what sections were complete and incomplete and provided her with his input.

Mr. Loppatto stated he will collect the information and volunteered to complete the URS Survey ~~become the representative~~ for the Planning Commission.

OLD BUSINESS

Follow-up Discussion of Article V Non-Conforming Uses and Structures (All)

Mr. Killmer reported that the **recommendations** that were made at the special meeting held on November 5, 2007 ~~was~~ **were** implemented into ~~this~~ **the final** document. The information was then provided to the Planning Commission members via email.

Mr. Doyle made a motion to move the document forward to the Town Solicitor for reviewing. The motion was seconded by Mr. Loppatto and unanimously approved.

Further Discussion of Additional Requirements for PRD/ Subdivision (All)

Tabled until the month of January.

Comments and Possible Vote on e-Government Proposal (Fulton)

The Planning Commission members began to discuss and recommend changes to the e-Government proposal.

Mr. Killmer noted after Mr. Loppatto makes the changes to the proposed document, it will be sent to the Administrative Office and distribute to the Town Council.

Mr. Doyle made a motion to move the e-Government proposal forward to the Town Council. The motion was seconded by Mr. Loppatto and unanimously approved.

Continue Update of Chapter 245 Starting at §245-45. Permitted Signs (All)

The Planning Commission members began the review of Chapter 245, Permitted Signs. Changes are attached to these minutes.

Mr. Killmer noted in the future the information will be available in the Sign Ordinance

ADJOURN

Mr. Doyle made a motion to adjourn. The motion was seconded by Mr. Loppatto and unanimously approved. The meeting was adjourned at 11:53 a.m.

Respectfully Submitted,

Chapter §245 Proposed Updates From The November 2007 Planning Commission Meeting

Starting Point: §245-45. Permitted signs

Ending Point: §245-62. Uses permitted as a special exceptions.

Proposed Changes:

1. Current §245-46.A.

No windblown display shall be permitted on any lot carrying a commercial message in conjunction with a commercial use or activity occurring on any other specific lot within the Town *or within a one-mile radius of the Town.*

Proposed §245-46.A.

No windblown display shall be permitted on any lot carrying a commercial message in conjunction with a commercial use or activity occurring on any other specific lot within the Town.

2. §245-50 and §245-51 to be reviewed by Mr. Jaywork for his comments about possibly eliminating these two sections from the Zoning Code. The Planning Commission questions the right of the R-1A Zoning District to be granted these special provisions.

3. Current §245-61. Permitted uses.

The Planning Commission felt that the current list of permitted uses needed to be grouped more appropriately and updated. Rather than reproducing the current list of permitted uses, only the proposed updated list is provided.

Proposed §245-61. Permitted uses.

The following uses are permitted within any C-1 District

A. All uses permitted in R-1 and R-2 Residential Districts

- B. General merchandise stores, including but not limited to variety stores, department stores, dry goods stores, drugstores, sporting goods stores and fishing and marine supplies
- C. Hardware, household, appliance, electronic and home furnishing stores
- D. Food stores, including but not limited to supermarkets, groceries, confectionery shops, liquor stores for off-premises consumption, drug stores, dairy product stores, indoor meat or fish markets and bakeries where baked goods are sold at retail over the counter
- E. Eating establishments, including restaurants, luncheonettes, delicatessens, cafes and internet-cafes serving food and beverages consumed on or off the premises and food catering
- F. Shops selling antiques, art, gifts, magazines, books, newspapers, greeting cards, jewelry, cosmetics, flowers and plants, handcrafts, shoes and leather goods, tobacco, photographic, hobby, beach and office supplies, music and musical instruments, tourist souvenirs and merchandise of a similar nature for personal use
- G. Personal service shops, including but not limited to physicians, dentists, lawyers, architects, accountants and real estate sales and rental offices, computer and internet support and service, bicycle repair and rental, bank and loan offices, tax preparation, barbers, beauticians, tailors or dressmakers, photographers, laundromats and laundry or dry-cleaning collection and home appliance repair shops
- H. Public buildings and libraries
- I. Movie theaters, legitimate theaters and art galleries
- J. Hotels, motels, apartments and commercial lodging rooms
- K. The sale of alcoholic liquors in connection with a restaurant or hotel, as these terms are defined at 4 Del C § 101 or any future corresponding provision of Delaware law.
- L. Mini-golf courses

The following categories were eliminated from the current Permitted Use Section of the C-1 Zoning District: rooming houses, boarding houses, tourist homes, shoe repair, building, plumbing, heating and/or air-conditioning supplies where there is no outdoor storage of materials.

The Permitted Uses that were added to reflect current as well as future types of businesses that can be supported in the C-1 Zoning District: general merchandise stores, electronic stores, dairy product stores, indoor meat and fish markets, cafes and internet-cafes, antique stores, stores that sell books, magazines, cosmetics, greeting cards, music

and musical instruments, bank and loan offices, tax preparation, tailors and dressmakers, libraries, movie theaters, and legitimate theaters.

Proposed §245-62. Uses permitted as special exceptions.

The following uses are permitted in any C-1 District, if approved as a special exception by the Board of Adjustment, including any appropriate restrictions or conditions imposed by the Board of Adjustment:

A. Indoor arcades and similar games of skill

B. Automobile sale and rental agencies, provided that the business is conducted within a building with no outside storage or display of vehicles

C. Funeral homes

The following permitted uses by special exception were eliminated: billiard or poolrooms, bowling alleys, automobile service and repair garages, gasoline service stations, signs that exceed dimensional requirements and number based on economic hardship and other injustice.