

TOWN OF GEORGETOWN - PLANNING COMMISSION

Meeting Minutes January 18, 2012

ATTENDANCE

Commissioners

Rob Robinson

David Pedersen

Brett McCrea - absent

Rodney Marvel

Miles Potter

Staff

Jocelyn Godwin, Planning

Tim Willard, Solicitor

Jamie Craddock, Planning

1. CALL MEETING TO ORDER

Commissioner Robinson called the meeting to order in the Town Hall at 6:00 p.m.

2. APPROVAL OF DECEMBER 21, 2011 MEETING MINUTES

Commissioner Potter moved, seconded by Commissioner Pedersen, to approve the December 21, 2011 regular meeting minutes as presented. **APPROVED (UNANIMOUS)**

3. PUBLIC HEARING:

CASE #2010-22

CONDITIONAL USE

An application by Bernard Michel for a conditional use to remodel an existing two-family dwelling into a multi-family dwelling located at 405 North Race Street. The application was tabled at the October 19, 2011 Planning Commission meeting. The property is identified as Sussex County Tax District 135 Map 14.20 Parcel 3.00 and is currently zoned Neighborhood Business (UB2).

Chairman Robinson opened the meeting and asked for any public comment for or against the application as the public hearing is still open. The applicant had no further information to be considered. The public had no comments for or against the application.

Commissioner Potter moved, seconded by Commissioner Marvel, to close the public hearing. APPROVED (UNANIMOUS).

Commissioner Marvel reviewed the ordinance considerations for conditional use. Commissioner Pedersen expressed concern that conditional use may not be appropriate for this situation. It is an after the fact request and may set precedent.

Commissioner Marvel moved, seconded by Commissioner Potter, to deny the conditional use. APPROVED (UNANIMOUS)

Commissioner Pedersen – restated prior comments and concern with setting precedent.

Commissioner Marvel – expressed concerns with meeting the purposes for Conditional Use in the Code §230-231.

Commissioner Potter – agreed with prior comments, applicant created his own problem and inconsistency with the master plan.

Chairman Robinson – agrees with prior comments and feels two units sufficient for the property.

4. CASE# 2012-01 Historic Sign Review

An application by Impact Graphix, on behalf of Lorenzo's Bail Bonds for approval of a historic sign to be located at 5 East Market Street, identified as Sussex County Tax District 135 Map 14.20 Parcel 201.00 zoned Historic District (HD).

Application presented by Zeke Wing, of Impact Graphix, for a sign to be installed. The sign will be 36" x 24" and made of PVC. It will be a hanging sign. The sign will be the same size as the prior sign.

Chairman Robinson confirmed there will be just one sign, nothing in the window. The applicant was unsure of the ground clearance. An apostrophe was suggested before the 's' in 'Lorenzos'. Concern was expressed with the tone of the colors due to the Historic District location. The applicant agreed to adjust the colors. The Town Planning Department can review the adjusted colors.

Commissioner Marvel moved, Commissioner Potter seconded, to approve the application with the condition that the colors are modified with the approval of Town staff. APPROVED (UNANIMOUS)

5. CASE #2011-02: CONDITIONAL USE

An application by Sussex Community Crisis Housing Service and MHDC for a conditional use to allow an expansion by constructing two new buildings. The application was tabled at the December 21, 2011 Planning Commission meeting. The property is identified as Sussex County Tax District 135 Map 14.20 Parcel 266.00 zoned Urban Residential (URI).

Chairman Robinson read the potential conditions discussed at the last meeting, as prepared by the Town Solicitor. Chairman Robinson asked for any public comment in favor of the application. No comments were given. Public comment was asked for in opposition of the application.

Tony Semeraro, of 4 Cranberry Court, asked the Commission how the request fits in with the Comprehensive Plan. Mr. Semeraro's understanding is that any infill construction in the Kimmeytown area would be owner occupied homes and that the density should approach the neighborhood density that it was some decades ago which he believes the Comprehensive Plan states should be 4 to 8 homes per acre. The request is for 16 new units on a small piece of land. There is also an issue on the expansion of existing transitional housing, considering the amount of transitional housing there already is in town.

Chairman Robinson noted that a letter from the applicant was submitted to the Town Council and received by the Commission.

Commissioner Potter moved, seconded by Commissioner Pedersen, to close the public hearing. APPROVED (UNANIMOUS)

Commissioner Marvel questioned the legal ramifications of following the Comprehensive Plan. The Town Solicitor stated that the plan gives some flexibility; however, it should be used as a serious guide for land use decisions. If direction is given on how to approach multi-family or limit it, then it should be followed as a serious guide. The Commission was reminded of the guidelines provided within the Conditional Use ordinance. An example was given of a situation where a project was completed in controversy with a Comprehensive Plan and the State withheld some of their funding due to that controversy.

Commissioner Pedersen addressed the intent of the Conditional Use and of interest to have Kimmeytown become a thriving owner occupied neighborhood. In the meantime we are the County Seat and have many social services here and a great need for housing, especially transitional. He agrees with the comment presented, in opposition, that there is a lot of transitional housing in the Town. The advantage of Conditional Use is the ability to apply conditions, such as requiring a non-profit.

Commissioner Marvel confirmed with the applicant the number of potential clients in the existing facility on North Railroad Avenue which was stated as 18 adults and 4 or 5 children. In the first building with eight bedrooms, the exact occupancy would be driven by the Fire Marshal based on the size. The existing building would be closed once the new building is built.

Commissioner Potter expressed difficulty in that the need is not a question; however, their purpose is to protect the Town of Georgetown. The public need versus the Town of Georgetown. He does not see that this project is in the best interest of the Town of Georgetown. A humanitarian side says to support, versus a tax payer side saying not to support.

Chairman Robinson agreed with prior comments and the difficulty in the decision. He is concerned with the huge number of halfway and transitional houses as well as substandard rental houses within Georgetown. He recognizes the Crisis House has a good track record of running a good facility and has a lot of support. He is in support of the Conditional Use due to the project being close to public transportation, close to social services that would be provided, and that it is not a new use but an expansion and improvement of that use. The applicant has a good track record of management of the facility and impression that there have not been a lot of problems. There is a huge need for services they provide and what would be the alternative. It is better to have the residents off the street, where it is warm and monitored. The applicant did a good job of presenting that the density is comparable in the area and that there are some transitional houses already. It is compatible with the community, not the community we want or desire, but it is the reality of now.

Commissioner Marvel asked if the recommendation could be limited to just Phase 1. The Town Solicitor stated the density could be scaled down and safeguards can be put in place.

Commissioner Pedersen moved, seconded by Commissioner Potter, that they recommend approval of the Conditional Use with the conditions as prepared in ordinance form by Mr. Willard to the Town Council. APPROVED (3 YEAS, 1 NAY)

Commissioner Marvel – Nay – Agrees with Phase 1 of the proposal only. Does not agree with straying from the Comprehensive Plan. He is concerned with what is being done within Kimmeytown, as many organizations are trying to build it up.

Commissioner Potter – Yea – There is a tremendous need. He feels it is not in the best interest of the Town, but that the Town has to do it.

Commissioner Pedersen – Yea – The Town includes the larger community, and while a tough call, the Town as it moves forward needs to figure out how to be both the County Seat and provide for the needs that come with that and be a livable community for all.

Chairman Robinson – Yea – Incorporated previous comments and prior testimony that it is a highly regulated facility, with Fire Marshal involved and housing inspections. There are sufficient safeguards from the State and other agencies that will ensure that these continue on and minimize impact to the Town.

6. **CASE #2011-17** **Georgetown Advance Auto**

An application by Larson Engineering Group, Inc., on behalf of Stoltzfus-Mast Partnership, LLC, for the preliminary site plan review and approval of a 8925 square foot retail building. The property is located at 20889 Dupont Boulevard, identified as Sussex County Tax District 135 Map 14.19 Parcel 80.00 and is zoned Highway Commercial (HC).

The application was presented by Doug Liberman of Larson Engineering. The site plan has been revised. A large, green space is now on the northern side of the property and a tree has been saved. Sales area is 2500 sq ft reducing the need for parking. The loading space has been moved to the side. The dumpster will have a gate and deliveries are at night. Landscaping has been added as well as a couple benches. The concrete in the parking lot is due to delivery trucks and their not tearing up asphalt.

Chairman Robinson exited the meeting and Commissioner Marvel assumed acting Chairman.

The Commission asked about enforcement regarding maintenance of Stormwater system. A schedule will be placed on the site plan that receives approval. State agencies have been addressed and awaiting approvals. Signage plan was presented to the Commission. Staff needs to review. The base will be 10 feet off of the right of way. DelDOT needs to approve signage as well.

Commissioner Potter moved, seconded by Commissioner Pedersen, to APPROVE the preliminary plan conditioned upon the Town approval of the signage, engineering comments addressed and the reduction of striping on two spaces and a waiver from the 2450' contiguous open space requirement to what has been provided. APPROVED (UNANIMOUS)

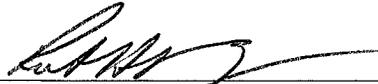
7. **PLANNING DEPARTMENT REPORT**

A parking committee is being formed to address proposed changes to the Code. Acting Chair Marvel volunteered to represent the Commission.

8. **ADJOURNMENT**

Commissioner Potter moved, seconded by Commissioner Pedersen, to adjourn the meeting at 7:02 p.m. **APPROVED (UNANIMOUS)**

APPROVED:



Rob Robinson, Chairperson

ATTEST:



Jocelyn Godwin, Planning