

**PLANNING COMMISSION MEETING
CITY OF REHOBOTH BEACH**

November 13, 2015

The Regular Meeting of the Planning Commission of the City of Rehoboth Beach was called to order at 3:00 p.m. by Chairman David Mellen on Friday, November 13, 2015 on the second floor of the Rehoboth Beach Volunteer Fire Company, 219 Rehoboth Avenue, Rehoboth Beach, DE.

Mrs. Jan Konesey and Mr. Mike Strange were welcomed as newly reappointed members. Mr. Brian Patterson was not in attendance.

ROLL CALL

Mr. Francis Markert called the roll:

Present: Ms. Joyce Lussier
Mr. Michael Strange
Chairman David Mellen
Mr. Francis Markert, Jr.
Mrs. Jan Konesey
Mr. Paull Hubbard

Absent: Mr. Brian Patterson
Mr. Harvey Shulman
Ms. Lynn Wilson

Also Present: Mr. Glenn Mandalas, City Solicitor (left the meeting at 4:30 p.m.)
Mr. Damalier Molina, Chief Building Inspector

A quorum was present.

VERIFICATION OF MEETING NOTICE

Ms. Ann Womack, City Secretary, verified that the Agenda was posted at City Hall, Building and Licensing Department and on the City website on November 6, 2015. The Amended Agenda was posted at City Hall, Building and Licensing Department and on the City website on November 6, 2015. Both agendas were faxed to Cape Gazette, Coast Press and Delaware State News on November 6, 2015. An E-News blast was sent out on November 6, 2015. The Public Notice for Preliminary Review of Application No. 1015-03 on the matter of the Partitioning request for 300 Bayard Avenue was posted at City Hall, Building and Licensing Department and on the City website on October 21, 2015. The Amended Public Notice was posted in City Hall, Building & Licensing and on the City website on October 27, 2015. The Amended Public Notice was advertised in the Cape Gazette on October 27, 2015 and October 30, 2015, Coast Press on October 28, 2015 and Delaware State News on October 28, 2015 and October 29, 2015. Notification to property owners within 200 feet was mailed out and signage was posted on the property.

APPROVAL OF MINUTES

No Minutes were available for approval.

CORRESPONDENCE

There was none.

OLD BUSINESS

There was none.

NEW BUSINESS

Chairman Mellen called for the report from the Building Inspector relative to all conditions being met on conditionally approved Minor Subdivision Application No. 0815-02 for the property located at 1028 & 1030 Scarborough Avenue Extended and possible action to finalize the minor subdivision.

Building Inspector Damalier Molina reported that the conditions set forth by the Planning Commission at the Public Hearing have been completed. The shrubbery (green screen) has been planted, and the driveway has been cut and replaced with shrubs across the existing driveway.

Mr. Michael Strange made a motion, seconded by Mr. Markert, to finalize the approval that the Planning Commission conditionally approved for the Minor Subdivision for 1028 & 1030 Scarborough Avenue at the October 9, 2015 Regular Meeting. Motion carried unanimously.

Chairman Mellen called for the Preliminary Review of Application No. 1015-03 on the matter of the Partitioning request for the property located at 300 Bayard Avenue consisting of Lot Nos. 13, 14, 15 & 16, Block 30, into two (2) lots with Lot Nos. 13 & 14 becoming one (1) lot of 5,010 square feet and Lot Nos. 15 & 16 becoming one (1) lot of 6,969 square feet. The Partitioning has been requested by Jeffrey M. Garrison of Garrison Homes LLC on behalf of Joseph A. Mathews, Executor of Nancy E. Mathews Estate, owner of the property. Chairman Mellen provided the Preliminary Review procedures.

Building Inspector Damalier Molina gave his report with exhibits.

Exhibit A – Application packet which includes:

1. Application for Land Subdivision
2. Supplemental Information to Application
3. Additional Conditions Coverage from Tim Miller of Foresight Services
4. Affidavit of Joseph A. Mathews, Executor of Nancy E. Mathews
5. Photographs
6. Boundary Survey Plan
7. Warranty Deed dated February 25, 1977 from Book No. 250, Page No. 497
8. Tree Survey Plan
9. Agreement of Sale

The Applicant wishes to subdivide the property consisting of Lot Nos. 13, 14, 15 & 16 into two (2) lots with Lot Nos. 13 & 14 becoming Lot No. 1 and Lot Nos. 15 & 16 becoming Lot No. 2. The existing structures will be demolished if the proposed subdivision is approved. Currently, there are 18 trees located on the property. Proposed Lot No. 1 will contain six (6) trees, and proposed Lot No. 2 will contain twelve (12) trees. Five (5) trees are proposed for removal on Lot No. 2. Based on the survey, each proposed lot can fully contain a 4,000 square foot rectangle, has a lot size of at least 5,000 square feet and has at least 50 feet of frontage on a street. Building Inspector Molina will amend his report to reflect that Proposed Lot No. 1 will contain five (5) trees. One (1) tree is located on the property line along Bayard Avenue. This tree is not counted towards density. One of the trees to the rear of the lot may also be located on the property line.

Mr. Jeff Garrison of Garrison Homes LLC noted that he is the purchaser of the property. The sale of the property will not be finalized until after the partitioning has been approved. The plan is to demolish the property which is currently nonconforming. It is anticipated that demolition would occur at the beginning of January 2016. Two new houses are being proposed on the property after it is subdivided. Currently, there are no plans or renderings. He would like to move forward with demolition on January 1, 2016.

There was no correspondence and no public comment.

Chairman Mellen closed the public portion of the meeting.

Mr. Garrison acknowledged that the Application would be updated and corrected because some of the boxes had not been checked when the Application was originally submitted: 1. D(5). The proposed subdivision will not adversely affect the development of the remainder of the lot being subdivided or any property adjoining the existing lot of any new lot being created. 2. F(5). The Application being accompanied by a survey shows the entire street frontage of the existing lot and all new lots to be created. 3. F(12). It is not applicable that the Application being accompanied by a survey shows all private deed restrictions (including setbacks) as imposed on any of the existing lots and any new lots to be created because there are no deed restrictions. The fence to the rear of the existing lot will be removed when demolition occurs. 4. J(2). A copy of the deed has been included with the Application.

City Solicitor Glenn Mandalas read the resolution concerning Preliminary Review of Partitioning Application No. 1015-03. The Planning Commission finds that this Application is substantially complete and accurate, such that the Applicant may proceed forward to a public hearing on the Application and action by the Planning Commission. The Resolution shall take effect immediately upon its adoption by a positive vote of the members of the Planning Commission.

Mrs. Jan Konesey made a motion, seconded by Mr. Strange, to adopt the Resolution as read by the City Solicitor. Motion carried unanimously.

OTHER BUSINESS

Chairman Mellen called for the status of the State mandated Comprehensive Development Plan (CDP) review.

Chairman Mellen noted that a letter and CDP status report of the five-year CDP review was forwarded to the Mayor & Commissioners earlier this week. The Planning Commission's report with a partial spreadsheet was sent to Ms. Dorothy Morris of the Office of State Planning Coordination.

Chairman Mellen called for the explanation of the process to be followed related to the upcoming Beach Walk (Bay Mart) Site Plan Review.

All packets for the Site Plan Review were distributed to the Planning Commission members who were present at the meeting. Documents were forwarded to Mr. Patterson and Mr. Shulman prior to this meeting.

Chairman Mellen described the process and the documents which had been distributed. Planning Commission members were cautioned to not participate in any ex parte discussions regarding the review. The first meeting will be a Preliminary Hearing on December 11, 2015 to take testimony from various City officials, department heads, etc. or other legal entities that may have concerns about the development. Notifications will be sent to property owners within 200 feet of the subject property. Of those properties, there may be properties that are located within the County. Other notifications will be sent to the State, County and other entities specific to this project.

The documents for this project will be available by appointment for the public to review at the Building & Licensing Department.

Chairman Mellen called for the discussion of changing the official Planning Commission meeting time, availability of Planning Commission members in coming months due to travel plans and possible alternated Planning Commission meeting dates and the need to change Planning Commission Bylaws if permanent Commission meeting time is changed.

Mrs. Konesey made a motion, seconded by Mr. Strange, to amend Item No. 2 of the bylaws to reflect that the Regular Meeting shall be held the second Friday of each month in the Commissioners Room at a time to be determined by the Planning Commission. Motion carried unanimously.

Chairman Mellen called for the Building Inspector's Report.

Building Inspector Molina reported that he has had an opportunity to meet with interested residents who live near the BayMart property.

Chairman Mellen called for the City Solicitor's Report.

City Solicitor Mandalas reported that the Commissioners are taking up the question of restaurant size and calculations which may have implications for planning issues.

Chairman Mellen called for possible agenda items for the December 11, 2015 Regular Meeting.

An agenda item for the December 11, 2015 Regular Meeting is: 1. Election of officers.

Chairman Mellen called for the report, discussion and possible action concerning those activities or actions taken at Regular or Workshop Meetings of the Mayor and Commissioners that directly relate to the Planning Commission.

Chairman Mellen noted that on November 7, 2015, a referendum was held, and the zoning ordinance was upheld. The Commissioners will continue discussions related to occupancy, etc.

No new applications have been timely submitted.

Public Comment:

Ms. Cee Cee Alexander, address unknown, thanked the Planning Commission for its dedication.

Mr. Greg Gause, Bayard Avenue, asked what the status is of the revision of tree ordinance.

Commissioner Toni Sharp asked if the Planning Commission has any appetite to take a final look at what was submitted to the Commissioners with no longer than a 60 day timeframe. She intends to push the ordinance forward to finalize it. Chairman Mellen suggested that the Commissioners should look at the proposed tree ordinance to see if it has an impact, and then have the Planning Commission review it.

The next scheduled Regular Meeting will be held on December 11, 2015 at 3:00 p.m.

There being no further business, Mrs. Konesey made a motion, seconded by Ms. Joyce Lussier, to adjourn the meeting at 4:31 p.m.

RECORDED BY

(Ann M. Womack, City Secretary)

**MINUTES APPROVED ON
DECEMBER 11, 2015**

(Francis Markert, Secretary)