

# TOWN OF GEORGETOWN - PLANNING COMMISSION

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## Meeting Minutes February 16, 2011

### ATTENDANCE

#### Commissioners

Rob Robinson

David Pedersen

Brett McCrea - absent

Rodney Marvel

Miles Potter

#### Staff

Tom Klein, Planner

Jocelyn Godwin

Tim Willard, Solicitor

### 1. CALL MEETING TO ORDER

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

### 2. APPROVAL OF JANUARY 19, 2011 MEETING MINUTES

Commissioner Potter moved, seconded by Commissioner Pedersen, to approve the January 19, 2011 regular meeting minutes as presented. **APPROVED (UNANIMOUS)**

### 3. PUBLIC HEARING: CASE #2010-25 CONDITIONAL USE: ISAIAH THOMAS BAKER

*An application by Isaiah Thomas Baker, with Sound Machine and First State Awards, for a conditional use to allow two businesses to be located at 300 Nancy Street. The property is identified as Sussex County Tax District 135 Map 19.07 Parcel 17.00 zoned Urban Residential (URI).*

Commissioner Marvel recused himself due to a work relationship with the applicant.

Mr. Tom Baker presented the application. Sound Machine Inc. is a sound reinforcement company that provides sounds and recording for bands or individuals. Main recording studio is in Maryland. Mainly paperwork is done in the house and there is the ability to record although not used very often. First State Awards is a trophies, plaques and awards company. Laser engraving is available.

Mr. Baker stated that the red shed to the left side of the house was moved today. It was in violation, being too close to the property line. Any signage will be limited to the doors and less than a square foot in size. The recording business is run in the house and the Trophy business is in the remaining shed in the back. The business has been there since 1993.

Commissioner Robinson questioned the noise from the studio. Mr. Baker stated that noise coming in was probably more of a problem than sound going out. Walls are soundproofed with 40 tons of sand in the walls. Work is not done later than 9pm.

Hours of operation are 10 am until 9 pm. The recording business was incorporated in 1996. Nothing is being proposed that hasn't been in place already.

Both businesses have a website. Appointments are made for the engraving business for awards. Noise is less than a lawn mower and odor is dispensed within 10 feet of the exhaust and contained within the building. Ventilation is provided.

Conditions agreed to for First State Awards:

1. There will be no clients or customers coming to the property unless off street parking is provided.
2. Customers will be by appointment only.
3. There will be no employees other than family members.
4. There will be no noise, odor or vibration generated from this business activity.
5. There will not be any outside visible means of business activity occurring on the property.
6. There will not be any sign located on the property other than on the entrance to the business.
7. There will not be any outside storage of equipment or materials related to the business.
8. Hours of operation will be 10 am until 9 pm, Monday thru Thursday.
9. Deliveries will be limited to hours of public access.
10. No storage of hazardous materials is permitted.
11. No direct release of noxious or offensive odors shall be permitted.
12. An annual Town of Georgetown business license is required for conducting this business.
13. This business activity shall be operated and maintained in compliance with the State Fire Marshal regulations.
14. This Conditional Use shall be scheduled for a review in a public hearing by Town Council one year from the date of approval.

The conditions for the Sound Machine are essentially the same except for the hours of operation from 10 am until 9 pm, Monday thru Saturday.

Commissioner Robinson added the condition that the owner resides on the property.

Following recommendation from Commissioner Potter, the applicant agreed to limit the award business hours until 7 pm.

Commissioner Robinson asked for public comment in support of the application.

Michael Johnson, of 302 Nancy Street, lives next door to the property and has owned for 19 years. They have an amiable relationship as neighbors and there is less noise now than previously. If on their deck, they can hear a humming noise from the award business. Questions were asked regarding the filtration system and what

particles are released and if a fire suppression system has been installed. There was a laser fire in 2008.

Public comment in opposition of the application:

Wayne Wilson, of 309 James Street, expressed concern for air pollution. An odor was noticed last summer; however, he is unsure of the origin. Noise is not an issue. He lives about 300 feet from the applicant.

Mr. Baker stated that as far as filtration, there is less than 4 micron particulate. There is no smoke and sometimes an odor. Laser burns less than a cigarette. Machine is vented, not filtered. Fire Marshal approved the award business. The prior fire was due to a unit malfunction. Different equipment is in place now.

Commissioner Potter suggested a charcoal filter or even a mulch pile that could filter the air from the vent. Applicant was willing to add the condition of a simple filtration system being installed.

Mr. Baker referenced letters of support included with his application.

**Commissioner Potter moved, seconded by Commissioner Pedersen, to recommend approval by Town Council for First State Awards contingent upon the conditions discussed including the hours of operation from 10 am until 7 pm, Monday thru Thursday, adding the property is to be owner occupied and the owner will add a simple filtration system. APPROVED (UNANIMOUS)**

**Commissioner Pedersen moved, seconded by Commissioner Potter, to recommend to Town Council approval of the conditional use for the Sound Machine business at 300 Nancy Street with the conditions listed including the hours of operation from 10 am until 9 pm, Monday thru Saturday, and the home needs to be owner occupied. APPROVED (UNANIMOUS)**

Commissioner Pedersen moved, seconded by Commissioner Marvel, that agenda item #7 be moved to item #4. **APPROVED (UNANIMOUS)**

**4. CASE #2011-03**

**HISTORIC SIGN REVIEW**

*An application by Sergovic & Carmean, P.A., for approval of a historic sign to be located at 142 East Market Street, identified as Sussex County Tax District 135 Map 14.20 Parcel 219.00 zoned Historic District.*

Mr. John Sergovic, of Sergovic & Carmean, presented the application. The sign will be the same sign currently at 123 West Market Street only the colors will be reversed. The sign will be 33" x 48" and will be located on the front of the building between the two front doors. Along the side of the railroad tracks, the largest sign will go on the flat

area between the two bays. The entrance along Academy Street will have a small sign and a small sign will be placed near the parking. A spotlight may be placed on the sign along Railroad to brighten the area up. Mr. Sergovic stated they will be the only tenant of the building.

**Commissioner Marvel moved, seconded by Commissioner Pedersen, to approve the sign request for 142/144 East Market Street as presented. APPROVED (UNANIMOUS)**

**5. PUBLIC HEARING: CASE #2011-02  
CONDITIONAL USE: SUSSEX CRISIS HOUSING**

*An application by Sussex Community Crisis Housing Service and MHDC for a conditional use to allow an expansion by constructing two new buildings. The property is identified as Sussex County Tax District 135 Map 14.20 Parcel 266.00 zoned Urban Residential (UR1).*

Ken Christenbury, of Axiom Engineering, presented the application. The application is for a new eight bedroom building to be used as a shelter and a new six unit building for transitional housing. The current Crisis House on the property has five units and an office.

In response to the Town Engineer's comments, the applicant is proposing grass pavers. The Bethany Beach Holiday Inn has them. The applicant has not done any major engineering work yet in an attempt to keep costs down until the concept is approved.

Mr. Klein stated that per the Comprehensive Plan, the property is within the wellhead protection area. Page 35 of the plan encourages infill with owner occupied homes in that area and twelve apartments as transitional housing were mentioned as coming from Milford Housing.

The density of the project was discussed and is the biggest concern because it exceeds the allowable density in all zoning districts.

Commissioner Robinson asked for any public comment in support of the application:

Sally Messick, of 6 Meadow Run, was president of the board for Community Crisis Housing when they purchased and added Northport about 10 years ago. Ms. Messick stressed the need for the housing and feels it would benefit the town. She could not address the density question.

No one was in attendance in opposition to the application.

The Commission discussed the surrounding neighborhood and other transitional housing in the area.

Additional information would assist the Commission, such as the number of other multi-family buildings in the area, the number of people turned away from the Crisis House when they are full, the number of police calls expected and a representative from the Crisis House to address the need for the density requested. Architectural style of the buildings is important to ensure they fit in with the neighborhood.

The Commission did not feel comfortable making a recommendation with the information available. Mr. Klein informed the Commission that the applicant will be going to Town Council under public comment to present the concept so a recommendation is not required at this time.

**Commissioner Pedersen moved, seconded by Commissioner Marvel, to table Case #2011-02 for a conditional use by Crisis Housing at this time. APPROVED (UNANIMOUS)**

**6. CASE #2009-14 ROYAL FARMS**

*An application by George, Miles & Buhr, LLC, on behalf of Two Farms, Inc., for the conceptual review and preliminary site plan approval of a 5,125 square foot store, automatic carwash, car vacuums and eight fuel pumps. The property is located at 20579 Dupont Boulevard, identified as Sussex County Tax District 135 Map 14.15 Parcels 8.00; 22.00 & 23.00 zoned Highway Commercial (HC).*

Mr. Klein stated the applicant was in front of the Commission on August 19, 2009 with an introduction. Steve Marsh, of George, Miles & Buhr, presented the application. Also in attendance is Jeff Bainbridge, Director of Real Estate for Royal Farms, and Troy Dickerson, of GMB.

Mr. Marsh stated that the project had been sidetracked since their introduction due to DelDOT issues to address. The store and improvements are on parcel 23.00 which is approximately 1.76 acres. Landscaped/open space will be .4 acres or 23%. If the cross access easement is included in the calculation, the project area becomes 2.2 acres with .46 acres open space or 21%.

Architectural details of the building were discussed and pictures of the Felton store were presented. Circulation on the site was discussed. Rogers Graphics property was purchased to use Gordy Street for an entrance off of Route 113.

The Commission expressed concerns about Gordy Street and the increase in traffic.

Stormwater will be handled by bioretention areas and an isolator row will be utilized. The quantity of stormwater is not really affected. There are no issues with the tax ditch now with the addition of the other parcels. The loading space has been relocated to ease the flow of traffic.

The locations of the signs have been updated. The Boulevard Ford sign on the corner will be moved east onto their parcel, east of the entrance. The pylon goal post sign will be adjusted south and back to the Royal Farms parcel.

All parking for Royal Farms is on the one parcel. The Ford dealership will utilize the parking spaces west of the entrance for display of new vehicles. Commissioner Potter recommended mountable curbs to guide the traffic coming in and away from those spaces.

**Commissioner Pedersen moved, seconded by Commissioner Marvel, to grant preliminary site plan approval to Case #2009-14 Royal Farms as advertised. APPROVED (UNANIMOUS)**

7. **CASE #2008-07** **BAYSIDE HEALTH**

*An application by Soule & Associates, on behalf of CFS Construction Co., for the reinstatement of preliminary site plan approval (originally granted August 20, 2008) of a ± 13,000 square foot medical office building. The property is located on Dupont Boulevard, identified as Sussex County Tax District 135 Map 19.00 Parcel 8.04 zoned Highway Commercial (HC).*

Michael Makowski presented the application. Financing has been determined and the use of the building has not changed. Beebe Medical will use the first floor and Dr. Killeen's group will take the second floor. Items have been addressed as requested by the Commission. The elevations have not changed.

Commissioner Pedersen questioned the parking along Route 113. Prior minutes were reviewed and the decision was confirmed.

**Commissioner Potter moved, seconded by Commissioner Pedersen, to reinstate the preliminary site plan approval for Case #2008-07 based on the site plan prepared by Soule & Associates entitled Site, Utility & Grading Plan, Bayside Health dated 7/1/2008 with the exception that the sidewalk off of the property will not be required. APPROVED (UNANIMOUS)**

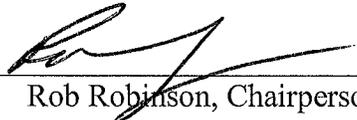
8. **PLANNING DEPARTMENT REPORT**

Mr. Klein stated there is nothing to report at this time.

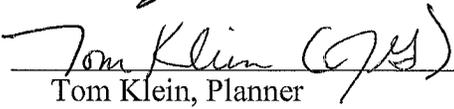
9. **ADJOURNMENT**

Commissioner Pedersen moved, seconded by Commissioner Marvel, to adjourn the meeting at 8:37 p.m. **APPROVED** (UNANIMOUS)

APPROVED:

  
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Rob Robinson, Chairperson

ATTEST:

  
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Tom Klein, Planner