

TOWN OF GEORGETOWN - PLANNING COMMISSION

Meeting Minutes January 17, 2024

ATTENDANCE

Commissioners

Larry Rohlffing
Linda Dennis
Lance Mears
Edwin Wise
Eric Evans

Staff

Jocelyn Huff, Planning
Jamie Craddock, Planning
Tim Willard, Solicitor

1. CALL MEETING TO ORDER

Commission Chair Rohlffing called the meeting to order at 6:00 p.m.

2. APPROVAL OF NOVEMBER 15, 2023 MEETING MINUTES

Commissioner Dennis moved, seconded by Commissioner Evans, to approve the November 15, 2023 regular meeting minutes as presented. **APPROVED**
(UNANIMOUS)

3. PUBLIC HEARING

A. ORDINANCE #2023-12

Amendment to Chapter 230 Zoning, Article XII UB1 Urban Business District, §230-76 Permitted uses – Multifamily Dwelling

Town Manager, Gene Dvornick, presented the revision to the ordinance removing the following:

39) A multifamily dwelling, ~~containing not more than three apartments~~, as a part of a building utilized for a nonresidential use permitted under this article.

There are no more than 21 properties, in accordance with height, area and bulk requirements that could potentially do something. Any other requirements would still need to be met.

Chairman Rohlffing opened the public hearing.

Ken Christenbury, of Axiom Engineering, spoke in favor of the change due to the need for workforce housing within Sussex County.

Chairman Rohlffing closed the public hearing.

Commissioner Evans moved, seconded by Commissioner Wise, to recommend Town Council APPROVE the ordinance revisions, as presented.

Roll call vote:

Commissioner Mears – Yes

Commissioner Wise – Yes

Commissioner Evans – Yes

Commissioner Dennis – Yes

Chairman Rohlffing - Yes

APPROVED (UNANIMOUS)

B. ORDINANCE #2023-13

Amendment to Chapter 230 Zoning, Article XV HC Highway Commercial District, §230-104 Permitted uses – Retail Marijuana Establishment

Amendment to Chapter 230 Zoning, Article XVI LI-1 Limited Industrial District, § 230-110 Permitted uses – Marijuana Cultivation, Manufacturing, and Testing

Town Manager, Gene Dvornick, presented the proposed additions to the ordinances and the background of the Delaware Marijuana Control Act.

The Commission confirmed with Mr. Dvornick that the compassionate care store in town does not count toward the two locations allowed within the Town. It was asked if the Town can tax the businesses with a gross receipts tax. Mr. Dvornick stated that the Town cannot. The General Assembly was asked if 3% of the State's 15% tax could be dedicated to the municipalities and were told no. The municipalities will track any additional costs incurred for a couple of years and then readdress the request.

It was confirmed that existing K-9s trained for marijuana today will need to be replaced by K-9s trained differently for marijuana.

The Commission stated that many municipalities have chosen not to allow marijuana sales; it was questioned on why Georgetown should allow the sales. Concern was expressed that there is little research on impacts of legalizing marijuana in many states on long term use, the impact to teens and adolescents, and funding for treatment. Concern was expressed that the public may have no knowledge of the proposed ordinance.

Chairman Rohlffing opened the public hearing.

John Peterson, of 304 North Bedford Street, spoke in favor of the ordinance and questioned the reason to close on Sunday, as it is more convenient to shop then.

Sue Barlow, of 703 East Laurel Street, is opposed to the ordinance. There is no benefit

to the Town (maybe business license fee and property taxes) and the police department is currently understaffed and overworked.

Ken Towers, an out of town resident who spends money in the town, is opposed to the ordinance and expressed concern for the children in town and their exposure.

Chairman Rohlfing closed the public hearing.

Commissioner Evans commented that 7 am is too early to open, Sunday the store should be closed and if locations are placed along the highway there should be a separation of at least 1000 feet from property line to property line from any daycare, church, school or drug rehabilitation facility. The separation should apply to retail and the cultivation, manufacturing and testing.

Commissioner Evans moved, seconded by Commissioner Wise, to recommend Town Council APPROVE the ordinance with the changes discussed as it will happen eventually and putting the restrictions in place will help.

Roll call vote:

Commissioner Mears – No, based on information provided tonight and the lack of benefits to the Town.

Commissioner Wise – Yes, agrees that it will happen eventually and it is better to regulate it.

Commissioner Evans – Yes

Commissioner Dennis – No

Chairman Rohlfing – No, the Town does not need this kind of attention.

DENIED (Yes – 2, No – 3)

C. ORDINANCE #2024-01

Amendment to Chapter 194 Subdivision of Land, Article VII Plan Requirements, §194-32.1 Contents of final subdivision plan

Amendment to Chapter 230 Zoning, Article XXVI Administration, § 230-209 Category 1 site plan processing procedures

Amendment to Chapter 230 Zoning, Article XXVI Administration, § 230-213 Administrative plan review procedures

Town Manager, Gene Dvornick, presented the proposed ordinance and revisions to the code. Revisions are clerical and procedural; and they address changes needed with allowing electronic plan review.

Chairman Rohlfing opened the public hearing.

No public comments were given.

Chairman Rohlfing closed the public hearing.

Commissioner Wise moved, seconded by Commissioner Evans, to recommend Town Council APPROVE the ordinance revisions, as presented.

Roll call vote:

Commissioner Mears – Yes

Commissioner Wise – Yes

Commissioner Evans – Yes

Commissioner Dennis – Yes

Chairman Rohlfing – Yes

APPROVED (UNANIMOUS)

D. CASE #2023-24 107 Depot Street Rehab Project – Conditional Use

An application by DE OZ Property Management, LLC., for Conditional Use approval to allow for a mixed-use building with commercial tenant using the basement and first floor, and 25 residential apartments on the upper floors, at 107 Depot Street, identified as SC Tax Parcel 135-14.20-123.02, zoned Urban Business District (UB1).

Commissioner Wise recused himself from the agenda item.

Daniel Bond presented the application, representing a group of investors in the property. The applicant is asking for consideration of their request for (up to 25) apartments prior to proceeding with detailed planning and expense. The benefit for the community is much needed workforce housing, providing rental rates that are affordable.

The location and historic aspects of the building will provide many potential funding resources to assist in the construction. Eleven letters of support were provided with the application. Once the apartment question is resolved, the site will be addressed. Parking and stormwater management will be challenges on the project.

The applicant provided a handout of proposed Conditions of Approval and Findings of Fact regarding the project for consideration.

Chairman Rohlfing opened the public hearing.

Jose Somalo, owner of the small building adjacent to the project area, is in favor. The fences on the property have been open and it was suggested that they should be closed to restrict inappropriate activity.

Sunny Gyani, 22512 Springfield Lane, is in favor of the project. He has an adjacent property that will be leased to them and will have it cleaned up to help restrict unwanted activity.

Bamdad Bahar, adjacent property owner, is in support as a competitor. The Town is in need of investment and additional housing.

Chairman Rohlfsing closed the public hearing.

Commissioner Mears moved, seconded by Commissioner Evans, to recommend Town Council APPROVE the conditional use of up to 25 apartments, commercial on first floor and storage in the basement.

Roll call vote:

Commissioner Mears – Yes

Commissioner Evans – Yes

Commissioner Dennis – Yes

Chairman Rohlfsing – Yes

APPROVED (Yes – 4, Abstain - 1)

4. PUBLIC COMMENT

No public comment was made.


5. PLANNING DEPARTMENT REPORT

Discussion to move the June 2024 Planning Commission meeting to Tuesday, June 18th due to the holiday on the 19th. Updates were given on current projects.

6. ADJOURNMENT

Commissioner Evans moved, seconded by Commissioner Wise, to adjourn the meeting at 7:28 p.m. **APPROVED (UNANIMOUS)**

APPROVED:


Larry Rohlfsing, Chairperson

ATTEST:


Jocelyn Huff, Planning