



The Town of Fenwick Island

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AD HOC COMMERCIAL DISTRICT PLANNING MEETING MAY 5, 2021 AT 1:30 PM

MINUTES

In Attendance

Richard Mais, Faye Horner, Reid Tingle, Bill Weistling

Absent

Winnie Lewis

Also in Attendance

Jeff Schoellkopf, Terry Tieman, Pat Schuchman, Raelene Menominee

Richard called the meeting to order at 1:32 PM.

Approval of Minutes

A motion was made by Bill, seconded by Reid, to approve the minutes from the January 22, 2020 meeting. The motion passed unanimously.

Discussion

Jeff noted that some time has passed between this meeting and the last. He suggested going point by point through Bill's comments to Jeff.

1. Setbacks- Building form enhancements- Limit of bow and bay windows allowance into setbacks
 - a. 2' max confirmed
 - b. May comprise of no more than 20% of any face of the building.
 - c. May be applied in side yard only if 7' setback or greater

2. Setbacks- Planting and Paving- Discussion of planting areas in setbacks and parking paving setbacks requirements
 - a. JSD to review State Highway sidewalk plans for coordination with front setback and planting and parking area recommendations.
 - b. JSD to review the proposed 3' paving setback with landscaping in the side setbacks. Consider fire lanes and parking patterns. Define these perimeter landscaping areas better. Noted part of this may be bumper overhangs so they do not impact the full parking space.
 - c. Larger deciduous trees in front and rear would have to be defined to prevent overhangs to adjacent properties and along rt.1. Rt.1 also needs to be considered for traffic visibility. Also, with underground utilities and sidewalks, consider future root growth.
 - d. Noted this is good for stormwater, shading hot surfaces, and general quality of the environment.
 - e. Noted not all seem to agree with increased tree planting and other vegetation requirements. This still needs discussion in terms of both landscape requirements and impacts on parking availability.

3. Height

- a. JSD to reword “Allow HVAC equipment to extend 4.5’ in height above max building height with approval of Planning Commission.” To be clear this is allowed if applied per the code to encourage sloped roof looks and/or used for HVAC screening.
 - b. Clarify further point from which height is to be measured. Agreed simplest would be to simply measure from the current minimum freeboard required, so that as that is raised over time there would be no penalty to the owner, and everyone would be treated the same. Remove references to “average grade”, “crown of the road”, and “highest adjacent grade” and let the FEMA regulations and definitions serve as the basis prior to the additional freeboard as adopted by the Town periodically.
4. Screening HVAC-
- a. Agreed should be able to use the roof shape for screening and not have to put additional fence type screening on that side. This could be either a parapet if under the regular height limit, or a behind lower sloped mansard which could be built to the extended height allowed.
 - b. JSD to review distance from the building for viewing RTU from ground level rather than an automatic screening of all RTU
Noted the new hotel provides a good look at the difficulty in screening.
 - c. Consider the challenges of screening equipment on one story rooftops, from the higher properties to the east, and
 - d. Suggested consider screening from view within 300’ on the “public way” at ground eye level from the Coastal Highway and side streets, and at least as high as the equipment from the Residential sides
 - e. Clarify throughout the difference between visual screening and acoustic screening.
5. Parking
- a. Better definition for the 20% compact spaces as 20% of all required parking per parcel.
6. Noise.
- a. The last paragraph needs further consideration. Trash service pick-up providers work early historically in a resort town for traffic and pedestrian concerns. Enforcing any type of noise enforcement would be very difficult. This section is somewhat confusing.
 - b. Discussed Bills review of 13 local towns on their noise ordinances.
Lewes, BB, OV, Millsboro, Selbyville, Millville, Henlopen Acres, and Georgetown have ordinances similar to FI, almost exact wording. Some towns have different requirements for various zones so I may have missed something.
DB-70db, RB-65 in residential, 70 in commercial, DB-70, Milton is same as RB.
SB-0.
 - c. Discussed likely to retain the current ordinance.
 - d. Noted we are not expert in noise and only passed on information I researched. This is so complex due to enforcement difficulties, and often the noise only happens periodically.
 - e. Still could consider requiring low some equipment and putting in a maintenance requirement for “squeaky fans.”

7. Uses allowed-
 - a. Residential
 - i. Generally agreed we should continue to give those property owners the right to choose.
 - ii. Noted this is a larger comprehensive planning issue that often comes up. The concern of course is that the properties become so much more valuable for residential use that they gradually convert and there are not enough places left for goods and services, dining, etc.
 - b. Outdoor dining.
 - i. Noted this has become very popular as a health measure.
 - ii. Some neighbors would like greater restriction.
 - iii. Committee thinks current code seems reasonable.
 - c. Limits on the number or area of restaurants in a shopping center?
 - i. Too many restaurants, especially if popular, tend to take over the parking spaces and spread out to adjacent parking lots. Village of Fenwick was the concern.
 - ii. Noted OC allows up to 25% of a shopping center to be restaurant and anything over that needs to meet the additional parking requirements for restaurants (1 space per 100sf vs 1/200) I believe some limit makes sense but the committee did not think this was necessary. The particular concern is without limits someone could permit it as a shopping center for lower parking requirements and then convert it to a restaurant.
 - iii. Suggest maybe consider 50% max, and/or that a shopping center can't be for just one business.
8. Signage- briefly discussed and noted it is not in the scope of the current effort. Pat may offer some suggestions for updates.
9. Outdoor lighting-
 - a. JSD to review proposed language and current code for light trespass and dark sky issues.

Next Meeting

Next meeting has been scheduled for June 1, 2021 to review the next draft of the guidelines.

Adjournment

A motion was made by Reid, seconded by Faye to adjourn the meeting. The motion passed unanimously and the meeting adjourned at 3:16 PM.