

## ***Planning & Zoning Commission***

***December 21, 2017***

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on December 21, 2017. In attendance were Chairman Boyan, Commissioner Scholl, Commission Member Wilson and Community Development Coordinator Hardin. Absent: Commission Members Catellier and Morgan and Code Enforcement Officer Bounds. Guests: Chris Brown, Mike Schaeffer, Darlene Matthes, Michael Sullivan, Chris Gilkerson and Brock Parker.

### ***Call to Order***

Chairman Boyan called the meeting to order. The Commission performed the Pledge of Allegiance. He asked anyone who would be addressing the Commission to sign in at the podium and that anyone with a cell phone to either turn it off or put it in silent mode.

### ***Certificate of Appreciation***

Chairman Boyan presented Commission Member Wilson with a Certificate of Appreciation for her volunteering as the Delaware resident for the Planning and Zoning Commission.

### ***Approval of Minutes***

There was not a voting quorum for the approval of the minutes. They were tabled until next month.

### ***Unfinished Business***

Michael Schaeffer/Chris Brown- Ryan Homes- New Home Build Lot 113, 36432 Carriage Walk Lane, Yorkshire Estates, Delmar, DE, Home Style 1918

Mr. Schaeffer from Ryan Homes stated that after the meeting with Planning and Zoning and the Delaware Council, they have decided to withdraw this request.

Pheasant Lake- Maszera Corp.- Revised Site Plan Approval, Delmar, MD

Mr. Michael Sullivan identified himself as representing the Maszera Corp. This project began quite a while ago and because of the market the project was stalled. While it was stalled, the Maryland Storm Water Management changed so the originally planned project could not move forward. There was not enough property for the storm water management ponds and easements. This plan does not cause modifications to the subdivision and is compliant with the Maryland Storm Water Management regulations. If approved, the developer would like to move forward. The developer's tax bill is significant; \$14,000 annual tax bill.

Commission Member Wilson said that the plan indicates that there are 15 less family units than before. Mr. Sullivan said that the change in density does not warrant a change in the plat. Instead of putting homes on those 15 Lots, the bio-retention ponds will be

going there. The bio-retention ponds will eventually be the responsibility of the home owners association.

Mr. Sullivan said that at the time there was not enough liquidity in the marketplace for this size construction bond. If this revised site plan is approved then they will submit construction drawings which will have to comply with all applicable codes.

There was some conversation on some things that needed to be corrective. Community Development Coordinator indicated that all corrections must be in place before final approval is given. Commission Member Wilson did notate that the correct phone number will have to be included for the professional certification block and that this is an R-2 residential district and not a Community Business District as indicated on the plans.

Mr. Sullivan stated that the phasing schedule for the project as indicated on the bottom of the front page of the plans show a total of 248 homes and the reduction reflects the changes due to the storm water management plan.

Commissioner Scholl made a motion for favorable recommendation to the Mayor and Commissioners for the revised site plan for the subdivision Pheasant Lake in Delmar, MD, as per the attached drawings. Commission Member Wilson seconded the motion which passed with 3 ayes and 2 absent.

Frito-Lay- Site Plan and Subdivision Final Approval, Foskey Lane, Delmar, MD

Mr. Parker said that the current status of the project is that they have engineering approval. DB&F had 2 comments that will be addressed by this Friday. It is now out for bid.

Mr. Parker said that they will be building Frito Lay as soon as possible, include all of the storm water and then leave the pads open until a user is found.

Commissioner Scholl made a motion for favorable recommendation for the final approval of the Frito Lay site plan and subdivision on Foskey Lane, Delmar, MD, as per the attached drawings. Commission Member Wilson seconded the motion which passed with 3 ayes and 2 absent.

***New Business***

Darlene Matthes- Removing 30" channel lettering and replacing with 36" channels, Dollar Sign, 38627 Benro Drive, Delmar, DE

The store will be expanding so the allowed sign area will increase. Right now its' 75 sq. ft. and it will increase to 96 sq. ft.

Commission Member Wilson, upon reviewing the documentation in the packet, requested that a revised letter from the property owner be submitted including the date.

Commission Member Wilson made a motion for favorable recommendation to the Delmar, Delaware Mayor and Council for new signage for the Dollar Store, 38627 Benro

Drive, Delmar, DE, per the attached drawings. Commissioner Scholl seconded the motion which passed with 3 ayes and 2 absent.

Chris Brown- Ryan Homes- New Home Build- 11525 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 84, House Plan 1296, Elevation A

Commission Member Wilson noted that the Lot 83 is unsold as of this meeting. Lot 83 is showing the same style home as on Lot 84. Mr. Schaeffer said that Lot 83 will be revisited and reworked. Lot 84 is adjacent to Lot 85 which has home style Plan 2203.

Community Development Coordinator Hardin informed the Commission that Mr. Schaeffer came here this evening and is asking for possibly some time at the end of the meeting to speak with the Commission. The Commission was favorable to that idea.

Commission Member Wilson made a favorable recommendation to the Mayor and Council for a new home build for Ryan Homes at 11525 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 84, House Plan 1296, Elevation A, per the attached drawings. Commissioner Scholl seconded the motion which passed with 3 ayes and 2 absent.

Chris Brown- Ryan Homes- New Home Build- 11537 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 85, House Plan 2203, Elevation A

Upon reviewing the plans included in the packet, Commission Member Wilson made a favorable recommendation to the Mayor and Council for a new home build for Ryan Homes at 11537 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 85, House Plan 2203, Elevation A, per the attached drawings. Commissioner Scholl seconded the motion which passed with 3 ayes and 2 absent.

Chris Brown- Ryan Homes- New Home Build- 11543 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 86, House Plan 1296, Elevation A

Upon reviewing the plans included in the packet, Commissioner Scholl made a favorable recommendation to the Mayor and Council for a new home build for Ryan Homes at 11543 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 86, House Plan 1296, Elevation A, per the attached drawings. Commission Member Wilson seconded the motion which passed with 3 ayes and 2 absent.

Chris Brown- Ryan Homes- New Home Build- 11549 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 87, House Plan 2203, Elevation B

Upon reviewing the plans included in the packet, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for a new home build for Ryan Homes at 11549 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 87, House Plan 2203, Elevation B, per the attached drawings. Commissioner Scholl seconded the motion which passed with 3 ayes and 2 absent.

Chris Brown- Ryan Homes- New Home Build- 11462 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 102, House Plan 1296, Elevation B

Upon reviewing the plans included in the packet, Commissioner Scholl made a favorable recommendation to the Mayor and Council for a new home build for Ryan Homes at 11462 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 102, House Plan 1296, Elevation B, per the attached drawings. Commission Member Wilson seconded the motion which passed with 3 ayes and 2 absent.

Chris Brown- Ryan Homes- New Home Build- 11482 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 103, House Plan 1918, Elevation A

Upon reviewing the plans included in the packet, Commissioner Scholl made a favorable recommendation to the Mayor and Council for a new home build for Ryan Homes at 11482 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 103, House Plan 1918, Elevation A, per the attached drawings. Commission Member Wilson seconded the motion which passed with 3 ayes and 2 absent.

Chris Brown- Ryan Homes- New Home Build- 11496 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 104, House Plan 1296, Elevation B

There was a discussion about the side setbacks and that Yorkshire Estates had been given variances for the reduction of setbacks quite a while ago.

Upon reviewing the plans included in the packet, Commissioner Scholl made a favorable recommendation to the Mayor and Council for a new home build for Ryan Homes at 11496 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 104, House Plan 1296, Elevation B, per the attached drawings. Commission Member Wilson seconded the motion which passed with 3 ayes and 2 absent

Chris Brown- Ryan Homes- New Home Build- 11512 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 105, House Plan 1918, Elevation A

Upon reviewing the plans included in the packet, Commissioner Scholl made a favorable recommendation to the Mayor and Council for a new home build for Ryan Homes at 11512 Buckingham Drive, Yorkshire Estates, Delmar, DE, Lot 105, House Plan 1918, Elevation A, per the attached drawings. Commission Member Wilson seconded the motion which passed with 3 ayes and 2 absent.

Michael Schaeffer- Ryan Homes

Mr. Schaeffer identified himself as the Vice President of Ryan Homes and he oversees the operations on the entire Eastern Shore. He said that he attended the Delaware Council meeting earlier this month. There is definitely some confusion of the initial process of how they do business. They want to bring work-force housing to Town. Last month, Planning and Zoning had an issue with Lot 113 having the same home style plan as the neighbors. He noticed it as well and has relocated the buyer to another Lot.

The hardest thing they do is build a model home. If they build model homes, everyone wants the model home. They do different facades and different elevations. They have 2 elevations for each home style. With the colors, they will not do the same color

combination on houses that are next to each other. Mr. Schaeffer said that it is hard to vary the homes. There are just so many ways you can vary a box. The cost is what makes them affordable. They are being successful in bringing families to Delmar that are able to afford their first home.

The sales reps and the sales managers vary as much as they can vary the homes next to each other. He said as much as feasibly possible they will vary the house styles next to each other. But there might be a time in which there will be side by side similar homes. He said that this is fair housing they offer a potential customer and if they want and can afford a certain style home, then they should be able to offer it to them.

Commission Member Wilson said that in light that there might be another situation where the same style home is next door to each other, she believes that Planning and Zoning would want to see a letter confirming that both property owners are aware that their neighbors will be having the same style house as theirs. Mr. Schaeffer said that they would draft a legal document for the buyers to sign. CDC Hardin said that the letter would satisfy the Planning and Zoning Commission and the letter would be evidence of disclosure. Commission Member Wilson said that she would not want that letter be a substitute of their due diligence to alternate the home styles. Mr. Schaeffer said that he would make it a legal addendum to the deed.

Chairman Boyan said that he has served on the Planning and Zoning Commission for over 10 years and this development has sold more homes faster than any other he is aware of. Commission Member Wilson thanked Mr. Schaeffer and Ryan Homes for working with the Planning and Zoning Commission.

***Adjournment***

Upon hearing no public comments, Commissioner Scholl made a motion for adjournment which was seconded by Commission Member Wilson. The motion passed with 3 ayes and 2 absent.

Respectfully submitted,

*Cindy Fisher*

*Clerk of Council*