

Planning & Zoning Commission

September 20, 2018

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on September 20, 2018. In attendance were Chairman Boyan, Commissioner Scholl, Commission Members Catellier and Wilson, Community Development Coordinator Hardin and Clerk of Council Fisher. Guests: Judy Schwartz, Zachary Rhoad, Glenn Costa, Wayne Hudson, Chris Brown, Blair Carey, Doug Marshall and Kalpesh Patel.

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.

Approval of Minutes

Commission Member Catellier made a motion to approve the August, 2018 minutes as circulated. Commission Member Wilson seconded the motion which passed with 4 ayes and 0 absent.

Unfinished Business

Commission Member Wilson wanted to put on the record a full disclosure that there had been discussion outside of this meeting that provided information to the answer of questions the Commission had of Lot 46 in Yorkshire Estates. This information will be included in the Minute Book and has been made part of the record.

New Business

Chris Brown- Ryan Homes- New Home Style 1918 build on Lot 51 at 11773 Buckingham Drive, Yorkshire Estates, Delmar, DE

Commission Member Catellier informed Chris Brown that the Commission will need an updated plat showing the Lots as they have been sold, or showing them as unsold. It should be provided in time for the Mayor and Council meeting on the 1st of October. Lot 50 needs to be confirmed that it is an unsold Lot.

Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for new home style 1918 build on Lot 51 located at 11773 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings, contingent that proof can be provided showing Lot 50 as being an unsold Lot. Commissioner Scholl seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home Style 1296 build on Lot 122 located at 11611 Buckingham Drive, Yorkshire Estates, Delmar, DE

This particular home build in Yorkshire Estates will have a sprinkler system installed. The Commission questioned if anything was needed now from the Fire Marshall prior to them making a recommendation. Community Development Coordinator Hardin stated that the fire sprinkler plans must be approved by the Delaware State Fire Marshall's Office prior to a building permit being issued.

Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for the new home style 1296 build on Lot 122 located at 11611 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings.

Chris Brown- Ryan Homes- New Home Style 2203 build on Lot 123 located at 11617 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for new home style 2203 build on Lot 123 located at 11617 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home Style 1296 build on Lot 124 located at 11623 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for new home style 1296 build on Lot 124 located at 11623 Buckingham Drive, Yorkshire Estates, Delmar, DE per the attached drawings. Commission Member Wilson seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home Style 1918 build on Lot 158 located at 38398 Elizabeth Lane, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for a new home style 1918 build on Lot 158 located at 38398 Elizabeth Lane, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home Style 1918 build on Lot 160 located at 38392 Elizabeth Lane, Yorkshire Estates, Delmar, DE

Commission Member Catellier stated that proof will need to be provided showing that Lots 159 and 161 are unsold properties. Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for new home style 1918 build on Lot 160 located at 38392 Elizabeth Lane, Delmar, DE, per the attached drawings and contingent that Lots 159 and 161 are unsold properties. Commission Member Wilson seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home Style 1296 build on Lot 163 located at 38384 Elizabeth Lane, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for new home style 1296 build on Lot 163 located at 38384 Elizabeth Lane. Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home Style 1296 build on Lot 165 located at 38378 Elizabeth Lane, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for new home style 1296 build on Lot 165 located at 38378 Elizabeth Lane. Yorkshire Estates, Delmar, DE, per the attached drawings. Commissioner Scholl seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home Style 2203 build on Lot 251 located at 36447 Carriage Walk Lane, Yorkshire Estates, Delmar, DE

After reviewing the documentation provided, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for new home style 2203 build on Lot 251 located at 36447 Carriage Walk Lane, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 4 ayes and 0 absent.

Blair Carey- Proposed dwelling on Parcel 88A, Special Exception Request- Delmar, DE

Mr. Carey said that he is requesting a special exception to put a residential dwelling in a Community Business District. The property has been subdivided and on Parcel 88B is an existing home that is in the Community Business District which has been grandfathered in since it was built prior to zoning classifications.

Community Development Coordinator Hardin informed the Commission that Mr. Carey has been before the Delaware Board of Adjustments for this property and received a variance on the front set-backs. He could have asked for both at the same meeting.

Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council and the Delmar Delaware Board of Adjustments for a special exception for a residential dwelling to be built in a Community Business District located on Parcel 88A, E. Lincoln Avenue, Delmar, DE, per the attached drawings. Commission Member Wilson seconded the motion which passed with 4 ayes and 0 absent.

Zachary Rhoad- Perdue Agribusiness-Signage Approval and renewal Approval of site Plan- Delmar, DE

Judy Schwartz introduced herself along with Glenn Costa, Zachary Rhoad and Wayne Hudson. Commission Member Wilson wanted to notate it in the record that while her husband works for Perdue, she has no financial interest in this project and will not benefit off of it. She said because of that she will take part in the discussion.

Mrs. Schwartz informed the Planning and Zoning Commission that Perdue originally received its' preliminary site plan in January of 2017. The Plan did not go before the Mayor and Council. Later that same year, the project was put on hold by Perdue. The original preliminary approval expired in January of this year; 2018.

Mrs. Schwartz said that the site plan really hasn't changed that much. More changes have been done to the utilities. The space is 18.5 acres and zoned Regional Highway Commercial. It faces both Rt. 13 and Old Stage Rd. and they will be having entrances on both roads. There will be parking for 211 spaces. Perdue plans to move from Salisbury to this location and grow to 200 employees. The water and sewer is off of Old Stage Rd. There is a 10 inch water main and 2 inch low pressure sewer main. This is one of the changes that was made to the site plan. The plan calls for a grinder pump and they are consulting with the Town's Engineers. They have to relocate the agricultural ditch. The tax ditch on the south side will remain in full function and will be part of the project and will be cleaned and maintained. There is an existing cemetery on the property dating back to 1802. Perdue has taken steps to register the cemetery. All site approvals have been obtained from DelDot, State Fire Marshal, Army Corps of Engineers and the Sussex Conservation District.

Mrs. Schwartz said they are here this evening asking for the renewal of the site plan approval that was given in 2017.

She said that they are asking approval for their sign package also. There will be 4 signs total. The 2 exterior signs will be free standing and will be placed at the driveway entrances off of Rt. 13 and Old Stage Rd. The signs meet all the code requirements. The regulations for the sign set back is 20 ft. and these signs are placed further back than that.

Community Development Coordinator Hardin said that as part of the inspection process, all requirements have to be met. The height of the signs are 10 ft. On the front of the building, there are 2 signs with lettering 16 inches high and the sign on the back has 5 inch high lettering.

Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for the renewal of the site plan approval for Perdue Agribusiness located at 36903 Sussex Highway, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 4 ayes and 0 absent.

Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for the approval of 2 exterior monument signs and 2 wall signs for Perdue Agribusiness located at 36903 Sussex Highway, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 4 ayes and 0 absent.

Doug Marshall- New house on Lot 65, Heron Ponds, Delmar, MD

Mr. Marshall said that the house is already built and is located on Rt. 13. The house comes apart in 4 sections and will be moved down Rt. 13 to Heron Ponds. There was

some discussion on having a sprinkler system. Community Development Coordinator Hardin said that in Maryland sprinkler systems are only required for new construction. Since this home has already been built, it would not require a sprinkler system. The home is just being moved from one location to another.

Mr. Marshall said that the site plan does show that the house would fit within the Lot. Questions about the pool in the site plan was discussed. CDC Hardin said that not more than 75% of the rear yard can be used for accessory structures, which a pool is one. Before it is dug, a building permit is required. The house will be facing the wedding barn.

Commission Member Catellier made a motion for favorable recommendation to the Maryland Mayor and Commissioners for the relocation of a home to Lot 65 in Heron Ponds, Delmar, MD, per the attached drawings. Commission Member Wilson seconded the motion which passed with 4 ayes and 0 absent.

Kalpesh Patel- New house build at 30376 Trestle Place, Delmar, MD

Mr. Patel presented a site plan for a proposed new homes, which had been submitted in several incorrect forms at prior P&Z meetings. Mr. Patel informed the Commission that the site plan has been corrected as per the instructions of the Planning and Zoning Commission. After reviewing the site plan and finding that it now meets the requirements of the Town Ordinances, Commission Member Catellier made a motion for favorable recommendation to the Maryland Mayor and Commissioners for a new home build at 30376 Trestle Place, Delmar, MD, per the attached drawings. Commissioner Scholl seconded the motion which passed with 4 ayes and 0 absent.

Adjournment

Upon hearing no public comments, Commission Member Catellier made a motion for adjournment which was seconded by Commissioner Scholl. The motion passed with 4 ayes and 0 absent.

Respectfully submitted,

Cindy Fisher
Clerk of Council