

Planning & Zoning Commission

November 15, 2018

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on November 15, 2018. In attendance were Commissioner Scholl and Commission Members Catellier and Wilson, Community Development Coordinator Hardin and Clerk of Council Fisher. Absent: Chairman Boyan. Guests: Tracey Gordy, Sara Bynum-King and Sherry Beauchamp.

Call to Order

Commissioner Scholl 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.

PUBLIC HEARING- AMENDMENT OF 2009 COMPREHENSIVE PLAN

Commissioner Scholl reviewed the Public Hearing advertisement as it was in the newspaper and asked for a motion to open the Public Hearing. Commission Member Catellier made the motion to open the Public Hearing which was seconded by Commission Member Wilson. The motion passed with 3 ayes and 1 absent.

Tracey Gordy introduced herself as being with the Maryland Department of Planning for the Eastern Shore. The Town of Delmar presented an annexation request for the Delmar Assisted Living facility. At the time there were some concerns brought up to Town Manager Bynum-King about the Comprehensive Plan that this proposed annexed property was not included in the Town's growth plan.

The brakes were put on the annexation and now we're going through the process again. In the meantime, the Town has drafted new language for the new growth area known as GA5 which the Delmar Assisted Living Facility will be the only developed property. She presented a new map that will take the place of the one currently with the Comprehensive Plan. The amendment was presented to the Clearinghouse. It is a 60 day process in which she received comments. She is also required to contact Wicomico County and Mr. Lenox with the County's Planning and Zoning Commission. He had a few comments in which he also supplied at letter. Every time that there is an amendment to a Comprehensive Plan the amendments are forwarded for comments. The Planning and Zoning Commission's job is to look at the comments and decide if something needs to be addressed now or when the Town updates the Comprehensive Plan. It is not mandated in any way that the Town has to incorporate any of the comments. Her recommendation to the Planning and Zoning Commission is to take the comments under advisement now and refer to them when updating the Comprehensive Plan.

The initiation for the amendment was by one property owner with a failing septic system. The water and sewer plan had to be amended and reviewed by the State and the County.

Mr. Lenox from Wicomico County had concerns about the language for the future land use. To get to the Assisted Living facility, annexed the Town had to include all the parcels in between the existing Town boundaries and the Assisted Living Facility in the proposed growth area. There is no plan for development now. The growth area is the whole area and was named Neighborhood Commercial. The County felt that a better land use category should be used since it doesn't appear to be suited for the entire 88 acres.

She continued by informing the Commission that the current growth area map does not define the land uses for growth area now. It is just designated as a growth area. If there is any proposal for annexation, then that will indicate what the zoning will be. Ms. Gordy said that it should take care of the issues that the County has. The proposed amendment by removing the designated future land use classification would be consistent with the existing map.

Commission Member Wilson asked about GA5 and if it applies to the entirety of the properties along Rt. 54. Mrs. Gordy said that the road will be annexed. When the annexation moves forward, it will not be for all of the growth areas. Commission Member Wilson wanted to know if any of the property owners in the growth area had been asked about annexation. Town Manager Bynum-King said that Mr. Booth did ask the property owners and they were not interested. Any property in any growth area can come before the Town asking to be annexed. The proposal can be entertained but the Town does not have to annex. Mrs. Gordy asked the Commission Members to take into consideration that just because properties are in the Town's growth area does not mean they are entitled to be annexed. The annexations should be based on the state of the Town's public facilities.

Mrs. Gordy informed the Commission that Delmar Assisted Living will be paying for the running of the sewer to the facility for the annexation. It is costing the Town nothing. The sewer easement will be down Line Road and is in the State's right-of-way. Mr. Booth did receive permission from DelDot to run the line in the easement.

Town Manager Bynum-King said that the reason the Town is amending the Comprehensive Plan is that this area was not in our existing growth area in our comprehensive plan.

Commission Member Wilson said that the comments are not relevant to the Planning and Zoning Commission now because we are not annexing at this time. She expressed her concern about doing all this for a single person/development. Mrs. Gordy said that this is really a very minor amendment to the Comprehensive Plan. It is sent to all the agencies that would be pertinent to this amendment. Any comments received can be acknowledged in any way you want. There is no legal requirements to address the comments. It is done as a courtesy to the relative governmental agencies. She did acknowledge that this is a unique situation to go through the whole process for one facility. But that facility is in a bad situation and asked the Town to be annexed.

As a reminder, Mrs. Gordy said that the other properties in this growth area have not been promised annexation. The Town has borne no costs for anything. MDE will be working with the Town on the water and sewer amendment for the County. The sewer plan is being amended for this situation. The State of Maryland requires an update to the Town's Comprehensive Plan every 10 years. At that time, the comments can be addressed.

Hearing no further public comments, Commission Member Catellier made a motion to close the public comment section of the Public Hearing. Commission Member Wilson seconded the motion which passed 3 ayes and 1 absent.

Commission Member Wilson made a motion for favorable recommendation to the Maryland Mayor and Commissioners for the approval of the amendment of the 2009 Comprehensive Plan with modifications to Map 5; the Growth Areas and not Map 4; Future Land Use as presented this evening. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

The Commission thanked Tracey Gordy for her explanations and presentations.

Approval of Minutes

Commission Member Wilson made a motion to approve the October, 2018 minutes as circulated. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

New Business

Sherry Beauchamp- Sign Approval for 1 building sign and for a 2 sided stand-alone sign at 609 Bi-State Blvd., Delmar, DE

Mrs. Beauchamp stated that she has opened a salon at 609 Bi-State Blvd. The signs are currently up and she has received a temporary sign permit from Community Development Coordinator Hardin. Mrs. Beauchamp stated that she owns the building and the pole sign was already there and she just covered the existing sign. She is a free-standing building and CDC Hardin said that because it is a free-standing building, she could have 2 building signs, but if there is only to be one sign, then it should be on the Francis Street side.

Commission Member Catellier made a motion for a favorable recommendation to the Delmar, Delaware Mayor and Council for 3 signs; one on the building and the 2-sided pole sign out front at 609 Bi-State Blvd., Delmar, DE, per the attached drawings. Commission Member Wilson seconded the motion which passed with 3 ayes and 1 absent.

Mark Miller- Parker & Assoc. Subdivision of Parcel 580 into 3 Lots, Delmar, MD

No one was present at the meeting and the Planning and Zoning Commission asked the Clerk of Council to contact them to see if they wanted to be placed on the December agenda.

Adjournment

Motion for adjournment was made by Commission Member Catellier and was seconded by Commission Member Wilson. The motion passed with 3 ayes and 1 absent.

Submitted by:

Cindy Fisher
Clerk of Council