

Planning & Zoning Commission

December 20, 2018

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on December 20, 2018. In attendance were Chairman Boyan, Commissioner Scholl and Commission Member Catellier, Community Development Coordinator Hardin and Clerk of Council Fisher. Absent: Commission Member Wilson. Guests: Chris Brown, Cody Webster, Mike Webster, Brock Parker and Sadhak Gonzalez.

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.

Public Hearing- Rezoning Request for 9295 Old Stage Road, Delmar, MD

Chairman Boyan announced that this is a Public Hearing for the re-zoning of 9295 Old Stage Road and the petitioner is Cody Webster.

Mr. Webster introduced himself as being the agent for the owner and is asking that the zoning be changed from R-3 Mobile Home Residential to R-1 Residential. The property is adjacent to Stage Road and Gordy Road

Commissioner Scholl made a motion to open the hearing to Public Comments which was seconded by Commission Member Catellier. The motion passed with 3 ayes and 1 absent.

Mr. Mike Webster stated that he lives next door, to the right of this property. He stated at one time, the properties did not perk so modular homes were allowed for the Lots so that is why the properties were annexed into Town for the sewer. When Mr. Bridge annexed the properties, it was for these properties along with the property across the street which were annexed under the R-3 zoning. The mobile home park across the street has its' own sewer system.

Commission Member Catellier proposed that if the houses, adjacent to this Lot, were built after the annexation, then it would change the character of the community. Robert Webster stated that there are buildings to the south of the property that are zoned R-1 and then there is Bridgewood Estates which is a residential community zoned R-2. The south east of Stage Road is zoned R-1 residential.

Commission Member Catellier said that if the homes on the connecting lots were built after the annexation, then the character of the neighborhood has changed. If the homes on the connecting lots were built before the annexation, then the character of the community has remained the same.

When asked, Community Development Coordinator Hardin informed Mr. Webster that Wicomico County would have the records. Right at this moment, he is not aware of the actual date of the annexation. Mr. Robert Webster stated that his house was put on the lot in 1998.

Commissioner Scholl made a motion for favorable recommendation to the Maryland Mayor and Commissioners for the parcel 156 to be re-zoned from R-3 to R-1 with the contingency that the annexation of parcel 156 was done prior to the build-out of adjacent Lots 4A-E as identified in the attached paperwork. The motion was seconded by Commission Member Catellier and passed with 3 ayes and 1 absent.

Approval of Minutes

Since there was not a voting quorum for the November minutes, they were tabled until next month.

Mark Miller- Parker and Assoc. Subdivision of Parcel 580 into 3 Lots , west of Park St., Delmar, MD

Brock Parker was present to represent Parker and Assoc. He stated that they want to subdivide Parcel 580 into 3 lots. The lots are the 3 that are front facing Maryland Avenue. All 3 lots have access and utilities from Maryland Avenue. He said that there are still some engineering to be worked out with DB&F. He believes that the lots have been to Planning and Zoning before. It's the same lots, just under new ownership. The lots are a good size and there are no plans for the back lots. There is an existing house on the adjacent parcel. All lots meet or exceed the size requirements and will be for single family houses.

Commissioner Scholl made a motion for favorable recommendation to the Mayor and Commissioners for the subdivision of Parcel 580 into 3 lots, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

Sadhak Gonzalez- New home build on Lot 59- Swingbridge Lane, Bridgewood Estates, Delmar, MD

Commissioner Scholl asked if the photos he provided were the same style home he was intending to build. Mr. Gonzalez stated that it was except for the color. Commission Member Catellier said that the house looks like it fits onto the property without set-back concerns.

Commissioner Scholl made a motion for favorable recommendation to the Mayor and Commissioners for the new house build on Lot 59 on Swingbridge Lane, Bridgewood Estates, Delmar, MD. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

Chris Brown- Ryan Homes- new home style #1680, Lot 47 located at 11793 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation, Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Council for approval for new home style #1680 on Lot 47, located at 11793 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

Chris Brown- Ryan Homes- new home style #1296, Lot 130 located at 11653 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation, Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Council for approval for new home style #1296 on Lot 130, located at 11653 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

Chris Brown- Ryan Homes- new home style #1296, Lot 171 located at 11612 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation, Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Council for approval for new home style #1296 on Lot 171, located at 11612 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

Chris Brown- Ryan Homes- new home style #1296, Lot 16 located at 13400 Grace Lane, Yorkshire Estates, Delmar, DE

After reviewing the documentation, Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Council for approval for new home style #1296 on Lot 16, located at 13400 Grace Lane, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent

Chris Brown- Ryan Homes- new home style #1296, Lot 18 located at 13406 Grace Lane, Yorkshire Estates, Delmar, DE

After reviewing the documentation, Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Council for approval for new home style #1296 on Lot 18, located at 13406 Grace Lane, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent

Chris Brown- Ryan Homes- new home style #1680, Lot 29 located at 13411 Grace Lane, Yorkshire Estates, Delmar, DE

After reviewing the documentation, Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Council for approval for new home style #1680 on Lot 29, located at 13411 Grace Lane, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent

Chris Brown- Ryan Homes- 4 new home style approvals for Heron Ponds, Delmar, MD

Commissioner Scholl, for the record, stated that he lives in Heron Ponds but does not have any financial interest in the new home builds. He asked both the Commission members and Chris Brown if they had any objections to him participating in the discussion and voting. Neither had any objections.

The new home styles presented this evening for approval for Heron Ponds are the Powell, the Sienna, the Ballenger and the Allegheny.

Powell- Upon reviewing the Powell home style, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Commissioners for new home style “Powell”, elevations A, B and C to be built in Heron Ponds by Ryan Homes, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent

Sienna- Upon reviewing the Sienna home style, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Commissioners for new home style “Sienna”, elevations B, K and L to be built in Heron Ponds by Ryan Homes, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

Allegheny- Upon reviewing the Allegheny home style, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Commissioners for new home style “Allegheny”, elevations A and C to be built in Heron Ponds by Ryan Homes, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

Ballenger- Upon reviewing the Ballenger home style, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Commissioners for new home style “Ballenger”, elevations A and C to be built in Heron Ponds by Ryan Homes, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

Chris Brown- Ryan Homes- Home Style “Sienna” elevation B Lot 111, located at 30741 Bobwhite Dr. Heron Ponds, Delmar, MD

After reviewing the documentation, Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Commissioners for approval for new home style Sienna, elevation B on Lot 111, located at 30741 Bobwhite Dr., Heron Ponds, Delmar, MD, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

Chris Brown- Ryan Homes- Home Style “Alberti ” 2-story Lot 121, located at 9561 Mourning Dove Way, Heron Ponds, Delmar, MD

After reviewing the documentation, Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Commissioners for approval for home style Alberti- 2-storied, on Lot 121, located at 9561 Mourning Dove Way, Heron Ponds, Delmar, MD, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

Chris Brown- Ryan Homes- Home Style “Powell” elevation A Lot 128, located at 30726 Hawks Way, Heron Ponds, Delmar, MD

After reviewing the documentation, Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Commissioners for approval for new home style Powell, elevation A on Lot 128, located at 30726 Hawks Way, Heron Ponds, Delmar, MD, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

Chris Brown- Ryan Homes- Home Style “Ballenger” elevation A Lot 130, located at 30737 Spoonbill Court, Heron Ponds, Delmar, MD

After reviewing the documentation, Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Commissioners for approval for new home style Ballenger, elevation A on Lot 130, located at 30737 Spoonbill Court, Heron Ponds, Delmar, MD, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

Chris Brown- Ryan Homes- Home Style “Sienna” elevation B Lot 132, located at 30736 Spoonbill Court, Heron Ponds, Delmar, MD

After reviewing the documentation, Commission Member Catellier asked the Community Development Officer if there is an agreement with the developer of Heron Ponds that only single storied homes would be backed up to Line Road. CDC Hardin stated that it was correct, homes that backed up to Line Road could only be single storied.

Commission Member Catellier said that this could not be accepted with that restriction in place. This would have to go back to the purchaser or buyer for either a different home style, or a different lot or for a variance request. CDC Hardin stated that he would provide Mrs. Brown with a copy of the documentation that has the agreement.

Mrs. Brown stated that she would withdraw the petition for Lot 132.

Chris Brown- Ryan Homes- Home Style “Bramante” 2-story Lot 166, located at 9505 Heron Ponds Parkway, Heron Ponds, Delmar, MD

After reviewing the documentation, Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Commissioners for approval for new home style Bramante, 2 story, on Lot 166, located at 9505 Heron Ponds Parkway, Heron Ponds, Delmar, MD, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

Chris Brown- Ryan Homes- Home Style “Powell” 2-story Lot 167, located at 9515 Heron Ponds Parkway, Heron Ponds, Delmar, MD

After reviewing the documentation, Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Commissioners for approval for new home style Powell, 2 story, on Lot 167, located at 9515 Heron Ponds Parkway, Heron Ponds, Delmar, MD, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

Chris Brown- Ryan Homes- Home Style “Ballenger” 2-story Lot 176, located at TBD Royal Tern Drive, Heron Ponds, Delmar, MD

After reviewing the documentation, Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Commissioners for approval for new home style Ballenger, 2 story, on Lot 176, located at TBD Royal Tern Drive, Heron Ponds, Delmar, MD, per the attached drawings. Commission Member Catellier seconded the motion which passed with 3 ayes and 1 absent.

When asked about the house number, Mrs. Brown responded that a house number has not been assigned. CDC Hardin indicated that Ryan Homes would need to contact Wicomico County 911 office and request an address.

Adjournment

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

Respectfully submitted,

Cindy Fisher

Clerk of Council