

Planning & Zoning Commission

June 20, 2019

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on June 20, 2019. In attendance were Commissioner Scholl, Commission Members Wilson, Catellier, and Outten, Code Enforcement Officer Peek, Community Development Coordinator Hardin and Clerk of Council Fisher. Absent: Chairman Boyan. Guests: Chris Brown, Charlie Towers and Vernon Esham

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.

Approval of Minutes

April, 2019- There was not a voting quorum for the April 2019 minutes so they were tabled until next month.

May, 2019- Commission Member Wilson made a motion to approve the May, 2019 minutes as circulated. Commission Member Catellier seconded the motion which passed with 4 ayes and 1 absent.

New Business

Charlie Towers- Sign Approval for All Mobility Solutions located at 8999 Ocean Highway, Delmar, MD

Mr. Towers stated the sign will go on the front of the building and will be lit up. It's far enough away from Rt. 13 so it doesn't interfere with drivers. It will be an aluminum sign with vinyl graphics and the sign will cover approximately 9% of the buildings front.

Commission Member Catellier made a motion for favorable recommendation to the Mayor and Commissioners for the new signage at All Mobility Solutions located at 8999 Ocean Highway, Delmar, MD, per the attached drawings. Commission Member Outten seconded the motion which passed with 4 ayes and 1 absent.

Charlie Towers- Sign Approval for Nanticoke Primary Care located at 38650 Sussex Highway, Suite 101, Delmar, DE

Commission Member Catellier informed the Commission that he was part of the design team for this project and that he would be abstaining from any discussion and voting.

Mr. Towers said that Nanticoke Primary Care is located in the Delmar Business Park on Rt. 13. The sign will be single sided and measure 12 ft. by 4 ft. which takes up approximately 7% of the buildings frontage. The sign will have vinyl graphics.

Commission Member Outten made a motion for favorable recommendation to the Mayor and Council for the new sign for Nanticoke Primary Care located at 38650 Sussex Highway, Suite 101, Delmar, DE, per the attached drawings. Commission Member Wilson seconded the motion which passed with 3 ayes, 1 absent and Commission Member Catellier abstaining.

Vernon Esham- Variance Request for 23 parking spaces at 9 State Street, Delmar, DE

Mr. Esham identified himself as the builder for this project and the owner had minor surgery today and was not present. He informed the Commission that in the beginning, the owners wanted to tear down the laundromat and build a new one with 2 apartments on the second story. But after coming before the Mayor and Council, they have decided to just remodel the existing laundromat. They weren't looking to increase the number of machines inside. They are still looking to put 2 apartments on the second story. The owners also wanted to take the long brick building and make it into 3 different offices or something commercial.

Mr. Esham said that a meeting with the Town Manager and the surveyor brought up the issue of parking in that there is not enough parking spaces for what they want to do on the property.

Mr. Esham informed the Planning and Zoning Commission members that he is 7 parking spaces short of complying with the regulations. He suggested to the Commission that the customers for the laundromat and the office spaces would be occupying the parking spots at different times. The laundromat is mostly used in the evenings and on weekends. The office spaces would be used during the week and during the day. When speaking about the brick building, Mr. Esham said that it may have had some commercial use in the past, but he was not sure. He said that if the property cannot get a variance for parking, he does not know what could ever go into that location.

Commission Member Wilson asked about the doors for the 3 office spaces and if there would be separate doors for each office. Mr. Esham responded that the section of the building that lays on the parking lot would be divided into equal thirds and the doors would be placed on the parking lot side.

There was some discussion on sub-dividing the property. Mr. Esham stated that the owners were not interested in sub-dividing. They want to take the existing footprint of the laundromat and refurbish it.

Commissioner Scholl stated that it would be easier for the Commission to visualize it on paper instead of trying to see Mr. Eshams' vision.

Community Development Coordinator William Hardin stated that the laundromat is a non-conforming use of the property. It states in the zoning regulations that alterations of and additions to structures containing non-conforming uses shall not be permitted. Mr. Esham would have to receive approval to remodel the laundromat from the Delaware Board of Adjustments. Currently the laundromat is a non-conforming use of the property

and is grandfathered in. Once any remodeling happens, the property loses the grandfathered status. He would then have to comply with the 2015 standards. The 2015 standards only allows one main building on a property. The property would need to be sub-divided into 2 lots for the 2 buildings. The zoning is Central Business and does not allow, by permitted use, a laundromat. The Commission or the Council would have to decide if a dry cleaners facility would be the same as a laundromat. A dry cleaning establishment would be allowed only by a Special Exception. It still does not allow for residential units to be on the second story. A variance would be needed to allow that to happen.

The hurdles that Mr. Esham and the property owners face were discussed such as a variance for parking, a variance for the residential units, 2 buildings on one Lot, the possibility of losing the grandfathered laundromat.

Commission Member Catellier said that what is proposed in the drawing provided to the Planning and Zoning Commission does not match the narrative of the request that Mr. Esham has provided, therefore the Commission can do nothing at this point. He instructed Mr. Esham to go back to the property owners and try to figure out what they really want to do with the property.

Mr. Esham stated that he will withdraw his request at this time. CDC Hardin stated that he would email Mr. Esham the specifics for a Central Business district along with Community Business. He did inform the Commission and Mr. Esham that laundromats are allowed but under a different zoning district.

Doug Marshall- New Home and 50' by 80' barn- locate on rear phase of Heron Pond, Delmar, MD

Commissioner Scholl read into the record an email received earlier from Mr. Marshall asking for his request to be removed from the agenda this evening.

Chris Brown- Ryan Homes- New home-style # 1296 on Lot 191, located at 11722 Buckingham Drive, 1 story, elevation A, Yorkshire Estates, Delmar, DE

Commissioner Scholl stated that on either side of this Lot are different home styles.

Upon hearing no questions, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for home style # 1296 to be built on Lot 191 located at 11722 Buckingham Drive, 1 story, elevation A, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New home-style # 1680 (1918) on Lot 190, located at 11720 Buckingham Drive, 2 story, elevation A, Yorkshire Estates, Delmar, DE

It was notated that the agenda was incorrect and that the home-style should be # 1918. The mail packets included the correct home-style.

Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for home-style # 1918 to be built on Lot 190, located at 11720 Buckingham Drive, 2-story, elevation A, Yorkshire Estates, Delmar, DE, per the attached drawings. The motion was seconded by Commission Member Catellier and passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New home-style # 1296 on Lot 146, located at 11697 Buckingham Drive, 1 story, elevation A, Yorkshire Estates, Delmar, DE

Upon hearing no comments or questions, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for home-style # 1296 to be built on Lot 146, located at 11697 Buckingham Drive, 1-story, elevation A, Yorkshire Estates, Delmar, DE, per the attached drawing. Commission Member Catellier seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New home-style # 1918 on Lot 141, located at 38475 Charles Court, 2 story, elevation A, Yorkshire Estates, Delmar, DE

Upon hearing no comments or questions, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for home-style # 1918 to be built on Lot 141, located at 38475 Charles Court, 2-story, elevation A, Yorkshire Estates, Delmar, DE, per the attached drawing. Commission Member Catellier seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New home-style # 2203 on Lot 136, located at 11675 Buckingham Drive, 2 story, elevation A, Yorkshire Estates, Delmar, DE

Upon hearing no comments or questions, Commission Member Outten made a motion for favorable recommendation to the Mayor and Council for home-style # 2203 to be built on Lot 136, located at 11675 Buckingham Drive, 2-story, elevation A, Yorkshire Estates, Delmar, DE, per the attached drawing. Commission Member Catellier seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New home-style Ballenger on Lot 178, located at 9517 Royal Tern Drive, 2 story, elevation A, Heron Ponds, Delmar, MD

Upon hearing no comments or questions, Commission Member Catellier made a motion for favorable recommendation to the Mayor and Commissioners for the Ballenger home-style to be built on Lot 178, located at 9517 Royal Tern Drive, 2-story, elevation A, Heron Ponds, Delmar, MD, per the attached drawing. Commission Member Wilson seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New home-style Ballenger on Lot 218, located at 30664 Green Heron Way, 2 story, elevation K, Heron Ponds, Delmar, MD

Chris Brown asked that this item be withdrawn.

Chris Brown- Ryan Homes- New home-style Powell on Lot 164, located at 30718 Bobwhite Drive, 2 story, elevation A, Heron Ponds, Delmar, MD

Upon hearing no comments or questions, Commission Member Catellier made a motion for favorable recommendation to the Mayor and Commissioners for the Powell home-

style to be built on Lot 164, located at 30718 Bobwhite Drive, 2-story, elevation A, Heron Ponds, Delmar, MD, per the attached drawing. Commission Member Outten seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New home-style Roanoke on Lot 142, located at 30707 Spoonbill Court, 2 story, elevation A, Heron Ponds, Delmar, MD

Upon hearing no comments or questions, Commission Member Catellier made a motion for favorable recommendation to the Mayor and Commissioners for the Roanoke home-style to be built on Lot 142, located at 30707 Spoonbill Court, 2-story, elevation A, Heron Ponds, Delmar, MD, per the attached drawing. Commission Member Wilson seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New home-style Alberti Ranch on Lot 135, located at 30714 Spoonbill Court, elevation A, Heron Ponds, Delmar, MD

Upon hearing no comments or questions, Commission Member Catellier made a motion for favorable recommendation to the Mayor and Commissioners for the Alberti Ranch home-style to be built on Lot 135, located at 30714 Spoonbill Court, elevation A, Heron Ponds, Delmar, MD, per the attached drawing. Commission Member Outten seconded the motion which passed with 4 ayes and 1 absent.

Adjournment

Upon hearing no Public Comments, Commission member Catellier made a motion for adjournment which was seconded by Commission Member Wilson. The motion passed with 4 ayes and 1 absent

Respectfully submitted,

Cindy Fisher

Clerk of Council