

Planning & Zoning Commission

August 22, 2019

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on August 22, 2019. In attendance were Chairman Boyan, Commissioner Scholl, Commission Members Catellier, Wilson and Outten, Code Enforcement Officer Peek, Community Development Coordinator Hardin and Clerk of Council Fisher.

Guests: Chris Brown, Dylan Brown, Chase Dykes, Charlie Towers, Matt Phillips, Doug Marshall 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.

Approval of Minutes

Commission Member Wilson made a motion to approve the July, 2019 minutes as circulated. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

New Business

Towers Signs- Sign request for Delmar Business Center located at 36850 Sussex Highway, Delmar, DE

Mr. Towers stated that the property is owned by Gillis Gilkerson, which would own the sign. The pylon sign that Mr. Towers is asking for will have 8 panels in it for future growth of the Center. The structure will be steel with aluminum material and neon lighting. The pylon itself will be buried in concrete. Commission Member Wilson stated that she did the calculations and the sign is within the requirements.

Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for the new sign for Delmar Business Center located at 36850 Sussex Highway, Delmar, DE, per the attached drawings. Commission Member Wilson seconded the motion which passed with 5 ayes and 0 absent.

Gary Spence- Phillips Signs- New sign request for Earle Teate Music located at 38650 Sussex Highway, Unit 5, Delmar, DE

Matt Phillips was present this evening representing Phillips Signs. Mr. Phillips said that there will be a decrease of 27.5 feet from the original sign to this new sign being presented this evening. Mr. Phillips said that the name of the business hasn't changed, just the sign. Earle Teate sells mostly drums and guitars so that is what the sign is reflecting.

After some discussion on the wording currently on the door, Commission Member Wilson made a motion for a favorable recommendation to the Mayor and Council for the

new sign request for Earle Teate Music located at 38650 Sussex Highway, Unit 5, Delmar, DE, per the attached drawings. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

Matt Whalen- Sunroom addition to 11653 Buckingham Drive, Delmar, DE

Dylan Brown was representing Mr. Whalen this evening. He stated that the sunroom would be on a 14' by 9' concrete pad.

Commission Member Wilson noted that the documentation provided did not include the dimensions of the sunroom nor the setbacks. Mr. Brown said that it is something he could provide.

Commission Member Wilson made a motion for a favorable recommendation to the Mayor and Council for the addition of a sunroom for 11653 Buckingham Drive, Delmar, DE per the attached drawings with the contingency that a new survey is presented that shows the dimensions of the sunroom and the setbacks prior to the Council meeting. Commission Member Catellier seconded the motion which passed with 5 ayes and 0 absent.

Chase Dykes- New home build on Lots 1, 2, 3 and 4 W. Elizabeth Street and S. Memorial Drive, Delmar, MD

Mr. Dykes stated that he plans on putting the same house style on all 4 Lots with different external coloring and different roof pitches.

Commission Member Wilson stated that typically, the Planning and Zoning Commission does not allow for the 'cookie cutter' look of developments no matter how big or small. She said that before they are approved, the Commission would need to see significant elevation changes to the houses. Mr. Dykes said that the client wants to stay away from 2-story houses and there is a small limited space on each Lot. Mr. Dykes said that they could do slight elevation changes and put the porch on different sides of the front. He informed the Commission that the houses would be built one at a time. Commission Member Wilson said that moving the front porch is not what the Planning and Zoning is looking for. Mr. Dykes said that he could include a different number of dormers.

It was suggested that Mr. Dykes amend his application to request a home on just one Lot at this time. He can come back and show the elevations for the other homes another time. Also, we will need a sealed copy of the plan for Lot 1 prior to the Commissioners meeting.

Mr. Dykes requested that his request for Lots 2, 3 and 4 be withdrawn at this time.

Commissioner Scholl made a motion for favorable recommendation to the Mayor and Commissioners for the new home build on Lot 1 on W. Elizabeth Street and Memorial Drive, Delmar, MD per the attached drawings with the contingency that an original signed and sealed site plan be provided for Lot 1 prior to the Maryland meeting.

Commission Member Catellier seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes, New home build on Lot 220, located at 30682 Green Heron Way, Heron Ponds, Delmar, MD

After review of the documentation provided and hearing no questions, Commission Member Catellier made a motion for favorable recommendation to the Mayor and Commissioners for a new home build on Lot 220, located at 30682 Green Heron Way, Heron Ponds, Delmar, MD, per the attached drawings. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes, New home build on Lot 221, located at 9474 Heron Ponds Parkway, Heron Ponds, Delmar, MD

After review of the documentation provided and hearing no questions, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Commissioners for a new home build on Lot 221, located at 9474 Heron Ponds Parkway, Heron Ponds, Delmar, MD, per the attached drawings. Commission Member Catellier seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes, New home build on Lot 157, located at 9520 Mourning Dove Way, Heron Ponds, Delmar, MD

After review of the documentation provided and hearing no questions, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Commissioners for a new home build on Lot 157, located at 9520 Mourning Dove Way, Heron Ponds, Delmar, MD, per the attached drawings. Commission Member Outten seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes, New home build on Lot 115, located at 9507 Mourning Dove Way, Heron Ponds, Delmar, MD

After review of the documentation provided and hearing no questions, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Commissioners for a new home build on Lot 115, located at 9507 Mourning Dove Way, Heron Ponds, Delmar, MD, per the attached drawings. Commission Member Catellier seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes, New home build on Lot 187, located at 11708 Buckingham Drive, Yorkshire Estates, Delmar, DE

After review of the documentation provided and hearing no questions, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for a new home build on Lot 187, located at 11708 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes, New home build on Lot 180, located at 11664 Buckingham Drive, Yorkshire Estates, Delmar, DE

After review of the documentation provided and hearing no questions, Commission Member Outten made a motion for favorable recommendation to the Mayor and Council for a new home build on Lot 180, located at 11664 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Wilson seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes, New home build on Lot 151, located at 11723 Buckingham Drive, Yorkshire Estates, Delmar, DE

After review of the documentation provided and hearing no questions, Commission Member Catellier made a motion for favorable recommendation to the Mayor and Council for a new home build on Lot 151, located at 11723 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Outten seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes, New home build on Lot 150, located at 11719 Buckingham Drive, Yorkshire Estates, Delmar, DE

After review of the documentation provided and hearing no questions, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for a new home build on Lot 150, located at 11719 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes, New home build on Lot 147, located at 11701 Buckingham Drive, Yorkshire Estates, Delmar, DE

After review of the documentation provided and hearing no questions, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for a new home build on Lot 147, located at 11701 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes, New home build on Lot 140, located at 38473 Charles Court, Yorkshire Estates, Delmar, DE

After review of the documentation provided and hearing no questions, Commission Member Catellier made a motion for favorable recommendation to the Mayor and Council for a new home build on Lot 140, located at 38473 Charles Court, Yorkshire Estates, Delmar, DE, per the attached drawings. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes, New home build on Lot 132, located at 11663 Buckingham Drive, Yorkshire Estates, Delmar, DE

After review of the documentation provided and hearing no questions, Commission Member Outten made a motion for favorable recommendation to the Mayor and Council for a new home build on Lot 132, located at 11663 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

Parker & Assoc.-Site Plan for Bronza Parks Historical Memorial, Heron Ponds, Delmar, MD

Mr. Doug Marshall, owner of Heron Ponds stated that he purchased the boat from the Maritime Museum in St. Michael's. He would like to bring the boat to Heron Ponds and connect to the Town's water and sewer. Expert House Movers and Aerial Crane will move the boat and position it out of the water next to one of the ponds. The boat is currently in Cambridge, getting some repairs. He would also like to build a boat house over top of the boat for protection from the weather.

Commission Member Wilson asked what would be going on inside the boat. Mr. Marshall said that he wanted to hook up with water and sewer and allow people to stay overnight; being used as a rental. It would be a unique experience that he would like to offer. The boat has only 1 bathroom and he wants to use a pump to Kylan Barns pump station. The boat has 4 bunks in the front of the boat.

Mr. Marshall said that he would be obtaining ADA waivers. He would like to have the back of the boat facing west to be able to see the sunset. He also said that he would like to build a pier around the boat to give the illusion that it is sitting on the water.

CDC Hardin said that the property is zoned Highway Regional and all approvals Mr. Marshall is speaking of would need to be written and a copy provided to the Town.

CDC Hardin stated that Town Attorney Benson is being asked guidance about the building code and a rental license.

Commission Member Catellier made a motion for favorable recommendation to Doug Marshall of Heron Ponds for the concept plan of creating a Bronza Parks Historical Memorial as discussed above. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent. The Planning and Zoning Commission instructed Mr. Marshall that as the project progresses, he should come before this body up until he is ready for the final approval which would be recommended by this Commission and then be presented to the Maryland Mayor and Commissioners for final approval.

Parker & Assoc.-re-subdivision Plat for Lots 266-301 in Heron Ponds from duplexes to single family homes.

Mr. Brock Parker stated that these Lots are in the eastern section of the development. There is currently a buffer around this section. They are asking permission to convert 36 duplexes with 36 single family homes. The roads are to be kept the same and the Open Space will be very similar to what it is now.

Commission Member Catellier made a motion for favorable recommendation to the Mayor and Commissioners for Parker and Assoc. to re-subdivide the plat for Lot 266-301 from duplexes to single family homes in Heron Ponds, per the attached drawings.

Commission Member Wilson seconded the motion which passed with 5 ayes and 0 absent.

Public Comments

Heron Ponds property owner, Doug Marshall spoke about the remaining land and what he should do with it. The wedding center is very popular. They have their first HOA meeting on September 25th and 26th, to propose another wedding venue in Heron Ponds such as a greenhouse. The property he is speaking of is 45 acres but the only way to access this piece of land is to go through the belly of the subdivision. It is currently zoned R-4. Mr. Marshall thinks he may have to go through re-zoning. He is building his own house at the back of this property. He wants the venue to be a working greenhouse and have it also serve as a wedding event center. He would prefer not to rezone.

Commission Member Catellier said that it would prove interesting since the traffic for the venue would be less than if they build houses there. There would be less pressure on the school district.

When asked about the amphitheater, Mr. Marshall responded that the seating for the amphitheater is done and will seat 4,500 people. They have to acquire a liquor license to be able to afford any major acts to come. Mr. Marshall said that he is planning on turning the retail Barn into a restaurant and obtain a liquor license.

Mr. Marshall said that Kylan Barn is designed to be a wedding center. The greenhouse concept is unheard of in Delmarva.

Commission Comments

Commission Member Wilson reviewed the “Request to be placed on the Planning and Zoning Agenda” form. She suggested some changes that were okayed by the rest of the Commission. Also the version on the website needs to be changed.

Chairman Boyan said that the Police Night Out was great. He informed everyone that he was a member of the band that played that night.

Chairman Boyan suggested again about signage out in front of the Town Hall building. CDC Hardin stated that someone has proposed a sign rendering and will build it as a donation to the Town.

Adjournment

Motion for adjournment was made by Commissioner Scholl and was seconded by Commission Member Outten. The motion passed with 4 ayes and 1 absent.

Respectfully submitted,

Cindy Fisher

Clerk of Council