

Planning & Zoning Commission

January 23, 2020

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on January 23, 2020. In attendance were Chairman Boyan, Commissioner Scholl, Commission Members Catellier and Wilson, Code Enforcement Officer Peek, Community Development Coordinator Hardin and Clerk of Council Fisher. Absent: Commission Member Outten. Guests: Greg Ferrier, John McClellan, Doug Marshall, Joe Romano, Chris Brown, Alan Solis and Russell Smart.

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 December, 2019 minutes as circulated. Commissioner Scholl seconded the motion which passed with 4 ayes and 1 absent.

PUBLIC HEARING- Rezoning of 8999 Ocean Highway, Delmar, MD

Chairman Boyan stated that it is now time for the scheduled Public Hearing for the request for a zoning change for 8999 Ocean Highway from Light Industrial to Highway/Regional Commercial.

Commissioner Scholl made a motion to open the hearing to Public Comments which was seconded by Commission Member Wilson. The motion passed with 4 ayes and 1 absent.

Mr. McClellan on behalf of the owner, Greg Ferrier spoke of a little history of this location. He and Mr. Ferrier were at last month's Planning and Zoning meeting asking for text amendment to the zoning code. At the Maryland Mayor and Commissioners meeting, the Town Attorney suggested that it may be quicker to ask for a change in the zoning for 8999 Ocean Highway, Delmar, MD. Also the Town Attorney stated that he did not need to have a survey.

The property was annexed into Town in 1988 and was advertised as Community Business. No one from the Town nor on their end can determine how or why the property is zoned Light Industrial. There was some discussion on maybe a mistake or a color coding issue on zoning map. Mr. McClellan stated that while there may or may not have been a mistake, there has been a change in the neighborhood. The change in the Rt. 13 corridor has been significant. The Exxon Store, the Truck Store, Alban, the copier store the doctor's office, and Holiday Inn. These are all zoned Highway Regional and are all compatible with the current occupant of 8999 Ocean Highway, which is All Mobility

Solutions. The business fronts the Highway, he feels that it should be zoned Highway/Regional Commercial.

Commissioner Scholl agrees with what Mr. McClellan had to say. Commission Member Catellier also agreed that the best zone for this area should be Highway/Regional Commercial.

Hearing no more comments from Mr. McClellan and none from the public, Commission Member Catellier made a motion to close the Public Comment portion of the hearing. Commissioner Scholl seconded the motion which passed with 4 ayes and 1 absent.

Commissioner Scholl made a motion for favorable recommendation to the Mayor and Commissioners for the rezoning request for 8999 Ocean Highway, Delmar, MD. from Light Industrial to Highway/Regional Commercial. Commission Member Catellier seconded the motion which passed with 4 ayes and 1 absent.

Old Business-

Doug Marshall- Combining of Lots 65 & 66- Placement of garage on Lot 66A, Heron Ponds, Delmar, MD.

Commission Member Wilson stated that the Lot number for the combined Lots should be 65 since the house sits on Lot 65. Commission Member Catellier stated that the County does want combined Lots to be designated with a letter so they know the Lot has been adjusted in some way.

Commission Member Catellier stated that the garage fits on the Lot and meets all the setbacks. Mr. Doug Marshall stated that at some time he wants to put in a bathroom in the garage. He figures that the water meter that would be used for a house on that Lot can now be run into his garage. Mr. Marshall was told that the Planning and Zoning Commission had nothing to do with the allocation of water. That would possibly have to go before the Utility Commission. CDC Hardin also suggested that Mr. Marshall brush-up on the definition on what an accessory building is.

Commission Member Wilson made a motion for favorable recommendation to the Mayor and Commissioners for the combining of Lots 65 and 66 into Lot 66A, with the placement of a garage on Lot 66A in Heron Ponds, Delmar, MD per the attached drawings. Commission Member Catellier seconded the motion which passed with 4 ayes and 1 absent.

New Business

Dawn Raborn- Rite Lite Signs – Replacement of exterior signs for Food Lion, Delmar, DE

Mr. Joe Romano was here representing Vertex Construction. He stated that they will be replacing the existing sign with a new one which is smaller than the one hanging now. The sign will be back-lit and the brick face of the building will remain the same.

Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Council for the exterior sign replacement for Food Lion, 38650 Sussex Highway, Unit 1, 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 build on Lot 78, 11489 Buckingham Drive, Yorkshire Estates, Delmar, DE

Upon reviewing the documentation provided, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for the new home build on Lot 78 located at 11489 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Wilson seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New home build on Lot 184, 11688 Buckingham Drive, Yorkshire Estates, Delmar, DE

Upon reviewing the documentation provided, Commission Member Catellier made a motion for favorable recommendation to the Mayor and Council for the new home build on Lot 184 located at 11688 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Commission Member Wilson seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New home build on Lot 188, 11712 Buckingham Drive, Yorkshire Estates, Delmar, DE

Upon reviewing the documentation provided, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for the new home build on Lot 188 located at 11712 Buckingham Drive, Yorkshire Estates, Delmar, DE, per the attached drawings. Commissioner Scholl seconded the motion which passed with 4 ayes and 1 absent.

Alan Solis- Placement of shed at 36447 Carriage Walk Lane, Yorkshire Estates, Delmar, DE

Commission Member Wilson stated that she sees where Mr. Solis was made aware that he needed a certified site plan showing the set-backs for the shed for this meeting, and he still has not provided the Planning and Zoning Commission the plan. He did provide the latest site plan but it does not show the addition of the shed or the set-backs.

Mr. Solis stated that in the beginning he was misinformed by the HOA about getting a building permit. They told him he did not need one. He built it himself and it still needs a roof.

When questioned about the reasoning behind the building of a shed coming before Planning and Zoning, CDC Hardin responded that anything bigger than 14 by 14 has to come before the Planning and Zoning Commission. Mr. Solis stated that the shed is inside his fence and he did get a building permit for the fence. His shed is 106 sq. ft. and

he is not asking for any water or power to the shed. He also stated that he lives across the street from the mail boxes for the development and that area gets heavily congested.

Commission Member Catellier stated that he had no issue with the placement of the shed. Just for administrative purposes, The Planning and Zoning Commission needs a signed and certified site plan. Commission Member Catellier suggested that Mr. Solis return to the same surveyor who did the survey for the fence and get him to include the shed on the site plan. If he has a certified site plan by the February 3rd Mayor and Council meeting, then attend that meeting. If he doesn't, then he will be attending the March Mayor and Council meeting.

Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for the placement of a shed at 36447 Carriage Walk Lane, Yorkshire Estates, Delmar, DE per the attached drawings, contingent that Mr. Solis provides a signed and sealed site plan showing the set-backs for the shed. The motion was seconded by Commission Member Catellier and passed with 4 ayes and 1 absent.

Russell Smart- Addition of sunroom at 503 E. Pine Street, Delmar, MD

Mr. Smart stated that he is building the addition of a sunroom for the residents at 503 E. Pine Street. He stated that Mr. Smith provided a site plan for the property.

Commission Member stated that the site plan looks like the original site plan and doesn't show where the sunroom is going to be. After some conversation, Commissioner Scholl made a motion for a favorable recommendation to the Mayor and Commissioners for the addition of a sunroom at 503 E. Pine Street with the contingency that a sealed site plan showing the setbacks for the sunroom be provided by the date of the Mayor and Commissioners meeting in February. Commissioner Member Catellier seconded the motion which passed with 4 ayes and 1 absent.

Adjournment

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

Respectfully submitted,

Cindy Fisher
Clerk of Council