

## ***Planning & Zoning Commission***

***April 23, 2020***

### ***VIA TELECONFERENCE***

The regularly scheduled meeting of the Planning & Zoning Commission was held via teleconference. In attendance were Chairman Boyan, Commissioner Scholl, Commission Members Catellier, Wilson and Outten, Community Development Coordinator Hardin and Clerk of Council Fisher. Guests: Steve Marsh from GMB, Mr. J.Silva from GMB, Brock Parker from Parker and Associates, Blair Carey from RBR Homes, Michael Sullivan representing Station Crossing Commons and Vishal Patel.

#### ***Call to Order***

Chairman Boyan performed the Pledge of Allegiance. Chairman Boyan took role call to ensure the Commission had a quorum to move forward with the meeting. All five members of the Planning and Zoning Commission were in attendance along with Community Development Coordinator Hardin and Clerk of Council Fisher. Steve Marsh and J. Silva from GMB identified themselves as did Brock Parker from Parker and Associates, Bair Carey from RBR Homes and Vishal Patel.

#### **Public Hearing- Blair Carey- Rezoning request for the property on Second St. and Racetrack Road, Tax Map 5-32-20.10-5 from Industrial to R-2 Residential**

Chairman Boyan asked for a motion to start the Public Hearing. Commissioner Scholl made the motion to open the Public Hearing. Commission Member Wilson seconded the motion. Chairman Boyan polled the Planning and Zoning Members and the motion passed with 5 ayes and 0 absent.

Blair Carey introduced himself and then introduced Brock Parker from Parker and Associates to help the Commission better understand what he is requesting.

Mr. Parker explained that the one parcel with Tax Map # 5-32-20.10-5 is divided into 2 parcels by Old Racetrack Road. He said that Mr. Carey is requesting that the zoning be changed from Industrial to R-2 Residential. He stated that the justification for this zoning change is that he believes that there was a mistake in the zoning. There is residential surrounding this parcel and down the street as well as on Second St. and across on Race Track Road. To the west is the railroad. Mr. Parker stated that he thinks that there should have been some sort of buffer to separate the districts. Mr. Carey is seeking to have the property rezoned so he can build single family homes in the character of the existing homes in the neighborhood. The total acreage of the parcel is 16.4 acres.

Commission Member Outten asked if the northern parcel which consists of 8.94 is the parcel limited to the Town of Delmar. Mr. Carey stated that both sections showing Parcel

5-32-20.10.5 is entirely in the Town of Delmar's corporate limits. The other section which is in the County is marked Sussex County and they can't do anything with that section this evening.

Commission Member Catellier asked how many Lots would there be? Mr. Parker stated that he sketched it out so there would be low impact road front Lots. It's hard to figure out what the needs are going to be. There would probably be 24 road front Lots approximately 8,500 to 9,000 sq. ft. The future plans are to put in streets inside the development.

Commission Member Wilson stated that the plat needs to be signed by Mr. Parker.

Upon hearing no other comments, Chairman Boyan asked for a motion to close the Public Hearing. Commission Member Wilson made that motion which was seconded by Commissioner Scholl. Upon a roll call, all 5 members of the Planning and Zoning Commission voted that they were in favor of closing the Hearing. The motion passed with 5 ayes and 0 absent.

Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for the re-zoning request from Blair Carey for property known as 5-32-20.10-5 from Industrial to R-2 Residential per the attached documentation. Commissioner Scholl seconded the motion. Upon roll call vote, all the Planning and Zoning Members were in favor of that motion except for Commission Member Catellier. He stated that he was not comfortable with the number of houses and the impact it would cause on our schools. The motion passed with 4 ayes and 1 nay and 0 absent.

Both Mr. Carey and Mr. Parker were informed that the second Public Hearing is scheduled for Monday, May 4<sup>th</sup> at 7:10 p.m.

### *Approval of Minutes*

Commission Member Wilson made a motion to approve the February, 2020 minutes as circulated. Commissioner Scholl seconded the motion. Upon a roll call vote from Chairman Boyan the motion passed with 5 ayes and 0 absent.

### *New Business*

#### **Vishal Patel- Re-approval for Stillwater Development, Delmar, DE**

Steve Marsh and J. Silva identified themselves as being from G.M.B. and have been working with Mr. Patel on the Stillwater Project. Mr. Marsh gave a quick summary of the history of Stillwater. He stated that in October of 2010, the plat with 172 Lots was recorded. In December of 2019, they met with Town Manager Bynum-King and representatives from DB&F at which time the Town Manager suggested that they come to Planning and Zoning to start the process and then attend the Delaware Mayor and Council meeting. They have submitted plans to DB&F and have submitted a pre-application to Deldot as well as the Sussex Conservation District. On March 3<sup>rd</sup>, they put in a formal request to be here this evening.

Mr. Marsh stated that the idea is to maintain the previously approved Lot layout. Mr. Patel has possibly an interested national homebuilder. No Lot revisions will be necessary. Since 2010 some requirements have been change for the Town and State. They have submitted those changes to DB&F for their review. The goal is to be approved for the plans that were already approved. Everything will meet the Town Standards and they will leave the ponds as they are and re-submit plans to meet DelDot's standards which have changed for the entrance approvals. Mr. Marsh said that their goal this evening was to get a favorable recommendation to move forward to the Delaware Mayor and Council.

Commission Member Wilson asked the Community Development Coordinator to address the comments made by the Town Manager of the application for approval. CDC Hardin stated that any final approvals and any issuance of permits is contingent to a Public Works Agreement being in place and finalized.

Chairman Boyan asked for a motion for favorable recommendation to the Mayor and Council for the approval of the Stillwater Development in Delmar, DE per the attached documentation. Commission Member Wilson made that motion which was seconded by Commissioner Scholl. Upon a role call vote, the motion passed with 4 ayes and Commission Member Catellier abstaining and no absence.

#### **Michael Sullivan- Final Approval for Station Crossing Commons, Delmar, MD**

Mr. Sullivan stated that he is here this evening to get final site plan approval for the Station Crossing Commons Development. The final comprehensive plan was submitted for review on April 9<sup>th</sup>. The preliminary site plan was presented to the Planning and Zoning Commission on November, 2018. The final site plan presented this evening is exactly the same as originally presented in November of 2018. The Development calls for 248 apartment units, spread across ten (10) 3-storied garden-style walk-up apartment buildings with nine (9) of the buildings containing 24 units and the central, marquee walk-up building containing 32 units. There will be amenities such as a clubhouse with a full-size pool and outdoor recreational facilities.

Station Crossing Commons is planned for development on a portion of the 46.92 acres owned by the Maszera Corp. They received a special exception to allow apartments in an R-2 zoning district in January of 2019 by the Maryland Board of Zoning Appeals. There will be one entrance into and out of the development with an additional entrance off the public street for the clubhouse. This development will be served by public water and sewer which requires the construction of a pump station located within the development to convey the waste into the Town's utility network. The pump station serving Delmar Crossing Commons will be privately owned, operated and maintained by the developer. Station Crossing Commons and all its residnets will be served by private trash collection, and the parking lots, drive aisles and interior streets will be privately owned by the developer.

The original plan called for 248 units comprised by 124 single family homes and 124 town houses. That was approved in early 2018.

There was a study done to compare the original approved plan versus this plan in respect to the differences. The study showed less impact on public services by the Town of Delmar and the public services received by the Town of Delmar. The utility impact fee is being charged to the developer. This development will not use the 248 EDU's originally allocated for the original project. This development will generate 143 EDU's. The study indicated that this newer project will generate student population significantly less than the original project. The study showed that out of the 248 apartment units, it would generate 45 additional students.

Mr. Sullivan stated that this project is planned to be a top of the line apartment complex with a full-scale range of amenities. The Comp Plan shows sidewalks all the way down to the Delmar School District and all along Maryland Avenue. He said that once constructed it will have the accessed value of \$10-15 Million.

Mr. Brock Parker stated that he is available for any questions about the engineering.

Commission Member Outten said that she was not on the Planning and Zoning Commission in 2018. She said she noticed a few of the buildings have the lighting right in front of the building. She said that she knows that they were trying to avoid the force main but how is the lighting going to work without shining into resident's windows. She said buildings 9, 1, 2 and 7 have that issue. Mr. Parker said that he notated the buildings Commissioner Outten mentioned but he is assured by the planner that this will not be an issue and that the plat is merely showing where the lighting will be. Commission Member Outten suggested maybe putting lighting by the clubhouse since none are shown.

Also, she asked if anyone had done a traffic study at the intersection of Foskey Lane and the Rt 675 intersection. It is already busy at peak school times. She asked if anyone has reached out for a traffic count and how it would impact that intersection.

Mr. Sullivan stated that the study that was done by a professional planner and did include a traffic impact study. Again, it was the comparison of what the travel impact would be from the original plan to what it would be from this project. The trips generated from the apartment complex would be 114 in the a.m. and 144 in the p.m. With the original plans, the trips generated would be 182 at both peak times.

Mr. Parker informed the Commission that the study was more of a comparison of the original project and this newer plan. It did indicate a dramatic reduction of trips on Maryland Avenue.

Mr. Sullivan informed Commission Member Outten as well as the rest of the Commission that there was a comparative traffic study done, there was no traffic study done on any specific road. DB&F reviewed the plans and any traffic impact study to any of the roads nearby has not been requested.

Commission Member Wilson asked if anyone had contacted either school district with these plans? Mr. Sullivan did say that Mr. Gallihue did an in depth study and he addressed the Planning and Zoning Commission in 2018. There was some discussion with the elementary school and discussion about the line up before and after school. He also spoke with both the principals of the elementary and high schools to understand their capacity. But in respect to holding meetings to showcase this project has not been asked of them. This is not something that had been addressed prior to this meeting.

Community Development Coordinator Hardin reviewed the Town Manager's comments with the Commission. He stated that the project could receive a conditional final approval contingent upon all construction/utilities and stormwater management DB&F Plan review comments have been addressed and a Public Works Agreement being finalized.

Mr. Sullivan said that he is aware of the contingency and the significance that Delmar bases on the impact on the WWTP. This project is already included in the Delmar's Water and Sewer Plan from the previous plans' approval. The 248 EDU's are already part of the existing plan. The Town does not have to create 105 EDU's because they have already been accounted for in the original 248. Mr. Sullivan said that the Public Works Agreement for this project has been provided already with the prior project. He stated that he is moving forward with the already PWA from the previous project.

Commissioner Wilson asked how far out is construction. Mr. Sullivan answered that Mr. Parker has already been given the plans to go out for bids.

Chairman Boyan asked for a favorable recommendation to the Mayor and Commissioners for the final site plan approval for Station Crossing Commons Apartment project per the attached documentation with the contingency that all construction/utilities and stormwater management go for DB&F Plan review comments have been addressed as well as a Public Works Agreement be finalized. Commissioner Scholl made that motion and it was seconded by Commission Member Wilson. With a roll call vote of 3 ayes and Commission Members Catellier and Outten abstaining and O absent, the motion carried.

Mr. Sullivan asked CDC Hardin when would the Public Works Agreement be presented to the developer for his review. CDC Hardin said that would be a question for the Town Manager.

### ***Public Comments***

Commission Member Wilson asked what kind of information does anyone have in reference to the COVID-19 in Delmar. No one was personally aware of anything.

Chairman Boyan asked about who would be responsible for addressing crowds of too many people. It was stated that would entail police patrol and surveillance.

CDC Hardin said that the basketball court has remained locked but the skate park has open access.

Commission Member Wilson said that the Library will be closed indefinitely. Commission Member Catellier asked if they were making any progress with the sewer. Commission Wilson said that they do have a bid and she will email the Town Manager to get that process going. Hopefully it will be done during the corona virus and the project will be completed when the pandemic is over.

CDC Hardin informed the Commission that the Safe Street to School Project with the sidewalks and curbing along E. State Street to the Elementary School has been completed and it looks great.

Chairman Boyan asked Clerk of Council Fisher why these meetings are being held with just audio and not video. Clerk of Council Fisher responded that he should address that question to the Town Manager since she had not been involved with the process of these teleconference meetings.

***Adjournment***

Commission Member Wilson made a motion for adjournment which was seconded by Commission Member Catellier. By role call vote, the motion passed with 5 ayes and 0 absent.

Respectfully submitted,

*Cindy Fisher*

*Clerk of Council*