

Planning & Zoning Commission Meeting
April 22, 2021
Via Teleconference

The regularly scheduled meeting of the Planning & Zoning Commission was held via teleconference. Those in attendance: Chair Person Donald Scholl, Council Member Kemp, Commission Members Eric Catellier, Beverly Wilson and Rochelle Outten. Key personnel: Town Manager Sara Bynum-King, CDC William Hardin, CEO Liz Peek, and Clerk II Donna James. Guests: Mayor Michael Houlihan, Cory Harpool, John Morris, Mike Harpool, Crystal Ritter, Brock Parker, Barry Mehta, Perter Melnick /NVR and Chris Brown.

Chair Person Scholl, called the meeting to order at 7:00 p.m. He conducted a roll call of Commission members to confirm a quorum. Five members were present and the quorum was established.

Appointment of New Chairman

A motion was made/seconded (Wilson/Kemp) and carried by 4 Ayes and 1 Abstain (Catellier) to appoint Commissioner Donald Scholl to Chairperson for the Planning and Zoning Commission.

Approval of Minutes:

A motion was made and seconded (Catellier/Wilson) and carried to accept the March 20, 2021 meeting minutes as circulated by roll call vote with 5 Ayes,

Old Business – None.

New Business –

1. **Cory Harpool- 207 E State St, Delmar, DE** –Is asking the Commission for approval of a café and ice cream shop on the first floor and two townhouse apartments on the second and third floors. CDC William Hardin recommended a variance as the location of the business is in a community business zone. The only zoning that allows for a combination of a business and apartments would be a central business. A change in zoning is not appropriate, the next step would be to ask for a variance. The recommendation would be for the applicant to ask for a favorable recommendation to the Delaware (Delmar) Board of Adjustments for a variance. Chairperson Scholl asked what is in the building. John Morris responded that nothing is currently in building, they are doing work on the outside until they have approval for their plans. Commission member Beverly Wilson asked what his plans were for parking. John Morris stated he owns the lot next to the house plus the Stateline business so he has plenty of room for parking. If additional parking is required he is contemplating taking down the house beside it. Beverly Wilson asked Mr. Hardin what the parking requirements are. He replied the zoning regulations for a commercial establishment devoted to retail states one parking space per each 200 sq. feet of gross floor area used for retail and one space for each two employees. A hotel/motel requires one

and a half spaces for each guest room and one space for each employee. Commission member Beverly Wilson asked if John has a site plan. No he does not have a site plan. Commission member Beverly Wilson states she has a few concerns about parking and would require a site plan. John Morris stated he would be installing fire and sound proof walls. CDC William Hardin stated that if we get to a point where a variance is granted to allow a mixed use this submittal would have to come back before the P& Z commission to get a favorable recommendation to go before the Council. Furthermore, prior to issuing any building permits all agencies that have jurisdiction over the operation would have to give approval.

A favorable motion was made/seconded (Kemp/Outten) carried by roll call vote with 5 Ayes for the applicant to go before the Delaware Board of Adjustments for a granting of a variance to allow for a mixed use in the community business zone.

- 2. Crystal Ritter- 5 E Chestnut St, Delmar, MD**-Ms. Ritter presented with new signage as referenced per the attached drawings. CDC William Hardin stated she is seeking approval for the steel sign but is also seeking approval for a sign on an adjacent lot. The second sign on the lot on which the business is not located is prohibited by regulations. The second sign in question has been removed.

A favorable recommendation to the Mayor and Council for the approval of – Crystal Ritter – New Signage – 5 E Chestnut St, Delmar, DE per the attached drawings. The motion was made/seconded (Outten/Kemp) and carried by roll call vote 5 Ayes.

- 3. Brock Parker/Parker Associates-Lot Consolidation-9101 & 9115 New Bridge Dr, Delmar, MD** Mr. Parker presented with lot 63 & 64 to eliminate the line between the two to join into one lot.

A favorable recommendation to the Mayor and Council for the approval of Brock Parker/Parker Associates - lot consolidation of 9101 & 9115 New Bridge Dr, Delmar, MD- per the attached drawings. The motion was made/seconded (Kemp/Wilson) and carried by roll call vote 5 Ayes.

- 4. Barry Mehta – to adjust lot size to accommodate NVR 20' wide townhouse model (existing 30' wide lots) Woodcreek, Delmar, MD** – Mr. Mehta presented with a request to realign the lot lines and move water and sewer lines. In order to move forward in building townhouses. Mr. Parker stated they are seeking a reduction in the width from the existing large townhouse lots to something more “akin” to the desired product. They made sure they complied with all aspects of the zoning code with the subdivision plot. No variances, special approvals or exceptions will be required. CDC William Hardin shared that special exception and variance would be required because Woodcreek is zoned R2 Residential. Townhouses in R2 Residential are only permitted by special exception. On June 20, 2001 the Maryland Board of Appeals heard and granted a special appeals and variance for the 30 (lots). To request a change to that variance and special exception

would require Mr. Mehta to go back before the Board of Zoning Appeals for a request special exception and variance. The town Attorney Mr. Benson is in agreement that is the procedural body before which this must be heard. To modify the terms of the approval given June 20, 2001 would require going back and seeking another special exception of variance for the propose revisions being asked. The recommended route of the town administration and the town attorney is that the applicant go before the Board of Zoning Appeals for a variance. Mr. Parker stated they were under the impression that the special exception was already granted, therefore they would like a positive recommendation to go before the Board of Zoning Appeals for the variance. He answered the question, are they re-subdividing the lots from 108 to 111? Yes they are seeking a 3 unit increase from what is currently recorded. Commissioner Wilson stated Town Manager Ms. Bynum-King made note about the EDU's. Town Manager Ms. Bynum-King stated Woodcreek had 96-98 EDU credits that had been paid for in advance. They have made perfectly clear with every developer that we are currently operating with a pending consent order with the state of Maryland. They have INI issues that we have to address which has minimized our capacity. Until those matters are resolved they will not be adding additional EDU's to their Capacity Management Plan, which they are working on. Chairperson Scholl commented he has been in conversations about the school system's capacity, he would be in favor of reducing lot size but not in favor of increasing the number of lots. Mr. Mehta interjected he would be happy to keep the number at 108. Town Manager Ms. Bynum-King stated as per the town attorney, it is a requirement that this matter goes before the Board of Zoning Appeals. Chairperson Scholl recommended that this be tabled until a site plan has been drafted with any proposed revisions to that portion of the site and submitted to the Commission for proper evaluation. CDC William Hardin state that procedurally Mr. Mehta has the right to go before the Board of Zoning Appeals without recommendation from P&Z or the council. Mr. Mehta requested a favorable recommendation for the concept so they can move forward confidently. Commissioner Catellier asked for the price point of the town houses. Mr. Milnick answered that the single family homes are averaged out to \$279,000. The townhomes will likely end up in the \$230,000 range.

Brock Parker stated their only course of action is to withdraw at this time. Mr. Parker wants to know if this is something the Commission will support moving forward or is there something deeper other than the site plan?

Chairperson Scholl stated, he would be in favor of reducing lot size but not in favor of increasing the number of lots.

Commissioner Wilson stated she is withholding comment until the commission receives more information.

No further comments from the Commission.

5. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Roanoke – Lot 297, 9562 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Roanoke – Lot 297, 9562 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Catellier/Wilson) and carried by roll call vote of 5 Ayes.

6. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Powell– Lot 290, 9536 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Powell – Lot 290, 9536 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Catellier/Kemp) and carried by roll call vote of 5 Ayes.

7. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Aviano – Lot 287, 9520 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Aviano – Lot 287, 9520 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Catellier/Kemp) and carried by roll call vote of 5 Ayes.

8. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Roanoke – 286, 9516 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Roanoke – Lot 286, 9516 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Catellier/Kemp) and carried by roll call vote of 5 Ayes.

9. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Aviano – Lot 282, 9535 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Aviano – Lot 282, 9535 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Catellier/Kemp) and carried by roll call vote of 5 Ayes.

10. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 361, 9327 Mulligan Way, Delmar, MD** – Representative Chris Brown presented a new home build as referenced. Commissioner Beverly Wilson asked if they previously approved the Hudson Style. CDC William Hardin answered that it was approved as a new home style the meeting before.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Woodcreek/Hudson– Lot 361, 9327 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Kemp/Wilson) and carried by roll call vote of 5 Ayes.

11. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Hudson – Lot 355, 9339 Mulligan Way, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Woodcreek/Hudson – Lot 355, 9339 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Kemp/Wilson) and carried by roll call vote of 5 Ayes.

12. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Pisa Torre – Lot 342, 9365 Mulligan Way, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Woodcreek/Pisa Torre – Lot 342, 9365 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Kemp) and carried by roll call vote of 5 Ayes.

13. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Allegheny – Lot 339, 9371 Mulligan Way, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Woodcreek/Pisa Torre – Lot 339, 9371 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Kemp/Wilson) and carried by roll call vote of 5 Ayes.

Public Comments –

Deputy Mayor Unsell commented about Barry Mehta’s proposal:

1. The driving range with a 40 yard wide driving range next to 32 homes would need at least a 50 foot high netting to protect the homes from being hit.
 2. No need for a putting and chipping practice green in the area he is proposing because Chris is planning on putting the putting green back behind the club house, where people can practice before the first hole.
 3. They should propose additional parking, the proposed homes only have one car garage. On weekends and holidays the parking can become a problem. As well as fire trucks being able to make the two turns with street parking.
 4. Situations where the bedrooms are on the second floor will attract a lot of families, rather than retirees which Woodcreek was meant to be originally. Along with that, if the homes attract families instead of second home buyers it will have an impact on the school system.
 5. Villas were originally proposed, Ryan Homes has a model called the Calvert which is very similar to the villas built on Executive Club Dr. He believes that would be a better option.
 6. The residents did not see the Poplar model, as was stated earlier. They saw a three story home which everyone there objected to because of its size. The townhouse that they are proposing still will not attract seniors which the community was originally intended for the community.
- Mr. Unsell thanked the Commission for their time.

Commissioner Eric Catellier thanked the Commission for the awesome experience, as this was his last meeting.

No further public comment

Hearing no further Public Comments, Commission Chair Scholl called for a motion to adjourn the meeting. The motion was made/seconded (Catellier/Wilson) and carried with a vote of 5 Ayes.

Donna James
Clerk II