

Planning & Zoning Commission Meeting
April 21, 2022
MEETING HELD IN-PERSON & VIA TELECONFERENCE

The regularly scheduled meeting of the Planning & Zoning Commission was held at Delmar Town Hall and via teleconference. Those in attendance: Deputy Mayor Jack Lenox, Council Member Odell Jones, Commission Members: Beverly Wilson and Rochelle Outten. Key personnel: CDC William Hardin, CEO Liz Peek, and Clerk of Council Vondell Spencer. Guests: Dipal Patel, Brock Parker, Doug Marshall, Demetrius Jones, Benjamin Jordan; via teleconference Chris Brown and Steve Brown.

Called to Order:

Deputy Mayor Lenox called the meeting to order at 7:00 p.m. and performed the pledge of allegiance.

Deputy Mayor Lenox thanked everyone for attending the meeting.

Approval of Minutes –

Deputy Mayor Lenox announced we are approving minutes for March 2022 in the May 19th meeting.

Old Business –

None.

New Business –

1. **Dipal Patel – New Shed Construction – 9098 Newbridge Drive, Delmar, MD** – The Commission moved forward without a representative present. Deputy Mayor Lenox asked was there a size on the shed that prompts it to come before this Commission. CDC Hardin answered yes, it has to be under 196 feet or 14 by 14. Anything under that we can process internally; anything above that comes before the Commission because of the size.

Commission Member Wilson said the HOA has approved this new shed construction.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Dipal Patel – New Shed Construction – 9098 Newbridge Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by roll call vote of 4 Ayes.

2. **Brock Parker – New Construction Proposal – Royal Tern Drive/Kylan Barn at Heron Ponds, Delmar, MD** – Mr. Parker presented a new construction proposal as referenced per the attached drawings. Mr. Parker said we have another event center

that's just under 5,000 square foot similar to but entirely different from Kylan Barn. He said Mr. Marshall wants to replicate Kylan Barn which is on the west side of the property near the amphitheater; this event center will be on the back more on the southeast quadrant of the site. Mr. Parker described the submittal. He said he and Mr. Marshall may have been in front of this Commission before for a preliminary. A Construction drawing and engineering have been done and provided to DBF and received comments. Mr. Parker explained his comments were pre-pandemic and the pandemic shelved the project.

Mr. Parker further explained since then they have added one element that Kylan Barn does not have and that's RVs; the camping sites. The camping sites are for tow behind recreational vehicles, glamping style tiny house cabin; that kind of movable structure. There are roughly ten of those sites shown on the site plan. We had TJ Mullins to help fit it into a use in the Town's zoning code and the Commission should have a letter of opinion with their packets. The two ponds that are shown farthest to the south were dubbed by us to get some dirt for the other portions of the project. Those are stormwater management for the ponds which have the capacity and the infiltration capacity to infiltrate 100% of all water.

Mr. Parker described in the site plans we have submitted landscaping, elevations and floor plans. Much like Kylan Barns the event center requires per code such an immense amount of parking. We are seeking the ability to do 75% of our parking in stone stabilized with parking bumpers with the other 25% in grass for overflow. As far as, phasing the plan now is to do the RV, the campground portion of the project first and have that as an offshoot of Kylan Barn to see if we can coattail some of those events there. Once the financing is in place for the event center we will then proceed with construction.

Deputy Mayor Lenox said what is labeled in the Commissions packet is Kylan Barn at Heron Ponds; is that the new one that shows the RV spots. Mr. Parker answered yes. Deputy Mayor Lenox asked is the RV spots both at Kylan Barn and the new event center or just the event center. Mr. Parker further answered just the new one, we are not proposing the parking existing at Kyla Barn.

Commission Member Outten inquired if the spots for the RVs were specifically for the RVs or glamping cabins, are they going to be using these spaces or are they going to be somewhere else. Mr. Marshall answered we would like to put those RVs in those sites and we mount those on concrete piers so they don't rock, underneath of them and let the air out of the tires. We do want to leave those units there permanently. Commission Member Outten further inquired if the RVs were self-contained as well. Mr. Parker commented each RV site will have its own sewer and water. Commission Member Wilson asked if someone brings their RV; is that the other option. Mr. Marshall replied yes. She further asked in conjunction with and will there be a dump station; what will he have for the water and dump. Mr. Marshall responded we would run the water and sewer to the new wedding venue site. He further responded we are going to tie into the existing utility line we have already run. They won't hold their blackwater or their greywater they

will actually back into the site and hook into where ever the 4-inch drain is. Mr. Parker directed the Commission to look to the top of the site plan where the sewer and water lines are shown providing each site with their own connection.

Deputy Mayor Lenox said it is referenced that there will be several mobile cottages; those are included within the ten sites. So, it's a total of ten. Mr. Marshall replied we are looking to expand. Mr. Parker responded all we are proposing is ten sites. He further said after looking at it with some conditions he doesn't have a problem with the conclusion that Ms. Hay has reached. Through the Commissions reference to campsites in the code he does not see any other section where the Commission would be opening the door for anything except for this particular highway regional commercial district so he agrees with her reading. Deputy Mayor Lenox explained the definition of a hotel in the code and that's not what is being discussed here. Council Member Jones commented under campground their definition is more defined. He further commented the key is commercial, keeps us covered. Deputy Mayor Lenox agreed.

Deputy Mayor Lenox mentioned he was going to ask about provisions that make it easy. Mr. Parker replied he thought they should get a designated spot where they can actually dump. If they want to use their tanks then they can dump their tanks into the system. He further mentioned he would anticipate a condition that there not be any permanent residential residences. It will be limited to basically transit activity without putting in too much detail; we really don't want to have people living out there and that is not going to change. They've got to function as an accessory to the wedding venue. Deputy Mayor Lenox asked did Mr. Marshall have a problem with this being associated as long as the wedding venue is in business. So, if that goes away by chance, we are not left with a camper subject to further permit if Kylan Barn I and Kylan Barn II go out of business. Mr. Marshall responded he would prefer not to tie the condition to Kylan Barn being a rental. He further responded a lot of things in town could make someone or a family stay in town for the weekend, such as, the racetrack or Oaked 110 the new restaurant we are building which is planning on utilizing those homes like a weekend package to bring people to Delmar.

Commission Member Outten questioned the definition of short-term rental. Mr. Marshall responded he would like to Airbnb the tiny homes. He further responded he would like to turn them over through the week. Mr. Parker replied we have ten on the site plan, beyond that we would have to come back before this Commission.

Commission Member Wilson inquired about people going through the neighborhood to get to the camping location. Mr. Marshall replied it's a public street. They would go around Heron Pond Parkway, around the round-about. She further inquired will they be going through residential houses. Mr. Marshall further replied yes about six houses they'll run into. Mr. Marshall mentioned two years ago he had a meeting with the HOA at Kylan Barn and every single person said they wanted something different then homes back there.

Commissioner Member Wilson further inquired even though it's called a tiny house it's removable, it's on wheels and it is still going to be permanent. It's still not going to be moved around. Mr. Marshall responded they will be permanent but he can move them.

Commission Member Outten asked had DelDot been contacted as far as traffic and events. Mr. Marshall answered when they have events, they apply to DelDot for the event permit. She further asked how many people can the event center accommodate. He further answered about 240.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Brock Parker – New Construction Proposal – Royal Tern Drive/Kylan Barn at Heron Ponds, Delmar, MD, with the following two conditions; the 10 RV sites include the referenced mobile cottages and the site shall not be used as permanent residences and shall be occupied on a transient basis for no longer than 14 consecutive days. A motion was made/seconded (Jones/Outten) and carried by roll call vote of 4 Ayes.

3. **Chris Brown/Ryan/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation B – Lot 350, 9349 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation B – Lot 350, 9349 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Outten/Wilson) and carried by roll call vote of 4 Ayes.

4. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 360, 9329 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 360, 9329 Mulligan Way, Delmar, MD per the attached drawings. A motion was made/seconded (Jones/Wilson) and carried by roll call vote of 4 Ayes.

5. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 84, 9423 Rolling Green Drive, Delmar, MD** – Ms. Brown withdrew this submittal. Deputy Mayor Lenox asked Ms. Brown to ask Ryan Homes when the street tree planting will be at Wood Creek because he will be asking her at the next Commission meeting. He said Ryan Homes was required to do the street tree planting on the original approval. Ms. Brown said okay.

6. **Demetrius Jones – Combining Lots – Lots 33 & 34, 209 W. Jewell Street, Delmar, DE** – Mr. Jones presented combining lots as referenced per the attached drawings. Council Member Jones said Mr. Jones is his family member so he is abstaining. Deputy Mayor Lenox asked was there something coming down the line. Mr. Jones answered a garage on the back side. He further answered his next step after this meeting is to go to the surveyor and get a site proposal. Deputy Mayor Lenox inquired if the existing stormwater easement is still running. Mr. Jones responded yes; nothing will encroach that.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Demetrius Jones – Combining Lots – Lots 33 & 34, 209 W. Jewell Street, Delmar, DE, per the attached drawings. A motion was made/seconded (Outten/Wilson) 3 Ayes 1 Abstain (Jones).

7. **Tommy Burdett/Steve Brown (Keller Williams Realty) – 3 Attractor Flags – Unit 1, 31010 Thornton, Blvd., Delmar, DE** – Mr. Brown presented three attractor flags as referenced per the attached drawings. Deputy Mayor Lenox inquired if the flags can be allowed under a temporary basis under the code. CDC Hardin responded they are considered temporary signage under the code and he offered that they could do it by temporary sign permit which would have been processed internally administratively for a thirty-day period. He further responded if they are looking for something beyond that period it becomes more permanent and would have to be approved by the Elected Officials and reviewed by this body. Deputy Mayor Lenox further inquired if we have provisions in our regulations to exceed thirty days. CDC Hardin replied there is the ability for one extension of the temporary structure or temporary sign for one additional thirty-day period for good cause.

Commission Member Wilson added just as a past historical note the only other time that this Commission did an extension was for Delmar Diner. CDC Hardin agreed. She further added this Commission allowed them to have the extension period of time. CDC Hardin replied it was not an extension it was a condition where it was said under a seasonal period, they could put them out during business hours and take them down and once the seasonal period ended the flags were down permanently until the next seasonal period; during that period there was a lot of traffic going to the beaches.

Deputy Mayor Lenox asked Mr. Brown what was his interest at this point relative to the whole temporary nature. Mr. Brown explained what they were trying to accomplish was to have the flags put out there and they would be there when agents are on duty, present in the building. The flags would come in and out based on whether they are there or not. Mr. Brown asked would they have to apply every thirty days or can they only have the flags for thirty days. CDC Hardin answered no they could not renew every thirty days. The temporary sign would be for thirty days by the provisions of the regulations one extension for another thirty days for a good cause. Mr. Brown responded the temporary option is not what we should be doing. He further asked if there was some other option they could do.

Commission Member Wilson said in the past this Commission has not been favorable of attractor signs being on a permanent basis. They get torn and weather worn and they are just what they are; they are detractor signs from driving. So, we have not done any of those kinds of signs on a permanent basis that she is aware of.

Deputy Mayor Lenox added even if he did maintain the flags, he would have concerns about each business having up to three flags out there permanently and that being a distraction. Perhaps it's not just Mr. Brown's three attractor flags but that would be posted by every other business in that little shopping center. We wouldn't have any ability to distinguish which business is more deserving. Mr. Brown responded the flags are quite off the road. The flags would be right at the edge of the curb of the parking lot. There is a drainage area and the highway rises up. CDC Hardin mentioned the drainage area cannot be encroached. Mr. Brown further responded there is no need for them to apply for thirty days, that's not worth their time or effort in doing any of that; it's not good enough for them.

Commission Member Wilson said since they were a new business that the Commission has done temporary permits for new businesses. It falls under the thirty-day permit time and as a new business she is always willing to approve an additional thirty days but as far as she is concerned, she is not willing to make it permanent. Mr. Brown responded okay. Deputy Mayor Lenox gave Mr. Brown the option to withdraw his request. Mr. Brown said he would like to withdraw his request.

Public Comments –

1. Mayor Benjamin Jorden commented it's good to be here. Deputy Mayor Lenox replied and it will be good to be out at the new restaurant at Kylan Barn.

Deputy Mayor Lenox called for a motion to adjourn the meeting. The motion was made/seconded (Wilson/Jones) and carried by roll call vote of 4 Ayes.

Vondell Spencer

Clerk of Council