

**Planning & Zoning Commission Meeting**  
**August 25, 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: Rochelle Outten, Beverly Wilson, and Shawn Johnson. Key personnel: Town Mgr. Fleetwood, CDC William Hardin, CEO Liz Peek and Clerk of Council Vondell Spencer. Guests: Tom Bauer, Dipal Patel, Jay Patel and via teleconference Chris Brown Bruce Wardwell and Brian Taylor.

**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 acknowledged Town Mgr. Fleetwood was in attendance.

**Approval of Minutes –**

A motion was made and seconded (Wilson/Johnson) to approve the July 21, 2022 meeting minutes as circulated by roll call vote with 5 Ayes

**Old Business –**

None.

**New Business –**

1. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 80, 9431 Rolling Green Drive, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there is a Hudson on one side and an Allegheny on the other side. The setbacks appear to be fine.

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 80, 9431 Rolling Green Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Johnson/Jones) and carried by roll call vote of 5 Ayes.

2. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation L – Lot 367, 9315 Mulligan Way, Delmar MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there is a vacant lot on one side and an existing dwelling built by another builder on the other. She further noted the setbacks appear to be in line.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation L – Lot 367, 9315 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by roll call vote of 5 Ayes.

3. **Dipal Patel/Brian Taylor (Pac Industries) - New Business (Laundromat) – 1 W. State Street, Delmar, DE** – Mr. Patel presented a new business (laundromat) as referenced per the attached drawings. Mr. Taylor was also in attendance via teleconference. Deputy Mayor Lenox mentioned this is the same building where Delmar Liquors is located. Deputy Mayor Lenox asked CDC Hardin if the use is in the zone and if this Commission was here to discuss the parking? CDC Hardin answered yes. The use is inherently permitted in the zone, the question is whether the required parking spaces will accommodate for the retail side. CDC Hardin read and explained the parking spaces mentioned in Community Business from the Planning and Zoning Regulations. Mr. Patel said it will be 14 washers and 14 dryers. A discussion ensued about the amount of parking spaces.

Mr. Taylor said all together it's 12 stacked units that are washer and dryer together and then there is two eighty-pound washers that are separate that are not stacked units. There are two eight-pound dryers to pair up with the eighty-pound washers that are not stackable units.

Commission Member Wilson commented she does not think it matters whether they are stacked or not. She further commented that the Commission was all in agreement that Mr. Patel needs eight parking spots. CDC Hardin asked Mr. Patel if there were dimensions for the liquor store side to be able to calculate? Mr. Patel answered we have 15 right now and we will add a couple more, four or five.

Commission Member Wilson asked Mr. Patel if he knew how many parking spaces there were for the building? Mr. Patel answered 15 right now. CDC Hardin asked are all 15 parking spaces marked? Mr. Patel answered yes. Town Mgr. Fleetwood asked what the width/dimensions are on the parking spaces? Commission Member Johnson answered you can get in there, you should be fine. Mr. Patel responded it should be fine. CDC Hardin read the requirements for the size.

Commission Member Wilson inquired if we know how many employees there are for the liquor store. Mr. Patel responded three. Commission Member Outten asked Mr. Patel the square footage of the liquor store? Mr. Patel answered 1,850 square feet. Commission Member Outten calculated Mr. Patel would need 20 parking spaces including the liquor stores parking spaces. CDC Hardin said the size of the parking spaces has to comply as well.

Commission Member Johnson inquired where Mr. Patel would add the four parking spaces. Mr. Patel further responded at the end of the building on the left side where the trash can and porta potty are located. CDC Hardin mentioned Mr. Patel can use compacted crush and run gravel but he would have to put down concrete blocks to mark-off the spaces. Mr. Patel replied no we will do the paving.

Commission Member Wilson commented she doubted that at any one time that all of the parking spaces would be full. Commission Member Outten corrected her statement to say Mr. Patel would only need four parking spaces.

Deputy Mayor Lenox asked CDC Hardin if this submittal had to go before the Mayor and Council if the use is allowed and they comply with zoning? CDC Hardin answered no because they are not building anything. CDC Hardin added part of the business license issuance is an inspection to make sure the code requirements, fire marshal, etc. are met as well as the parking. If the requirements are not met the building permit cannot be issued.

Deputy Mayor Lenox called for a motion to determine that the laundromat use is allowed inherently within the district and an additional four parking spaces are to be provided. This Commission finds that the use of the proposed laundromat is allowed inherently and an additional four parking spaces are to be provided. This Commission determined that they will be in compliance with the code requirement. A motion was made/seconded (Outten/Johnson) and carried by roll call vote of 5 Ayes.

4. **Bruce Wardwell – New Home Build – 200 E. Jewell Street, Delmar, DE** – Mr. Wardwell presented a new home build as referenced per the attached drawings. Commission Member Wilson noted that even with the smaller size lot and approval to build on the lot, the current setback requirements are met with the proposed dwelling placement.

Commission Member Wilson inquired where the driveway was located on the site plan. Mr. Wardwell responded the driveway is coming off of N. Second St. Commission Member Wilson further responded she did not see the driveway on the survey dated July 21, 2022. She recommended Mr. Wardwell have an updated survey showing the driveway at the Mayor and Council meeting.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Bruce Wardwell – New Home Build – 200 E. Jewell Street, Delmar, DE with the condition that the updated site plan show the driveway location be submitted for Council review. A motion was made/seconded (Wilson/Outten) and carried by roll call vote of 5 Ayes.

There were technical difficulties with the teleconference meeting. Town Mgr. Fleetwood called Mr. Wardwell and Deputy Mayor Lenox informed him, he still had to move forward to the Mayor and Council meeting September 6<sup>th</sup>.

#### **Public Comments –**

None.

Town Mgr. Fleetwood commented Mr. Josh Taylor from DBF did a presentation for the Mayor and Commissioners on the water and sewer capacity. The concern is the current Treatment Plant is rated at 850,000 gallons per day. He further commented his concern is for

our 3-year average flow. The Town is running at about 721,000 gallons a day, 85% out of the 850,000 gallons. By MDE Code when the 80% factor is reached that's when MDE is supposed to be notified and when the 90% factor is reached that's when an established plan has to be put in place on what the Town is going to do to increase capacity. Town Mgr. Fleetwood said we are at capacity which is a big concern until we get the I&I under control. A conversation ensued.

Town Mgr. Fleetwood further commented another concern is when a developer arrives in the Town of Delmar and submits his request for services and makes it clear in his request for services the Town provides the engineering support, they get billed, they pay. Town Mgr. Fleetwood said we are going to stop that effective immediately. Moving forward a developer will establish an escrow for reviews, inspections etc. and we will draw it in from the escrow. When the escrow hits a zero balance, zero services will be provided until the escrow is replenished. A conversation ensued.

Town Fleetwood mentioned the other big concern is an issue with wastewater. Also, the number of licensed qualified people. A conversation ensued.

Commission Member Wilson asked the status of the new Comprehensive Plan? Town Mgr. Fleetwood answered he has not touched it yet. A conversation ensued. She further asked the status of zoning maps? Town Mgr. Fleetwood said an updated zoning map should be available very soon. A conversation ensued.

Town Mgr. Fleetwood announced the Town is now down to fourteen bagged hydrants. Moving forward the solution is to divide the Town into quadrants for flushing and maintenance and these actions will be done regularly over a period of twelve-to-eighteen-month period. A conversation ensued.

Town Mgr. Fleetwood mentioned CDC Hardin is very detailed. He further mentioned if there were any issues give him a call or stop in the Town Hall Office.

Town Mgr. Fleetwood further announced the Delmar, DE election date is October 3<sup>rd</sup> at the Delmar Public Library.

Deputy Mayor Lenox called for a motion to adjourn the meeting. The motion was made/seconded (Outten/Johnson) and carried by roll call vote of 5 Ayes.

Vondell Spencer

Clerk of Council0