

Planning & Zoning Commission Meeting
August 24, 2023
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 Lenox, Vice Mayor Jones, Commission Members: Rochelle Outten, Beverly Wilson and Shawn Johnson. Key personnel: Town Mgr. Fleetwood, Planning and Zoning Director Twain Evanson, CEO Liz Peek and Clerk of Council Vondell Spencer. Guests: Kenneth Shockley, Daveta Witcher; via teleconference Chris Brown.

Called to Order:

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

Approval of Minutes –

A motion was made and seconded (Wilson/Outten) to approve the July 27, 2023 meeting minutes as circulated by roll call vote with 5 Ayes.

Old Business –

Deputy Mayor Lenox stated in last month's meeting there was rezoning proposed by Mr. Rodney Marshall on Memorial Drive that he understood the Delmar, DE Mayor and Council acted affirmatively on. In the last month perhaps maybe due to advertisement or other considerations it was just that one property. There was a discussion about recommending that the entire section of the neighborhood be rezoned in accordance with the Comprehensive Plan.

Deputy Mayor Lenox called for a motion to initiate rezoning of that section of Memorial Dr. Light Industrial to R-1 consistent with the adopted Comprehensive Plan. A motion was made/seconded (Outten/Jones) and carried by a roll call vote of 5 Ayes.

Town Mgr. Fleetwood stated based off of this Commission's recommendation it will move forward to the Delmar, DE Mayor and Council to receive approval. From that point we will do the proper advertising and bring it back in from of the DE Council for approval.

Deputy Mayor Lenox said in the last meeting this Commission spent notably quite a bit of discussion with Mr. Doug Marshall. This Commission noted his submittal has been withdrawn so there was no action at the last Mayor and Commissioners meeting.

He further said last month there were further questions about sewer capacity perhaps initiated by that discussion of sewer capacity and where this Commission stood. Deputy Mayor Lenox asked Town Mgr. Fleetwood to give an update on where the Town is at with the sewer capacity.

Town Mgr. Fleetwood responded approximately a year ago this body made a favorable recommendation and the Delmar, MD Mayor and Commissioners approved six EDUs for that property, which have been allocated and accounted for. There has only been one video conversation with MDE (Maryland Department of the Environment) and then followed up again in writing.

Town Mgr. Fleetwood updated the Commission of the approved 633 EDUs approved on the Delmar, Delaware and Delmar, Maryland side. DBF or WWTP Frank Daniels, can honestly quantify what Phase 1, Phase 2, and Phase 3 will do, no one can give that answer they just know it will be a favorable number. He said this is all the EDUs allocated until something gets done. He further updated the Commission on the WWTP treatments/holdings and discharges.

Commission Member Wilson asked Town Mgr. Fleetwood where Stillwater is on the infrastructure to have water and sewer. Town Mgr. Fleetwood answered Stillwater has three spec homes that have been approved and tonight five homes will be for sale. She further asked Town Mgr. Fleetwood if the Town is ready to service those properties. Town Mgr. Fleetwood answered with the buildout schedule that has been made for 2023, 2024, 2025, and 2026, yes.

Deputy Mayor Lenox asked Town Mgr. Fleetwood if it is now the Town's policy to have Public Works Agreements in place when Stillwater or a new builder comes into Town. Town Mgr. Fleetwood answered yes. In all of the Public Works Agreements that are in place there is language in it that states if MDE says we are done, we are done.

New Business –

1. **Kenneth Shockley/Unique Styles Custom Home Builders, LLC – Building for School of Instruction and Education – 500 S. First St., Delmar, MD** – Mr. Shockley and Daveta Witcher presented a building for school of instruction and education concept plan per the attached drawings. Deputy Mayor Lenox clarified there will be no vote just direction given to make sure it is allowed under the Planning and Zoning Regulations and to understand what is expected as they proceed.

Ms. Witcher described and compared the school to Little Red Hen preschool early education. She said it is mandatory for them to have a curriculum, teaching and childhood degree. Ms. Witcher said she has been doing early childhood for 15 years and her license came from the MD State Department of Education and she has a Bachelor's Degree in Early Childhood Education. She further explained how they get paid, and the help that the parents get to send their kids to this school.

Deputy Mayor Lenox asked Ms. Witcher what license did she need in the State of MD. Ms. Witcher answered the license she has already from the Early Childhood Department of Education. He further asked Ms. Witcher if that was the home childcare license she has already submitted. She further answered yes, it is from her home childcare; same department just for school. Mr. Evanson clarified this use is an inherently allowed use in the code for that zone.

Commission Member Outten asked Ms. Witcher how many children will the facility hold. Ms. Witcher answered it goes by the age groups, no more than 25. She further asked Ms. Witcher if the playground would be behind the building. Ms. Witcher further answered yes. Commission Member Outten inquired about employee parking and the drop-off area. Mr. Shockley explained once they move forward, they would give the Commission a further detailed plan with parking and the drop-off area. He said he does not foresee a lot of traffic in and out the facility. Ms. Witcher said she will have a drop-off and pick-up time for the children, primarily the drop-off would be 7:00 a.m. to 9:00 a.m.

Deputy Mayor Lenox asked if the new site plan will include fencing of the site. Ms. Witcher answered yes. Vice Mayor Jones asked Ms. Witcher if her staff will be trained on drug use. She answered yes, they would have to go through background checks and trainings.

Deputy Mayor Lenox stated this Commission will eventually ask for signs and request to keep it lowkey because it is a residential neighborhood. Commission Member Johnson asked Ms. Witcher about sprinklers. She answered there will be sprinklers.

Commission Member Outten asked Ms. Witcher if it would be a weekend operation. Ms. Witcher answered it will be Monday through Friday.

It was understood that the applicant will proceed with preparation of detailed plans for further review.

2. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 11, 11713 Silverbell Dr., Delmar, DE** – Ms. Brown presented a new home build per the attached drawings. Commission Member Wilson noted there is going to be an Aspen on one side and a vacant lot on the other side. She said the required setbacks appear to be in order. Deputy Mayor Lenox advised Ms. Brown to note the driveway on future site plans.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 11, 11713 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Jones/Johnson) and carried by a roll call vote of 5 Ayes.

3. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Aspen/Elevation K – Lot 12, 11715 Silverbell Dr., Delmar, DE** – Ms. Brown presented a new home build per the attached drawings. Commission Member Wilson noted this new home build would be next door to a Cedar and a Birch would be on the other side. She said the setbacks all appear intact.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Aspen/Elevation K – Lot 12, 11715 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by a roll call vote of 5 Ayes.

4. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Birch/Elevation K – Lot 13, 11717 Silverbell Dr., Delmar, DE** – Ms. Brown presented a new home build per the attached drawings. Commission Member Wilson noted an Aspen on one side. She said the setbacks appear to be in order.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Birch/Elevation K – Lot 13, 11717 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Johnson/Wilson) and carried by a roll call vote of 5 Ayes.

5. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation L – Lot 167, 11704 Silverbell Dr., Delmar, DE** – Ms. Brown presented a new home build per the attached drawings. Commission Member Wilson noted there is a vacant lot at this time facing the dwelling on the left and then an easement area, then Lot 167, then as your round the corner there is going to be a Tupelo at Lot 168 but we are unaware what is going to be on Lot 169.

Commission Member Wilson said if a Cedar were to be put on Lot 169, she would not have an issue with that because it is around the corner. She clarified for Ms. Brown the same kind of house can be built across the street with maybe a different elevation but not side by side.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation L – Lot 167, 11704 Silverbell Dr., Delmar, DE per the attached drawings. A motion was made/seconded (Jones/Johnson) and carried by a roll call vote of 5 Ayes.

6. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 168, To Be Determined, Delmar, DE** – Ms. Brown presented a new home build per the attached drawings. Commission Member Outten stated the rear setback is short and it should be 30. Deputy Mayor Lenox asked and explained to Ms. Brown a house of that size would not fit with the setbacks.

Deputy Mayor Lenox called for a motion to table this submittal. A motion was made/seconded (Johnson/Outten) and carried by a roll call vote of 5 Ayes.

Deputy Mayor Lenox suggested to Ms. Brown to discuss this submittal with P&Z Director Evanson and the Ryan Homes engineer.

Public Comments –

None.

Commission Comments –

None.

Adjournment –

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

Submitted by:

Vondell Spencer

Clerk of Council