

Planning & Zoning Commission Meeting
February 18, 2021
Via Teleconference

The regularly scheduled meeting of the Planning & Zoning Commission was held via teleconference. Those in attendance: Chair Person William Boyan, Commission Members Eric Catellier, and Beverly Wilson. Key personnel: CDC William Hardin, CEO Liz Peek, and Clerk of Council Vondell Spencer. Guest: Jenny Burns, Tim Metzner, Jordan Spiering, Paul Patel, Kevin Utz, and Chris Brown. Absent: Commission Members Rochelle Outten and Donald Scholl.

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

Approval of Minutes:

A motion was made and seconded (Wilson/Catellier) and carried to accept the December 17, 2020 meeting minutes as circulated by roll call vote with 3 Ayes, 2 Absent (Outten and Scholl).

A motion was made to table January 21, 2021, minutes as there were only three Commission Members in attendance of which two were absent from the meeting, therefore a quorum could not be established to approve the minutes.

Old Business – None.

New Business –

1. Jenny Burns – New Signage – 510 N. Bi-State Blvd, Delmar, DE – Ms. Burns presented new signage as referenced per the attached drawings. Commission Member Wilson questioned if there will be any other signage on a standalone sign. Ms. Burns replied no. Commission Member Catellier asked Ms. Burns if this is a sign that currently exists and was the sign already installed. He also questioned Ms. Burns if she was looking for retroactive approval. Ms. Burns answered yes to his questions. Chair Person Boyan mentioned he did not see the phone number on the sign that Ms. Burns has proposed and asked if the phone number was further down in the picture. Ms. Burns said yes. Chair Person Boyan questioned if the phone number was any larger on the main sign. Ms. Burns said no. Commission Member Wilson recommended in the motion that a full picture be given to the Mayor and Council at the meeting. Commission Member Catellier added that Ms. Burns also needed a picture of the front of the building. Ms. Burns agreed to provide the photos as requested.

A motion for a favorable recommendation to the Mayor and Council for the approval of – Jenny Burns – New Signage – 510 N. Bi-State Blvd, Delmar, DE, per the attached drawings including a new picture of the front of the building and a close up of the existing sign showing all

information on the front door. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

CDC Hardin informed the Commission that he would take a picture of the frontage of the building and attach it so the Council Members will have the advantage of reviewing it as well.

2. Zhi Lan Min – New Signage – 38660 Sussex Highway, Delmar, DE – Although Zhi Lan Min was listed on the agenda, no one was present to represent the proposed agenda item, therefore the Commission tabled the review until next month.

3. Tim Metzner/Davis, Bowen, & Friedel, Inc. – Proposed Commercial Construction State Line Plaza – 38666 Sussex Highway – Delmar, DE – Mr. Metzner presented proposed commercial construction as referenced per the attached drawings.

Commission Member Wilson said the ingress and egress where the proposed building is going will not go in a straight line to that two way stop. She added there is a thoroughfare all the way back towards Delmar Pizza. Commission Member Wilson asked if that road is going to exist in that front half. Mr. Metzner answered, the road will remain and it meets the Fire Marshall Code for 24 feet wide and it will be curbed at those islands. He added the sidewalk does encroach by about 3 feet into where that existing drive isle was at that time and it also meets the 24 feet wide Fire Marshall Code. Commission Member Wilson inquired what the square footage is of the proposed building. Mr. Metzner replied approximately 2,345. Commission Member Wilson mentioned her only concern was if the Commission Members wanted to discuss doing so many changes with all the lot lines. Commission Member Wilson also inquired how this proposal would work accommodating this request with our soon to be Delaware Comprehensive Plan as well as vacant business lots that we currently have along Route 13.

Commission Member Catellier mentioned that bringing an established business, stand-alone building, near the road in front of business centers and strip malls tend to do very well possibly drawing additional business. He further mentioned that the name on the drawings would bring a lot of business right off the highway stating that's a visual that will draw people in for business and he's in favor for it.

Chair Person Boyan inquired if there was any indication of a drive-thru because he believed the mentioned business name on the drawings would have a drive thru. Mr. Metzner responded there is a drive-thru shown on the site plan on the north side. He further responded a dedicated drive-thru lane from east to west and then it goes south. So, the pickup would be on the west side of the building. Chair Person Boyan questioned CDC Hardin if the proposal was a preliminary. CDC Hardin replied the Planning and Zoning Commission would be giving its recommendation to the Delaware Board of Adjustments for a Variance.

A motion for a favorable recommendation to the Delaware Board of Adjustments for the approval of – Tim Metzner/Davis, Bowen, & Friedel, Inc. – Proposed Commercial Construction State Line Plaza – 38666 Sussex Highway – Delmar, DE – per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

CDC Hardin asked Mr. Metzner if the request for the Board of Adjustments has been submitted. Mr. Metzner answered yes, the request was submitted along with the submittal for Planning and Zoning. CDC Hardin informed Mr. Metzner the date for the Mayor and Council meeting and explained that the Clerk of Council Ms. Spencer will contact and make arrangements with the attorneys for the Board of Adjustments meeting.

4. Jordan Spiering/Carter Machinery Company, Inc. – Replacement Signage – 8660 Ocean Highway, Delmar, MD – Ms. Spiering presented replacement signage as referenced per the attached drawings. Commission Member Wilson asked if this a corner lot and why is there signage on the front. Chair Person Boyan answered, it's a free-standing building and its existing signage.

A motion was made for a favorable recommendation to the Mayor and Commissioners for the approval of – Jordan Spiering/Carter Machinery Company, Inc. – Replacement Signage – 8660 Ocean Highway, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

5. Paul Patel – New Home Build – Bridgewood Estates – Lot 55 A, 9103 Swingbridge Lane, Delmar, MD – Mr. Patel presented new home build as referenced per the attached drawings. Commission Member Catellier informed the Commission that this submittal was tabled last month so Mr. Patel could submit the site plan. Commission Member Catellier mentioned he viewed the site plan and it sits on the lot nicely.

A motion was made for a favorable recommendation to the Mayor and Commissioners for the approval of – Paul Patel – New Home Build – Bridgewood Estates – Lot 55 A, 9103 Swingbridge Lane, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by a roll call vote 3 Ayes 2 Absent.

6. Kevin Utz/Becker Morgan Group, Inc. – Two proposed additions to the existing Gateway Subaru Dealership – 30275 Winner Blvd, Delmar, MD – Mr. Kevin Utz presented two proposed additions as referenced per the attached drawings.

A motion was made for a favorable recommendation to the Mayor and Commissioners for the approval of – Kevin Utz/Becker Morgan Group, Inc. – Two proposed additions to the existing Gateway Subaru Dealership – 30275 Winner Blvd, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by a roll call vote 3 Ayes 2 Absent.

7. Chris Brown/Ryan Homes – Woodcreek/Pisa Torre – Lot 346, 9357 Mulligan Way, Delmar, MD – Representative Chris Brown presented a new home build as referenced per the attached drawings.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Woodcreek/Pisa Torre – Lot 346, 9357 Mulligan Way, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

8. Chris Brown/Ryan Homes – Woodcreek/Ballenger – Lot 356, 9337 Mulligan Way, Delmar, MD – Representative Chris Brown presented a new home build as referenced per the attached drawings.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Woodcreek/Ballenger – Lot 356, 9337 Mulligan Way, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

9. Chris Brown/Ryan Homes – Woodcreek/Ballenger – Lot 389, 9346 Mulligan Way, Delmar, MD – Representative Chris Brown presented a new home build as referenced per the attached drawings.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Woodcreek/Ballenger – Lot 389, 9346 Mulligan Way, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

10. Chris Brown/Ryan Homes – Woodcreek/Allegheny – Lot 412, 9433 Rolling Green Drive, Delmar, MD – Representative Chris Brown presented a new home build as referenced per the attached drawings.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Woodcreek/Allegheny – Lot 412, 9433 Rolling Green Drive, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

11. Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 266, 9486 Song Sparrow Circle, Delmar, MD – Representative Chris Brown presented a new home build as referenced per the attached drawings.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 266, 9486 Song Sparrow Circle, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

12. Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 278, 9519 Song Sparrow Circle, Delmar, MD – Representative Chris Brown presented a new home build as referenced per the attached drawings.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 278, 9519 Song Sparrow Circle, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

13. Chris Brown/Ryan Homes – Heron Ponds/Roanoke – Lot 286, 9516 Song Sparrow Circle, Delmar, MD – Representative Chris Brown withdrew this submittal because she already received the permit for the lot.

14. Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 289, 9530 Song Sparrow Circle, Delmar, MD – Representative Chris Brown presented a new home build as referenced per the attached drawings.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 289, 9530 Song Sparrow Circle, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

15. Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 298, 9568 Song Sparrow Circle, Delmar, MD – Representative Chris Brown presented a new home build as referenced per the attached drawings.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Heron Ponds/Aviano – Lot 298, 9568 Song Sparrow Circle, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

16. Chris Brown/Ryan Homes – Woodcreek/Ballenger – Lot 394, 9356 Mulligan Way, Delmar, MD – Representative Chris Brown presented a new home build as referenced per the attached drawings.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Woodcreek/Ballenger – Lot 394, 9356 Mulligan Way, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

17. Chris Brown/Ryan Homes – Woodcreek/Bramante – Lot 399, 9366 Mulligan Way, Delmar, MD – Representative Chris Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson questioned which elevation is the submittal. Ms. Brown responded it's the picture with the check mark beside it. Chair Person Boyan agreed with Ms. Brown that it's the 2-story. Commission Member Wilson referenced the top of the picture page identified the ranch and the 2-story elevations are the same. She asked Ms. Brown if Woodcreek was going to have two houses next to each other that look the same. Ms. Brown responded Ryan Homes would have to pull the houses if that's what the site plan is showing. Chair Person Boyan mentioned a ranch style is normally a single story but it's not shown in the photos for the Allegany.

CDC Hardin stated he recalled seeing the site plan that showed there were two Bramante styles, one was for a ranch build as indicated and the other was for a 2-story. He further stated there is a distinction between the two. We should have full plans of it. CDC Hardin added, if the Commission is uncomfortable making a recommendation, they could make a condition that there

be distinction made between the two or that a pictorial be provided of each in support of their elevation. Commission Member Wilson commented that would be satisfactory to provide both pictures of one of the 2-story and one of the 1-story ranch for the Mayor and Commissioners. She further commented the lot that we are recommending would be Lot 399 and next-door Lot 400 the Bramante Ranch.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Woodcreek/Bramante – Lot 399, 9366 Mulligan Way, Delmar, MD, per the attached drawings with picture clarification of the property located Lot 400 and the property being proposed Lot 399 showing the styles are not similar in appearance. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

18. Chris Brown/Ryan Homes – Woodcreek/Allegheny – Lot 401, 9370 Mulligan Way, Delmar, MD – Representative Chris Brown presented a new home build as referenced per the attached drawings.

The motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – Woodcreek/Allegheny – Lot 401, 9370 Mulligan Way, Delmar, MD, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

19. Chris Brown/Ryan Homes – New Prototype (Ashford) Heron Ponds/Woodcreek – Elevations A, C, K and L – Representative Chris Brown presented a new prototype as referenced per the attached drawings.

The motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Chris Brown/Ryan Homes – New Prototype (Ashford) Heron Ponds/Woodcreek – Elevations A, C, K and L, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 3 Ayes 2 Absent.

20. DE Proposed Comprehensive Plan Update Recommendations – CDC Hardin stated on February 11th a video conference workshop was held at 6:30 p.m. with the Towns planner for the 2020 Delaware Comprehensive Plan, which was the last opportunity for review and comments. In addition to the Planner and key personnel, Chair Person Boyan, Mayor Houlihan, Commission Members Wilson and Catellier, were present and participated in the final work session. CDC Hardin said there were several comments and thoughts shared that evening all of which was captured by the Planner and included in the final draft. CDC Hardin recalled there was concerns about the schools currently being crowded and what will be the overall impact once some of the pending residential developments are built out. There was also concerns mentioned about the Town’s ability to serve sewer to the pending residential development plans. He informed the commission that all concerns and comments have been addressed in the final draft of the plan. He asked the Planning and Zoning Commission Members, if agreeable, to give their favorable recommendation for approval of the 2020 Delaware Comprehensive Plan. This Delaware Comprehensive Plan is next to go before the Mayor and Council in a Public Hearing for final acceptance. Following the Public Hearing the Plan will be submitted to the State of

Delaware Planning Office for its final review and acceptance. The State will forward the Plan to the Governor's office for final approval and certification.

Commission Member Wilson stated during the workshops the discussions were good and one of her primary concerns would be if Delmar, Delaware was to build an elementary school and how that would play out. And the other concerns would be sewer, wastewater treatment systems and capacity. Commission Member Wilson further stated that the report in her opinion was well done and it really had a good theme for Delmar, Delaware. Chair Person Boyan agreed. CDC Hardin mentioned to Commission Member Wilson that Town Mgr. Bynum-King received her comments and forwarded them to the Planner. All comments and concerns were addressed in the final draft of the Plan. Commission Member Wilson stated other than keeping a real close eye on new developments, we are not privy to the wastewater treatment plant information that is a Utility Commission matter. She added that Town Mgr. Bynum-King eased her mind by saying new construction for subdivision proposals would not appear before Planning and Zoning for consideration until it has been confirmed that the project impact on the wastewater treatment plant. She also referenced there is so much development going on, there is potential subdivision off of State Line Road across from Heron Ponds which it has never started the construction process, however it has been approved. Commission Member Wilson commented she appreciated everything the Town personnel does to make everything as smooth for us as possible for the Planning and Zoning Commission. Thank you.

Motion to recommend to the Mayor and Council for the adoption of the proposed 2020 Delaware Comprehensive Final Draft Plan. The motion was made/seconded (Wilson/Catellier) and carried with a roll call vote 3 Ayes 2 Absent.

Public Comments –

Commission Member Wilson apologized for missing January 21st meeting.

Chair Person Boyan announced that this would be his last meeting. He thanked everyone on the Commission. Chair Person Boyan said he had been around for over 15 years and it's been an honor and pleasure to serve with all of you and I wish you all the best of luck. Commission Member Wilson replied thank you, you have been a good Chairman and we will miss you. Chair Person Boyan said thank you very much. CDC Hardin said to Chair Person Boyan that on behalf of himself and administration thank you for your service and Charing the Commission. It has been his pleasure to work with him as well. Chair Person Boyan said he appreciated CDC Hardin's comments.

Commission Member Catellier announced he would be moving mid-April so he too will be leaving the Planning and Zoning Commission. He mentioned it breaks his heart and he is incredibly disappointed to leave the Planning and Zoning Commission. Chair Person Boyan commented Commission Member Catellier has been a good asset. Commission Member Wilson said she doesn't know what she is going to do without Commission Member Catellier. CDC Hardin said he appreciated everything that Commission Member Catellier has done and he will be sorely missed but we wished him and his family the very best. Commission Member Catellier

responded that his phone and his email is always open to CDC Hardin and the Commission if they ever had any questions for him, he will be more than happy to jump in. Chair Person Boyan asked Commission Member Catellier how much longer he will be a part of this Commission. Commission Member Catellier answered he would serve until the next meeting because he will be moving mid-April. Chair Person Boyan replied good luck to you and your family again it's been a pleasure serving with you all. Commission Member Catellier said thank you.

Hearing no further Public Comments, Commission Chair Boyan called for a motion to adjourn the meeting. The motion was made/seconded (Wilson/Catellier) and carried with a vote 3 Ayes 2 Absent.

Vondell Spencer
Clerk of Council