

Planning & Zoning Commission Meeting
February 23, 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, Commission Members: Rochelle Outten, Shawn Johnson and via teleconference Commission Member Beverly Wilson. Key personnel: Town Mgr. Jeff Fleetwood, CDC William Hardin, CEO Liz Peek and Clerk of Council Vondell Spencer. Guests: Carol and Charles Porter, Council Member Morris, Michelle Morgan, Pete Melinick and Blair Carey. Absent: Vice Mayor Jones.

Called to Order:

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

Approval of Minutes –

A motion was made and seconded (Outten/Wilson) to approve the January 26, 2023 meeting minutes as circulated by roll call vote with 3 Ayes, 1 Absent (Jones) and 1 Abstain (Johnson).

Deputy Mayor Lenox noted Commission Member Wilson joined the meeting via teleconference and will be a full participant as well.

Old Business –

None.

- 1. Chris Brown/Ryan Homes – Stillwater – New Home Models and Elevations K & L, Delmar, DE** – Representatives from Ryan Homes, Division Manager, Pete Melinick and Sales Manager, Michelle Morgan presented new home models and elevations as referenced in the provided binders from Ryan Homes.

Mr. Melinick stated the product line of homes that Ryan Homes intends to offer at Stillwater is similar to the product line that was built at Yorkshire. The homes have evolved over the last couple of years. He further stated Ryan Homes has evolved the elevations and color schemes and have improved as they received feedback from the customers. The homes are all single-family homes that start at about 1,400 sq. ft., 3 bedrooms, 2 baths. The homes square footage can also go up to 2,500 ft. which can be as large as 5 bedrooms and 3 baths.

As a practice NVR does not sell the same homes next to each other or across the street with the same elevation or color scheme. The concept for the homes and what makes these home so successful is their simplicity. The simplicity allows NVR to keep the home prices affordable and offerd largely to first time home buyers.

The color plan binder submitted is an acknowledgement that is generally given to customers when they purchase. NVR has also plotted different floor plans on page two in the binder. NVR has also plotted different foot prints but as a practice they would sell and permit once the buyers choose what they want to build where.

Mr. Melinick said currently the majority of phase one at Stillwater is being paved or ready to pave; some of it is paved. Ryan Homes is waiting on the sewer component to get started with the models. The street scaping is also in the binder; page four. Town Mgr. Fleetwood asked Mr. Melinick if the ponds on the site plans were retention ponds. Mr. Melinick responded he does not have that answer. He further asked Mr. Melinick about the circle in the middle of the site plan; is it going to be a common ground park. Mr. Melinick further answered that is an amenity where the developer is going to build; a Tot Lot.

Mr. Melinick discussed the color of the homes in the binder. He said Ryan Homes uses the two elevations to keep the homes from looking cookie cutter.

Deputy Mayor Lenox asked if all the units are built on slab. Mr. Melinick answered yes. Deputy Mayor Lenox further asked are the homes built on slab in Yorkshire. Ms. Brown answered she believed they were. Deputy Mayor inquired if there were trees in the streetscape. Mr. Melinick replied the streetscape plans are renderings; that is something he will have to look into.

Deputy Mayor Lenox stated he is aware that trees were done at Wood Creek and it looks nice. Town Mgr. Fleetwood asked Mr. Melinick if there would be sidewalks. Mr. Melinick answered the site plan shows both sides of the street; all around. He further asked Mr. Melinick are they up to the curb. He further answered the rendering implies they are tight to the curb and that those details should come straight off the site plan.

Deputy Mayor Lenox further stated the subdivision was approved many years ago. He asked Mr. Melinick would there be any issue if this Commission recommended the streetscape plan to be followed and have the trees required because over the years the trees grow and make the neighborhood look a lot nicer. Mr. Melinick answered no he would not have an issue.

Commission Member Outten asked Mr. Melinick at what point would the improvements on Rt. 54 would be done; prior to sales. Mr. Melinick answered the plan is to be ready to pave the DelDot entrance in March. Mr. Melnick further answered the way that NVR would handle a community like this is from the time they start their models it would take 90 days before they start selling so it would be about June or July so he would think it would be more than enough time to finish the improvements. Town Mgr. Fleetwood inquired if Mr. Melinick knew if that section of Rt. 54 is going to widened. Mr. Melinick offered to make a phone call and get the answer for the Commission.

Commission Member Johnson asked how many homes are in the subdivision. Mr. Johnson answered 172 homes. He further asked were the EDUs approved. Town Mgr. Fleetwood responded they are on hold.

A conversation ensued about the Elevations and New Home styles that were approved in the Planning and Zoning Commission January 26, 2023 meeting. Town Mgr. Fleetwood inquired about the involvement the Fire Department had on the widths of the streets. Commission Member Johnson answered he was unaware. Deputy Mayor Lenox said the plans are recorded.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council subject to the condition: Clarification that there will be a street tree with each home for the following models: Cedar Elevation L, Tupelo Elevation L, Hazel Elevation L, Birch Elevation K, Birch Elevation L, Aspen Elevation K, Aspen Elevation L, Spruce Elevation K and Spruce Elevation L for – Stillwater – New Home Models and Elevations K&L, Delmar, DE. A motion was made/seconded (Outten/Johnson) and carried by roll call of 4 Ayes 1 Absent (Jones).

Town Mgr. Fleetwood stated to the Commission he did get a response back from MDE. The plan that the Town submitted is being reviewed and still on hold.

2. **Chris Brown/Ryan Homes – New Home Build (Model)– Stillwater/Tupelo/Elevation K – Lot 3, Address Unknown, Delmar, DE** – Ms. Brown presented a new home model as referenced per the attached drawings. Commission Member Wilson noted there is a Hazel on one side and a vacant lot on the other. She further noted the setback lines 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 (Model) – Stillwater/Tupelo/Elevation K – Lot 3, Address Unknown, Delmar, DE, per the attached drawings. A motion was made/seconded (Johnson/Wilson) and carried by roll call of 4 Ayes 1 Absent (Jones).

3. **Chris Brown/Ryan Homes – New Home Build (Model)– Stillwater/Hazel/Elevation K – Lot 4, Address Unknown, Delmar, DE** – Ms. Brown presented a new home model as referenced per the attached drawings. Commission Member Wilson noted there is a Tupelo on one side and a vacant lot on the other for right now.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build (Model)– Stillwater/Hazel/Elevation K – Lot 4, Address Unknown, Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Johnson) and carried by roll call of 4 Ayes 1 Absent (Jones).

4. **Chris Brown/Ryan Homes – New Home Build (Model)– Stillwater/Cedar/Elevation K – Lot 98, Address Unknown, Delmar, DE** – Ms. Brown presented a new home model as referenced per the attached drawings. Commission Member Wilson noted there is a vacant lot on one side and Rt. 54 is adjacent. Deputy Mayor Lenox noted this a corner lot.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build (Model) –

Stillwater/Cedar/Elevation K – Lot 98, Address Unknown, Delmar, DE, per the attached drawings. A motion was made/seconded (Johnson/Outten) and carried by roll call of 4 Ayes 1 Absent (Jones).

New Business –

1. **Charles & Carol Porter – Accessory Building – 402 Lincoln Avenue, Delmar, DE** – Mr. & Mrs. Porter presented an accessory building as referenced per the attached drawings. Commission Member Wilson noted the setbacks appear to be in order with R1. Deputy Mayor Lenox asked if the accessory building replaces the existing shed? Mr. and Mrs. Porter answered yes. Commission Member Outten asked for clarity for the height of the shed. Deputy Mayor Lenox responded it appears to be about one and a half stories with a truss roof.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Charles & Carol Porter – Accessory Building – 402 Lincoln Avenue, Delmar, DE, per the attached drawings. A motion was made/seconded (Outten/Johnson) and carried by roll call vote of 4 Ayes 1 Absent (Jones).

2. **Blair Carey – Conceptual Plan (Building Renovations) – 2 N. Penn St., Delmar, DE** – Mr. Carey presented his conceptual plan as referenced per the attached drawings. Mr. Carey stated this building has been an eye sore and vacant for 30 years now. Mr. Carey expressed this particular building will be the catalyst of where people come and go.

Mr. Carey further stated conceptually there are three original existing walls standing in this building in the pictures provided. The back wall is where modifications have been made. It was added to. He said he is working on having the surveyor plat this building so the Commission could see it in the footprint of the parcel. In the provided drawings there is 25 ft. where the footprint of the building was at one point. He mentioned they are not getting out where the other buildings are to the alley.

Mr. Carey said they still keep the same mixed use because of the five apartments on the second floor and five apartments on the third floor. The downstairs is where he is looking at retail; he does not want to be the owner and operator. He further said he will ultimately decide what will go in there so he can not comment on what will be in there. He commented he would like something for the good and not something that will have a negative impact. Mr. Carey further commented he would love to see retail, restaurant, old school ice cream parlor, something for kids, etc. in that space.

Mr. Carey explained he does not want to change the elevations because of concern for the brick. He would like to save and expose as much of the brick on the first floor as possible but he is concerned that they are going to find issues with the brick layer because it has a second layer of brick but he does want to keep as much of the historical look as possible.

Deputy Mayor Lenox asked Mr. Carey the square footage. Mr. Carey answered he does not have a footprint approximately as displayed; maybe 9,500 sq. ft; about 3200 sq. ft. a floor.

Each floor is all just over 3,000 sq. ft. He further asked Mr. Carey will there be a stairs and elevator. Mr. Carey further answered he did not plan to have an elevator. In the front elevation there is a center door which would be one flight of stairs which would be used to get to the apartments. Mr. Carey mentioned having another access on the alley side would be good. A foyer entrance when entering the double doors in the back but that's the stairwell in the back.

Deputy Mayor Lenox questioned the location of the exterior insulation and Finish System (EIFS). Mr. Carey responded where it is dark on the design pictures and the bottom. He further responded he did have the architect show in the back on the design pictures where they show more of the brick exposed and less EIFS but he is unaware. They are going to feel that out and get tests on it.

Deputy Mayor Lenox further questioned Mr. Carey in reference to getting any historic funding or grant support. Mr. Carey further responded he would like to explore it a bit. He said he did work on some of the historical process with the state considered to be like Delmar's historical district but it is not on the registry. CDC Hardin added it is historic but considered historic district and is not a registered historic district. He further said he did a lot of backend work to get them there; they are in the redzone with it. Mr. Carey commented it's getting some of the business owners to work together to get it on the historic registry. The process stalled when COVID hit hard.

Mr. Carey stated at this point he would like to have a plan that this Commission is on board with. Commission Member Outten asked Mr. Carey if he reached out to the historical society. Mr. Carey answered he spoke with Mr. Whitley that is a member of the historical society briefly yesterday.

Commission Member Outten further asked Mr. Carey if he was looking for one open space as far as the retail downstairs. Mr. Carey further answered he has planned two retail doors on State St. and two more retail doors on Pennsylvania Ave. He commented his thought is to, interior wise, expose some of the brick to make it feel industrial and leave it as a shell and it could go for one person or he could see four different spaces. Mr. Carey responded as far as the ground space he would like to make the rent there very affordable for a young entrepreneur or a start-up business. Commission Member Outten stated she liked keeping some of the building historical but she also likes the retro vibe of the concept plan. Mr. Carey responded he would like to keep the architectural integrity of the roof and keep as much of the brick on the exterior.

Commission Member Outten inquired about the apartments being on the second and third floor. Mr. Carey replied the apartments will all be one bedroom. Town Mgr. Fleetwood added Office Manager, Kimberly Layton is going to setup a meeting to discuss the garbage matters and the alley way. Mr. Carey informed the Commission he has had a discussion with Town Mgr. Fleetwood about his reservations about doing this project and one of the reservations was parking and he did mention the possibility of using the Town Hall parking lot being of use for patrons or people that live there. Mr. Carey said past the downtown

block if it is busy here most people are going to park in the gravel by the railroad track and it's not even a block away.

Commission Member Johnson asked Mr. Carey structurally how is the south wall because he is aware there was a fix. CDC Hardin agreed and said it was supposed to be a temporary fix because the wall was actually falling towards State St. and to prevent that some steel framing was put up to hold it.

Mr. Carey stated right now they have had AWB Engineers give them an engineer design. The three walls are okay now and they can work with those but the south wall is hurting. If push came to shove and they had to build within the walls he would do that to keep the historical look. The floor plan should be ready next week.

CDC Hardin added being a commercial building Mr. Carey's plans are going to have to go before the DE Fire Marshal's Office and meet some of their requirements. In terms of the number of apartments referencing the Town ordinances will help determine how many apartments Mr. Carey can have. Mr. Carey responded they are not changing what was originally there; it was 10 units. CDC Hardin informed Mr. Carey what was originally there may not come under the same ordinances. Mr. Carey replied his architect found the only ordinance that they needed. The ordinance needed stated keep two ins and egress for the number of apartments they are doing; two different stairwells. Mr. Carey stated he is aware having mixed use they are going to have fire regulations for the ceiling on the first floor and they want to do their best to sound proof it to make sure whatever is on the first floor is not disturbing to the public.

Commission Member Outten commented this idea would be great from her perspective.

Deputy Mayor Lenox said to Mr. Carey he has done great work for the Town in the past and this has a lot of promise for the Town.

Commission Member Wilson commented attaboy to Mr. Carey. She said she really liked the look of the building. The building had a lot of character and in keeping with the old character of the building. She further commented the only concern she has is going to be the parking and apartment access but she does think they are all on the same page.

Deputy Mayor Lenox informed Mr. Carey to let this Commission know if there is anything they can do to help support the project.

Councilwoman Morris commented attaboy to Mr. Carey.

Deputy Mayor Lenox said the Commission's response was unanimous.

Deputy Mayor Lenox stated the Mayor and Commissioners are working on some issues in Wood Creek as far as roadways and permitting. At this point this Commission is just acting as they normally would making recommendations that will be dealt with at a later time.

5. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Adrian/Elevation A – Lot 335, 9379 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 a Hudson on the other.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Adrian/Elevation A – Lot 335, 9379 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Outten/Johnson) and carried by roll call of 4 Ayes 1 Absent (Jones).

6. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 337, 9375 Mulligan Way, 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 a Ballenger on the other side.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 337, 9375 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Outten/Johnson) and carried by roll call of 4 Ayes 1 Absent (Jones).

7. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation C – Lot 371, 9307 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted on either side there is an existing dwelling built by others; an Allegheny.

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 C – Lot 371, 9307 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Johnson/Outten) and carried by roll call of 4 Ayes 1 Absent (Jones).

8. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 402, 9372 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there are Allegheny's on either side.

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 402, 9372 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Johnson/Wilson) and carried by roll call of 4 Ayes 1 Absent (Jones).

3. **John Darden/Hartnett Homes, LLC – Subdivision – Both sides of US Rt. 13, adjacent to 36903 Sussex Highway, Delmar, DE** – Representative John Darden presented a subdivision on both sides of US Rt.13 as referenced per the attached drawings. Deputy Mayor Lenox stated this is a parcel that is on record being located on both sides of the road and the request is to simply divide into two.

Mr. Darden stated the subdivision was done back in the seventies where all the lots were called out as separate tracks but kept as individual parcels. The adjoiner at the south has already been split in a very similar fashion. They are zoned commercial but for now, in his opinion, he does not think there is a particular plan for them. They have been vacant for as long as they have been subdivided. Deputy Mayor Lenox added it looks like the State of DE is onboard as well. Mr. Darden responded yes; we have a letter of no objection from DelDot.

Commission Member Wilson questioned the square footage of the smaller parcel. Mr. Darden replied 2.35 acres; 102,568 square feet. Commission Member Wilson responded that would meet the minimum lot area for its own parcel under Highway Regional.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – John Darden/Hartnett Homes, LLC – Subdivision – Both sides of US Rt.13, adjacent to 36903 Sussex Highway, Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Outten) and carried by roll call vote of 4 Ayes 1 Absent (Jones).

Public Comments –

None.

Council Comments –

No comment.

Adjournment –

Deputy Mayor Lenox called for a motion to adjourn the meeting. The motion was made/seconded (Johnson/Outten) and carried by roll call vote of 4 Ayes 1 Absent (Jones).

Submitted by:

Vondell Spencer

Clerk of Council

