

Planning & Zoning Commission Meeting
January 26, 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: Vice Mayor Odell Jones, Commission Members: Beverly Wilson and Rochelle Outten, via teleconference Deputy Mayor Lenox. Key personnel: CDC William Hardin, CEO Liz Peek and Clerk of Council Vondell Spencer. Guests: Kenneth Shockley, Chris Brown, Denise Garner, Council Member Linda Morris, Eugene Garner and Mayor Tom Bauer. Absent: Commission Member Shawn Johnson

Called to Order:

Vice Mayor Jones 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 (Wilson/Jones) to approve the December 15, 2022 meeting minutes as circulated by roll call vote with 4 Ayes, 1 Abstain and Absent (Johnson).

Old Business –

None.

New Business –

- 1. Kenneth Shockley – 16 Bed Living Facility – 31093 E. Line Road, Delmar, MD** – Mr. Shockley presented a 16-bed living facility as referenced per the attached drawings. Mr. Shockley said his company built a 16-bed living facility a few of years ago in that location which went very well. Commission Member Wilson asked Mr. Johnson if he wanted to change some lot lines. Mr. Shockley answered they are not changing the lot lines. He said they are adding to the footprint and would have the whole project under one umbrella.

Vice Mayor Jones asked Mr. Shockley how many beds were in his other facility? Mr. Shockley answered 16 beds per unit. Town Mgr. Fleetwood informed Mr. Shockley it is a concern for the Town that this facility EDU allocation is around 22. He reminded the Utility Commission the Town has a situation with MDE and has submitted a plan.

Town Mgr. Fleetwood stated the submitted plan submitted to MDE projected buildout over the next four or five years. He said Mr. Shockley's request for the additional structure is included in that. He further informed Mr. Shockley and the Utility Commission as of today that plan is not approved. The Town could have an issue where Mr. Shockley could build but he could not be given the hook-ups. Town Mgr. Fleetwood mentioned to Mr. Shockley he could not give him an answer because he has not heard an answer from MDE.

Mr. Shockley responded he was under the assumption when they paid \$300,000.00 to have the property annexed to build the second building in that annexation, they were not told that. Town Mgr. Fleetwood clarified for Mr. Shockley his PW Agreement has that is in place, there is a clause and it defers to MDE that says if capacity is available. Mr. Shockley further responded capacity is available right now because it has not been denied. Town Mgr. Fleetwood replied we are operating on a potential consent order. The Town is aware where the flows are and the Town is exceeding a specific number so something has to be done. He said he is also aware the timing is critical for Mr. Shockley so he is hoping that Mr. Shockley could understand that he could begin work but he wanted to inform Mr. Shockley the Town is waiting on approval from MDE.

CDC Hardin stated when he was first approached by Unique Styles Custom Home Builders/Kenneth Shockley about this project he indicated the same thing that was just reiterated by Town Mgr. Fleetwood. All new construction is pending because of the availability of EDU allocation. A conversation ensued.

Commission Member Wilson asked Mr. Shockley what he sees that is different because the plans say preliminary. Mr. Shockley answered nothing. The only thing that is different is the name of the new facility and maybe the color. She further asked what the current parking situations are for the other facilities and how full the other buildings are at any one time. Mr. Shockley answered they are not full at all. The last building that they constructed, all the parking is in the front and at the other two there is a lot of parking out front.

Commission Member Outten explained the parking requirements in the Delmar Code. Commission Member Wilson questioned if the entire complex fell back to any previous rule prior to the current Planning and Zoning Regulations for parking or does the parking apply to this code. CDC Hardin responded the first building was built in 2010 and reflects the same provisions as the current 2015 Planning and Zoning Regulations. He added it's not grandfathered in so they have to meet the provisions of 2015.

Commission Member Outten said on the plans the property line is only partially shown. She informed Mr. Shockley at some point he would have to come back to Planning and Zoning to explain the elimination of the property line. Commission Member Wilson asked Mr. Shockley why not make the whole complex one parcel. Mr. Shockley answered they are going to do that at some point and time but right now time is of the essence to get this facility done and in place. The owners want to move forward with what they have and this way they can come back and do that. Commission Member Outten asked Mr. Shockley if this was the last building. Mr. Shockley answered yes.

Deputy Mayor Lenox disclosed that he had some knowledge of the complex because a close family member is a resident of Delmar Manor and he is actually on site pretty often. He commented it is a great attribute to Delmar. The parking works fine on a day-to-day basis. No one there owns a car. The spaces that exist are fine for visitors and employees. The only time it gets a little sticky is on some of the event days, such as, Mother's Day, Easter,

Thanksgiving weekend and Christmas time. There is plenty of overflow parking for that as folks go to the field directly in front of the second building. In his opinion, from a function standpoint he thinks it works well in there. A conversation ensued.

Commission Member Wilson said this would be a great benefit to Delmar and we are glad the whole complex is here. This Commission just wants to make sure things fall in line for them the best that it can. Town Mgr. Fleetwood added as soon as MDE informs him he will inform Mr. Shockley.

Vice Mayor Jones called for a favorable recommendation to the Mayor and Commissioners for – Kenneth Shockley – 16 Bed Living Facility – 31093 E. Line Road, Delmar, MD, with approval of the preliminary plan with the following recommendations: A revised site plan with removal of lot lines and showing additional parking. A motion was made/seconded (Wilson/Outten) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

CEO Peek stated that she would like to resend what she wrote above her signature on the application. She referenced there were 16 total beds and she did not account for the existing beds which would be taken off because the existing beds must be accounted for.

- 2. Chris Brown/Ryan Homes – New Home Build – Wood Creek/Adrian/Elevation A – Lot 86, 9419 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 a Columbia on the other side.

Vice Mayor Jones called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Adrian/Elevation A – Lot 86, 9419 Rolling Green Drive, Delmar, MD, per the attached drawings, pending approval from MDE. A motion was made/seconded (Wilson/Outten) and carried by roll call vote of 4 Ayes 4 1 Absent (Johnson).

- 3. Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson/Elevation A – Lot 334, 9381 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there are Columbia styles on either side of the property.

Vice Mayor Jones called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson/Elevation A – Lot 334, 9381 Mulligan Way, Delmar, MD, per the attached drawings, pending approval from MDE. A motion was made/seconded (Lenox/Outten) and carried by roll call vote of 4 Ayes 1 Absent (Johnson)

- 4. Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation C – Lot 366, 9317 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there is a Bramante on one side and a Pisa Torre on the other side.

Vice Mayor Jones called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation C – Lot 366, 9317 Mulligan Way, Delmar, MD, per the attached drawings, pending approval from MDE. A motion was made/seconded (Wilson/Outten) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

5. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 377, 9308 Mulligan Way, Delmar, MD** – Mr. 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. Also, a utility easement is between the Columbia and Allegheny.

Vice Mayor Jones called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 377, 9308 Mulligan Way, Delmar, MD, per the attached drawings, pending approval from MDE. A motion was made/seconded (Jones/Outten) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

6. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 378, 9314 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there is a Bramante on one side, utility easement and vacant lot on the other side.

Vice Mayor Jones called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Allegheny/Elevation A – Lot 378, 9314 Mulligan Way, Delmar, MD, per the attached drawings, pending approval from MDE. A motion was made/seconded (Wilson/Lenox) and carried by roll call vote of 4 Ayes 1 Absent (Johnson)

7. **Chris Brown/Ryan Homes – Stillwater – New Home Models and Elevations K and L, Delmar, DE** – Ms. Brown presented new home models and elevations K and L as referenced per the attached drawings. Commission Member Wilson asked Ms. Brown her thoughts about how much these houses look alike because there are different elevations but they seem cookie-cutter. Ms. Brown answered she’s never really looked at them but that’s what Ryan Homes are offering. Commission Member Wilson said some of the differences are just shutters, a few angles but all of the roofing, and garages are on the right side. Ms. Brown responded they can offer a reverse house plan.

Deputy Mayor Lenox said all the new home models looked very similar to him as well. He asked Ms. Brown have they every distinguished color. Commission Member Wilson stated they all have front stoops and no porches. He further said there are some variations in the materials but they are pretty close. Vice Mayor Jones agreed.

Deputy Mayor Lenox asked Ms. Brown if she knew what the square footage was of the new home models, approximately. Ms. Brown answered the square footage would be written on the building permit. Commission Member Wilson asked Ms. Brown if she knew if there will be more models that will be presented. Ms. Brown further answered as of now there could be in the future but right now this is all they are offering. Ms. Brown said she could find out the color scheme for the three of the models that they are building on the lots. Commission Member Wilson added and find out if there are porches. Ms. Brown replied there are not any rear porches on any of the houses that will be built out there and they all have the front stoops to the front.

CDC Hardin asked Ms. Brown if any of the rear porches are being offered as an option. Ms. Brown answered as of this time she has been informed they are not being offered. It's similar to Yorkshire. Deputy Mayor Lenox asked Ms. Brown was she aware if the floor plans are the same because the buildings look to be the same shape. Ms. Brown further answered she is unsure. Ms. Brown asked the Commission if they wanted different elevations with the different house types. Vice Mayor Jones answered they want different elevations. Commission Member Wilson added the Commission wants it as diverse as possible.

Commission Member Wilson asked Ms. Brown if there was only one ranch style. Ms. Brown answered yes, one ranch. Commission Member Wilson further asked Ms. Brown if she knew if the garages can be reversed. Ms. Brown further answered yes, they can be reversed because it's all what the owner asks for.

Vice Mayor Jones called for a motion to approve new home models: Cedar, Tupelo and Hazel with Elevation K only. Vice Mayor Jones stated this Commission will not accept new home models: Birch, Aspen and Elevation L at this time. This Commission would desire the builder to consider differentiating housing styles in particular next door to one another regarding color choice, materials and reverse building plans so the garage will be on the other side in order to make the development as diverse as possible. A motion was made/seconded (Wilson/Lenox) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

8. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 3, Address Unknown, Delmar, DE** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted this is a ranch home. She said in the future she would like to see color and a reverse.

Vice Mayor Jones called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 3, Address Unknown, Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

9. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 4, Address Unknown, Delmar, DE** – Ms. Brown presented a new home build as referenced per the attached drawings.

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

10. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 98, Address Unknown, Delmar, DE** – Ms. Brown presented a new home build as referenced per the attached drawings.

Vice Mayor Jones called for a favorable recommendation to the Mayor and Council for Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 98, Address Unknown, Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Lenox) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

Public Comments –

1. Mayor Tom Bauer asked Ms. Brown if the roads in Stillwater are any wider than Yorkshire. Ms. Brown answered she does not have any of that information because it is all new. Mr. Bauer commented the roads are too narrow and the driveways are too short in Yorkshire. A conversation ensued.
2. Denise Garner commented she has a concern about the Stillwater houses. She questioned the stormwater management, proper sized roads, construction and landscaping for a development of this magnitude. Commission Member Wilson explained the process of the approval for Stillwater which includes all the landscaping as well as stormwater elements. CDC Hardin helped explain the process. A conversation ensued.
3. Council Member Morris commented she is aware there are five models and two elevations and Deputy Mayor Lenox made a suggestion on moving forward with the three models. She asked for clarification on what the parameters are, what the conditions are for moving forward with that because she hears the concern about the diversity of what's being built. Commission Member Wilson clarified the process of moving forward with their recommendations as they are submitted and making sure the developments do not look cookie-cutter. She further clarified any future requests to approve new models this body will take a look at what model is next door to make sure there is diversity. Council Member Morris encouraged Ms. Brown/Ryan Homes to be a little more creative with the homestyle models for potential buyers. A conversation ensued.

Council Comments –

Commission Member Outten had no comment.

Commission Member Wilson commented she thought it was a very useful discussion tonight. More clarification on the EDUs is always a good thing and she looks forward to having a decision one way or the other. She further commented this body is the only recommending body and the final decision remains with the Council and Commissioners for each state. She said she appreciated the conversation.

Deputy Mayor Lenox commented he agreed about the conversation this evening it was very important. Stillwater is going to take a while to build out. The Town has established a pretty good precedence with its neighborhoods. Deputy Mayor Lenox further commented he thanked the Commission for accommodating his needs this evening and being there for him.

Vice Mayor Jones commented he would like to send sympathy to the Town of Laurel. They have had a lot of tragedy lately. He further commented he just wanted to show the Town of Delmar's support for them.

Adjournment –

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

Submitted by:

Vondell Spencer

Clerk of Council