

Planning & Zoning Commission Meeting
January 22, 2026
MEETING HELD IN-PERSON & VIA TELECONFERENCE

The regularly scheduled meeting of the Planning & Zoning Commission was held at Delmar Town Hall and via teleconference. Commission Members in attendance: Deputy Mayor Jack Lenox, Vice Mayor Odell Jones Jr, and Commission Members Beverly Wilson, and Jonathan Layton. Key Personnel: Town Mgr. Jeff Fleetwood, Planning and Zoning Director Twain Evanson, Code Enforcement Officer Kayla Trice, and Clerk of Council Vondell Spencer. Guests: Charles Robino, Mayor Thomas Bauer, Rodney Brown, Kevin Aydelotte, and Bret Davis. Absent: Commission Member Shawn Johnson.

Call 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/Layton) to approve December 18, 2025, meeting minutes as circulated by a vote of 3 Ayes, 1 Absent (Johnson), and 1 Abstain (Jones).

Unfinished Business –

None.

New Business –

1. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 60, 38551 Winterberry Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there is a Hazel on the left and a Birch on the right. 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/Spruce/Elevation K – Lot 60, 38551 Winterberry Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by a vote of 4 Ayes 1 Absent (Johnson).

2. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Birch/Elevation K – Lot 61, 38553 Winterberry Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there will be a Spruce on the left and a Hazel on the right. 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 61,

38553 Winterberry Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Layton) and carried by a vote of 4 Ayes 1 Absent (Johnson).

3. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 62, 38557 Winterberry Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Wilson noted there is a vacant lot on the right with an easement and a proposed Birch on the left. 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/Hazel/Elevation K – Lot 62, 38557 Winterberry Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Layton/Jones) and carried by a vote of 4 Ayes 1 Absent (Johnson).

4. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 75, 38552 Winterberry Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Wilson noted there are vacant lots on both sides and 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/Spruce/Elevation K – Lot 75, 38552 Winterberry Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Layton) and carried by a vote of 4 Ayes 1 Absent (Wilson/Layton).

5. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 79, 38536 Winterberry Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there is a vacant lot on left which is a corner lot and there is a Cedar on the right. 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/Hazel/Elevation K – Lot 79, 38536 Winterberry Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Jones/Layton) and carried by a vote of 4 Ayes 1 Absent (Johnson).

6. **Charles Robino – Rezoning from Light Industrial to Residential– 3 Delaware Avenue, Delmar, DE** – Real Estate Advisor with KW Empower, Charles Robino presented rezoning from light industrial to residential per the attached drawings. Deputy Mayor Lenox stated this is a public hearing which has been advertised. The property is at the corner of Pennsylvania Ave. and Delaware Ave. Mr. Robino stated he represents the actual owner of the property. The sellers are not here currently but they are trying to get the buyer in the establishment. Mr. William Mahan on the submitted request is the legal property owner.

Deputy Mayor Lenox said we have a public hearing notice in the packet. The notice has been given that the commission would be considering public comment for the rezoning as described earlier.

Deputy Mayor Lenox opened the public hearing.

Commission Member Wilson noted this rezoning is in line with the Comprehension Plan.

Deputy Mayor Lenox said he does not see anyone interested and he does not see anyone online.

Deputy Mayor Lenox closed the public hearing.

Planning and Zoning Director, Twain Evanson noted this was originally on the agenda for Board of Adjustments but nothing is being adjusted on the property so, it needed to come before the Planning and Zoning Commission.

Town Mgr. Fleetwood asked Mr. Robino if the property is currently occupied. Mr. Robino answered no, it was rented out to a tenant.

Deputy Mayor Lenox said there's two lots of record. One of which has the existing house on it. He asked Mr. Robino what is the buyers intention. Mr. Robino answered to reside in the existing house. Deputy Mayor Lenox further asked Mr. Robino if he thought the second lot was buildable. Mr. Evanson answered no, it is too small.

Deputy Mayor Lenox asked Mr. Robino if it is two parcels of record. Mr. Robino answered two parcels of record; yes, one and three. He further asked Mr. Robino if there was any new construction proposed at this time. Mr. Robino further answered it will remain the same.

Town Mgr. Fleetwood asked Mr. Robino if it would make sense to redo the lot line and make it one parcel. Commission Member Wilson added it's like a driveway on one parcel.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Charles Robino – 3 Delaware Avenue, Delmar DE – Rezoning to Residential R1 with a condition that the two existing lots be consolidated into one. The motion was made/seconded (Layton/Wilson) and carried by a vote of 4 Ayes 1 Absent (Johnson).

7. **Bret Davis – North Delmar Shopping Center – Map/Parcel #532.20.00-89.00 – Delmar, DE** – Representative from Davis Strategic, Bret Davis presented the North Delmar Shopping Center conceptual site plans as reference per the attached drawings. Mr. Davis said they are looking at a variety of uses that they would consider retail but they are designing it to have a couple pad sites out front. They are pretty far along in the DelDot process as it relates to determining what that entrance looks like. He further said they will utilize what's already there as a corridor road that connects back to the Food Lion Shopping Center. The proposed shopping center is L shaped.

Mr. Davis noted one thing that they discussed that isn't on the plans is eventually having the road that is intersecting this project to have the ability to connect to the parcels further behind it. So, one of the options is to shift the shopping center just slightly. He said there is a reason why they left the gap between the shopping center and the hotel on the plans. It could be used for storage or all of the things it is zoned for.

Deputy Mayor Lenox asked Mr. Davis if the property to the rear is in town. Mr. Davis answered no it is not in town. Town Mgr. Fleetwood said the intent on why they are sharing the paper road is because of chatter about a new school. Having another route is the whole intent behind Mr. Davis sharing about the road.

Mr. Davis said the plans include the stormwater, parking, and 3 pad sites out front. Based on the amount of traffic they see being created in the traffic studies there is potential for a traffic light which is up to DelDot. The goal is half of the first phase, half of the strip center, and then the pad sites. He further said the way they do construction is to design and build all of the core infrastructure at phase one. So, imagine the signage, four stormwater ponds, and sidewalks get built.

Mr. Davis said when they go to the Sussex Conservation District they will not be submitting or phasing. They will submit because it's a small enough site of nine and a half acres and they will submit the entire stormwater design. Also, when they go to the Sussex Conservation District they will submit it as just one giant paved surface. Then what that would allow is by designing it for retail, it will mean that we can downsize any user and not require a new traffic study. Deputy Mayor Lenox asked if retail is the highest traffic generator? Mr. Davis answered yes, they are about 11 months into their traffic study.

Commission Member Wilson asked Mr. Davis if water and sewer were a go. Mr. Davis answered it's a go. Outside of a restaurant use he doesn't see them being a huge user of water and sewer capacity. She further inquired about Delmar Pizza. Mr. Davis responded the plan is not to close the current Delmar Pizza. Some of the really interesting ideas they've looked at are sports concepts within the food facility. The ability to have pickleball, softball, and volleyball which are things that are small facility oriented within the food concept. Pad site users come first, just because that's the demand they are hearing. He further responded the hotel is a far-off concept. There a restaurant concept attached and it would be at the L-shape closest to that.

Deputy Mayor Lenox said there is land north of you. He asked Mr. Davis would there be reason to leave open access for that direction as well. Mr. Davis answered DelDot would require them to do so.

Deputy Mayor Lenox suggested Mr. Davis present the North Delmar Shopping Center to the Mayor and Council for more feedback.

8. **Andrew Warfield – Single Building (Dunkin Donuts) – Lot 5, 3 Gerald Court, Delmar, DE** – Representative Kevin Aydelotte from Parker and Associates presented a single building as referenced per the attached drawings. Mr. Aydelotte stated since the previous plans presented, they have removed the rest of the strip mall options and they are just proposing a standalone Dunkin Donuts with a drive-thru. He further stated they just replaced some of the strip center with additional parking. They have also received all of the requisite approvals and have purposely scaled back the development because of some of the pushback about congestion.

Deputy Mayor Lenox asked Town Mgr. Fleetwood if they discussed the left turn lane from Line Rd. onto Rt.13. Town Mgr. Fleetwood answered yes. Mr. Aydelotte added that is being done by MDOT. Mr. Aydelotte said they have already submitted everything to Mr. Jeff Fritz and Mr. Fritz responded in an email that stated MDOT will take care of anything within the TIS.

Deputy Mayor Lenox asked Mr. Aydelotte if MDOT will take care of the pavement markings at the intersection on Rt.54 and Rt.13 at the congested area at Wawa. He said the idea is that the center left lane which would lead you into downtown Delmar; like it is on the other side. Mr. Aydelotte answered you would have the dedicated left turn lane to head south on Rt.13. The middle lane that is currently just a straight lane to keep you headed towards downtown would also give the option of going straight or turn left as well. He further answered they are paying their proportionate share of the improvements as a fee in lieu but MDOT is taking care of it. Town Mgr. Fleetwood added MDOT verbally approved that eight months ago. From a DelDot perspective Stage Rd., Old Stage Rd., and Rt.54 as of July 1st there will be mobilization there because there is a traffic light going in. Mr. Aydelotte added they are contributing to the stoplight which was a requirement for DelDot's approval.

Deputy Mayor Lenox said reviewing the letter from DelDot in the packet it talks about a right turn lane on Old Stage Rd. Mr. Aydelotte responded they are doing a combination. A right turn lane/bike lane at the intersection of Old Stage Rd. and Thornton Blvd. on the southbound lanes of Old Stage Rd. He said that has nothing to do with our project. That intersection was failing before we got there. As part of their review, they identified it. In the numerous discussions with DelDot Traffic they acknowledged that at the time the traffic improvements on Old Stage Rd. onto Thornton Blvd. already as existing improvements were required. By taking away the retail they reduced counts. The level of service and all the intersections they are accessing remains unchanged.

Commission Member Layton asked Mr. Aydelotte if the Dunkin Donuts is bigger than it was previously. Mr. Aydelotte answered no, it is the same square footage. He further asked Mr. Aydelotte how many seats were there going to be? Mr. Aydelotte further answered 18-20.

Deputy Mayor Lenox asked Mr. Evanson if everything was set with the site plan as far as parking and the rest. Mr. Evanson answered yes.

Mayor Thomas Bauer said he was concerned about the entrance and exit widths, and backing out. Mr. Aydelotte responded next month at the Mayor and Council meeting he can provide a truck stacking exhibit for the presentation and he will submit a traffic concepts letter about the drive-thru that they cited the typical stacks, about 14 vehicles in the drive-thru as well.

Commission Member Wilson inquired about the truck parking and deliveries. Mr. Aydelotte answered the loading zone is actually in front of the dumpster area. The said they have run truck turning movements to show that trucks can get in and out of this space as well as a dump trucks.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Final Site Plans for the Standalone Building (Dunkin Donuts) – Lot 5, 3 Gerald Court, Delmar, DE, per the attached drawings. A motion was made/seconded (Layton/Jones) and carried by a vote of 4 Ayes Absent (Johnson).

Town Mgr. Fleetwood announced Code Enforcement Officer Kayla Trice has earned her International Code Certification for Maintenance and Property Inspections. He acknowledged she has been here not quite a year and she is out and about, engaged with people, and she has gone above and beyond. He further said it gives him so much joy when you see people that do things to better themselves for their profession. He said he appreciated it and he knows the commission appreciated it. Deputy Mayor Lenox thanked and congratulated Ms. Trice.

Public Comments –

None.

Commission Comments -

Commission Member Layton had no comment.

- 1.) Commission Member Wilson thanked Public Works for their efforts with snow removal. She commented they do a really good job. Town Mgr. Fleetwood said the operational departments and PD will be meeting tomorrow at 10:00 a.m. because of the forecast.
- 2.) Vice Mayor Jones acknowledged Mr. Evanson for his community outreach this week at the elementary school and other places. He said he has heard positive comments/feedback all the way around.

Town Mgr. Fleetwood shared the department heads and himself today participated in the Lower Eastern Shore Junior Achievement Program at the old KMART shopping center because it was Delmar Middle School Day. Commission Member Layton said they came back to school excited.

Adjournment –

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

Submitted by:

Vondell Spencer, CMC
Clerk of Council