

Planning & Zoning Commission Meeting
March 25, 2021
Via Teleconference

The regularly scheduled meeting of the Planning & Zoning Commission was held via teleconference. Those in attendance, Chair Person Donald Scholl, Council Member Kemp, Commission Members Eric Catellier, Beverly Wilson and Rochelle Outten. Key personnel: CDC William Hardin, CEO Liz Peek, and Clerk of Council Vondell Spencer. Guests: Mayor Michael Houlihan, Fang Yu, Zhi Lan Min, Lesly Marcelin, Dorie Simpler, Marilyn Lynch and Chris Brown.

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

Chair President recognized Delmar, Delaware Mayor Houlihan presence this evening. Mayor Houlihan took a few minutes to introduce the newest appointed member to the P&Z Commission. He introduced Council Member Kemp as the newest member of the Delmar Council and the newest appointed Planning Commission Member replacing former Council Member Boyan. Mayor Houlihan mentioned that Council Member Kemp has a lengthy history rooted in Delmar, Delaware. He added that the Delaware Council agreed that Council Member Kemp would be the best fit to fill the vacant Delaware Elected Official position on the Planning Commission. Mayor Houlihan also acknowledged his appreciation for former Council Member Boyan's service to the Planning Commission.

Chairperson Scholl welcomed Council Member Kemp.

Approval of Minutes:

A motion was made and seconded (Catellier/Outten) and carried to accept the January 21, 2021 meeting minutes as circulated by roll call vote with 3 Ayes, 2 Abstain (Outten and Kemp).

A motion was made and seconded (Wilson/Catellier) and carried to accept the February 18, 2021 meeting minutes as circulated by roll call vote: 4 Ayes/ 1 Abstain (Kemp)

Old Business – None.

New Business –

- 1. Fang Yu – New Signage – 38661 Sussex Highway, Suite 1, Delmar, DE – Ms. Yu** presented with New Signage as referenced per the attached drawings. Commission Member Wilson asked Ms. Yu what will be on the door. Chair Person Scholl questioned Ms. Yu if there were any plans to put anything on the door itself. We would like to have the time, date or

wheelchair entrance on the door. CDC Hardin stated as he explained to Ms. Yu before she can have the hours of operation on the door she just cannot advertise another name on the door.

A favorable recommendation to the Mayor and Council for the approval of – Fang Yu – New Signage – 38661 Sussex Highway, Suite 1, Delmar, DE, per the attached drawings. The motion was made/seconded (Wilson/Catellier) and carried by roll call vote 5 Ayes.

Chairperson Scholl explained to Ms. Yu that she would have to attend the Mayor and Council meeting on April 5th. Ms. Yu said she already had that schedule. Commission Member Wilson welcomed Ms. Yu to Delmar and thanked her for having a restaurant. Ms. Yu said thank you. CDC Hardin mentioned to Ms. Yu that she will receive an additional packet for the April 5th meeting as well.

2. Zhi Lan Min – New Signage – 38660 Sussex Highway, Unit 3, Delmar, DE – Ms. Min presented with New Signage as referenced per the attached drawings. Ms. Min gave CDC Hardin permission to represent her while she was on the teleconference. CDC Hardin informed Chairperson Scholl that because Ms. Min is challenged with English and it is the Town's obligation to provide her representation, after discussing with Town Mgr. Bynum-King it was agreed he would present on her behalf. Chairperson Scholl asked Ms. Min is it okay for CDC Hardin to present on her behalf and she responded "yes". Chairperson Scholl inquired if the signage Ms. Min is requesting is vinyl on the back of the window. CDC Hardin responded, "yes". Commission Member Wilson questioned CDC Hardin if he could confirm the percentage allowance is acceptable since we don't have any measurements of the windows. CDC Hardin confirmed that the window space and given the percentage being taken up is less than 50% of the total window space which is consistent with the code regulation.

A favorable recommendation to the Mayor and Council for the approval of – Zhi Lan Min – New Signage – 38660 Sussex Highway, Unit 3, Delmar, DE, per the attached drawings. The motion was made/seconded (Wilson/Kemp) and carried by roll call vote 5 Ayes.

CDC Hardin mentioned to Ms. Min he will stop by her business tomorrow and explain to her exactly what took place. He also said we have one more meeting to go to before the final approval.

3. Lesly Marcelin – New Signage – 3844 Sussex Highway, Delmar, DE – Mr. Marcelin presented with New Signage as referenced per the attached drawings. Chairperson Scholl asked Mr. Marcelin if CDC Hardin went over the rules for the signage on the door. Mr. Marcelin replied, yes sir. Commission Member Wilson questioned if there can only be one set of signs with the name of the business. CDC Hardin responded yes that is correct. Chairperson Scholl stated that there is a sign on the roof and a sign on the glass so one of the signs has to be removed. CDC Hardin replied yes. Chairperson Scholl informed Mr. Marcelin that the rules are there can only be one sign with the business name on it per

street frontage. If you are on a corner, you can have one name on each side of the building. He further informed Mr. Marcelin he has to pick one sign. Commission Member Wilson stated Mr. Marcelin could have the phone number on the window. Chairperson Scholl inquired if Mr. Marcelin was going to choose the sign on top on the roof line.

4. Mr. Marcelin responded for clarification he can put the sign on the roof and he will try to keep the phone number in the window. CDC Hardin replied that he could have the phone number and the hours of operation on the window or the door but you cannot advertise the name of the business twice on one face of the building. CDC Hardin further replied as the Chairman pointed out if you were a corner business you could have the name on two sides which would be the front and another side. Chairperson Scholl asked the Commission were they able to make an amendment to the motion so they could conditionally approve it under the condition that the signage on the window is removed from the request. CDC Hardin commented it would be his recommendation that Chairperson Scholl make a conditional approval spelling out how the Commission would like the condition to be met. Chairperson Scholl asked Mr. Marcelin if he was agreeable to change the request for just the signage on the roofline and to remove the name from the glass. Mr. Marcelin agreed.

A motion for a favorable recommendation to the Mayor and Council for the approval of – New Signage – 3844 Sussex Highway, Delmar, DE under the condition that the signage on the glass has the name removed, per the attached drawings. A motion was made/seconded (Wilson/Kemp) and carried by roll call vote of 5 Ayes.

Chairperson Scholl did inform Mr. Marcelin that he did have to attend the Mayor and Council meeting on April 5th to obtain final approval for his proposal.

5. **Dorie Simpler – Accessory Building (Shed) – 501 Bi-State Blvd., Delmar, MD** – Ms. Simpler presented an accessory building (shed) as referenced. Commission Member Wilson said that it states on the second page of the instruction sheet that a certified site plan was not submitted and the applicant wishes to appear before the Commission to request a waiver of the site plan requirement. Commissioner Wilson further said she would be opposed to waiving that requirement.

Ms. Simpler explained she has gone through every effort to acquire a site plan from multiple surveyors with no prevail. Chairperson Scholl asked Commissioner Catellier is there anything that a site plan would give us insight on. Commissioner Catellier answered probably not, it looks like they are replacing the shed next to another existing shed. Commissioner Catellier asked if the shed will not have a permanent foundation. Ms. Simpler replied, there is no permanent foundation and it is 100% movable which was part of Pop Warner's terms and agreements with the church. Commissioner Catellier stated for the record he does not have a problem granting the waiver of the site plan. Commissioner Catellier further stated it is not a permanent structure and it's for Pop Warner and it is not a residential issue because the shed is on a large church property. He also added, the shed

does not appear to affect any setbacks. Commissioner Catellier reiterated that he would be in favor of the waiver and approval of the project. Chairperson Scholl stated he agreed.

CDC Hardin mentioned for the record, that the Towns position is very much in favor of Pop Warner, however to waive the requirement for a site plan will be setting a precedence for future request. Chairperson Scholl commented the shed is not a permanent structure and in looking at the picture it is not adjacent to any residential property lines, therefore he felt comfortable making an exception on this one. CDC Hardin further mentioned unfortunately the code does not make that distinction however the choice is up to the Commission. Council Member Kemp commented in agreement for granting the waiver.

A motion to waive the site plan requirement for – Dorie Simpler – Accessory Building (Pop Warner Shed) – 501 Bi-State Blvd., Delmar, MD. A motion was made/seconded (Catellier/Kemp) and carried by roll call vote of 4 Ayes and 1 Nay (Wilson).

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Dorie Simpler – Accessory Building (Pop Warner Shed) – 501 Bi-State Blvd., Delmar, MD. A motion was made/seconded (Catellier/Kemp) and carried by roll call vote of 5 Ayes.

6. **Brock Parker/Parker and Associates (Marilyn Lynch) – New Home Build – 203 East Elizabeth Street, Delmar, MD** – Ms. Lynch presented with new home build as referenced per the attached drawings. Commission Member Catellier commented that the house looks like it fits on the site within the setbacks and he would agree the style of house fits in with the surrounding neighborhood houses. Chairperson Scholl agreed.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Brock Parker/Parker and Associates (Marilyn Lynch) – New Home Build – 203 Elizabeth Street, Delmar, MD, per the attached drawings. A motion was made/seconded (Outten/Kemp) and carried by roll call vote of 5 Ayes.

7. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Roanoke – Lot 268, 9579 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home build as referenced.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Roanoke – Lot 268, 9579 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Catellier/Kemp) and carried by roll call vote of 5 Ayes.

8. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Aviano – Lot 274, 9491 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home

build as referenced. Commission Member Wilson asked if the Commission approved this style for clarification. Ms. Brown answered yes. Ms. Brown mentioned she found a list of all the house types being built in Heron Ponds and Woodcreek yesterday so that could be on record. CDC Hardin commented he will pass that on to the Commission for future reference.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Aviano – Lot 274, 9491 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Catellier) and carried by roll call vote of 5 Ayes.

9. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Aviano – Lot 276, 9511 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown presented a new home build as referenced. Commission Member Wilson noted that on either side there is a Roanoke and an Alberti.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Heron Ponds/Aviano – Lot 276, 9511 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Kemp) and carried by roll call vote of 5 Ayes.

10. **Chris Brown/Ryan Homes – New Home Build – Heron Ponds/Alberti – 297, 9562 Song Sparrow Circle, Delmar, MD** – Representative Chris Brown withdrew this submittal.

11. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Ballenger – Lot 356, 9337 Mulligan Way, Delmar, MD** – Representative Chris Brown presented a new home build as referenced. Commission Member Catellier mentioned as an FYI for Council Member Kemp’s benefit, what we have been doing in these communities to make sure they don’t look so cookie-cutter we’ve asked the developer to make sure that when they are selling and planning these houses that they don’t use the same model and elevation next to each other. Chairperson Scholl commented to Ms. Brown he appreciated her including the concrete lead walks and driveways.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Woodcreek/Ballenger – Lot 356, 9337 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Outten) and carried by roll call vote of 5 Ayes.

12. **Chris Brown/Ryan Homes – New Home Build – Woodcreek/Bramante – Lot 392, 9352 Mulligan Way, Delmar, MD** – Representative Chris Brown presented a new home build as referenced. Commission Member Wilson noted there are Allegheny’s on either side.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – Woodcreek/Bramante – Lot 392, 9352 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Kemp/Wilson) and carried by roll call vote of 5 Ayes.

- 13. Chris Brown/Ryan Homes – New Home Build – Woodcreek/Bramante – Lot 405, 9447 Rolling Green Drive, Delmar, MD** – Representative Chris Brown presented a new home build as referenced. Commission Member Wilson noted there is a vacant lot and a Ballenger on either side of the dwelling.

A motion for a favorable recommendation to the Mayor and Commissioners for the approval of – New Home Build – Woodcreek/Bramante – Lot 405, 9447 Rolling Green Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Kemp) and carried by roll call vote of 5 Ayes.

Public Comments –

Commission Member Wilson congratulated Commissioner Scholl for becoming Chairman and welcomed Council Member Kemp. Chairperson Scholl said thank you.

Commission Member Wilson mentioned to Commission Member Catellier that we will miss his services, wished him the best of luck and we will see him next month. Commissioner Catellier said thank you. Commission Member Outten said she seconded everything Commission Member Wilson said. Council Member Kemp said thank you.

Chairperson Scholl asked Commission Catellier if the Commission could still call and ask him questions. Commission Member Catellier said absolutely. Chairperson Scholl also welcomed Council Member Kemp. Council Member Kemp said thank you.

Commission Member Wilson asked Chairperson Scholl to put on his to do list the Planning and Zoning Regulations Version 2015. Chairperson Scholl said absolutely and he thinks it's being worked on. CDC Hardin commented you are correct to Chairperson Scholl. The Town administration consisting of myself, Town Mgr. Sara-Bynum-King, Mayor Wells and Commissioner Jack Lenox are working with General Codes to update our regulations and ordinances. CDC Hardin asked the Planning and Zoning Commission to note any of the regulations that they would like to see any changes to and along with those changes submit them to him so they could distribute then amongst the committee as they are doing the revisions. Commission Member Wilson said thank you and she could do that.

Clerk of Council Vondell Spencer mentioned to Commissioner Catellier that he will be greatly missed and good luck to him and his family. Commission Member Catellier said thank you very much.

CDC Hardin commented good luck to Commission Member Catellier and his family. Commission Member Scholl said he would be at next month's meeting he's not officially moving until May 1st.

Hearing no further Public Comments, Commission Chair Scholl called for a motion to adjourn the meeting. The motion was made/seconded (Wilson/Kemp) and carried with a vote of 5 Ayes.

Vondell Spencer
Clerk of Council