

Planning & Zoning Commission Meeting
March 21, 2024
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, Vice Mayor Jones, Commission Members: Shawn Johnson, and Commission Member Wilson. Key personnel: Town Mgr. Fleetwood, Planning and Zoning Director Twain Evanson, Code Enforcement Officer Liz Peek and Clerk of Council Vondell Spencer. Guests: Brock Parker, Demetrius Kaouris Rodney Brown, and Jonathan Layton.

Called to Order:

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

Deputy Mayor Lenox acknowledged and welcomed Mr. Jonathan Layton. He said Mr. Layton is the newest appointment from the Delmar, DE side and next month he will be joining the Planning and Zoning Commission.

Approval of Minutes –

A motion was made and seconded (Johnson/Wilson) to approve the February 22, 2024 meeting minutes striking out roll call vote in the motion for every submittal and add carried by a vote, striking and carried from Mr. Brian Sheats motion and adding a sentence the motion did not carry. The motion was made/seconded (Wilson/Johnson) and carried by a vote of 4 Ayes subject to changes.

Old Business –

None.

New Business –

- Brock Parker and Associates c/o Roger Adlon – New Construction Concept Plan (Dunkin Donuts) – 3 Gerald Court, Delmar, DE** – Mr. Parker and Mr. Kaouris presented a conceptual plan as referenced per the attached drawings. Mr. Parker explained they have done quite a few Dunkin Donuts on the Eastern Shore. Mr. Parker described the layout of the design which is in and out on Gerald Court which is a cul-de-sac at the back of the property.

Mr. Parker further explained they do not propose a connect route on Rt.13. He said the entrance will be on the north side of Gerald Court, 2-way traffic where the is parking, and the out would be on the southside of the building. He further described the internal loop, there are two lanes north and two lanes south, but the two lanes that are closer to the building are reserved for the drive-through. On the southside will be the start of the

queuing in the drive-through, and then there is a double stack in the back, then join into one and pick-up the order. The stacking is for 15 cars to insure cars will not be where they are not supposed to be parked.

Mr. Parker stated this being a concept development plan he is showing their intent to connect to both Ashley Furniture as well as Auto Zone, just from an interparcel connective standpoint. However, those connection points are on private property and they really do not have the right to force that issue. So, if they say yes, they will certainly fund that connection. But they would need the permission of the adjacent property owners first.

Mr. Parker did mention Town Mgr. Fleetwood approached Ashley Furniture and received a not so positive response to connecting to their parking lot. He did explain looking at the aerials they have already built that connection to them. Those are not guarantees, those are only demonstrated on their intent to connect.

Mr. Parker said the size of the center is three suites but it will be divided in accordance with who would like to come in and rent. The building will be 8,700 square feet. They are not showing any stormwater as of yet. The overall company development is Regional Stormwater Management System. Mr. Parker further said he is also getting more details from Town Engineer, Josh Taylor and DBF but he is positive the stormwater is provided for them. They may need to supplement some things but they have plenty of green space on the eastside of the building behind the drive-through lanes.

Mr. Parker stated the sewer and water will come off Gerald Court. He explained the concept of the landscaping, color scheme, architecture and elevations which are the newest iteration of Dunkin Donuts which is just two D's without Donuts on the building anymore.

Deputy Mayor Lenox asked Mr. Parker for clarification for the traffic pattern. Mr. Parker explained a car headed north would either turn down Rt.54 and come through behind Wawa and behind McDonalds that would be Gerald Court which would be at the cul-de-sac or they could turn in just north of Wawa or turn in on Thornton Blvd. which is the lane between Verizon and Auto Zone. A car coming south could hit the J channel directly across from Thornton Blvd. or they would go to the light and turn left and come in to one of the two entrances. The customer can exit heading south on Gerald Court or head out on Rt.54 or to Stage Rd. to get to the Rt.54 light or if they were heading south, they could turn north and just make a U-turn just up the road.

Town Mgr. Fleetwood expressed his concerns as far as traffic, and conversations and concerns that were expressed by the elected body MD and DE, and citizens about the intersection at the Wawa area. A conversation ensued including Mr. Parker stating that they will do a traffic study between the concept plan and preliminary plan.

Mr. Parker shared two main issues which are the amount of traffic that Dunkin Donuts brings in and the traffic stacking. He said they have learned from past sites to have a

double drive-through and double stack to store the cars. So, from a stacking standpoint they are well protected there. He further said what they need to analyze is the number of cars waiting to turn onto Rt.54 from Stage Rd. and they are prepared to do that.

Commission Member Wilson commented she doesn't know if it would be a good idea to connect to Ashley Furniture and Auto Zone because they are taking a potential risk of a fender bender and putting it on their property. People visiting Dunkin Donuts on their own parcel is not a bad idea. Mr. Parker responded the inner parcel connector is more so to prevent a shopper from having to go around on a city street then back into Dunkin Donuts.

Commission Member Wilson further commented the only other concern is the entrances and exits notation. She said she does not want people to get confused whether they want to enter Dunkin Donuts or Ashley Furniture because they are pretty close together. Mr. Parker further responded they will have a sign packet. Commission Member Wilson noted for the record that the parking is ample. She questioned the appendage out of the front and asked Mr. Parker if it was a patio. Mr. Parker answered it's landscape. At the back of Suite A is part of the building which is a walk-in cooler.

Deputy Mayor Lenox asked Mr. Parker if he would be providing all the trip generation numbers and all secular issues for review by the town's engineer. Mr. Parker answered yes. He further asked Mr. Parker if direct access is permitted on Rt.13. Mr. Parker further answered no. The purpose of the study is to identify any major impacts they may have on any of the intersections to make it function a little more efficient.

Commission Member Wilson stated she could see Rt.54 across the light, Wawa is on the left, take the left inside the commercial area, and then go straight down to Dunkin Donuts. She said the customers would have the other option of actually turning left onto Rt.13, driving down to Thornton Blvd., and turning left so there is an alternative even for the people coming off of Old Stage Rd. and they could come down Thornton Blvd., and turn right. She said there are multiple entrances but she does see the concern of people just going across, turning left behind Wawa and trying to go straight all the way. Mr. Parker responded the study will analyze different peak hours at different times of the day.

Vice Mayor Jones asked Town Mgr. Fleetwood how the Dunkin Donuts will affect the EDU's. Town Mgr. Fleetwood responded it will not because the majority of Dunkin Donuts or any establishment like that is water out not water in. A conversation ensued.

Deputy Mayor Lenox asked P&Z Director, Twain Evanson, to confirm his understanding that the use is permitted and there are no other zoning or development constraints. Mr. Evanson answered yes.

Deputy Mayor Lenox asked Mr. Kaouris if Dunkin Donuts would own the building. Mr. Kaouris answered yes.

Commission Member Wilson stated she would be in favor and would gladly welcome Dunkin Donuts. Deputy Mayor Lenox noted Delmar does support economic

development and the Planning and Zoning Commission does support Dunkin Donuts. He said there are hurdles in terms of the traffic and checking some boxes with the town's engineers but they wish them well in that effort and they look forward to seeing them back in front of the Planning and Zoning Commission.

2. **Chris Brown/Ryan Homes – New Home Model (Elder) – Stillwater/Elder/Elevations K, L, F** – Mr. Brown presented new home models per the attached drawings. Deputy Mayor Lenox asked Mr. Brown if he knew the approximate square footage. Mr. Brown answered yes, he would refer to Lot 15. The square footage of that lot is basically 2,633.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Models – Stillwater/Elder/Elevations K, L, and F, per the attached drawings. A motion was made/seconded (Jones/Johnson) and carried by a vote of 4 Ayes.

3. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 5, 11701 Silverbell Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted this a corner lot and there is a Hazel next door 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 5, 11701 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Johnson/Wilson) and carried by a vote of 4 Ayes.

4. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Elder/Elevation K – Lot 15, 11727 Silverbell Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there are vacant lots on either side 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/Elder/Elevation K – Lot 15, 11727 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Jones/Johnson) and carried by a vote of 4 Ayes.

5. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 166, 11706 Silverbell Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted this will include a patio 10 by 14, everything appears to be within the setbacks and there is a Hazel and a Cedar on either side

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 166, 11706 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Johnson/Wilson) and carried by a vote of 4 Ayes.

6. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation L – Lot 99, 38346 Stillwater Parkway, Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted this is a corner lot, around the corner is open space and the other side is a Cedar. 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 L – Lot 99, 38346 Stillwater Parkway, Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by a vote of 4 Ayes.

7. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 100, 38342 Stillwater Parkway, Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there is an Aspen on one side and a Hazel on the other. 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/Cedar/Elevation K – Lot 100, 38342 Stillwater Parkway, Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by a vote of 4 Ayes.

8. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 172, 38347 Stillwater Parkway, Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted this was tabled in December as a Hazel and now it is being resubmitted as a Cedar Elevation K. This a corner lot with open space and it's unknown what is going to be on the center circle side and there is a vacant lot on the other side. 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/Cedar/Elevation K – Lot 172, 38347 Stillwater Parkway, Delmar, DE, per the attached drawings. A motion was made/seconded (Johnson/Jones) and carried by a vote of 4 Ayes.

9. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Tupelo/Elevation K – Lot 92, 11893 Yellow Wood Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted the two-car notation needs to actually go with the garage. There is a vacant lot on one side and the other side it's the rear of a Cedar. The Cedar house does not face Yellow Wood Dr. 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/Tupelo/Elevation K – Lot 92, 11893 Yellow Wood Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Johnson) and carried by a vote of 4 Ayes.

Public Comments –

None.

Commission Comments –

Commission Member Wilson commented she told Mr. Evanson she will not be at the meeting next month. She said unless something happens, if she does come back a couple of days before the meeting she will attend. Mr. Evanson responded if not he will email her.

Adjournment –

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

Submitted by:

Vondell Spencer

Clerk of Council