

**Planning & Zoning Commission Meeting**  
**November 18, 2021**  
**MEETING HELD IN-PERSON & VIA TELECONFERENCE**

The regularly scheduled meeting of the Planning & Zoning Commission was held via teleconference. Those in attendance: Commissioner Lenox, Council Member Jones, Commission Members: Beverly Wilson and Rochelle Outten. Key personnel: CDC William Hardin, CEO Liz Peek, and Clerk II Donna Legacy. Guests via Teleconference: Kennedy Wilson and Chris Brown.

**Called o Order:**

Commissioner Lenox called the meeting to order at 7:00 p.m. He conducted a roll call of Commission members to confirm a quorum. A quorum was established with four Commission Members present.

**Approval of Minutes –**

Commissioner Lenox announced they did not have any minutes to approve and the minutes from October will be approved at the December 16, 2021, meeting.

**Old Business –**

1. **Kennedy Wilson (Continuation of October 21, 2021 Agenda Item) – New Business – Milk and Honey – 500 N. Bi-State Blvd., Delmar, DE** – Commissioner Lenox stated he was not present at the October meeting and Council Member Jones is new to the Commission as well, although he was a bit familiar from the Delaware Council meeting.

Ms. Wilson said it appears that it is enough space to allow outside seating and enough space for a handicapped guideline regulation. In reference to the parking out front of the building, she called DelDOT two weeks ago and left a message, however she has not received a call back. At this time just consideration of outdoor seats per CDC Hardin’s recommendation and the parking out front of the building, we will just have to circle back around.

CDC Hardin added the parking out front is a non-issue for the spaces that are marked parallel in front of the building. DelDOT would have to weigh in on that as it’s already been stripped off and parking has taken place. There maybe three or four parallel parking spots in front of the building. The issue for DelDOT is if the drive-up window is to stay in play how that would work because the driver would have to pull to the wrong side of the street to come to the window. So, there is an issue with ingress and egress onto Bi-State Blvd.

Commission Member Wilson asked have the parallel spots been there for a long time. CDC Hardin answered yes. She further asked would the outside seating have any further effect on having vehicles in that close proximity. CDC Hardin answered he measured the width of landscape area bricked off in front of the budding. The width of the street from that bricked off area is wide enough to meet ADA Requirements. Ms. Wilson replied if DelDOT were to say okay or a previous variance would approve parking there even for three cars in her opinion would be a safety barrier. The good thing is the speed limit is pretty low right there. Commission Member Outten responded at this point there are multiple layers and some may be favorable and some may not. Commissioner Lenox commented there are three layers; seating, drive-thru and parking up front.

Commissioner Lenox called for a favorable recommendation to the Mayor and Council for – Outdoor Seating – Milk & Honey – 500 N. Bi-State Blvd., Delmar, DE, per the attached drawings. A motion was made/seconded (Jones/Wilson) and carried by roll call vote 4 Ayes. A motion was made to amend the outdoor seating to include a barrier to the sidewalk and seating area. Also, Chief Barkley has to confirm the parking. A motion was made/seconded (Jones/Wilson) and carried by roll call vote 4 Ayes.

Ms. Wilson withdrew requests for the drive-thru. CDC Hardin suggested some form of a security barrier design be provided that demonstrates how the seating area would be separated from the pedestrian walk for design approval by the Mayor and Council. Ms. Wilson agreed.

Commissioner Lenox asked if the parking was something that Ms. Wilson referred to something that is required through our Code in order for her to do the use that she is requesting. CDC Hardin answered yes. He further asked is that something she has already asked us to do. There was already a reference earlier. CDC Hardin responded it was mentioned but not requested. Commissioner Lenox said so she needs that number of spaces which she doesn't have on her site plan. CDC Hardin replied she needs to request authorization for an off-site additional parking and site wherever it is that she wants additional off lot parking because the lot is separate from the lot of the business and it's in the off-site section. Commissioner Lenox inquired if they needed to know how many spaces, she needed off-site in order to meet the Town's Code. CDC Hardin responded for the businesses she indicated to him, he figured out the number of spaces each business would need to meet the Code requirements. Commission Member Wilson said she thought they had a discussion last month that there was plenty of parking once they remove some of those cars that were not being worked on or that there was ample parking according to Code in the existing parking lot for the property itself. Ms. Wilson replied unfortunately due to regulations they have cleared out a lot of the spaces it's still no up to Code for what's required for that area. Commission Member Wilson asked at any one time did Ms. Wilson foresee the entire parking lot completely filled because of the businesses that are on that location. Ms. Wilson answered yes. CDC Hardin replied she could not count the on-street parking, the requirement is for the off-street parking.

Commission Member Wilson said she was confused because normally they would have resolved this issue before approving the use. CDC Hardin responded actually there are new businesses being taken in that did not exist previously so in order for a business license to be granted they would also have demonstrated that they could meet the parking requirements for that specific business and what Ms. Kennedy did was to give me the square footage of the office space for each business and he was able to calculate how many spaces each one needed. Yes, there may be times when one business wouldn't use all its spaces but there is no way to tell that. CDC Hardin informed the Commission what the regulation said about off-street parking facilities. Commissioner Lenox asked what was the previous use of this particular square footage. Ms. Wilson answered it has been a counselor's office (Delmarva Wellness). He further asked was there a parking requirement for them. CDC Hardin answered the parking requirement wasn't enforced. Commissioner Lenox said before them there was a parking requirement there. If it is comparable in our charts, would it absolutely require new parking. CDC Hardin responded he thought it was a recommendation from the Planning and Zoning Commission to the Council, he cannot make that determination. CDC Hardin explained the location in the Code and the Code to the Commission. Commission Member Outten asked Ms. Wilson if she has spoken to the owner of the strip mall where she would like to have additional off-site parking; have they verbalized that they would agree to that. Ms. Wilson answered yes, we have been investigating this matter and they have had the owner's permission for two years. CDC Hardin added there is a precedent in place for approving the off lot additional parking. The Commission did make that recommendation and it was approved by the Delaware Council, local branch which is the establishment on the west side of the street. Commission Member Wilson recommended Ms. Wilson request a special exception hardship to access the off-site parking when it's necessary. CDC Hardin responded from his understanding it would be for a variance. Commission Member Wilson asked is there any precedence where a business was allowed to use property that they do not own. CDC Hardin replied he is unaware.

Commissioner Lenox called for a favorable recommendation to the Mayor and Council for – Kennedy Wilson (Continuation of October 21, 2021 Agenda Item) – New Business – Milk and Honey – 500 N. Bi-State Blvd., Delmar, DE. The proposed coffee shop would comply with parking requirements provided a written agreement subject to Town standards be submitted to document compliance with the necessary eleven off-site parking spaces. A motion was made/seconded (Wilson/Outten) and carried by roll call vote 4 Ayes.

## **New Business –**

- 1. Dr. Natalie C. Jones/Delmar OB/GYN Women's Health Services – New Sign – Unit #2, 31010 Thornton Blvd., Delmar, DE** – Dr. Jones was not present. The Commission moved forward with this submittal. Commissioner Lenox mentioned this location is across Rt. 13 from its previous location in the shopping center with WaWa. For the

Board to proceed they will need a written authorization from the property owner documenting that Dr. Jones is authorized to make this proposal. CDC Hardin said the sign complies with the Town's standards.

Commissioner Lenox called for a favorable recommendation to the Mayor and Council for – Dr. Natalie C. Jones/Delmar OB/GYN Women's Health Services – New Sign – Unit #2, 31010 Thornton Blvd., Delmar, DE, per the attached drawings. A motion was made/seconded (Outten/Wilson) and carried by roll call vote 4 Ayes.

- 2. Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 388, 9344 Mulligan Way, Delmar, MD** – Representative Chris Brown presented a new home build as referenced per the attached drawings. Commissioner Wilson mentioned this Commission has asked in new developments that the same model home not be built next to each other and they have been very gracious in complying with that. She further mentioned one of the Commission Members makes a statement on one side is a vacant lot and the other is a Ballenger. Commissioner Outten explained historical data for this development. CDC Hardin explained there was a variance granted for Wood Creek.

Commissioner Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 388, 9344 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made /seconded (Outten/Jones) and carried by roll call vote 4 Ayes.

- 3. Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 85, 9421 Rolling Green Drive, Delmar, MD** – Representative Chris Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted for the record, this property has vacant lots on either side.

Commissioner Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 85, 9421 Rolling Green Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Jones/Outten) and carried by roll call vote 4 Ayes.

- 4. Chris Brown/Ryan Homes – New Home Build – Wood Creek/Hudson – Lot 409, 9439 Rolling Green Drive, Delmar, MD** – Representative Chris Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted the properties next to this Hudson are both Allegheny's.

Commissioner Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood

Creek/Hudson – Lot 409, 9439 Rolling Green Drive, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by roll call vote 4 Ayes.

**Public Comments –**

Commission Member Wilson welcomed both Council Member Jones and Commissioner Lenox to the Planning and Zoning Commission and said she looks forward to many long years.

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

Vondell Spencer  
Clerk of Council