

Planning & Zoning Commission Meeting
November 17, 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: Deputy Mayor, Jack Lenox, Vice Mayor Odell Jones, Commission Members: Beverly Wilson and Shawn Johnson. Key personnel: CDC William Hardin, CEO Liz Peek and Clerk II, Donna Legacy. Guests: via teleconference Chris Brown. Absent: Commission Member Rochelle Outten and Clerk of Council Vondell Spencer.

Called to Order:

Deputy Mayor Lenox 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 October 27, 2022 meeting minutes as circulated by roll call vote with 3 Ayes 1 Absent (Outten) 1 Abstain (Johnson).

Old Business –

None.

New Business –

1. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 198, 9383 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted for the record there is a vacant lot on one side and an existing dwelling built by others on the other side. She further noted all the setback requirements appear to be in order.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 198, 9383 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Johnson) and carried by roll call vote of 4 Ayes 1 Absent (Outten).

CEO Peek said a question was posed to her recently by someone that wanted to buy property in Town in order to rent rooms separately in a single family home zoned R2 in Delmar, DE. In the past the precedence has been not to allow the landlords to rent out rooms separately. She further said when she tried to look through two applicable ordinances and the Planning and Zoning Regulations, she did not see anything that stated that was not allowed.

She explained finding Housing Health Standard Ordinances definitions for a rooming house which would be exactly what the gentleman wanted to do. Also, rental license Ordinance #90 also defines rooming house as something under a dwelling unit. However, under the P&Z Regulations there is a definition for rooming house. She asked for clarity in case she is asked the same question again. A conversation ensued.

Deputy Mayor Lenox stated this Commission is in agreeance that renting of individual rooms is not a permitted use in the R2 zone.

CDC Hardin mentioned he was contacted by an architect from the Becker Morgan Group, Jonathan Street, in reference to Ponds Edge Phase 2. He explained when the Commission heard and approved the plans for that build, for the apartment structures, they were going to have separate garages associated with it. The garages presented were normal sized. Of recent, they determined that they were going to have to provide some ADA garages. The ADA garages are going to be 6 feet longer than the normal garages which were the garages that were already approved.

He further explained it will decrease by one or two parking spaces. There were more parking spaces than the minimum required number of parking spaces. The loss will not make them be in a position of not having the adequate number of minimum parking spaces, they are still going to have more than required. CDC Hardin said the question he was asked was what was the procedural requirement for such a change.

CDC Hardin made it clear to Mr. Street normally if approved and something was changed on the approval they would have to go back to the Planning & Zoning Commission to get the changes approved. He informed Mr. Street he would ask the Commission if they think such a change in this case requires an appearance and another approval or whether it can be done administratively. A conversation ensued.

The Planning and Zoning Commission was in agreeance that the garage sizes were not a significant change. This Commission also agreed that this decision can be handled administratively.

CDC Hardin said to the Commission that he hoped they have a very happy and prosperous family Thanksgiving.

Deputy Mayor Lenox said this Commission previously discussed concerns about their zoning map that needed to be updated and maintained. Town Mgr. Fleetwood discussed these concerns with DBf. They have provided him with a draft to try to bring together all the Town activities since the last time it was updated. He further said this is an internal draft that is being reviewed and the Commission will have a real updated zoning map soon suitable for framing. Also, this

Commission, CDC Hardin and CEO Peek will have it in hand so when asked a question they can actually confidently respond to it.

Deputy Mayor Lenox updated the Commission and noted for the record a very informal discussion with Town engineer, Josh Taylor, from Davis, Bowen and Friedel about updating the MD Comprehensive Plan from 2009.

He further noted the DE side has reviewed their Comprehensive Plan in recent years. He suggested the Commission evaluating the MD Comprehensive Plan and see if they need to do any changes or updates not necessarily starting from scratch because there is a real good base there.

Deputy Mayor Lenox said it is helpful that DBf has been at this awhile. Mr. Chris Jakubiak is their consultant. He further said if they reach an agreement on the scope of work at a price it is likely that Mr. Jakubiak would be a sub for DBf. He asked the Commission to please inform him of their thoughts on this matter. A conversation ensued.

Public Comments –

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

Vondell Spencer

Clerk of Council