

Planning & Zoning Commission Meeting
September 22, 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, Council Member Odell Jones, Commission Members: Rochelle Outten and Beverly Wilson. Key personnel: Town Manager Jeff Fleetwood, CDC William Hardin, and Clerk of Council Vondell Spencer. Guests: via teleconference Chris Brown and Tim Glass. Absent: CEO Liz Peek and Shawn Johnson.

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 (Jones/Outten) to approve the August 25, 2022 meeting minutes as circulated by roll call vote with 4 Ayes 1 Absent (Johnson)

Old Business –

None.

New Business –

1. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre/Elevation C – Lot 357, 9335 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted the setback lines look fine. She further noted there is a Ballenger on one side and a Hudson on the other.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Pisa Torre/Elevation C – Lot 357, 9335 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Outten/Jones) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

2. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Columbia/Elevation A – Lot 360, 9329 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted the setback lines are appropriate and in the guidelines. She further noted there is an Alleghany on one side and a Hudson on the other.

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 360, 9329 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Jones/Wilson) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

3. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation K – Lot 379, 9316 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted the setback lines appear to be in order and there are vacant lots on either side of the property.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation K – Lot 379, 9316 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Outten) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

4. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation A – Lot 381, 9320 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted the setback lines are in order. There is a vacant lot on one side and a Columbia on the other.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation A – Lot 381, 9320 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

5. **Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation A – Lot 394, 9356 Mulligan Way, Delmar, MD** – Ms. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted the setback lines are in order. She further noted there is an Allegheny on either side of the property.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners for – Chris Brown/Ryan Homes – New Home Build – Wood Creek/Bramante/Elevation A – Lot 394, 9356 Mulligan Way, Delmar, MD, per the attached drawings. A motion was made/seconded (Wilson/Outten) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

6. **Tim Glass, Lane Engineering/CF Land Holdings, LLC (owner) – Climate Control Self Storage Facility – Sandbar Lane, Delmar, MD** – Mr. Glass presented a new

climate control self-storage facility as referenced per the attached drawings. Deputy Mayor Lenox mentioned this Commission saw this as a concept a few months back.

Mr. Glass explained what changed from before is an expansion. There is a Phase I and Phase II building that they are looking at getting constructed on all three lots on Sandbar Lane. The first building would be on the most two southern lots which are one and two with a 50,000 square foot climate control building. Then a future building lots to be constructed on part of lots two and three will be a 30,000 square foot building.

He further explained the design is what this Commission saw the last time; meaning they have access points for ingress and egress off of Sandbar Lane. He further explained they are proposing putting parking in front of both of those buildings, access walks to the entry doors for plenty of room, striped areas on the lot for folks to be able to offload boxes or wheeled trucks to get items in and out of storage.

Mr. Glass said they have some clearing to do on the lots. The lots are mostly wooded and they want to limit the clearing line of Rt. 13 which will keep as much of that existing vegetation along Rt. 13 in place. This will help buffer between the back of the building and Rt. 13.

He further said as far as utilities they are going to be proposing a small domestic water line and a fire sprinkler line to each of the buildings. There is a small bathroom inside for the patrons, manager, and of course a sewer connection to the sewer main that is on the Rt. 13 side of the property.

Mr. Glass discussed the larger building, which they are proposing 13 spaces, based on one space per 2,000 square foot of gross front area and the north building would be 15 spaces with the same metric. The loading and drop-off areas are ample so folks can get in, back in, pull inside with a trailer or whatever they need to do to get merchandise in and out of the building.

He further discussed storm water management. He spoke with the Town Engineer; Josh Taylor and the stormwater quality management has already been addressed.

He said in accordance with the current regulations from MDE the environmental site is designed to the maximum extent practical and we do hit those numbers proposing microbial retention facilities that will be landscaped. They'll capture the water runoff and also the impervious areas and direct it to the existing storm drainage system that's out in Sandbar Lane.

Mr. Glass further stated there is some landscaping that is proposed along the front of the buildings and some clusters and various species of hardwood. Behind lot one furthest to the south there is an existing cut through there, a gap between the tree line and Rt. 13 that they got some proposed vegetation to be put into that area as well.

Mr. Glass commented his request for tonight would be for a formal recommendation to the MD Council approving the site plan and more specifically to request that they review the plan and the next step also noting the need for a recommendation to the Board of Zoning Appeals for special use. A climate-controlled storage facility in this zone does require a special use exception from the Board of Zoning Appeals.

Deputy Mayor Lenox asked Mr. Glass was the plan listed as a preliminary plan or was he advocating this submittal as a final? Mr. Glass answered we have not gotten any review comments back from the town, so for that reason, it would not be final in my view, but he guessed CDC Hardin could advise on that. He further asked Mr. Glass if he has spoken with CDC Hardin about a special exception and the need for zoning appeals action? Mr. Glass further answered yes.

CDC Hardin explained that use is use permitted by special exception. CDC Hardin asked Mr. Glass if the plans have been submitted to the Fire Marshal's office for review? Mr. Glass answered no they have not been submitted yet. They have everything teed up with whatever the next approval is. He further answered if we get approved to the next step, we would be looking to do that and also get the plans before Wicomico County Roads Control Office for their review as well. CDC Hardin responded to save Mr. Glass a step it is his opinion that he combine the approval for the plans along with the request for special exception from tonight and make it a recommendation from the Mayor and Commissioners.

Deputy Mayor Lenox asked Mr. Glass where he stood with Forest Conservation, with the county? Mr. Glass answered that was already handled through the original subdivision of this whole area.

Commission Member Outten asked if the bathroom facility was a locked facility? Also, how would it be managed? Mr. Glass answered from his understanding it is a small bathroom area. It's a storage facility so people are in and out, it's not a place where people are hanging out or congregating.

He further answered there is an office space inside each of the buildings for an onsite office manager so there is a restroom facility that is primarily for that use. He commented he imagined the patrons could use that as well if they needed to while they were there.

Commission Member Outten mentioned retention ponds. She said one of the retention ponds sits behind the building between the two proposed buildings and are located in the back of the building. If the FD were to have some type of issue reaching the back of the building, there is no access to the back of the building at all.

Mr. Glass responded that he could address that. He said the site plan calls out the building square footage and also the dimensions for instance, the 30,000 square foot building is 139 by 215 for example. According to the NFPA, Fire Prevention Code 1, they are required to have a FD access road to access the front of the building to be able to

get to the building which that entire parking lot and drive-out accomplishes. He further said there is a perimeter access requirement in NFPA1. Mr. Glass read the requirement and both of the buildings meet criteria. He further responded they still have to get the Fire Marshal's approval. Per the code this layout meets the requirements of NFPA1. Commission Member Outten replied thank you.

Mr. Glass mentioned there will have to be a lot line abandonment plat that will be created and approved. He said that will coincide with either of the buildings when they get built. After Phase I they would extinguish the lot line between the lot for Phase I and II. After Phase II they would extinguish the lot lines of lots II and III.

Commission Member Outten commented the conceptual renderings that Mr. Glass has is showing on the back of the building two ingress/egress access man doors. The 3,000 square foot rendering does show two accesses in the back. The other of the larger ones marked I and II is showing three. She further commented she wanted to make sure the larger one will have three. Mr. Glass responded that it is his understanding, that is correct.

He further responded because it is a longer building there likely needs to be an additional exit path from inside to the outside based on travel distance. Commission Member Outten added she does think she saw concrete pads at the access points in the back. Mr. Glass replied there are egress pads on those doors.

Commission Member Outten asked Mr. Glass if they will have security lighting in the back? Mr. Glass answered he does not have that answer yet. He said he would imagine that final site plan they would get a lighting plan and photometric done. He further said he is aware glare is a concern and excess lightning is never a great thing but enough for security is all that is necessary or desired there.

Deputy Mayor Lenox questioned Town Mgr. Fleetwood about a PW Agreement. He asked in a situation like this is it appropriate to list a simple amendment as a condition subject to a PW Agreement. Town Mgr. Fleetwood yes. Deputy Mayor Lenox further asked Mr. Glass when the Fire Marshal looks at it, his understanding is they will focus on the exits, alarm systems, suppression system and actually the access around the building sometimes fall to the local fire service.

Deputy Mayor Lenox mentioned the MD Commission particularly is concerned that the Fire Dept., Shawn Johnson, a part of this Commission has not looked at the plans. It really is a good idea to have the FD take a look at the plans before he goes before the other two boards. Mr. Glass said we will certainly get that going.

Town Mgr. Fleetwood asked when Mr. Glass was going to break ground. Mr. Glass answered he has not heard any specific dates from the developer as of yet. He further asked about the build out time. Mr. Glass further answered because it's a pre-engineered building it's not as complicated so, the build out time of Phase I, roughly about nine months.

Commission Member Outten asked about the pending EDU's. Town Mgr. Fleetwood answered he does not have those numbers. Mr. Glass said he thought because it was one bathroom it would be one EDU.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners regarding the preliminary site plan as proposed subject to three conditions: 1.) The execution of a Public Works Agreement with the Town. 2.) Inclusion of a lighting plan. 3.) Delmar Fire Department site plan review. Also, this Commission recommends favorably to the Board of Zoning Appeals for the required special exception for – Tim Glass, Lane Engineering/CF Land Holdings, LLC (owner) – Climate Controlled Self Storage Facilities in the Community District – Sandbar Lane, Delmar, MD. A motion was made/seconded (Jones/Outten) and carried by roll call vote of 4 Ayes 1 Absent (Johnson).

Public Comments –

Commission Member Wilson thanked Town Mgr. Fleetwood for sending out the WWTP Capacity Management Plan Grid. She said it was very helpful.

Town Mgr. Fleetwood shared there has never been any discussion with anyone about a building moratorium for the next four years in Delmar. He said what is going to continue to happen until finished is all the people on the WWTP Capacity Management Plan, will be coming before DBF Town Engineer Joshua Taylor, CDC Hardin, Municipal Kim Layton and himself. They are trying to ascertain what the developer's real plans are for 2023, 2024, 2025 and 2026. He further said the appropriate Town staff can then phase the realistic plans and then try to slow down and project plans truthfully. He commented, in his opinion, this will carry a lot of weight with MDE. A conversation ensued.

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

Vondell Spencer

Clerk of Council