

Planning & Zoning Commission

September 26, 2019

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on September 26, 2019. In attendance were Chairman Boyan, Commissioner Scholl, Commission Members Catellier, Wilson and Outten, Code Enforcement Officer Peek, Community Development Coordinator Hardin and Clerk of Council Fisher.

Guests: Doug Marshall, Lisa, Kukta, Donald Garraway, Alan Perry, Stacey Hart, Brenda Ruark and Chris Brown.

Call to Order

Chairman Boyan called the meeting to order. The Commission performed the Pledge of Allegiance. He asked anyone who would be addressing the Commission to sign in at the podium and that anyone with a cell phone to either turn it off or put it in silent mode.

Approval of Minutes

Commission Member Wilson made a motion to approve the August, 2019 minutes as circulated. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

New Business

Doug Marshall- Review of engineering drawings for Lee Sar for Bronza Parks Historical Memorial

Mr. Marshall presented the engineering drawings for the placement of Lee Sar. He stated that he would like to move the boat and have it in place within 8 weeks.

CDC Hardin stated that the Town Manager has informed Mr. Marshall that written documentation from the Health Dept. and the Fire Marshal as well as being ADA compliant is still needed. He also said that before going before the Commission for final approval, all written documentation will be needed.

Mr. Marshall said that this all would be taken care of. The written documentation from all agencies are needed before final approval can be given.

Commissioner Scholl made a motion for favorable recommendation to the Maryland Mayor and Commissioners for final approval for the Bronza Parks Historical Memorial located at Heron Ponds, Delmar, MD per the attached documentation with the contingency that all written documentation, inspections and approvals from all State, County and Local agencies as well as the Fire Marshal and Health Department are provided. Commission Member Catellier seconded the motion which passed with 5 ayes and 0 absent.

Mr. Doug Marshall wanted it on the record that approval had been given for people to occupy the boat for overnight stays.

Lisa Kukta- Sign Approval for vinyl lettering in window, a framed sign and an "OPEN" flag at 603 A North Bi-State Blvd, Delmar, DE

Ms. Kukta described her business as a ceramic shop where you paint your own ceramics. She had made the molds and she will be firing up for the glazing. She will also invite local artisans and crafters to come in and sell their creations on commission.

On the door is the lettering of the name of her business and her phone number. Ms. Kukta also stated that she is wanting to put the lettering on the side window. She is not a corner Lot. She is not asking for any external signage on the building but for lettering in the window.

She spoke with the landlord in reference to a free standing sign since the building is set up for 2 businesses, but the landlord told her that it would be her responsibility to install the free standing sign. She is asking for lettering in the large window also since her store front cannot be seen when heading towards Laurel.

CDC Hardin said that it is a matter of interpretation of the sign ordinance 24-6B, that applies to a Lot containing 2 or more businesses. There is no sign actually going on the building but lettering going on a second window. The ordinance states that no more than 50% of the window can be covered with lettering.

Commission Member Catellier stated that since there is no external sign going on the building he would tend to allow this.

When speaking about parking, Ms. Kukta said that when cars are parked in front of her business, the cars block the lettering on the front window.

She is also asking for a flag that states "OPEN". This flag would bring more exposure to her business and would be brought in every evening at close. Commission Member Catellier suggested that before she comes before the Mayor and Council, Ms. Kukta should take a lot more pictures of the building and from different angles.

Ms. Kukta said that she has spoken with the architect, Fred Horn, and Tuesday would be the earliest she would be able to see the plans. The Fire Marshal will not approve the plans because the wall in the middle of the 2 sections needs to be a fire wall. From the drop ceiling to the bottom of the roof is open space. The landlord said that it is her responsibility to build a new wall. She stated that she has been renting the space for over a year and has not been able to be open for business.

Commission Member Wilson made a motion for favorable recommendation to the Delaware Mayor and Council for vinyl lettering, a framed outside sign and an "OPEN" flag for 603 A North Bi-State Blvd., Delmar, DE, per the attached documentation contingent that the window lettering does not take up more than 50% of the space. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

Matt Whalen, Construction of 10' by 15' sunroom at 11665 Buckingham Drive, Delmar, DE

There was no one present to give a presentation.

Donald Garraway- Construction of 24' by 40' garage at 203 Spruce St. Delmar, MD

Mr. Garraway was accompanied by the property owner of 203 Spruce Street. Mr. Garraway said that the garage would be used for storage and there will not be a business operating out of the garage. The garage meets all setbacks. The parcel is both in the County and Town. The County is relinquishing the permitting rights to the Town.

Commission Member Catellier notated that the measurements on the certified site plan were not correct. It showed that the garage would take up .16% of the back yard instead of 16%. The Planning and Zoning Commission is suggesting that Mr. Garraway have the architect make the corrections before he goes before the Maryland Mayor and Commissioners.

Commission Member Outten made a motion for favorable recommendation to the Maryland Mayor and Commissioners for the construction of a 24' by 40' garage at 203 Spruce Street, Delmar, MD with the contingency that the certified site plan be redone to show the correct percentage of space the garage would be taking in the back yard. Commission Member Wilson seconded the motion which passed with 5 ayes and 0 absent.

Alan Perry- Requesting an extension of Final Land Development Plan for Ponds Edge II, Delmar, MD

Mr. Perry informed the Commission that Phase II of Ponds Edge would be adjacent to the existing buildings. They had to resolve some soil issues and had to re-engineer the buildings. With the increasing construction costs and increasing interest rates, they could not proceed as they originally planned. But there is now a budget in place and approval from the bank. They are now waiting for the final bids to come in. He is hoping to start building in January. All the changes that were made will be invisible to the residents except for the type of railing used on the balconies.

Mr. Perry stated that he did not realize that his extension had expired; he thought the extension was for 24 months and not 18 months. His extension was good through May, 2019. When CDC Hardin was asked by the Commission on what they should do and about setting a precedent, he stated that if you strictly stick to the regulations, Mr. Perry would have to present the whole plan all over again from the beginning. CDC Hardin stated that it is purely a technicality on how the wording is in the regulations.

Commission Member Wilson said that she remembers that the Commission sent the Delmar Public Library back to start at the beginning. She thinks Mr. Perry should come back and re-present the project since the extension has expired. Commission Member Catellier stated that he agrees with the point.

CDC Hardin stated that as far as the Regulations are concerned, if at the end of the 18 month extension no building has begun, then the extension will be considered lapse and no effect unless resubmitted and re-approved.

Mr. Perry said that he would withdraw his request and would re-submit everything from the start next month.

Stacy Hart Construction of Building 3 for Delmar Assisted Living Facility at 31091 E. Line Rd., Delmar, MD

Ms. Hart said that the Delmar Assisted Living Facility was annexed into the Town of Delmar a while back. They are now seeking approval for Building 3 which will have the same number of beds as the other 2 buildings. The sewer has been completed and is tied into the Town. She has been working with the Town and DB&F with the number of EDU's needed.

Commission Member Catellier made a motion for favorable recommendation to the Maryland Mayor and Commissioners for the construction of Building 3 at the Delmar Assisted Living Facility located at 31091 E. Line Road, Delmar, MD, per the attached drawings. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

Kenneth Ruark- Placement of a 12' by 18' gazebo at 504 S. Second Street, Delmar, MD

Ms. Donna Ruark informed the Commission that she and her husband's property is large. They were not aware they needed to come before the Planning and Zoning Commission to put up the gazebo.

Commission Member Catellier stated that the certified site pan that was done here is the same architect as in the Garraway request. The gazebo takes up 2% of their property and not .02% as notated on the site plan. Also the existing out-building should reflect that it takes up 4% of the property and not .04% as on the survey. Commission Member Catellier suggested that Ms. Ruark contact the surveyor and have those items corrected prior to the Mayor and Commissioners meeting.

Commission Member Wilson made a motion for a favorable recommendation to the Mayor and Commissioners for the placement of a gazebo at 504 S. Second Street, Delmar, MD, per the attached drawings with the contingency that the 2 items notated to be in error on the site plan be corrected before the Mayor and Commissioners meeting. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes- New Home Build, Pisa Torre, on Lot 134, 30722 Spoonbill Court, Heron Ponds, Delmar, MD

After reviewing the documentation and hearing no comments from the Commission, Commission Member Catellier made a motion for favorable recommendation to the Mayor and Commissioners for the new home build, Pisa Torre, on Lot 134 located at 30722 Spoonbill Court, Heron Ponds, Delmar, MD per the attached drawings.

Commission Member Outten seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes- New Home Build, Roanoke, on Lot 159, 9508 Mourning Dove Way, Heron Ponds, Delmar, MD

After reviewing the documentation and hearing no comments from the Commission, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Commissioners for the new home build, Roanoke, on Lot 159 located at 9508 Mourning Dove Way, Heron Ponds, Delmar, MD per the attached drawings. Commission Member Wilson seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes- New Home Build, Style # 1296, on Lot 143, 38476 Charles Court, Yorkshire Estates, Delmar, DE

After reviewing the documentation and hearing no comments from the Commission, Commission Member Outten made a motion for favorable recommendation to the Mayor and Council for the new home build, Style # 1296, on Lot 143 located at 38476 Charles Court, Yorkshire Estates, Delmar, DE per the attached drawings. Commission Member Catellier seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes- New Home Build, Style # 2203, on Lot 145, 38472 Charles Court, Yorkshire Estates, Delmar, DE

After reviewing the documentation and hearing no comments from the Commission, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for the new home build, Style # 2203, on Lot 145 located at 38472 Charles Court, Yorkshire Estates, Delmar, DE per the attached drawings. Commission Member Catellier seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes- New Home Build, Style # 2203, on Lot 148, 11703 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation and hearing no comments from the Commission, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for the new home build, Style # 2203, on Lot 148 located at 11703 Buckingham Drive Yorkshire Estates, Delmar, DE per the attached drawings. Commission Member Outten seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes- New Home Build, Style # 1296, on Lot 149, 11709 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation and hearing no comments from the Commission, Commission Member Outten made a motion for favorable recommendation to the Mayor and Council for the new home build, Style # 1296, on Lot 149 located at 11709 Buckingham Drive Yorkshire Estates, Delmar, DE per the attached drawings. Commission Member Wilson seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes- New Home Build, Style # 1918, on Lot 182, 11676 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation and hearing no comments from the Commission, Commission Member Catellier made a motion for favorable recommendation to the Mayor and Council for the new home build, Style # 1918, on Lot 182 located at 11676 Buckingham Drive Yorkshire Estates, Delmar, DE per the attached drawings. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes- New Home Build, Style # 1296, on Lot 183, 11682 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation and hearing no comments from the Commission, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for the new home build, Style # 1296, on Lot 183 located at 11682 Buckingham Drive Yorkshire Estates, Delmar, DE per the attached drawings. Commission Member Wilson seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes- New Home Build, Style # 1296, on Lot 185, 11696 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation and hearing no comments from the Commission, Commission Member Catellier made a motion for favorable recommendation to the Mayor and Council for the new home build, Style # 1296, on Lot 185 located at 11696 Buckingham Drive Yorkshire Estates, Delmar, DE per the attached drawings. Commission Member Outten seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes- New Home Build, Style # 1296, on Lot 193, 11734 Buckingham Drive, Yorkshire Estates, Delmar, DE

After reviewing the documentation and hearing no comments from the Commission, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for the new home build, Style # 1296, on Lot 193 located at 11734 Buckingham Drive Yorkshire Estates, Delmar, DE per the attached drawings. Commission Member Catellier seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes- New Home Build, Style # 1280, on Lot 194, 38397 Elizabeth Lane, Yorkshire Estates, Delmar, DE

After reviewing the documentation and hearing no comments from the Commission, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for the new home build, Style # 1280, on Lot 194 located at 38397 Elizabeth Lane Yorkshire Estates, Delmar, DE per the attached drawings. Commissioner Scholl seconded the motion which passed with 5 ayes and 0 absent.

Chris Brown, Ryan Homes- New Home Build, Style # 1280, on Lot 195, 38395 Elizabeth Lane, Yorkshire Estates, Delmar, DE

Commission Member Catellier notated that Lot 194 and this Lot have the same house. He understands that the size of the Lot can only accommodate the same style house.

CDC Hardin said that he believes that both home owners are to be made aware that their neighbors have the same style home. Ryan Homes should be providing documentation to the home owners for their signatures of acknowledgement that they are aware that they and the neighbors will have the same style home.

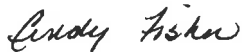
The Commission formally asked for copies of the signed letters of acknowledgement from the property owners of Lots 194 and 195 stating that they are aware that they and their neighbor will have the same style house. Commission Member Catellier said that he would also want a letter from the property owner of Lot 196 since the 2 houses next to theirs will be the same style house.

Commissioner Scholl made a favorable recommendation to the Mayor and Council for the new home build, Style # 1280, on Lot 195 located at 38395 Elizabeth Lane Yorkshire Estates, Delmar, DE per the attached drawings, with the contingency that signed letters of acknowledgement from the 3 property owners discussed be provided with wording that was previously approved by the Council. Commission Member Outten seconded the motion which passed with 5 ayes and 0 absent.

Adjournment

Upon hearing no public comments, a motion for adjournment was made by Commission Member Catellier and was seconded by Commissioner Scholl. The motion passed with 5 ayes and 0 absent

Respectfully submitted,



Cindy Fisher

Clerk of Council