

Planning & Zoning Commission Meeting  
October 24, 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. Commission Members in attendance: Deputy Mayor Lenox, Vice Mayor Jones, and Jonathan Layton. Key Personnel: Town Mgr. Jeff Fleetwood, Town Attorney, Robert Benson, Planning and Zoning Director, Twain Evanson, Code Enforcement Officer, Liz Peek, and Clerk of Council, Vondell Spencer; via teleconference Commission Members Shawn Johnson and Beverly Wilson. Guests: Brock Parker, Candice Peters, Jonathan Porter, Andy Warfield, Mark Murphy, and Delmar Fire Department Deputy Chief, Joshua Joyner.

**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 noted in addition to the three Commission Members present, Commission Members Shawn Johnson and Beverly Wilson were participating fully via teleconference.

Deputy Mayor Lenox announced Vice Mayor Jones has been re-elected as a council member for Delmar, Delaware and he will be in his seat for four more years.

**Approval of Minutes –**

A motion was made and seconded (Jones/Layton) to approve the September 26, 2024 meeting minutes to include an update that was emailed to commission members to clarify attendance from the last meeting. The minutes were approved with a vote of 4 Ayes 1 Abstain (Wilson).

**New Business –**

1. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation L – Lot 109, 38502 Barberry St., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there is a Tupelo on one side and a Spruce on the other. The setbacks appear to be in order.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chirs Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation L – Lot 109, 38502 Barberry St., Delmar, DE, per the attached drawings. A motion was made/seconded (Layton/Wilson) and carried by a vote of 5 Ayes.

2. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 112, TBD, Barberry St., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted this is a corner

lot on Barberrry St. and Center Circle. So, the only adjacent home is a Cedar plan. The setbacks are 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 112, TBD, Barberrry St., Delmar, DE, per the attached drawings. A motion was made/seconded (Jones/Layton) and carried by a vote of 5 Ayes.

3. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 117, 38485 Barberrry St., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there is a vacant lot on one side and a Spruce on the other. The setbacks are 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 K – Lot 117, 38485 Barberrry St., Delmar, DE, per the attached drawings. The motion was made/seconded (Wilson/Johnson) and carried by a vote of 5 Ayes.

4. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 118, 38493 Barberrry St., 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. The setback for the rear is indicated as 26.2 on the grid and it should actually read 35.6. The other setbacks appear to be in order. There was discussion if the patio should be in the rear setback.

Deputy Mayor Lenox called to table – Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 118, 38493 Barberrry St., Delmar, DE, per the attached drawings. The motion was made/seconded (Wilson/Layton) and carried by a vote of 5 Ayes.

5. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Birch/Elevation K – Lot 158, TBD, Sandberrry St., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted this is a corner lot with Sandberrry St. and Center Circle, the only dwelling on its side will be a Spruce, 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/Birch/Elevation K – Lot 158, TBD, Sandberrry St., Delmar, DE, per the attached drawings. A motion was made/seconded (Jones/Johnson) and carried by a vote of 5 Ayes.

6. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 159, 38448 Sandberrry St., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there is a Cedar on one side and a Birch 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/Spruce/Elevation K – Lot 159, 38448 Sandberry St., Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by a vote of 5 Ayes.

7. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 160, 38440 Sandberry St., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there is a vacant lot on one side and a Spruce 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 160, 38440 Sandberry St., Delmar, DE, per the attached drawings. The motion was made/seconded (Wilson/Layton) and carried by a vote of 5 Ayes.

8. **Mark Murphy/CEO Land Development LLC – Final Plan Approval Kildeel Estates Subdivision – Lot 83, Gordy Mill Rd., Delmar, MD** – Mr. Murphy presented a final plan for a subdivision as referenced by the attached drawings. Mr. Murphy stated this is his first time doing a development, he has always done the site work. He further stated he has already completed three subdivisions here in Delmar. Kildeel Estates is abutted up to Heron Ponds and there is no DelDot work it is all Wicomico County for the roads and he has resubmitted for permits for the road work.

Deputy Mayor Lenox stated the disadvantage of the commission is none of the members that are present were on the commission when this plan was approved. He further stated his signature is on the plan recognizing it from several years ago but his associates have never seen the plan. Mr. Murphy said he does intend for Ryan Homes to be the builder. He clarified the builders will be the same as Stillwater in Delmar, DE.

Mr. Murphy stated the same housing as Stillwater will be done, and they are going to do a soil study to see if basements can be offered for some of the homes. He further said he wanted to also research to see if he can have a small pavilion or play area for kids. Mr. Murphy inquired if the commission could put an open area on the plan. Deputy Mayor Lenox suggested Mr. Murphy add the open area. He further suggested Mr. Murphy not interrupt the stormwater and pick the best spot.

Deputy Mayor Lenox informed Mr. Murphy that whichever type of housing Ryan Homes decides to do they will need to submit to this commission up front the designs they are choosing. Then it would be a blanket approval, then when Ryan Homes comes back in with alternate lots the commission can see alternate styles. The commission will not have to go back and review the architecture for each house.

Deputy Mayor Lenox cautioned Mr. Murphy if they did decide to install basements have McCrone review stormwater very carefully because when work begins with basements and elevations start to rise the drainage patterns can be changed. Mr. Murphy responded he would like to put slab on grade and crawlspaces. A discussion occurred.

Commission Member Wilson reiterated the preference would be no two housing styles together. Commission Member Wilson asked where the subdivision fell in the queue for the Wastewater Capacity Management Plan? Deputy Mayor Lenox answered a total of 83 lots and 24 to be built per year, which is just shy of a four-year buildout.

Deputy Mayor Lenox stated this discussion is largely for informational purposes and the commission will require the elevations and housing types for the next step from Ryan Homes to make the process go smoothly. Deputy Mayor Lenox cautioned Mr. Murphy if there are substantial changes to the grades that have already been signed off on the town's engineer would need to review the substantial changes predicated if there are basements in the homes.

Town Mgr. Fleetwood added another key component is the Public Works Agreement has not been executed, and an establishment of an escrow for legal and engineering services. A conversation occurred.

9. **Candice Peters/DMV Exclusives, LLC – Proposal for Cannabis Dispensary – 9315 Ocean Highway, Delmar, MD** – Ms. Peters presented a new dispensary proposal as referenced per the attached drawings. Deputy Mayor Lenox noted that Town Attorney, Bob Benson is in attendance for any questions that will arise. Ms. Peters provided the commission with Maryland's laws for cannabis dispensaries. Deputy Mayor Lenox stated this is not for an approval this is more for compliance.

Ms. Peters introduced herself and stated she would like to put a dispensary at the above address. Ms. Peters and the commission discussed Maryland's regulations, method for choosing a location, use type of regulations, Wicomico County dispensary locations, set hours, state and county taxation, Delaware residents having access to the dispensary, sales, and the possibility for drive-thru.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Commissioners that the referenced application for Candice Peters/DMV Exclusives, LLC – Proposal for Cannabis Dispensary – 9315 Ocean Highway, Delmar, MD complies with the standards of the State of Maryland for a cannabis dispensary. A motion was made/seconded (Layton/Jones) and carried by a vote of 5 Ayes.

Deputy Mayor Lenox acknowledged Deputy Chief of the Delmar Fire Department was in attendance.

#### **Commission Comments –**

There were no commission comments.

**Adjournment –**

Deputy Mayor Lenox called for a motion to adjourn the meeting. The motion was made/seconded (Jones/Layton) and carried by a vote of 5 Ayes.

Submitted by:

Vondell Spencer

Clerk of Council