

Planning & Zoning Commission Meeting  
July 25, 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, and Vice Mayor Jones, Jonathan Layton, Beverly Wilson, and Shawn Johnson. Key Personnel: Planning and Zoning Director Twain Evanson, Code Enforcement Officer Liz Peek and Municipal Clerk Kimberly Layton. Guests: Rodney Brown, Bobby Haney, David Hutt, and Jim Erikson.

**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 said the Clerk of Council, Vondell Spencer was absent and Municipal Clerk, Kimberly Layton was filling in this evening.

**Approval of Minutes –**

A motion was made and seconded (Layton/Jones) to approve the June 20, 2024 meeting minutes as circulated by a vote of 5 Ayes.

**New Business –**

1. **David Hutt, Esq. – Preliminary Plan Approval for Whitetail Run, Subdivision, 225 Single Family Detached Homes – Lot 225, South of the Intersection of Old Stage Rd. & Iron Hill Rd., Delmar, DE.** – Mr. Hutt an attorney from Morris James, LLP representing D.H.D Whitetail LLC, owner of the property, presented a preliminary plan for approval as referenced per the attached drawings. He said Mr. Robert Horsey is a representative of DHD Whitetail LLC, and Project Engineer, Mr. Jim Erikson, with Solutions IPEM.

Mr. Hutt summarized the site plans, and discussed annexation of the property in 2007, location of the property, the several meetings with the town employees and engineer, property size, property details, soils report, Office of State Planning Coordination report findings, the Town of Delmar Comprehensive Plan planned growth area, zoning classification assigned to the proposed property, requirements that are met on the site plans within the code, traffic study conducted by a developer/professional certified Operations Engineer, Betty Tustin and DelDot in 2023, DelDot requirements, utilities for the property, and a public works agreement.

Mr. Robert Horsey discussed his knowledge of the property, wastewater challenges, and the builders for the property which is Ryan Homes. A lengthy discussion occurred.

Mr. Jim Erikson discussed active and open spaces. A lengthy discussion occurred.

Deputy Mayor Lenox said the plans appear to be a concept. Mr. Hutt asked Deputy Mayor Lenox what additional information would take the plans from the conceptual stage. Deputy Mayor Lenox suggested for the town's engineer the site plan should include the lots in terms of housing to show where the houses would be situated, include the general stormwater, road profiles, additional street tree planting. Also, to see what kind of Ryan Homes would be on the lot, driveways, parking, and garages. Deputy Mayor Lenox commented the lots are very small. A lengthy discussion occurred.

Mr. Hutt responded that considerable information had been submitted to town staff, and referenced a large white binder at the podium.

Deputy Mayor Lenox noted that this information had not been shared with the commission.

Town Mgr. Fleetwood provided a possible timeline of two and a half to three years before some resolution from the situation that the town is in as far as capacity and I&I projects/funding. More lengthy discussions occurred.

Commission Member Wilson noted that the 225 single-family homes were not going to be built in a year or two. There is a five-year buildout. A discussion occurred.

Commission Member Wilson stated her take is it complies with the town's Comprehensive Plan, zoning, and it's on the town's end that they cannot start because of waste water limitations. The que is problematic but that is where we are. A discussion occurred.

Deputy Mayor Lenox suggested that this submittal be tabled for the August 22<sup>nd</sup> meeting with the understanding the commission will be able to review all the submitted information, and will have a report from the town's engineer. A motion was made/seconded (Johnson/Jones) and carried by a vote of 5 Ayes.

2. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation L – Lot 83, 11865 Yellowwood Dr., 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 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/Spruce/Elevation L – Lot 83, 11865 Yellowwood Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Jones/Wilson) and carried by a vote of 5 Ayes.

3. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation L – Lot 85, 11871 Yellowwood Dr., 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 vacant lot 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 L – Lot 85, 11871 Yellowwood Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Jones/Wilson) and carried by a vote of 5 Ayes.

4. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 17, 11735 Silverbell Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted a 22 arrow for the front and to the right a 26 arrow. There are Spruces on each side of this Cedar house and the setbacks appear to be in order. The notation for the side lot lines says 16.0 in the written part and 16.7 on the side.

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 17, 11735 Silverbell Dr., Delmar, DE, with a condition that the side and rear setbacks be labeled consistently. A motion was made/seconded (Wilson/Layton) and carried by a vote of 5 Ayes.

5. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Aspen/Elevation K – Lot 19, 11743 Silverbell Dr., 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/Aspen/Elevation K – Lot 19, 11743 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Johnson/Layton) and carried by a vote of 5 Ayes.

6. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 23, 11759 Silverbell Dr., 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 and 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 23, 11759 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Layton) and carried by a vote of 5 Ayes.

7. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Spruce/Elevation K – Lot 149, 11746 Silverbell Dr., 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 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/Spruce/Elevation K – Lot 149, 11746 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Jones/Johnson) and carried by a vote of 5 Ayes.

8. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 151, 11734 Silverbell Dr., 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 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/Cedar/Elevation K – Lot 151, 11734 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Layton/Wilson) and carried by a vote of 5 Ayes.

9. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Dogwood/Elevation K – Lot 153, 11724 Silverbell Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted Mr. Evanson noted the house style has been changed from an Aspen to a Dogwood. This is a corner lot on Silverbell Dr. and Sandberry St.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Dogwood/Elevation K – Lot 153, 11724 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Layton/Johnson) and carried by a vote of 5 Ayes.

**Public Comments –**

None.

**Commission Comments –**

Commission Members Johnson, Layton and Vice Mayor Jones had no comment.

Commission Member Wilson commented she will be attending Planning and Zoning meetings online as far as she is aware for the rest of the year because she will be in Vermont.

**Adjournment –**

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

Submitted by:

Vondell Spencer

Clerk of Council