

Planning & Zoning Commission

April 22, 2010

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on April 22, 2010. In attendance were Chairman Houlihan, Commissioner Anderton, Commission Members Ferro, Boyan, Luffman, Ring, Community Development Coordinator Hardin, and Clerk of Council Fisher. Absent: Commission Member Dixon. Guests: Kevin Gleason, Greg Lines, William Green, Jason Hathway, Doug Marshall, Norma Stewart, and Chris Walter.

Call to Order

Chairman Houlihan called the meeting to order.

He asked that anyone who wishes to address the Commission to sign in. He informed everyone that the function of the Planning and Zoning Commission is to either make favorable or non-favorable recommendations to the Joint Council who has the final decision.

Approval of Minutes

Commission Member Luffman made a motion to approve the March 25, 2010 minutes as circulated. The motion was seconded by Commission Member Boyan and passed with 6 ayes and 1 absent.

Old Business

Full House Poker Parlor- Norma Stewart

Chairman Houlihan reminded everyone that Full House Poker had been given a 6 month temporary business license and is now up for review. He said originally there were two concerns with the Poker Parlor going to the State Street Plaza. One was that of parking and the other was of security. He has not heard anything negative coming from the Delmar Police Department in reference to the security issue.

Chairman Houlihan reported that he has heard about some parking issues, especially with Delmar Pizza. Mrs. Stewart did say that she has spoken with the owners of Delmar Pizza and at no time have they ever told her of any parking concerns. She did say that most of her patrons park close to the Food Lion. Chairman Houlihan said that basically there are no assigned parking spaces in the shopping center.

Mrs. Stewart reported that they are doing very well and there has been a great response to them. They are generating a lot of money for the charities. She said that with the time changing, it is staying lighter longer and most of her patrons aren't getting to the Parlor until 7:00 p.m. They tend to go home and eat, then cut their grass, or do outside work, and then come to them. She asked if the hours of operation could be changed from 6:00 p.m. until midnight to 7:00 p.m. until 1:00 a.m., just during the summer months of Daylight Savings Time. Once that is over they would revert back to 6 pm until midnight.

Commission Member Ring made a motion to approve the business license for Full House Poker in care of Norma Stewart located in the Stateline Plaza, Delmar, DE. Commission Member Boyan seconded the motion which passed with 6 ayes and 1 absent.

Commission Member Ferro made a motion to adjust the business hours for Full House Poker, in care of Norma Stewart in the Stateline Plaza, Delmar, DE. so that in Daylight Savings Time they will operate from 7:00 p.m. until 1:00 a.m. and then after the expiration of Daylight Savings Time, they will revert back to 6:00 p.m. until 12 Midnight. Commission Member Ring seconded the motion which passed with 6 ayes and 1 absent.

After Mrs. Stewart left the building, Mr. Diakos from Delmar Pizza arrived and spoke.

Mr. Diakos spoke about the parking issues concerning Full House Poker and Delmar Pizza. He felt that the parking for the Poker Parlor should be down by Food Lion. He feels like the people who come to play poker come by themselves in cars which take up a lot of room in the parking lot. He said he also has some concerns with the type of individuals that go in and out of the Parlor. He said that he doesn't like the way those people looked. The Commission told him that he was too late to discuss anything with Mrs. Stewart, but they thanked him for his comments.

Jamie Rostocki- Ideas for Casino Complex

Mr. Rostocki gave an update on the outcome of the State of Delaware study and decision on the casinos. He said that the study does show that the State could withstand another 2 casinos, with the suggestions being that they be in the northeast and the southwest sections of the state. He said that the legislation is in limbo right now but they are pretty close to making a decision.

He said that he wanted some general input from the Commission on a plan for the casino complex, both site specific and those of the community.

The casino would basically be 200,000-250,000 sq. ft. and sit in the middle of the complex. He is looking into developing a retail development around it and suggested something like a Home Depot. The Commission was not in favor of a Home Depot since it would not fit with a casino setting. Mr. Rostocki said that possibly close to Rt. 13 would be out-parcels for retail and restaurants. He said that it would not look like the Las Vegas of New Jersey type of casino. An anchor would be located at the rear of the complex. The casino would be situated by Stage Road with woods and burms separating it from the highway.

There was some discussion on widening Old Stage Road to handle the traffic, and possibly having a collector road with a traffic light go through the complex and onto Old Stage and Iron Hill Roads. There was also discussion about having access to the casino off of the feeder road and not off of Route 13.

Chairman Houlihan suggested a hotel with a conference center. This is something that Delmar needs. There was some discussion about having big ticket events there such as car and bike shows.

Mr. Rostocki spoke of possibly sub-dividing the property and separating the casino from the retail. He also spoke about the community impact fees and what he could do with the development that would counteract any negative with the Town.

New Business

Doug Marshall- Building of Two Homes- State Street and N. Memorial Drive

Chairman Houlihan reported that this property had been first brought before the Commission in December of 2005. There is a house currently on lot #2 and the lot has been subdivided into 3 lots. Mr. Marshall is actually the third party that has come before the Commission for approvals for this property. There had been issues and concerns about allowing access off of Lot #1 onto State Street. It had been agreed to put an easement in the rear to serve Lots #1 and 3, but all three lots would have access to the easement.

Mr. Marshall reported that he is submitting building plans for 2 lots and he would like to have consideration in having access off of State Street. Chairman Houlihan reported that the decision not to allow access to State Street was done by a different Commission but was done with the issue of safety in mind. Mr. Marshall felt that it would be easier than having arguments amongst the owners of the three lots with sharing the one easement.

Commissioner Anderton stated that he did not have a problem with it as long as the access is to the west side of the property. Commission Member Boyan stated that if there

is an emergency, a shared driveway could be a disaster. He would prefer having access to State Street. Commission Member Ferro reported that he was one of the original members of Planning and Zoning who voted not allow access onto State Street. He said that traffic usually accelerates in that area even though it is posted at a slower speed. He would be opposed to allowing access to State Street.

Chairman Houlihan stated that he did see both sides of this discussion. He said that maybe, if down the line, issues are created because of the shared driveway, he might be inclined to review this issue, but his vote would be no. Commission Member Ring said he had no problem with this. Commission Member Ferro said that he did not want to grant access to State Street. Commissioner Anderton said that maybe this should go before the Joint Council for their input. Everyone agreed with this.

Chairman Houlihan spoke about the State Street building plan. He said that the house fits within the setbacks including the porch. He also said that the character of the neighborhood would mandate the house be brought forward and into the front setback. In doing this it will create more room in the back of the property. He explained to Mr. Marshall that he will have to come before the Delaware Board of Adjustments.

Commission Member Luffman spoke of the color renditions Mr. Marshall presented to the Commission. They were awesome and that everything looked great with the house.

Commission Member Luffman made a motion for the building plan approval in care of State Street 201, LLC, Lot #1, located at 203 State Street, Delmar, DE, per the attached drawing. Commissioner Anderton seconded the motion which passed with 6 ayes and 1 absent.

Commission Member Ferro made a motion for a favorable recommendation to the Delaware Board of Adjustments for the front variance setback for the building plan in care of State Street 201 LLC, Lot #1 at 203 State Street, Delmar, DE, per the attached drawings. Commission Member Boyan seconded the motion which passed with 6 ayes and 1 absent.

Chairman Houlihan discussed the building plan for Memorial Drive, Lot #3. There was very little discussion, since the house fit within the character of the community and fit within the setbacks.

Commission Member Luffman made a motion for the approval of the building plans in care of State Street 201 LLC., Lot #3 on N. Memorial Drive, Delmar, DE, per the attached drawings. Commission Member Ring seconded the motion which passed with 6 ayes and 1 absent.

Jason Hathway- New Home in Breckenridge

Chairman Houlihan reported that Tempco Builders were the original builders of this development. It has switched hands and has had different developers and different styles of homes since then. He said that the plans presented by Mr. Hathway matches up with what is already in the development.

Commission Member Ferro made a motion to approve the building plans for Keystone Builders, LLC., for Breckenridge, Section 2, Lot #26, in Delmar, MD., per the attached drawing. Commissioner Anderton seconded the motion which passed with 6 ayes and 1 absent.

William Greene- New Sign for 16 N. Pennsylvania Avenue

Mr. Green reported that he rents the property on Pennsylvania Avenue. He is asking for approval for a 2 ft by 10 ft sign, which does fit within the sign ordinance. It will go in the front of the building and will not be illuminated.

Commission Member Ferro made a motion for the approval of a sign for Mr. William Greene for 16 N. Pennsylvania Avenue, Delmar, DE., per the attached drawings. Commission Member Ring seconded the motion which passed with 6 ayes and 1 absent.

Kevin Gleason- Subaru Dealership Sign (Atlantic Lighting and Sign)

Mr. Gleason was present for Atlantic Lighting and Sign who will be doing the installation of the proposed monument sign for the Subaru Dealership. It will be a 10 ft. monument sign that will be located where the 30 ft. pylon sign was for the Saturn Dealership.

Commission Member Ferro made a motion for the approval of the 10 ft. monument sign for Gateway Subaru of Delmar, per the attached drawings. Commission Member Luffman seconded the motion which passed with 6 ayes and 1 absent.

Greg Lines- Gateway Subaru- Renovations of the Building

Mr. Lines discussed the proposed renovations that they are planning for the exterior of the Gateway Subaru of Delmar building. They will be placing metal panels and construct a tower that would be adjacent to the left side of the vestibule that will protrude about 4 ft. from the building. He said that this will be the first signature building design for Gateway.

Commissioner Anderton stated that the medium strip on Winner Boulevard needs to be landscaped. Mr. Lines said that they will contact their landscapers to include it with their plan.

There was conversation about the grassy area of off Rt. 13 and the possibility of placing cars out there. Chairman Houlihan reported that there had been some concerns with the Saturn Dealership first parking cars on the grass, but due to safety issues, they had to remove them. Then they came before this Commission and had asked to be able to pour pads out there for the cars, but the residents of Holly Lake Estates voiced their opposition due to safety concerns with people parking on one side of the road and walking to the other side to see the cars. So the Commission denied that request.

Commissioner Anderton told the Subaru representatives that the Holly Lake Estates residents are not within Delmar Town limits and not really residents of Delmar. He did not feel that the Commission should take their concerns into account. He told the Subaru representatives that if they were to come back before the Planning and Zoning Commission, he feels that they would possibly feel differently about the situation and would be possibly favorable towards letting them put cars on that grassy area. The Subaru representatives asked who maintained that road in front of their dealership. The response was that the road was County maintained.

Commission Member Ferro made a motion for the renovations of the west façade of the Gateway Subaru of Delmar, Delmar, Maryland, per the attached drawings. Commission Member Boyan seconded the motion which passed with 6 ayes and 1 absent.

Public Comments

Chris Walter spoke of the vacant building ordinance. He inquired if all the Commission Members had a chance to review this ordinance. After hearing the response that they had not, he explained that the ordinance dealt with vacant buildings and a time frame in which to do it. Mr. Walter was informed that the Ordinance would first be reviewed by the Joint Council and then if they want to move forward with it, the Ordinance could then be brought back to the Planning and Zoning Commission.

Chairman Houlihan stated that the next meeting will be held on May 27, 2010 at 7:00 p.m.

Adjournment

Commission Member Ferro made a motion for adjournment. The motion was seconded by Commission Member Boyan, which passed with 6 ayes and 1 absent.

Respectfully submitted,

Cindy Fisher

Clerk of Council