

Planning & Zoning Commission

June 18, 2009

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on June 18, 2009. In attendance were Chairman Houlihan, Commissioner Anderton, Commission Members Henderson, Ferro, Dixon, and Boyan, Code Enforcement Officer Bounds, Community Development Coordinator Hardin, and Clerk of Council Fisher. Absent: Joy Slabaugh. Guests: Bryan Adkins, Gary Kern, Jim & Elaine Warlikowski, Mark Thomasson, Jill & Paul Braungart, Tim Bourcier, Dr. Kota Chandra, Brock Parker, Jerry Moskowitz, Della Ford, Pat Roberts, and Peggy Lubner.

Call to Order

Chairman Houlihan called the meeting to order and asked anyone who wished to address the Commission to sign in. He also reported that Commission Member Slabaugh would not be present this evening.

Approval of Minutes

Commissioner Anderton made a motion to approve the May 21, 2009 Planning and Zoning minutes as circulated. Commission Member Ferro seconded the motion which passed with 5 ayes, 1 absent, and 1 abstaining. (Commission Member Dixon was not present at the last meeting.)

Old Business

Tim Bourcier- DB&F Maryland Comprehensive Plan Update

Mr. Bourcier reported that he had a meeting with the County about the Municipal Growth element of the Plan. He reported that the County had very little comments. He said that he had incorporated the input that the Commission had forwarded to Community Development Coordinator Hardin. He will have CDC Hardin review all the changes due to the County's comments and will then forward the Maryland Comprehensive Plan to the State. Once forwarded to the State, they will have a 60 day comment period.

Commission Member Ferro made a motion to accept the Maryland Comprehensive Plan Draft for Delmar, Maryland as prepared by DB&F, as of this date, June 18, 2009. Commission Member Henderson seconded the motion which passed with 6 ayes and 1 absent.

Mark Thomasson- WoodCreek- Review of WoodCreek resident Input Meeting and New Townhouse Plans

Chairman Houlihan reported that Commission Member Henderson does reside in Wood Creek, and while he may participate in discussion, he will abstain from any voting.

Mr. Thomasson reported that the Resident Input Meeting at WoodCreek was held this week and both styles of proposed townhouses were discussed. He stated that he has submitted the second set of plans for the Commission Members and should be in their mail packets. The Commission responded that it was.

Commissioner Anderton reported that he and Commission Member Henderson were at the Input Meeting. He said that the new plans were for 1,200 sq. ft. and 1,400 sq. ft. townhouses. He said that the 1,200 sq. ft. plans were not welcomed by the residents. He also said that personally, he did not favor the 1,200 sq. ft. plans. It is a dramatic change from what is already in the development.

Mr. Thomasson discussed the price-point change. He said in the Input Meeting it was discussed that the starting prices would be \$156,000.00 instead of the \$149,000.00 he reported to the Commission. Commissioner Anderton stated that the bigger style floor plan would fit in better. The current residents bought into WoodCreek under the assumption of what the development would look like based on what has already been approved. Most residents were concerned with the de-valuation of their property. Mr. Thomasson stated that this new style will complement the other style and will intermingle nicely. He said that he has studies that show that the next generation of home buyers will be buying this style and size of home.

Commission Member Henderson reported that these proposed townhouses only have one bathroom. He stated that the resaleability for one-bathroom houses is a lot harder than two-bathroom houses. He said that he is frowning on the one-bathroom plans. There was a lot of discussion on the feasibility of offering one-bathroom homes and having the option to have a second bathroom.

Mr. Thomasson spoke of price points of the products of what people can purchase at this time with the economy as it is today. He said that this is a product that the next generation of buyers will be interested in. He also said that he has demographic studies that show what will be affordable in this area. He stated that if this did not happen then the land would just sit there and nothing will be developed. He said that he, also, is a property owner in WoodCreek and his house might de-value also, not because of the style of home he is proposing, but due to the current economic times.

Commissioner Anderton stated that the Commission did want to work something out with Mr. Thomasson. He asked Mr. Thomasson to provide a copy of the demographic study. He also asked how many homes in WoodCreek currently have only one bathroom. (Audience members all replied that there were no homes with only one bathroom). Mr. Thomasson stated that he did not know, but will research it and get back to the Commission. Commissioner Anderton stated that he did not want to set a precedent with now allowing homes in WoodCreek to only have one bathroom.

Commission Member Henderson asked why, at the Resident Input meeting, another version of the townhouse plans were handed out. Mr. Thomasson stated that his sales people thought it would provide a better sale of the product with a mix of the different styles. Chairman Houlihan asked if Mr. Thomasson could provide color renditions of the proposed townhouses to the Commission, since they are easier to visualize.

Chairman Houlihan stated that while he understands that Mr. Thomasson and PCS Homes are changing the styles of townhouses so they can survive in today's market; he is not comfortable with changing something that has already been approved.

Commission Member Dixon stated that the 1,200 sq. ft. townhouses should not be placed in WoodCreek and it should be regulated on how many 1,200 sq. ft. homes are allowed in any development.

Mr. Thomasson stated that he would be back for the July, 2009 Planning and Zoning meeting with the demographic study, the square footage of the existing homes in WoodCreek along with the total number of homes that have only one bathroom. He will also provide the colored artist renditions of the new villas.

Commission Member Henderson stated that it would be in Mr. Thomasson's best interest to return in July with villa plans that include two bathrooms along with the plans for one bathroom. He said that it would be easier to approve something that is in line with what is already there.

New Business

Dr. Chandra- Retail Development Rt. 13 & Thornton Blvd.

Mr. Brock Parker from Parker & Associates was present with Dr. Chandra and explained the conceptual plan for a shopping center for Rt. 13 and Thornton Blvd. It will be a 10,500 sq. ft. center and the exterior will match the existing buildings in Delmar Commons even though it is not part of that shopping complex. The drawings provided showed the maximum number of shops (10) that would be in the center. The center would have movable partitions that would allow some businesses a larger footprint if so

desired. He discussed the egresses and ingresses to the property both off of Thornton Blvd. and by Sleepy's. He also discussed landscaping, lighting, storm water management and parking concerns.

Chairman Houlihan asked if they could do the same type of façade on all four sides of the building, since the back will be seen by customers of the Delmar Commons. Signage was also discussed and Mr. Parker stated that the pylon sign would be located off of Rt. 13 and does not affect DelDot in any way. The pole lighting would, if possible, be similar to what is being used in Delmar Commons.

Commission Member Dixon made a motion to approve the conceptual plan for Dr. Chandra, for the development of a retail shopping center at the corner of U.S. Rt. 13 North and Thornton Blvd. in Delmar, DE. Commission Member Boyan seconded the motion which passed with 6 ayes and 1 absent.

Bryan Adkins- Atlantic Bay Homes- New Home – 9037 Newbridge Dr, Bridgewood Estates, Delmar, MD.

Mr. Adkins introduced himself and stated that he is doing business as Atlantic Bay Homes and has purchased the property at 9037 Newbridge Dr., Delmar, MD. in a foreclosure sale. The footer will be done by Atlantic Bay Homes with the home being built and delivered by Beracah Homes. The home will come with the first floor finished. Atlantic Homes will complete the second floor, garage, and front porch. The asking price is \$199,900.00. It is in a lease to purchase agreement. The new owners have lived in their rental home for at least 25 years and it looks like they will be approved thru an FHA loan.

Chairman Houlihan reported that the economy has made it so that the previous developers have stopped building new homes. He is thankful that this house has dormers, so that it will look similar to the existing homes in Bridgewood Estates.

Commission Member Ferro made a motion for approval for Atlantic Bay Homes in care of Bryan Adkins for plans for a single family residence located at 9037 Newbridge Drive, Bridgewood Estates, Delmar, MD., per the attached drawings. Commission Member Dixon seconded the motion which passed with 6 ayes and 1 absent.

Public Comments

WoodCreek resident Jerry Moskowitz stated that he has been a resident of Wood Creek for six years. He said that the executives of PCS Homes, who also have residences in WoodCreek, have had their homes up for sale. He also said that about 75% of the residents of WoodCreek are from across the Bay Bridge, and the demographic study that Mr. Thomasson speaks of, does not apply to them since they are not from the Delmar

area. He stated that he knew for a fact that there are not any one-bathroom residences in WoodCreek and that 13,800 sq. ft. is the minimum for a two-bathroom residence.

WoodCreek resident Paul Braugart reported that he was the first homeowner in WoodCreek. He has drawings of all the models offered, and there aren't any with only one bathroom. He said that there are many other issues with this development; one of which is parking. He said that 25-30 % of the homes are rentals and parking is a nightmare. He stated that he would provide the Commission with the model drawings. His wife, Jill, stated that they are not comfortable with this idea of the new style of townhouses.

WoodCreek resident Peggy Luber reported that there are so many things that have been promised, but PCS Homes has not followed through on. She said right now the majority of the residents are disgusted. PCS Homes are only hurting themselves, because the WoodCreek residents really like living in WoodCreek, but because of PCS Homes, they won't recommend anybody to buy a house in there.

WoodCreek resident Pat Roberts reported that PCS Homes has a perception problem, but for the WoodCreek residents, it is a reality problem. They live with these things everyday. They live with doubling the homeowner fees, not properly being notified as far as front footage fees. He said that not all the fees are disclosed at the time of sale. He said the fees are horrible, he loves his home but the hidden fees are a real problem.

WoodCreek resident Della Ford reported that she had planned on retiring in WoodCreek. She loves the design of her home, but it has been a nightmare. She is asking that the Commission not approve these new townhouses. She said that she could not handle another decrease in her property value. She reported that PCS Homes has a poor reputation that goes beyond Delmar. She would like to hold them accountable for all their empty promises. She said that PCS Homes is offering these new townhouses for the first time homebuyer, but wasn't WoodCreek supposed to be a retirement community? She said that with all the hidden fees, first time homebuyers would not be able to afford WoodCreek. She said that they were told that if these new homes were not approved, then the land would just sit there undeveloped. She said that PCS Homes was threatening the Community to approve the new styles. She feels that maybe these homes should not be approved, and maybe then, another developer would come and finish building the last 100 homes. She stated that any new developers could not possibly be worse than PCS Homes.

A member of the audience stated that PCS Homes already has these new styles of townhouses on their website for sale. There was some discussion of the front footage fees that PCS Homes charges the residents along with the Town, who supplies them their

water, also charging front footage fees, along with infrastructure fees. There are also fees for the Pool House and the Clubhouse which are separate fees, but are charged to all even though they do not use the facilities.

Chairman Houlihan stated that the Commission is being very cautious and is trying to do the best that they can.

He stated that the next meeting will be held on Thursday, July 23, 2009 at 7:00 p.m.

Adjournment

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

Cindy Fisher

Clerk of Council