

## ***Planning & Zoning Commission***

**October 15, 2009**

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on October 15, 2009. In attendance were Chairman Houlihan, Commissioner Anderton, Commission Members Henderson, Ferro, Dixon, and Boyan, Community Development Coordinator Hardin and Clerk of Council Fisher. Absent: Commission Member Slabaugh. Guests: Ronald Tarlaian, C. W. Clayton, Howard Dickerson, and John McGuire.

### ***Call to Order***

Chairman Houlihan called the meeting to order.

He asked everyone to sign in if they wanted to address the Commission.

He informed everyone that due to the upcoming Thanksgiving holiday, the November Planning and Zoning meeting will be held on Thursday, November 19, 2009.

He also stated that he has heard nothing from Commission Member Slabaugh in reference to her absence this evening.

### ***Approval of Minutes***

Commission Member Dixon made a motion to approve the September 24, 2009 minutes as circulated. The motion was seconded by Commission Member Henderson and passed with 6 ayes and 1 absent.

### ***New Business***

#### **Full House Poker, Inc.**

C.W. Clayton was present as the manager of Full House Poker, Inc. He is asking for a business license to open a charitable gambling parlor. He reported that currently there are about 6 of these parlors open in the State of Delaware. He will be basically a 3<sup>rd</sup> party management company. They will be licensed through the State of Delaware and will be contacted by the charitable organizations who have permits allowing them to hold an "event" that will be poker playing. They would like to locate in the State Line Plaza and has already spoken with the property owner along with the businesses that are located on either side of them. Everyone he has spoken with has expressed interest and does not have a problem with them locating there.

The State of Delaware only allows them to play cards for six (6) hours and have to be closed no later than midnight. There will be no alcohol served and smoking will not be allowed. If someone comes in already intoxicated, they will not be able to stay and play. A representative of the charitable organization has to be present during the whole event and be present when the money is counted at the end of the night and when the “after event report” is completed. All the dealers will be investigated by the State of Delaware and there have been inquiries from a local police officer in reference to being a dealer.

He continued by stating that they plan on being closed on Sundays and Mondays. He said that the Planning and Zoning Commission could set the hours. The parlor will have 6 tables that sit 10 per table. The maximum amount of dealers that would be needed is 6. They will provide non-alcoholic drinks along with food. Everyone will be carded at the door and everyone will have to have a current ID to get inside. The State of Delaware will only allow an individual to lose \$150.00 per day.

The charitable non-profit organizations ask for a permit from the State of Delaware Gaming Board, who investigates to ensure that they are in fact a non-profit charitable organization. At any one time, the State can issue each organization up to three (3) permits.

Commission Member Dixon said that there seems to be more and more gambling proposals coming before the Commission. He stated that this should be treated as adult entertainment. Even though this meets the Town’s zoning code for commercial business, the code should be more explicit on how to handle these gambling situations.

Chairman Houlihan asked if there were many non-profit charitable organizations that would be interested in holding these poker events. Mr. Clayton responded that as of right now, he has about 40 organizations that are ready for him to open the doors to his business. He also said that he wants to target non-profits in this area. There also was a discussion about advertising of the events. Mr. Clayton said the events will only be advertised if the organizations want them to be.

Mr. Clayton said that nothing in the parlor will be exclusive, as it will be a first-come-first-serve basis as far as the game playing goes. He also said that the Town does not have any ordinance that prohibits charitable gambling.

Chairman Houlihan said that this is something new for the Commission. He sees a lot of gray area in this. He said that the Planning and Zoning Commission only makes recommendations to either the Maryland or Delaware Council. It is up to them to give any final blessings. He asked if Mr. Clayton could return for the Joint Council meeting at

the end of the month to present this proposal to them. Mr. Clayton said that he did not have a problem with returning.

Commission Member Ferro agreed with having Mr. Clayton return for the Joint Council to review his proposal.

Commission Member Henderson reported that he didn't have a problem with this business coming into Town, but he also would like Mr. Clayton to present this in front of the Joint Council.

Commission Member Boyan reported that there is nothing that the Town can do to stop this business from coming into Town. He said that the State of Delaware pretty much maps out what this business can do. He asked about the capacity of the unit.

Mr. Clayton said that there will be a waiting room along with a room that will have six (6) tables and ten (10) chairs and two bathrooms.

Commission Member Boyan state that if there was some sort of security on the premises, then he would not have a problem with this sort of venture.

Commission Member Dixon stated that there is nothing in the zoning code that dictates when they can open. He said that there also is nothing in the zoning code that addresses the proximity to churches, schools, or day cares. He said that this is something that needs to be addressed with another chapter in our zoning code. He also felt that the Town should put in a moratorium on any gambling issues. He did say that he will not be voting on this issue since he is a member of a non-profit organization.

Chairman Houlihan stated that most members on the Commission are members of a non-profit organization.

Resident Howard Dickerson asked if only non-profits would be the only type of groups that the Parlor House will work with. Mr. Clayton responded that the Delaware Gaming Board has regulated who the poker house will do business with, and that is with non-profits in the State of Delaware.

Commission Henderson made a motion for approval for a business license for Full House Poker Parlor, in care of Norma Stewart and C. W. Clayton, for the opening of a charity gaming facility in the State Line Plaza, Suite M, Delmar, DE. Commission Member Boyan seconded the motion, which did not pass with 2 ayes, 1 abstaining, and 3 nays.

Commissioner Anderton stated that the reason he voted against the Parlor was that he had concerns with how security would be handled as well as parking issues.

Chairman Houlihan encouraged Mr. Clayton to return to the Joint Council meeting on the 26<sup>th</sup> of October at 7:00 p.m.

*Old Business*

**Ronald Tarlaian- Bridgewood Estates- Open Space**

Mr. Tarlaian was present with this concept to sell open space in Bridgewood Estates.

He reported that he has added all the square footage of the open lots in the development and it equals 15% of all the common land. If this particular tract of open space is removed, the amount of open space will be reduced to 14.3 %. He said that this land is of no use to the Association and they want to sell it to purchase playground equipment for another open space tract that is more suitable for a playground.

Chairman Houlihan reported that the last time Mr. Tarlaian was here, there was some discussion that the Town would find out the amount of open space that was required on the plat for this development. He reported that he had not been able to find out that amount, due to the Engineers not responding to the Town's request in a timely manner. He did say that when this development was given final approval it was required to have 15% open space. The Developers were required to have this much open space in their plans.

Chairman Houlihan informed Mr. Tarlaian that this request had been discussed with the Mayor and Commissioners at the Joint Council and the consensus was that they did not want to decrease the amount of open space in this or any other development. He said that he did understand why the Association would want to make this change. He also said that if the Commission allows this development to make any changes to their open space, it would open the flood gates for all other developers. Commission Ferro stated that he would like to see the open space remain the same. Commission Henderson said that this Commission is pushing for more open space.

Mr. Tarlaian reported that the Homeowners Association does have a pending lawsuit with the developer of Bridgewood Estates, since they have not been co-operative in anything to do with the development. The Association took over on October of last year. Nothing has been done out there as far as improvements are concerned. Commissioner Anderton said that the Town should still be holding the bond and maybe it can be used for paving in the development.

Mr. Tarlaian thanked the Commission for their time and told them that they will leave everything as is for now.

Commission Member Boyan made a motion to deny the request to subdivide open space in the Bridgewood Estates Subdivision for Ronald C. Tarlaian. That motion was seconded by Commission Member Ferro and passed with 6 ayes and 1 absent.

***Public Comments***

Resident Howard Dickerson said that he does not want the Poker Parlor to be allowed to operate in the State Line Plaza, as it is not a good image for Delmar.

Resident John McGuire stated that the Poker Parlor would be fine to move forward with since there is nothing in the books that would prohibit it.

Commissioner Anderton reported that there was an article in Howard's Blog that was worth mentioning. The Delmar Planning and Zoning Commission have been meeting jointly for the past 35 years, this month. At that time, the terms of office were 5 years.

***Adjournment***

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

Respectfully submitted,

*Cindy Fisher*

*Clerk of Council*