

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

**November 19, 2009**

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on November 19, 2009. In attendance were Chairman Houlihan, Commissioner Anderton, Commission Members Henderson, and Dixon, Community Development Coordinator Hardin and Clerk of Council Fisher. Absent: Commission Members Slabaugh, Ferro and Boyan. Guests: Howard Dickerson, Alan Perry, John Justice, Dr. Chandra, Michael Harpool.

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

Chairman Houlihan called the meeting to order.

Chairman Houlihan asked everyone to sign in that wanted to address the Commission. He reported that Commission Member Boyan had an event at Salisbury University this evening that he had to attend and would not be here. He also reported that due to health concerns, Commission Member Ferro also would not be here this evening. He has heard nothing from Commission Member Slabaugh, but the Commission did have a quorum.

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

Commission Member Henderson made a motion to accept the October 15, 2009 Planning and Zoning Commission minutes as circulated. Commission Member Dixon seconded the motion, which passed with 4 ayes and 3 absent.

### ***New Business***

#### **Michael Harpool- 11 Spruce Street- Handicap Ramp**

Michael Harpool was present and had provided the Commission Members with drawings along with the layout of his proposed handicap ramp.

The Commission reviewed the plans and Chairman Houlihan commented that the presentation was very well done. He also commented that this was brought before the Commission because of the encroachment of the setbacks. The plans do not show that the ramp will go over the setbacks, but it is close.

Commissioner Anderton made a motion to approve the installation of a handicap ramp, in care of Mr. Michael Harpool of 11 Spruce Street, Delmar, Maryland, per the attached drawing. Commission Member Dixon seconded the motion, which passed with 4 ayes and 3 absent.

*Old Business*

**Parker & Associates /Dr. Chandra. Proposed 10 Unit Strip Mall**

Mr. John Justice was present for Parker & Associates and stated that Dr. Chandra's proposed strip mall will be located on the north side of Sleepy's and will have the same exterior as Delmar Commons. They are currently waiting for comments from DB&F. The only change that he thought might need to happen would be to narrow the sidewalk for easier maneuvering of vehicles. Dr. Chandra provided the Commission with a color rendition of the proposed strip mall.

Chairman Houlihan stated that the plans show more parking spaces than what the zoning code requires.

There was some conversation in reference to signage. Commissioner Anderton stated that this sign would be right up against Rt. 13 and will get a lot of exposure. He stated that he would like to see a monument sign for that mall instead of the proposed pylon sign. He said that it would need to be no more than 10 ft. high to keep in line with the sign ordinance. Dr. Chandra expressed that he wanted a pylon sign that would be able to contain the names of all the stores within the mall. Chairman Houlihan stated that since the doctor's office has been built, the sign ordinance has changed.

Dr. Chandra said that he would like to break ground in the next 3-4 weeks before the ground freezes. Chairman Houlihan applauded Dr. Chandra for going forward with this project in this economy. Dr. Chandra stated that he would also like to expand his medical facility to include doctors from other areas.

Chairman Houlihan stated that the Planning and Zoning Commission makes recommendations to the Joint Council, either on the Maryland or Delaware side. For this preliminary plat approval, the Joint Council has to review his plan, before that approval can be granted. This will be presented to the Joint Council on Monday, November 30, 2009. He said that possibly a final plat approval could be given at the next Planning and Zoning meeting. He asked if they could attend the Joint Council meeting, so that any questions that arise could be answered. They stated that they could attend the meeting.

Vice Chairman Houlihan said that this would be on the December Planning and Zoning agenda for possibly both the preliminary and final plat approval. He also noted that there is a pylon sign in the plat that was presented to the Commission this evening. That would have to be changed to reflect a monument sign. He asked if those changes could possibly

be done before the Joint Council meeting on Monday. Mr. Justice said that it could be done.

### **Alan Perry- Re-Landscaping of Pond's Edge**

Developer Alan Perry stated that there had been a joint venture with another developer with Pond's Edge. Pond's Edge Associates have not been happy with how things had been going, so now he has taken over the development of the project.

Mr. Perry said that while doing some additional landscaping of the property, it was brought to his attention that the current landscaping did not conform to what had been originally planned. Mr. Perry thought that instead of changing all the landscaping to what it should have been, he is here tonight to see if the Commission will approve the way he has enhanced the landscaping.

He said that in his efforts to redo the landscaping, he plans on installing gazebos with landscaping around them. He also would like to put in a sign in the flower bed at the entrance. It would be a wooden sign that would have a black background with gold lettering and would be lit at ground level.

There was some discussion about the back of the development. Mr. Perry reported that it is heavily wooded and the forest comes up to about 40 ft. from the back of the buildings. He said that there still needs to be foundation plantings around most of the buildings.

Vice Mayor Houlihan reported that he had driven through the development and stated that the development is well maintained and the existing landscaping looks very nice. Mr. Perry said that the Associates have hired a third maintenance man just to keep up with the landscaping. If approved, he will start planting the proposed trees right away. The rest of the planting will be done in the spring, along with the fountains for the ponds, which he has already ordered.

Commission Member Dixon made a motion for the approval of the revised landscaping plan, dated 11-12-09 for Pond's Edge Development, Delmar, Maryland, per the attached drawing. Commissioner Anderton seconded the motion which passed with 4 ayes and 3 absent.

Commission Member Henderson made a motion for approval for Pond's Edge Apartment Homes' entrance sign, per the attached drawing dated 08-10-09. Commissioner Anderton seconded the motion which passed with 4 ayes and 3 absent.

### **Commission Comments**

Chairman Houlihan reported that due to the upcoming holidays, the December Planning and Zoning Commission meeting date will be changed to Thursday, December 17, 2009 at 7:00 p.m.

### **Public Comments**

Resident Howard Dickerson asked about why Mr. Harpool had to present his plan for a handicap ramp to the Commission. Chairman Houlihan responded that it was due to the encroachment of the setbacks.

Resident Dickerson also asked if he could have live chickens in his backyard. Chairman Houlihan responded that there is an ordinance that prohibits livestock in the Town's limits.

### **Adjournment**

Commission Member Dixon made a motion for adjournment. The motion was seconded by Commission Member Henderson. The motion passed with 4 ayes and 3 absent.

Respectfully submitted,

*Cindy Fisher*