

Planning & Zoning Commission

January 21, 2010

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on January 21, 2010. In attendance were Chairman Houlihan, Commissioner Anderton, Commission Members Ferro, Dixon, and Boyan, Community Development Coordinator Hardin and Clerk of Council Fisher. Absent: Commission Member Slabaugh. Guests: Sharon Levadnuk, Brock Parker, C.W. Clayton, Dr. Chandra, and Chris Walter.

Call to Order

Chairman Houlihan called the meeting to order.

He wished everyone a Happy New Year and hoped everyone had a nice holiday.

Approval of Minutes

Commission Member Henderson made a motion to accept the December, 2009 minutes as circulated. Commission Member Dixon seconded the motion which passed with 6 ayes and 1 absent.

Chairman Houlihan stated that Commission Member Henderson will be leaving the Planning and Zoning Commission. He has been appointed to fill the chair of a Maryland Commissioner who has left. Chairman Houlihan wished Commission Member Henderson the best of luck and stated that he will be a great asset to the Mayor and Commissioners just as he has been with the Planning and Zoning Commission. He thanked him for all his help.

New Business

Ordinance # 155- Amend Zoning Code to allow Casinos by Special Exception

There was some discussion from Commission Member Dixon that he felt the Special Exception should be ONLY in the Highway Regional Zone. He is afraid that casinos would be able to locate anywhere in Delmar, if the language is not stronger in this Ordinance. Community Development Coordinator Hardin said that if inserting the word "ONLY" changes the intent of the language of the Ordinance, it would have to go back before the attorney for his review.

Commission Member Dixon made a motion to accept the recommendation of Ordinance # 155 to amend the zoning code to allow casinos by special exception with the change in

the first paragraph to state, "...the special exception is ONLY allowed in a highway regional commercial district." Commissioner Anderton seconded the motion which passed with 5 ayes and 2 absent.

Ordinance # 156- Amend Zoning Ordinance to Reduce the Number of Board of Adjustment Members

Chairman Houlihan reported that the reason for this change back to the way it used to be is that it is very hard to get resident members to serve on commissions or boards. Commission Member Ferro expressed concern that the Zoning Code is being changed because there are not enough volunteers interested in serving on the commissions. Chairman Houlihan said that he is comfortable with it going back to having three members. He did say as the Town grows, this issue could be revisited.

Commission Member Dixon made a motion for the recommendation of Ordinance # 156 to reduce the number of board members for the Delaware Board of Adjustments from five to three. Commission Member Boyan seconded the motion which passed with 3 ayes, 1 nay and Commissioner Anderton abstaining since it is a Delaware issue and he is a Maryland Commissioner.

Old Business

Dr-Chandrasekhara/Parker & Assoc. - Proposed 10 unit Shopping Center

Dr. Chandra and Brock Parker from Parker & Assoc. were present for the proposed 10 unit shopping center in Delmar, Delaware next to the Sleepy's building.

Chairman Houlihan reported that they had missed the December meeting and their last appearance was in November. This project was presented to the Mayor and Council for their comments which were the addition of Stop Signs and the north side landscaping changes to remove the Crepe Myrtles. The plans do reflect those changes and the Crepe Myrtles have been replaced with rose bushes because of a visibility concern. Chairman Houlihan stated that there seems to be some changes to the building. Mr. Parker reported that the changes are the relief on the front of the building along with the walls staggering a little to try and break up the long concrete wall. He said another change is that they decided on a 31 ft. wide drive aisle in front. He continued by reporting that asphalt will be put directly in the back of the building and the only real outstanding issue are the meter pits.

Dr. Chandra reported that it may not be entirely a medical professional building. He said that some of his prospects have backed out. He thinks that once an anchor business gets started, other businesses will come on board.

Chairman Houlihan reported that after looking at them, he is happy with the plans. Dr. Chandra reported that he is currently working on the color scheme and that it would be different than Sleepy's but the awnings will be black. Commissioner Anderton and Commission Member Dixon stated that they wanted to see a color rendition of the building. Dr. Chandra asked if the final plat approval is given tonight, could they get a building permit and start the building. Chairman Houlihan stated that the building is on hold for another month and that they need to provide a color rendition of the building for the February meeting.

Mr. Parker reported that the dumpster will be in the back and enclosed with blocks that will be the same color as the building. Chairman Houlihan said that the Commission would need more information about the building. There was some discussion about the lighting on the building and Commission Member Dixon asked about specifics for the light packs. Mr. Parker stated that they would be the same as the building next door. Commission Member Dixon stated that the plan does not state that. He stated that he felt they should come back next month with a more detailed site and building plan.

Vice Mayor Houlihan did reference a set of plans that were provided to the Commission only about an hour ago, and that wasn't enough time for the Commission to review them prior to this meeting.

Dr. Chandra stated that he would return next month with a more detailed site plan along with a color rendition of the building. Chairman Houlihan stated that no motion would be made this evening.

Lou Alberti- House Plans- Hastings Property

Chairman Houlihan reported that Mr. Alberti had contacted him earlier in the week and informed him that he would not be present this evening but he requested that his item still be presented to the Commission. Chairman Houlihan briefly reviewed what has happened so far. He said that there is an existing house on Lot #1 facing State Street. Mr. Alberti had presented a house plan for Lot # 2, which the Commission was not happy with. This new plan showed a two-story house with windows on the side on the second floor and a front porch, which was asked of him. He also reported that Mr. Alberti is aware that if this house plan is approved, he will still have to go before the Delaware Board of Adjustments for the variance for the front setback. Chairman Houlihan said that he and Commissioner Anderton did travel to the site.

Chairman Houlihan reported that the Commission is fine with the house off of State Street. He reported that the design that Mr. Alberti offered for Lot # 3 facing N. Maryland Ave. will not work. He said that there are not many homes in the area to

compare it to. He said that the majority of the conversation at the last meeting was in reference to the house on State Street.

Commission Member Dixon made a motion for approval of the house plan for Mr. Lou Alberti, for Lot # 2 designated as on the corner of State Street and N. Maryland Ave., Delmar, DE. per attachment # 1. Commission Member Boyan seconded the motion which passed with 5 ayes and 2 absent.

Commission Member Dixon made a motion for a favorable recommendation to the Delaware Board of Adjustments for the variance for the front setback for Mr. Lou Alberti for the Lot # 2 house plans submitted on the corner of State Street and N. Maryland Ave., Delmar, DE. per attachment # 1. Commissioner Anderton seconded the motion which passed with 5 ayes and 2 absent.

Chairman Houlihan reported that the Commission will table the house plan that was submitted for Lot # 3. He asked for some direction from the Commission on how to direct Mr. Alberti in making the house plan for Lot # 3 more workable. Commission Member Dixon stated that he remembers conversations about having dormers, and a front stoop, which was defined as “masonry constructed front step with a covered entry”. They do not want “deck steps” on the house. Chairman Houlihan said that he would review this with Mr. Alberti and have him come back to the February meeting.

Full House Poker Parlor, Inc. - C.W. Clayton- Sign Permit

Mr. Clayton was present for Full House Poker. He reviewed the information that he provided for the mail packets. He said the sign would have a white background with black lettering and fluorescent lighting in the background. He provided two renderings of the types of painted signs he was interested in putting on the glass panes of the doors. The Commission agreed that they liked the rendering on the left.

Mr. Clayton said that the windows would remain frosted for privacy and security measures. He reported that the curtains that they had hanging were not approved by the Fire Marshal, so they came down. He also said that the Council had a major concern with the parking situation. He did a parking survey and reported that at the most, there were 7 parking spaces left empty, while they were open. They usually order between 8-10 pizzas every night they are open from Delmar Pizza. They have been opened on an average of four nights a week.

Commission Member Dixon reported that he had heard some great things about the business and the games. Mr. Clayton thanked him for saying that and said that they do want to be community involved. He said that they will be installing a vending machine in

the business and all the proceeds from the machine will be going to the Delmar High School. They also employ 8 part-time people.

Chairman Houlihan inquired as to the gentleman who came with them to the last meeting from 'I GOT GAME' and their request for a building sign for him. Chairman Houlihan stated that the Commission had thought it really should have gone before the landlord first. Mr. Clayton said that it really is a mute point since the sign ordinance only allows one sign per business.

Commission Member Dixon made a motion for sign approval for Full House Poker Parlor, Inc. located in the State Line Plaza, Unit 2, Delmar, DE., for the building sign per the submittal and the window sign that was located on the left of the drawing attachment # 1. Commission Member Boyan seconded the motion which passed with 5 ayes and 2 absent.

Public Comments

Property owner Chris Walter reported that he is the owner of 10 Pennsylvania Ave., Delmar, DE. He and his wife are interested in having an architectural salvage store in the building that he owns. He said that through all his years in construction, he has accumulated many items, some old and some new. He will continue to have that building available for leasing, but until then he just wants to keep the space open and alive. He does have people looking at the space, but he wants something to fill in the gap. He said that he has already had conversations with the Thrift Store and he will not be selling anything that is in conflict with them. He will be selling building supplies, tools, columns, mantels, etc. He said that it will only be temporary. He has already spoken with both the Code Enforcement Officer along with Chairman Houlihan who told him to come here this evening.

Commission Member Boyan reported that there was such a store in Pittsburgh that is a high end designer showroom. Commissioner Anderton suggested that Mr. Walter come before the Joint Council on Monday night. The consensus of the Commission was that they were in favor of this idea on a temporary basis.

Chairman Houlihan concluded the meeting by reporting that the next meeting would be held on Thursday, February 18, 2010.

Adjournment

Commission Member Ferro made a motion for adjournment. The motion was seconded by Commissioner Anderton. The motion passed with 5 ayes and 2 absent.

Respectfully submitted,

Cindy Fisher

Clerk of Council