

Planning & Zoning Commission

February 18, 2010

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on February 18, 2010. In attendance were Chairman Houlihan, Commissioner Anderton, Commission Members Henderson, Ferro, Dixon, Luffman and Ring, and Community Development Coordinator Hardin. Absent: Commission Member Boyan and Clerk of Council Fisher. Guests: Sharon Levadnuk, Brock Parker, Kota Chandra, and Lou Alberti.

Call to Order

Chairman Houlihan called the meeting to order.

He asked that if anyone wants to address the Commission to sign in at the podium. He noted that Clerk of Council Cindy Fisher could not attend this evening's meeting due to some family matters she had to attend to. He did say that the recorder is on and everything is being recorded for the minutes.

Chairman Houlihan said that Joy Slabaugh, a previous Commission Member has given her resignation. He read it for the record. He commented on the good job that she did for the Commission while she was here. He introduced the two new members of the Commission as Tom Luffman and David Ring and welcomed them aboard.

He also commented that Commission Member Boyan had contacted him and he would not be here this evening due to a production at the University that he had to attend.

Approval of Minutes

Commissioner Anderton made a motion to approve the January, 2010 as circulated. Commission Member Dixon seconded the motion which passed with 4 ayes and 1 absent and 2 abstaining (Commission Members Luffman and Ring, who were not present at the last meeting).

Old Business

Parker & Assoc.- Dr. Chandra- Comp. Development plan for 10 Unit Shopping Center

Mr. Brock Parker reported that they had been in front of the Commission last month and there had been some concerns with the elevations. The elevations were submitted a little late and they did not have color. He stated that they have provided color elevations, along with the elevation of the sign. He did say that there is a last minute revision to the site

plan itself. It is the removal of the connection to the shopping center next to it. When they were first doing a walk-thru of the site they met with Mr. Whittig and he agreed that they could tie into his shopping center next door. There had been conversations about if an easement existed. After research, no easement could be found. They had asked Mr. Whittig for something in writing that stated he would allow the tie in from their shopping center to his. Mr. Whittig said that the tenant that they are proposing in their shop conflicts with one of his tenants, and he must decline allowing them to tie into his shopping center.

Commissioner Anderton said that in the approvals for the Delmar Commons shopping mall, they were supposed to interconnect. Dr. Chandra reported that Town Engineer Mr. Freidel told him that also. Mr. Parker said that they looked for any recordation of easements and could not find any. In the revision of the plan, they put a curve across that drive. They haven't changed any of the grades and have not changed any of their ability to tie in. He said that it was their intention to tie in and it's really unfortunate that the rug was pulled out from them at the last minute. Chairman Houlihan said that this might be something that our Town Attorney could respond to. Both he and Commissioner Anderton spoke of the final plats for both Delmar Commons and Sleepy's. They will investigate to see what the plats show as tie-ins.

Commissioner Anderton spoke of the "ribbons" of darker brick around the building. He said that they would like that the "ribbons" go all the way around the building to be consistent with the buildings next to it. The way the sides of the building looks is the way the back of the building should look.

Chairman Houlihan said that he liked the color scheme and design of the building, along with the lighting and landscaping. He said that the Planning and Zoning Commission could make comments on the tie-in issue concerning Mr. Whittig with the Delaware Council, but he thinks the Town Engineer and Town Attorney should also be made aware of this concern. Dr. Chandra said that he didn't want to make a really big deal about this since they will be neighbors.

Commission Member Ferro made a motion for preliminary plat approval for Delmar Square, US 13 North, Delmar, Delaware with attachment # 1, the building elevation, and the east elevation, west elevation, north elevation and south elevation will all marry together, the landscaping plan and the approval of the lighting plan. Commission Member Dixon seconded the motion which passed with 6 ayes and 1 absent.

Commission Member Dixon made a motion for final plat approval for Delmar Square, US 13 North, Delmar, Delaware with attachment #1, the building elevation and the north elevation, the south elevation, east elevation and west elevation will all marry together,

the landscaping plan and the lighting plan. Commission Member Luffman seconded the motion which passed with 6 ayes and 1 absent.

Community Development Coordinator Hardin spoke on behalf of the Code Enforcement Office and asked that Dr. Chandra's plan being approved; could it be put on the record for the Town to issue a building permit for this project.

Commission Member Dixon made a motion for Delmar Square, US 13 North, Delmar, Delaware, approval to obtain a building permit for this project. Commissioner Anderton seconded the motion which passed with 6 ayes and 1 absent.

Chairman Houlihan addressed the sign plan that Delmar Square provided for consideration. Chairman Houlihan said that he thought that the plan looked a little generic. Dr. Chandra replied that he was making the sign look like that of the others in the area. Chairman Houlihan spoke of computer type renditions of signs that he feels gives the Commission a better feel on what the sign would actually look like and not a hand drawing as was provided for this project. The Commission reported that the sign plan presented does not live up to the beauty of the building. There was some discussion about lighting for the sign and the comparison to the McDonald's and Sleepy's signs. Chairman Houlihan said that the Commission will give Dr. Chandra some direction on his sign. Mr. Parker said that he and Dr. Chandra would be back in a few months with a better prepared sign package.

Public Comments

Lou Alberti apologized for not being able to attend last month's meeting. He said that he is trying to get a clear understanding of what he needed to do and why he needed to go before the Delaware Board of Adjustments for Lot #2. He said that he was under the impression that approval from the Planning and Zoning Commission was all the authority he needed for his setback requests. Chairman Houlihan informed him that the Delmar Planning and Zoning Commission did not have that authority. The Commission can only make a favorable or non-favorable recommendation for the petitioner to the Delaware Board of Adjustments. Chairman Houlihan said that he would be available at the meeting also for any comments.

Mr. Alberti reported that the paperwork he provided to the Commission stated that the "Commission" has the authority to grant setback requests. He also commented that he has made a few "tweaks" to his design of the house that they approved. Commissioner Anderton instructed Mr. Alberti, that when he has the final drawing of the placement of the house on Lot #2, he will need to make it available to the Delaware Board of Adjustments.

Resident Sharon Levadnuk asked for some clarification on what will be happening at Monday's Joint Council meeting for the casino. She said that she was not sure since she had not seen anything published in the papers. Chairman Houlihan said that Planning and Zoning Commission is no longer involved in the casino discussion. There will be a Public Hearing about the zoning code amendment. Mrs. Levadnuk said that she has not seen anything published in reference to the Public Hearing. Chairman Houlihan said that legally the Town has to advertise it in a paper of general circulation, that being The Daily Times.

Vice Mayor Houlihan concluded the meeting by reporting that their next meeting would be held Thursday, March, 25, 2010 at 7:00 p.m.

Adjournment

Commission Member Ferro made a motion for adjournment. Commission Member Ring seconded the motion which passed with 6 ayes and 1 absent.

Respectfully submitted,

Cindy Fisher

Clerk of Council