

PLANNING & ZONING MEETING

JANUARY 16, 2020

ATTENDEES: David Chillas, Chair
Morris Deputy, Town Manager
Frank Bailey, Fire Chief
Gene Bloemker
Donald Dibert
Joe Pontak
Gretchen Rachko
Charles Roberts
Craig Sherman
Scott Unruh

AGENDA:

- 1. 29 Haggis Road – Conditional Use Permit request for a home office selling firearms and accessories using catalogs and business website, in an R-1B zoned area. Items purchased will be shipped to the home office and distributed to individual clients once all background checks have been verified. CU-01-20. Tax Parcel No. 23-045.00-119.**
- 2. 202 E. Cochran Street – Preliminary Major Land Development Plan for the Middletown YMCA, a proposed 65,920+/- square-foot building, with associated parking, sidewalks, sewer and water connections. Tax Parcel No. 23-009.00-249.**

1. 29 Haggis Road – Conditional Use Permit request for a home office selling firearms and accessories using catalogs and business website, in an R-1B zoned area. Items purchased will be shipped to the home office and distributed to individual clients once all background checks have been verified. CU-01-20. Tax Parcel No. 23-045.00-119.

Hector Sanchez requested Conditional Use approval for a home office to sell firearms and accessories. Mr. Sanchez said clients would be by appointment, view the catalog or website and make a purchase. Weapons will not be stored at the residence. When the order arrives, he will contact the purchaser to pick it up.

Gretchen Rachko questioned whether or not the business conforms with the Zoning Code since it is not specifically listed as a permitted use under Conditional Uses. She asked what accessories would be sold, if the residence has a security system and if the residents in St. Anne's were notified.

Mr. Sanchez said the neighbors he talked to had no objections to his business. Accessories would include scopes, fiber optics, etc., but no ammunition will be sold. The home has a security system with 8 video cameras.

Don Dibert said he doesn't oppose a gun store in general, but does oppose one in a residential neighborhood.

Joe Pontak said he is concerned that it is in a residential neighborhood also, and would rather see it in a store front.

Scott Unruh asked if a gun sales business is required to be a certain distance from schools – the Charter School is nearby.

Gene Bloemker asked Mr. Sanchez if he had a license to sell firearms.

Mr. Sanchez said he has to obtain zoning approval before he will be issued a license.

Morris Deputy commented that the code does have flexibility and allows neighborhood and specialty retail. The Solicitor's opinion can be obtained if the Commission desires.

Joe Pontak made the motion to recommend Mayor and Council approve 29 Haggis Road, Conditional Use Permit request for a home office selling firearms and accessories using catalogs and business website in an R-1B zoned area. Items purchased will be shipped to the home office and distributed to individual clients once all background checks have been verified. CU-01-20.

Craig Sherman said he would second the motion but would like to see the attorney's opinion. (The motion was not voted on.)

Discussion followed on permitted uses and categories stated in the code. Everyone basically agreed that the code does not clearly state that the sale of firearms is allowed.

Morris Deputy said assuming that it is agreed that the use falls under the neighborhood retail/specialty store category, it would be permitted. The code regulates signs, parking, what percentage of the home can be used, etc.; it doesn't say what is not permitted.

Chip Roberts said if a motion is to deny it, he feels the Commission is not upholding the zoning code if it's permitted under conditional uses.

After the discussion, it was decided to table the Conditional Use Permit until the attorney's opinion is received. A new motion was then made.

Moved by Donald Dibert and seconded by Joe Pontak to table 29 Haggis Road, Conditional Use Permit request for a home office selling firearms and accessories using catalogs and business website in an R-1B zoned area until an official opinion is received from the Town Solicitor. CU-01-29. Motion Carried Unanimously.

Morris Deputy said he will obtain an opinion from the Town Solicitor and email the Solicitor's opinion to the Commission members. The Conditional Use Request will be tabled until the February 20th Planning and Zoning meeting. It will be presented to Mayor and Council after the February meeting.

2. 202 E. Cochran Street – Preliminary Major Land Development Plan for the Middletown YMCA, a proposed 65,920+/- square-foot building, with associated parking, sidewalks, sewer and water connections. Tax Parcel No. 23-009.00-249.

Steve Gorski with Duffield Associates and Chris Ryan with the YMCA presented the plan.

- The Y will be located on E. Cochran Street, just east of Silver Lake Elementary School, on the Town's Silver Lake Park parcel. The parcel will be leased to the YMCA.
- A 65,000+/- square-foot, two-story facility will be constructed. Total height is about 30 feet.
- Approximately 400 parking spaces are proposed; 220 are required. The parking area will also be used by Little League, Soccer, etc.
- Two small Stormwater Management areas are proposed: one off Cochran Street near the school and one south of the parking lot.
- The water and sewer connection is currently in the design stage.
- Evergreen screening will be provided between the residential property and the Y, on both the east and south side.

Chris Ryan thanked Mayor and Council and Morris Deputy for their efforts to make the project a reality.

- A full facility with all the amenities including a gymnasium, track, an indoor lap pool and separate family pool, full fitness center, a spin room, and multiple group exercise rooms are proposed. The Y will continue to maintain the outdoor swimming pool.
- Outdoor play areas and a splash pad with water features will be designed to connect to the outdoor swimming pool.
- To serve the youth in the area, a complete line of rooms will be set up for inter-generational programs for infants to teenagers. The Y is making a special effort to better serve the 7th, 8th and 9th grade teens in the area. A science, technology and arts room is also proposed.
- A membership of 20,000 is anticipated within 3 to 5 years.
- Financial assistance will be available or those in need.
- This is the first Y to be built since the Glasgow Y in 2006.

Frank Bailey asked if the Town will continue to own the land.

Morris Deputy said the Town owns the land; the Y will have a 60-year lease, with a 40-year renewal.

Frank Bailey questioned the parking availability, especially on opening day of Little League, and expressed concern with the removal of the tennis courts and track field.

Morris Deputy said the parking lot is over-sized to accommodate the Y and to make more parking available for the activities at the park.

The Y will replace the tennis courts and track field with other sports amenities, as recommended by Council -- Pickle ball is popular; the tennis courts apparently don't get a lot of use.

Craig Sherman asked if the parking lot would be open all the time and if a traffic survey was done. He asked if the existing paths to Lakeside and Middletown Crossing would remain.

Chris Ryan said the parking lot will be open to the community; it will not be gated or locked. The parking is about double the amount per code. Mr. Ryan said the connecting paths would remain.

Steve Gorski said DelDOT does not require a traffic survey because it's more than two blocks away from a state road. They will be required to contribute to the Eastown Traffic Improvement District.

Joe Pontak expressed concern with the facility creating additional traffic on Main Street in the morning when the schools are open. Main Street backs up now with all the school traffic in the morning and afternoon.

Frank Bailey said the Bear YMCA is extremely busy between 5 and 7 a.m.

Morris Deputy added that DelDOT regulates what intersections are studied. An overall traffic study was done and each business pays a fee and contributes to the improvements needed in the area. E. Cochran Street is a Town street and will be extended. If the Commission has a concern with possible congestion in the area, off 299, it can recommend Council consider working with the Town's engineer to analyze local intersections, out of DelDOT's network.

Current planned improvements include extending Cochran Street around to the proposed parking lot; Green Street will be extended to the road behind the Walgreen's to a round-about on Dickenson Blvd. Another street (Library Avenue) will come off 299 to the library, and connect to Cochran Street. The intersection at Catherine and 299 will be improved, and the new street for the library will provide another right-in/right-out on Main Street.

Moved by Joe Pontak and seconded by Craig Sherman to recommend Mayor and Council approve 202 E. Cochran Street, Preliminary Major Land Development Plan for the Middletown YMCA, a proposed 65,930+/- square-foot building with associated parking, sidewalks, sewer and water connections. It is also suggested that Council consider having the Town's engineers analyze the local intersections in the area to help alleviate backups and improve traffic flow. Tax Parcel No. 23-009.00-249.

Scott Unruh voted in favor of the motion but opposes a traffic study because improvements are already planned. Motion Carried Unanimously.

Joe Pontak asked how much a traffic study would cost and if it would be the Y's responsibility. He said he lives on Main Street and witnesses the congestion at Silver Lake School every morning. It might be better to look into the concerns now instead of after the fact.

Morris Deputy said the Town would first meet with the engineer and develop the scope of the project – but it could cost \$30-to-\$40,000. The cost would be negotiated with the Y. A meeting between the school, Y and the Town to discuss the traffic and key time concerns could possibly address those issues now, before everything is built and ready to open.

Chris Ryan said they have adjusted their programs in other locations for those types of issues. Sometimes the facility opens later and also crossing guards have been provided to help with traffic control at peak times.

Moved by Charles Roberts and seconded by Donald Dibert to adjourn. Motion Carried.

We believe these minutes accurately reflect what transpired; however, we will appreciate comments involving a different understanding of what occurred. Unless we are notified in writing to the contrary within 10 days after receipt, we will assume all I attendance concur with the accuracy of this transcription.

Respectfully Submitted,

Morris Deputy, Town Manager

Ry: 1/29/20
Cc: Mayor and Council
Planning and Zoning Members
All Attendees
Duffield Associates