

The Mayor and Council of Middletown

General Administration

19 W. Green Street
Middletown, DE 19709



PLANNING AND ZONING MEETING

JULY 29, 2019

(Rescheduled from July 18, 2019)

ATTENDEES: Morris Deputy, Town Manager
Frank Bailey, Fire Chief
Gene Bloemker
David Chillas
Kim Clay
Robert Hutchison
Charles Roberts
Craig Sherman
Scott Unruh

- AGENDA:**
1. 108 Patriot Drive, Suite C – Conditional Use Permit request for a glass company (Cochran Glass of Middletown) to locate in an M-I zoned area. The warehouse will be used to store inventory, custom cut glass and build storefront frames. Location will also provide services and retail. CU-09-19. Tax Parcel 23-041.00-005.
 2. Preserve at Deep Creek – Record Plan Amendment – The recorded plans included a 2,500+/- square-foot building, patio area, tot lot, multi-purpose court and associated parking improvements proposed in the vicinity of Tywyn Drive and Wallasey Drive on Swansea Drive in the Preserve at Deep Creek. The amended plans propose a 3,212+/- square-foot clubhouse building, a 450+/- square-foot equipment building, a 450+/- square-foot storage building, a swimming pool and splash area, pavilion and patio area, courts, playground and associated vehicular and bicycle parking facilities. Tax Parcel No. 23-044.00-373.
 3. Review Ordinance 19-07-01 for the annexation of lands located at 1999 Middle Neck Road, owned by Richard Money, located along the northeasterly side of Middle Neck Road. Tax Parcel Number 13-026.00-042.

A quorum was not present at the July 18, 2019 Planning and Zoning meeting; all business was continued to a follow-up meeting scheduled July 29, 2019.

1. 108 Patriot Drive, Suite C – Conditional Use Permit request for a glass company (Cochran Glass of Middletown) to locate in an M-I zoned area. The warehouse will be used to store inventory, custom cut glass and build storefront frames. Location will also provide services and retail. CU-09-19. Tax Parcel 23-041.00-005.

John Cochran requested approval to relocate his glass business from 116 Sleepy Hollow Drive to 108 Patriot Drive. The business is increasing and a larger space is needed.

Moved by Robert Hutchison and seconded by Charles Roberts to recommend Mayor and Council approve 108 Patriot Drive, Suite C – Conditional Use Permit request for Cochran Glass of Middletown to locate in an M-I zoned area. The warehouse will also provide services and retail. CU-09-19. Motion Carried Unanimously.

2. Preserve at Deep Creek – Record Plan Amendment – The recorded plans included a 2,500+/- square-foot building, patio area, tot lot, multi-purpose court and associated parking improvements proposed in the vicinity of Tywyn Drive and Wallasey Drive on Swansea Drive in the Preserve at Deep Creek. The amended plans propose a 3,212+/- square-foot clubhouse building, a 450+/- square-foot equipment building, a 450+/- square-foot storage building, a swimming pool and splash area, pavilion and patio area, courts, playground and associated vehicular and bicycle parking facilities. Tax Parcel No. 23-044.00-373.

Chris Flathers with Morris Ritchie Associates presented the Amended Plan.

- In April, 2019, the improvements plan for The Legacy, the age-restricted portion of the development, was presented and approved. This facility will be open to all residents in the community, both age-restricted and non-age-restricted.
- The clubhouse, pavilion and patio are larger than previously proposed, the parking lot has been improved for better circulation, and all amenities have been upgraded.
- The location for the amenities has not changed. The open space area is the same.
- Parking complies with the Town's parking code.
- One additional change is that a dog park will be provided in lieu of a multi-purpose court.

Robby Hutchison questioned the size of the pool and if it was large enough to for the development. Mr. Flathers said the pool is 30' x 50' – approximately 1500 sq. ft.

Moved by Robert Hutchison and seconded by Charles Roberts to recommend Mayor and Council approve the Preserve at Deep Creek – Record Plan Amendment proposing a 3,212+/- square-foot clubhouse building, a 450+/- square-foot equipment building, a 450+/- square-foot storage building, swimming pool and splash area, pavilion and patio area, courts, playground, associated vehicular and bicycle parking facilities, and the addition of a dog park. Motion Carried Unanimously.

3. Review Ordinance 19-07-01 for the annexation of lands located at 1999 Middle Neck Road, owned by Richard Money, located along the northeasterly side of Middle Neck Road. Tax Parcel Number 13-026.00-042.

Rick Woodin requested approval to annex 115+/- acres owned by Richard P. Money at 1999 Middle Neck Road, located on the northeasterly corner of Middle Neck and Warwick Road. The rear of the property backs up to DelDOT's wetlands mitigation area; the Puglisi Egg Farm is north of the property.

- The 2012 Comprehensive Plan identified the property as a future annexation area.
- An age-restricted community is proposed with 186 units, featuring single-family attached and detached homes.
- No multi-family units are proposed.

Dave Chillas asked if the two ten-acre parcels are to be included with this annexation.

Mr. Woodin said those parcels are not part of the Comprehensive Plan's Future Annexation Map at this time. Those parcels will require going through the State PLUS process to be annexed.

Morris Deputy said the Comp Plan has to be amended to include those lots in the growth area.

Frank Bailey asked where access to the development would be located.

Mr. Woodin said he believes DelDOT will prefer the access off Middle Neck Road and that will be determined after meeting with them.

Mr. Woodin added that purchasers for the homes would be required to sign an agreement that they are aware the Puglisi egg farm is located down the road and understand the nuisances that might occur from such an operation.

Robby Hutchison asked if the site would utilize the stormwater area constructed by DelDOT.

Mr. Woodin said he wasn't sure that pond was designed to handle this development but he will have that discussion with DelDOT.

Morris Deputy requested the Planning and Zoning Commission state the reason for their vote because the item is an annexation request.

Moved by Robert Hutchison and seconded by Gene Bloemker to recommend Mayor and Council approve Ordinance 19-07-01 for the annexation of lands located at 1999 Middle Neck Road, owned by Richard Money, located along the northeasterly side of Middle Neck Road, Tax Parcel No. 13-026.00-042.

Kim Clay: I vote yes because the parcel is in the Comprehensive Plan's growth area.

Scott Unruh: I vote yes because the parcel is in the Comprehensive Plan's growth area.

Gene Bloemker: I vote yes because the parcel is in the Comprehensive Plan's growth area.

David Chillas: I vote yes because it's in the Comprehensive Plan's growth area.

Donald Dibert: I vote yes because it's in the Comprehensive Plan's growth area.

Robert Hutchison: I vote yes because it's in the Comprehensive Plan and squares off the west entrance into town.

Charles Roberts: I vote yes because it's part of the annexation area in the Comprehensive Plan.

Craig Sherman: I vote yes per the Comprehensive Plan.

Motion Carried Unanimously 8 to 0.

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 in attendance concur with the accuracy of this transcription.

Respectfully Submitted,



Morris Deputy, Town Manager

Ry: 7/31/19
Cc: Mayor and Council
P & Z Members
Duffield Associates
All Attendees