

PLANNING & ZONING MEETING

AUGUST 15, 2024

ATTENDEES: David Chillas, Chairman
James Taylor, Engineer
Frank Bailey, Fire chief
Chuck McCausland
Joe Pontak
Gretchen Rachko
Chip Roberts
Keith Thompson

AGENDA:

1. 117 Patriot Drive, Unit C – Conditional Use Permit request for a cheerleading facility (Supreme Loyalty Cheer) in an M-I zoned area. The facility will teach recreational cheerleading to ages 3 to 18. CU-25-24. Tax Parcel No. 23-041.00-020.

Thomas Smalls, Director of Supreme Loyalty Cheer, requested approval to open a cheerleading program at 117 Patriot Drive, Unit C. Recreational cheer will be taught to girls between the ages 3 to 18. The space is currently occupied by a gym that will be leaving in about 3 weeks.

Joe Pontak asked if it is just a “drop-off” situation.
Mr. Smalls said it is a “drop and go” business.

Moved by Keith Thompson and seconded by Charles Roberts to recommend Mayor and Council approve 117 Patriot Drive, Unit C, Conditional Use Permit request for a cheerleading facility (Supreme Loyalty Cheer) in an M-I zoned area. The facility will teach recreational cheerleading to ages 3 to 18. CU-25-24. Motion Carried Unanimously.

2. 108 Patriot Drive, Suite F, Conditional Use Permit request for an energy efficiency company (Franklin Energy Services LLC) in an M-I zoned area. The space will be used for offices and warehouse storage of energy efficiency products such as LED light bulbs, shower heads, air purifiers and power strips. CU-26-24. Tax Parcel No. 23-041.00-005.

Chris Matthew, Program Implementor for the Energize Delaware Program based in Dover, with the Delaware Sustainable Energy utility, said the company would like to relocate the office to Middletown at 108 Patriot Drive, Suite F. The company provides home energy assessments and provides LED light bulbs and shower heads on behalf of the utility to help residents lower their utility bills. In addition, rebates for weatherization, HVAC replacements, etc., are provided. Light bulbs, shower heads, weather stripping, etc., will be stored in the warehouse.

Gretchen Rachko asked if any hazardous material would be stored in the warehouse. Mr. Matthew said no hazardous material will be stored.

Moved by Joe Pontak and seconded by Chuck McCausland to recommend Mayor and Council approve 108 Patriot Drive, Suite F Conditional Use Permit request for an energy efficiency company (Franklin Energy Services LLC) in an M-I zoned area. The space will be used for offices and warehouse storage of energy efficiency products such as LED light bulbs, shower heads, air purifiers and power strips. CU-26-24. Motion Carried Unanimously.

3. 116 Sleepy Hollow Drive, Unit 4 – Conditional Use Permit request for a flooring company (United Flooring, Inc.) to sell, receive and store flooring products in an M-I zoned area. CU-27-24. Tax Parcel No. 23-041.00-015.

Ingrid Reyes explained the business is currently located at 128 Patriot Drive, Unit 5, and would like to relocate to a larger space at 116 Sleepy Hollow Drive. Flooring products will be stored and sold from the location.

Joe Pontak asked what products would be sold and if any hazardous material such as refinishing products will be stored on-site.

Ms. Reyes said luxury vinyl planks, wood, quarter-round, tile, moldings, etc. will be sold. No hazardous material will be stored.

Moved by Chuck McCausland and seconded by Gretchen Rachko to recommend Mayor and Council approve 116 Sleepy Hollow Drive, Unit 4, Conditional Use Permit request for a flooring company (United Floors, Inc.) to sell, receive and store flooring products in an M-I zoned area. CU-27-24. Motion Carried Unanimously.

4. Dove Run Centre – Lots A & B – Minor Subdivision Plan to convey the developed portions of the Lot B property to Lot A for financial purposes. There is no development associated with this plan. Tax Parcel Nos. 23-025.00-029 and 23-025.00-084.

Mark Russo with Vandemark & Lynch Engineers, represented Dove Run Associates, LLC and Middlecap Associates, LLC. The following was presented.

- The Preliminary Minor Subdivision Plan is for the sole purpose of conveying the developed areas within the Lot B portion of the property to Lot A.
- No development is being proposed with this application.
- The conveyed areas include the daycare center, Friendly's and Hardee's Restaurants along with their associated parking, and a portion of Dove Run Centre Drive.
- The total site area of the shopping center is 33.38 acres and the area of conveyance from Lot B to Lot A is approximately 3.69 acres.

Joe Pontak asked for clarification on the request.

James Taylor with Verdantas, the Town's consulting engineers, explained the following:

- The property is already two separate parcels and the request is to reconfigure the lot line.
- Everything that has been developed will be on one parcel; everything remaining to be developed is on a separate parcel.
- The lot lines are being changed for financial purposes; the area for Lot A will increase and the lot area for Lot B will decrease.

Keith Thompson asked if there are any future plans to develop Lot B.

Mr. Russo said he was informed that there is no plan at this time to develop Lot B. Gretchen Rachko indicated apartments were proposed about a year ago. Joe Pontak asked what the outcome was for that plan.

Mr. Taylor said that plan is unrelated at this time; only the minor subdivision plan presented is under review tonight.

Joe Pontak stated this plan could change the plans previously approved.

Mr. Taylor said the apartment plan was not approved or recorded – there is no active plan for the site except the Minor Subdivision Plan.

Moved by Joe Pontak and seconded by Keith Thompson to recommend Mayor and Council approve Dove Run Centre – Lots A & B, Minor Subdivision Plan to convey the developed portions of the Lot B property to Lot A for financial purposes. There is no development associated with this plan. Tax Parcel Nos. 23-025.00-029 and 23-025.00-084. Motion Carried Unanimously.

5. 7, 11, 15 & 19 E. Main Street – Minor Land Development Plan for three (3) buildings with 14 apartment units and 2,600 square-feet of commercial space, with on-site parking, accessways and stormwater management. Site acreage is 0.59 acres in a C-2 zoned area. Tax Parcel Nos. 23-006.00-247, 23-006.00-248; 23-006.00-249 and 23-006.00-250.

Ron Sutton with CEA Engineering, presented the Minor Land Development Plan. There are three existing buildings on four existing parcels.

- The first part of the project proposes to renovate 7 E. Main Street and add a small addition in the back.
 - ✚ This building will house two, 3-bedroom apartments and one, 2-bedroom apartment.
 - ✚ 864 square-feet of retail space is proposed on the first floor.
- The second part is to renovate 11 E. Main Street for two apartments. This portion of the project will be done later.
- The third part is to demo the existing building that sits on two parcels, and construct a new, four-story building with nine apartments and 3,000 square-feet of commercial on the first floor.
- A parking lot will be constructed in the back with 30 parking spaces (2 handicap spaces). Parking required for the apartments is two off-street spaces per apartment for a total of 28 required spaces; 30 are proposed.
- The commercial aspect requires an additional 14 parking spaces. A parking plan is included with the submission that shows the required parking can be achieved with on-street parking around the facility.
- Stormwater management will be handled under the parking lot, with adequate capacity to satisfy the requirements.

Chuck McCausland questioned the availability of 8 spaces proposed on Anderson and 8 on Main Street. He said at 6 p.m. this evening the parking spaces were already taken by existing residents, and most of the spaces on E. Main were taken. He asked how 16 more vehicles would be accommodated when no spaces are available now.

Mr. Sutton stated two off-street parking spaces for each apartment have been provided, as required. The code allows a parking plan which shows the availability of parking – parking is first come, first served on the streets. Most of the retail or commercial activity would happen during the day. The code does not allow shared parking for different uses in this zone.

Keith Thompson asked if the parking lot spaces would be dedicated to the apartments.

Mr. Sutton said in the parking lot, yes.

Joe Pontak questioned that the retail customers would not be allowed to use the parking lot at all. Mr. Sutton said he didn't know how they could control the retail customers from using the parking lot. The off-street parking is required for the apartments and on-street parking is provided for residents shopping at the retail stores. The public parking lots are also available.

Frank Bailey questioned the location of the new proposed building and asked if the parking lot on the east side would remain.

Mr. Sutton indicated the new building would replace the building across from the gas station. 19 E. Main borders the parking lot that belongs to the doctor's office at 23 E. Main Street; it will remain.

Chief Bailey asked if any calculations were done for a fire truck to make a turn onto the fire Lane from Anderson Street considering the size of the truck and tail swing. The fire lane is big enough by code, but can the truck make it off Anderson Street into the fire lane.

Mr. Sutton said a 24' lane and the radius required coming off Anderson Street meets the Fire Marshal's requirement. He said no calculation is required.

Joe Pontak said he likes the look, but Chief Bailey is 100% correct that a fire truck cannot make the turn.

Sutton said DelDOT's code for subdivision streets requires 22' of pavement with two feet of curbing on each side which provides 26', which is supposed to be adequate for parking on both sides of the street and room for a fire truck.

Chief Bailey said if vehicles are parked on both sides of Anderson Street the truck will not make the turn - either the entrance should be wider or the parking restricted.

Pontak noted cars will also be parking on the street before the entrance to the parking lot. He said he lives a block off Anderson Street and the street is usually packed.

Sutton questioned why the fire trucks wouldn't go to the front of the buildings.

Bailey said probably about 9 trucks would respond to a fire and some would go to the front – the building would be surrounded.

James Taylor informed Mr. Sutton that the site plan approval process requires a truck turning diagram to verify that the fire truck is able to get into the site. He indicated their office could provide the Town's truck information if needed.

Pontak asked if safety reasons were sufficient to table the project (the fire truck not having access). Mr. Taylor indicated requests to table a discussion are usually made by the applicant. A motion can be made to recommend approval, not recommend approval, or a recommendation for approval can be made with conditions.

Mr. Sutton said he can provide the turning template and if the parking on the street has to be reworked, they will comply with the Town requirements.

Keith Thompson indicated that he would like the parking lot to remain solely for the residents – possibly with a parking pass system or something similar to make sure only the residents use the parking lot.

Moved by Chuck McCausland and seconded by Keith Thompson to recommend Mayor and Council approve 7, 11, 15 and 19 E. Main Street, Minor Land Development Plan for three (3) buildings with 14 apartment units and 2,600 square-feet of commercial space, with the stipulation it meets the fire truck turning radius requirement. Tax Parcel Nos. 23-006.00-247, 23-006.00-248, 23-006.00-249 and 23-006.00-250. Motion Denied 3 – 2.

Chuck McCausland: Yes

Charles Roberts: Yes

Joe Pontak: “No” because of safety regulations. A better plan is needed for fire truck access, widening Anderson Street or no parking on Anderson.

Gretchen Rachko: “No” because of the safety issues and parking.

Keith Thompson: “No” because of the parking and safety issues.

Motion Denied 3 – 2.

Moved by Joe Pontak and seconded by Charles Roberts to adjourn. Motion Carried Unanimously.

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,

James Taylor, P.E.
Verdantas
Ry 8/19/24

Cc: Mayor & Council
P & Z Members
All Attendees
Verdantas