

**PLANNING & ZONING METING**

**SEPTEMBER 15, 2022**

**ATTENDEES: David Chillas, Chair  
Morris Deputy, Town Manager  
Gene Bloemker  
Donald Dibert  
Billy Duck  
Chuck McCausland  
Joe Pontak  
Keith Thompson**

**AGENDA:**

**1. 110 Patriot Drive, Suite F – Conditional Use Permit request for a baseball training academy (Delmarva Aces Baseball & Softball, Inc.) in an M-I zoned area. CU-27-22. Tax Parcel No. 23-041.00-006.**

Rosa Roop with Delmarva Aces requested approval for a baseball training academy to occupy Suite F at 110 Patriot Drive. The site was previously used by John Green, Next Gen Sports.

*Moved by Keith Thompson and seconded by Gene Bloemker to recommend Mayor and Council approve 110 Patriot Drive, Suite F Conditional Use Permit request for a baseball training academy (Delmarva Aces Baseball & Softball, Inc.) in an M-I zoned area. CU-27-22. Tax Parcel No. 23-041.00-006. Motion Carried Unanimously.*

**2. 117 Patriot Drive, Suite C – Conditional Use Permit request for a fitness center (Total Resistance, LLC) in an M-I zoned area. CU-28-22. Tax Parcel No. 23-041.00-020.**

Joseph Todd requested approval to operate a fitness center, Total Resistance, LLC, in Suite C, 117 Patriot Drive. Mr. Todd said their current gym, located in Wilmington, offers one-hour power cardio core classes, and would like to bring their business to Middletown.

*Moved by Gene Bloemker and seconded by Chuck McCausland to recommend Mayor and Council approve 117 Patriot Drive, Suite C Conditional Use Permit request for a fitness center (Total Resistance, LLC) in an M-I zoned area. CU-28-22. Tax Parcel No. 23-041.00-020. Motion Carried Unanimously.*

**3. 841 Middletown-Warwick Road – Poole Property – Preliminary Major Subdivision Plan to divide the 25+/- acres into eight (8) separate parcels for individual development of each parcel. Tax Parcel No. 23-065.00-005.**

Denis Hulme with Woodin and Associates requested approval of the subdivision plan proposing to subdivide the parcel into eight (8) individual parcels.

- The parcel is located at the southwest intersection of Middletown-Warwick Road and Levels Road, across from Royal Farms.
- The parcels will be subdivided for commercial use, including a hotel and restaurant pad sites. One parcel is reserved for an electric substation adjacent to the off ramp for 301.
- The plan tonight seeks approval for the subdivision, conditional use approval for the hotel and preliminary plan for Phase 1.

Keith Thompson asked if any agreements have been signed for potential businesses.

Mr. Hulme said agreements are in the works for the hotel and two restaurants. More information will be available after the agreements are finalized.

***Moved by Billy Duck and seconded by Keith Thompson to recommend Mayor and Council approve 841 Middletown-Warwick Road, Poole Property, Preliminary Major Subdivision Plan to divide the 25+/- acres into eight (8) separate parcels for individual development of each parcel. Motion Carried Unanimously.***

**4. 841 Middletown-Warwick Road – Poole Property, Parcel 4 – Conditional Use Permit request for a four-story, 84,800 square-foot +/- hotel in a C-3 zoned area. CU-25-22. Tax Parcel No. 23-065.00-005.**

Denis Hulme with Woodin and Associates requested Conditional Use Permit approval to allow a hotel on Parcel 4 of the Poole Property, zoned C-3. The hotel is four-stories with approximately 110 rooms. The name will be disclosed at a later date.

Joe Pontak asked if the existing hotels are three or four stories.

Mr. Hulme replied the code allows 50' or four-stories.

Morris Deputy added that most of the hotels are 80 to 100 rooms.

***Moved by Chuck McCausland and seconded by Donald Dibert to recommend Mayor and Council approve 841 Middletown-Warwick Road, Poole Property Parcel 4, Conditional Use Permit request for a four-story, 84,800 square-foot hotel in a C-3 zoned area. CU-25-22. Motion Carried Unanimously.***

**5. 841 Middletown-Warwick Road – Poole Property, Phase 1 – Preliminary Major Land Development Plan for the development of Phase 1, a 5,000 square-foot restaurant pad on Parcel 1, a 4,400 square-foot restaurant pad on Parcel 3, and a four-story, 84,800 square-foot hotel on Parcel 4. Tax Parcel No. 23-065.00-005.**

Denis Hulme with Woodin Associates presented the Preliminary Major Land Development Plan for Phase 1 for Parcels 1, 3 and 4.

- Restaurant pads are proposed on Parcels 1 and 2; the hotel is proposed on Parcel 4.
- The plan shows the entrance on Middletown-Warwick Road.
- Phase 1 will have its own stormwater management and utilities.
- Restaurant name will be provided at a later date.

Chuck McCausland questioned the entrance and asked if the parcel would tie-in to the 301 Truck Stop.

Mr. Hulme said they are currently working with DelDOT to have a right-in/right-out on Middletown-Warwick Road and coordinating that entrance with the adjacent warehouse project. Both DelDOT and the Town require two entrances. A second right-in/right-out will be on Levels Road when the next phase is developed. There will not be a connection to the 301 Truck Stop.

Joe Pontak asked about landscaping.

Mr. Woodin said they have not reached that stage of the construction plans yet, but there will be buffers along the perimeter as required by code.

Joe Pontak asked what the pools shown on the plan are for.

Mr. Woodin said the pools are general locations for stormwater management. It hasn't been determined if they will be open stormwater management areas like bio-retention areas, or underground infiltration systems. The stormwater will be broken up into individual smaller systems and the overflows will drain to the major outfall closer to the off ramp on Levels Road. Mostly all of the drainage will flow in that direction.

Discussion on infiltration:

Morris Deputy explained that DNREC's guidelines have to be followed. The first priority is infiltration; if that can't be achieved, there is a list of what is allowed. The system is approved for design after the engineer meets with the Town's engineer and explains how it meets DNREC's code. The Town adopts DNREC's code and their regulations must be followed.

***Moved by Keith Thompson and seconded by Joe Pontak to recommend Mayor and Council approve 841 Middletown-Warwick Road, Poole Property Phase 1, Preliminary Major Land Development Plan for the development of Phase 1, a 5,000 square-foot restaurant pad on Parcel 1, a 4,400 square-foot restaurant pad on Parcel 3, and a four-story, 84,800 square-foot hotel on Parcel 4. Motion Carried Unanimously.***

**6. 359 Auto Park Drive – Conditional Use Permit request for an automobile repair facility and body shop (Hertrich Auto Repair) in a C-3 zoned area. CU-26-22. Tax Parcel No. 23-022.00-184.**

Dave Kuklish with Bohler Engineers and Al Guckes with Hertrich presented the plan. Information for both the Conditional Use Permit (Item 6) and the Preliminary Major Land Development Plan (Item 7) will be presented.

- A 21,250 square-foot auto repair shop is proposed at 359 Auto Park Drive. The total parcel, 5.2 acres, will be subdivided to provide 1.65 acres for the auto repair shop.
- The parcel is next to the Lidl grocery store.
- The building is one-story, 25' in height.
- The Conditional Use Permit is required to allow an auto repair shop in the C-3 zoning district (collision center).
- The front of the building is located facing the road.
- Employee parking and vehicles stored for service is provided in the rear of the facility.
- A six-foot high fence will enclose the rear storage area.
- One new access is proposed from Auto Park Drive; interconnection is provided to the Lidl parking lot.
- The Hertrich plan will remove thirteen surplus parking spaces from Lidl's parking lot, leaving the required number of 124 spaces.
- 34 parking spaces are provided; 7 additional shared spaces are located on the Lidl parcel.

- A new 6" fire line and 2" domestic water line will be provided.
- Sanitary sewer is located in the back of the site. Connection of Hertrich's line will require minor realignment to Lidl's sewer main.
- Electric service is on Auto Park Drive.
- Stormwater Management: An underground infiltration facility will collect and treat all impervious runoff including the roof area. The bypass flow will run into the existing swale.
- Six new shade trees will be planted along the road; ornamental and shade trees will be planted throughout the development. Trees will be planted in the back to add to the buffer.
- Evergreen hedges will be planted along the front parking lot.
- A rendering was presented.
- Proposed hours are 8 a.m. to 5 p.m. Monday thru Friday.
- All work will be done inside the facility with doors closed.
- Waste products will be handled according to State and local requirements (hauled off-site or recycled and removed).

Chuck McCausland asked if business was from the dealership or walk-in traffic.

Al Guckes said walk-in traffic. It takes about 10 days to get a car through the process. The traffic is light, 5 to 10 customers a day picking up cars, compared to centers providing oil changes, etc.

Donald Dibert asked if fire trucks can get through the entrance.

Dave Chillas asked how wide the fire lane is and if any tower truck models were run through the entrance.

Mr. Kuklish said the fire lane is at least 24' wide. No tower truck models were run but larger truck models were. He said he will provide truck turning templates.

Morris Deputy asked Dave Chillas if there was a truck model or style designation we could provide so they know what would be required for the fire truck.

Dave Chillas said the fire chief hasn't reviewed the plans yet, but he will before the Council meeting.

Billy Duck asked what type of fence is proposed in the back. He asked if totaled vehicles will sit in the public parking area during off hours, possibly leaking oil etc.

Mr. Kuklish said it is a privacy type fence – chain link with privacy slats.

Mr. Guckes said the tow companies will have an access code to drop the vehicles off in the enclosed area. He said Hertrich doesn't want wrecked vehicles sitting out either.

Keith Thompson ask if most of the work would be paint and body damage.

Mr. Guckes said it will all be paint and body damage. They don't have the capability to do engine repair or that type of work.

Joe Pontak asked if the entrance design was reviewed by DelDOT.

Mr. Kuklish said it wasn't reviewed by DelDOT because it isn't a DelDOT road.

Morris Deputy said the engineering firm that reviews the plans, Verdantas, will make sure the turning areas work.

Donald Dibert said the plan title should be changed to "auto collision" instead of "auto repair shop".

Mr. Kuklish said the title can be amended on future submissions.

***Moved by Joe Pontak and seconded by Billy Duck to recommend Mayor and Council approve 359 Auto Park Drive – Conditional Use Permit request for an automobile repair facility and***

***body shop (Hertrich Auto Repair) in a C-3 zoned area, with the condition the Town's fire equipment can make the turning radius. CU-26-22. Motion Carried Unanimously.***

**7. 359 Auto Park Drive – Preliminary Major Land Development Plan for a 21,250 square-foot automobile repair garage and site related amenities and improvements, in a C-3 zoned area. Tax Parcel No. 23-022.00-184.**

The Preliminary Major Land Development Plan was presented with Item 6 above, Conditional Use Permit request. Items 6 and 7 were voted on separately.

***Moved by Gene Bloemker and seconded by Donald Dibert to recommend Mayor and Council approve 359 Auto Park Drive Preliminary Major Land Development Plan for a 21,250 square-foot automobile repair garage and site related amenities and improvements in a C-3 zoned area with the condition the Town's fire equipment can make the turning radius. Motion Carried Unanimously.***

**8. Review Ordinance 22-09-01 to adopt the 2022 Town of Middletown Comprehensive Plan.**

A copy of the Comprehensive Plan was given to the Planning and Zoning members for their review and comment.

Morris Deputy pointed out that this is the update required every ten years; the last update was 2012; there are not a lot of changes from the previous update; the most significant part is page 33 showing two parcels added to the plan for future annexation. The plan is summarized with recommendations on page 93. Some recommendations pertain to this body, but most of them are aimed at Council to implement.

Mr. Deputy requested members to email any comments, recommendations or suggestions to his attention and he will forward to Mayor and Council.

***Moved by Joe Pontak and seconded by Don Dibert to adjourn. Motion Carried Unanimously.***

We believe these minutes accurately reflect what transpired; however, we will appreciate any 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: 9/21/22  
Cc: Mayor & Council  
P & Z Members  
Verdantas  
All Attendees