

## **PLANNING & ZONING MEETING**

**JUNE 18, 2026**

**ATTENDEES: David Chillas, Chairman  
Morris Deputy, Town Manager  
Donald Hall  
Chuck McCausland  
Jenn Parrish  
Joe Pontak  
Keith Thompson**

### **AGENDA:**

#### **1. Review Ordinance 26-06-03 for the rezoning of 20 N Cox Street from R-1A to R-2. Tax Parcel No. 23-006.00-239.**

Denis Hulme, with Woodin & Associates presented the rezoning request.

- This property is a part of the development located on the corner of Cox Street and Anderson Street.
- It will develop into semi-detached dwellings.
- Changing the zoning from R-1A to R-2 will allow for the building of semi-detached dwellings.
- The owner purchased the property in January of 2026 to bring improvements to Anderson Street.

Keith Thompson asked if this request needs to go before the Board of Adjustment. Mr. Hulme replied that two of the four lots require variances and have been approved by the Board of Adjustment. 20 N. Cox Street does need a variance for the total area and will go before the board for approval at a later date.

Joe Pontak asked what the zoning around the area was. Morris Deputy, Town Manager replied the area across the street is zoned R-2. Mr. Pontak also asked what the zoning is on the side of the street where the proposed development is taking place. Mr. Deputy believes going west is zoned C-2. Mr. Pontak is questioning the zoning due to how it may impact what is allowed in the area in the future, to include apartments or condominiums. Mr. Deputy stated R-2 zoning does not allow for apartments or condominiums. Mr. Pontak stated R-2 does allow for subdivisions, which would allow for the developer to place multiple homes on the property which will increase parking. Mr. Deputy stated the developer is only placing one semi-detached dwelling on the lot with one side yard instead of two. Mr. Hulme confirmed. Mr. Pontak asked if there would be two dwellings. Mr. Hulme stated there will not be two dwellings on the lot. Mr. Pontak asked why he is requesting the rezoning. Mr. Hulme replied R-1A allows for a single-family detached home while R-2 allows for a

semi-detached home, often referred to as a duplex, attaching two separate structures shared by a common wall. Mr. Pontak is trying to eliminate the possibility of subdividing the lot in the future. Mr. Deputy explained the lot would not be big enough to split any further to allow that possibility.

Mr. Pontak acknowledged the concern of neighbors that this will add more people to the back of where their houses are. Mr. Hulme stated the proposed development is not for multi-family dwellings.

***Moved by Keith Thompson and seconded by Jenn Parrish to recommend Mayor and Council to approve Ordinance 26-06-03 for the rezoning of 20 N Cox Street from R-1A to R-2. Motion Carried Unanimously.***

**2. 613 Tower Lane – Preliminary Major Land Development Plan for Lot S, Middletown Auto Park, for three (3) warehouse/flex space buildings with a combined 37,194 square-feet and associated parking and improvements, in an M-I zoned area. Tax Parcel No. 23-010.00-049.**

Matt Brickley, with Morris & Ritchie Associates, is presenting this project.

- Three buildings to be developed in the Middletown Auto Park with proposed parking and mirror the same construction done for building O.
- Stormwater management is already existing.
- Sewer and water are supplied on the lot.

Donald Dibert asked if the buildings were to be warehouses or flex space. Mr. Brickley replied it will be a flex space but the bigger building could be a warehouse, depending on the tenant. Donald Hall asked if there are tenants confirmed. Mr. Brickley replied, no. Jenn Parrish questioned the flex space and multiple offices. Mr. Brickley replied that it could be offices or the bigger unit could be a warehouse. Kristen Krenzer, Public Relations Officer for the Town, replied if it is a warehouse a Conditional Use Permit is needed.

Joe Pontak questioned if the individual lease holders needed to return to the Planning Commission for recommendation to for approval. Mr. Brickley advised yes; the lease holders would return for a Conditional Use. Mrs. Krenzer and Mr. Deputy stated the lease holders would return unless their business is allowed by a matter of right in the M-I zone, as stated in the zoning code. Mrs. Parrish stated if it was a data center, that business would need to come before the Planning Commission.

***Moved by Chuck McCausland and seconded by Donald Dibert to recommend Mayor and Council to approve 613 Tower Lane – Preliminary Major Land Development Plan for Lot S, Middletown Auto Park, for three (3) warehouse/flex space buildings with a combined 37,194 square-feet and associated parking and improvements in an M-I zoned area. Motion Carried Unanimously.***

**3. 528 W Main Street – Preliminary Major Land Development Plan for a 5,425 square-foot car wash to be developed within the existing Wawa parcel to include three (3) pay stations, vacuum stations and interparcel access, in a C-3 zoned area. Tax Parcel No. 23-008.00-001.**

Sophie Kubec with Bohler Engineering is presenting this project.

- The site is located on the existing Wawa parcel in the Middletown Commons Shopping Center.
- There will be three pay stations and twenty-two vacuum stalls.
- Entrances to the site are from Middletown-Warwick Road via a right-in access, as well as from W. Main Street and Diamond State Boulevard.
- There will be trash and equipment enclosures.

- Stormwater management will be located on the south side of the site where the run-off from the car wash will be directed. The run-off will be discharged into the existing storm drain in accordance with local and federal regulations.
- Utility connections are internal to the site and will be in accordance with local and state regulations.
- Fire lanes are not required as the proposed building is less than 10,000 square-feet.

Donald Hall asked if there would be any improvements to the entrance of the shopping center from W. Main Street. Ms. Kubec replied that no improvements are proposed at this time, but they do have an upcoming meeting with DelDOT but see no changes to the entrances to the site taking place. Mr. Hall stated the entry way from W. Main Street is dangerous and he is not in support of this project as it will bring on additional cars and traffic.

Chuck McCausland questioned if any of the water would be recycled. Ms. Kubec replied there are reclaim tanks in the rear of the store and the design will be finalized with final engineering. Mr. McCausland questioned the impact this project would have on the stormwater system. Mr. Deputy stated they would have to prove any additional usage put on the system would work properly.

Jenn Parrish asked Ms. Kubec if she knew how a drought would impact car washes. Ms. Kubec replied she would have to look into her inquiry and provide an answer at a later time.

Joe Pontak asked for clarity on where the car wash would be located. Ms. Kubec explained. Mr. Pontak also asked if a monthly membership would be offered to customers. Ms. Kubec stated she believes that will be an amenity but will have to look into that further. Mr. Pontak also states that he is also not in support of this proposed project due to the entrance on W. Main Street. Donald Dibert stated there are multiple intersections within the Town that are busy and there are issues with drivers stopping at stop signs and traffic lights.

Mrs. Parrish asked if there was a traffic study done. Ms. Kubec replied one has not been performed, but she can share trip generation diagrams and will distribute that information to the commission if necessary. Mr. Deputy explained that a review from DelDOT can be requested regarding that intersection but a full traffic impact study would be unlikely.

Mrs. Parrish inquired about the projected daily and monthly volume to the car wash. Ms. Kubec stated she does not have that information at this time, but can provide that information at a later time. Mr. Hall stated peak hours would be the concern during rush hour and Saturdays.

Dan Tomczak with Bohler Engineering introduced himself to also speak on behalf of the project. Mr. Tomczak stated DelDOT has no requirements on improving the entrances to the proposed site.

Mr. McCausland questioned if the presentation should be tabled due to questions asked by the Commission are not able to be answered at this meeting. Ms. Kubec verified the questions asked. Mr. Hall questioned improvements to the entrance. Ms. Kubec replied none are required by DelDOT, however they do have a pre-submittal meeting scheduled and will receive confirmation at that time.

Mrs. Parrish for clarification on when a traffic study is needed. Mr. Deputy replied that the consultant would need to follow DelDOT's code to make the determination. Ms. Kubec stated they do have trip counts and will add it to her list of items to prepare for the Commission.

Mr. McCausland inquired if a motion can be made to table this presentation until the Commission receives the information they have requested. Mr. Deputy stated presenters would have to request to table this, but the Commission can make a motion and recommendation to Council to approve or deny this request. Mr. Pontak stated if they were to deny the motion tonight and request the additional information, the applicant can return for the next Planning and Zoning meeting to present with that information and another vote can be taken at that time. Mr. Deputy agreed.

Mr. Tomczak asked for the question regarding the drought to be repeated. Mrs. Parrish asked how does a drought impact the water usage at car washes. Mr. Tomczak stated they will need to coordinate with the Town reviewers but the plan has been reviewed by the Town and its engineers and there have been no comments regarding water usage or droughts.

Mr. Pontak questioned when would construction begin if this project was approved. Ms. Kubec stated she believes it would be June of 2027. Mr. McCausland added that a one-month delay would not affect their timeline but would provide the Commission with answers they need in order to make a decision on this project. Mrs. Parrish asked if there was an additional option other than tabling this discussion or making a motion. Mrs. Parrish also asked if additional details can be added to the motion. Mr. Deputy advised conditions for Council to consider can be added to the motion.

Mrs. Parrish asked how is there data from trip counts if this is one of the first Wawa car washes. Ms. Kubec replied the data is based on similar uses and car wash sizes.

Ms. Kubec stated she would like to table this discussion and come back to Planning and Zoning next month. Item tabled.

**4. 765 Middletown-Warwick Road – Preliminary Major Land Development Plan for Phase 3 of the Westown Town Center Parcel 3, to amend the Record Plan approved in 2018. This plan proposes 100,614 square-feet of building area within Buildings B, C, D, and F. Building E depicted on the original plan as a credit union, has been removed. Buildings G, H, and I have been constructed. Tax Parcel No. 23-049.00-038.**

Michael Kaszyski with Atwell, LLC is presenting this plan.

- There is a right-in and right-out off of Middletown-Warwick Road.
- The plan was last recorded in 2018 with 85,424 square-feet.
- The buildings will be re-oriented to be able to adjust the parking.
- Due to the tenant demand, the amended plan proposes 100,614 square-foot of building area.
- The required number of parking spaces is 767 and they will be providing 809 spaces.
- This property is within the Westown TID and with the agreement, monies have been paid to DelDOT through the original plans for property.

Mr. McCausland questioned the size of the larger units with a concern of no existing lease agreement with an incoming business. Mr. Kaszyski stated there are letters of intent for the two 28,000 square-foot units. Mr. Kaszyski is unable to state who those tenants are at this time. There is also a larger unit located on the side strip of storefronts in which a letter of interest has been submitted. Mr. Hall asked if building C, which mostly hosts smaller units, is also slated for retail. Mr. Kaszyski replied confirmed.

Matt Brickley, with Morris & Ritchie Associates, asked if the utilities will be shared with the Rutkoske property as he will be doing additional construction in the Town. Mr. Kaszyski replied he believes as long as they connect the sewer, it would be dedicated to the Town of Middletown, and the water may be dedicated to Artesian Water. Agreement opportunities will be required to establish easements across the property for access to utilities. Mr. Brickley stated the property has been waiting for the construction of phase 3 to take place to obtain access to utilities.

***Moved by Chuck McCausland and seconded by Donald Dibert to recommend Mayor and Council to approve 765 Middletown-Warwick Road – Preliminary Major Land Development Plan for Phase 3 of the Westown Town Center Parcel 3, to amend the record plan approved in 2018. Motion Carried Unanimously.***

**5. 436 Green Giant Road – Preliminary Major Land Development Plan for the Green Giant Elementary School, a two-story 94,153 +/- square-foot building in an R-1B zoned area. Tax Parcel No. 23-054.00-005.**

Christopher Duke, Civil Engineer with Becker Morgan Group, presented the plan.

- The school will be located west of St. Annes and Abbey Creek and north of Chapel Creek.
- The site is situated on 29 acres, currently used for agricultural purposes.
- The square-footage of the building is approximately 90,000 and sized for 840 students for grades 1-5.
- There are plans to also build a future early childhood center on the site.
- There will be two access points from Green Giant Road for student drop off and visitor parking in the front. Bus and staff parking will be in the rear of the building.
- A student playground will be on site.
- The stormwater management area will be located at the southern end of the property. The current plan and design idea is to subsurface to reduce maintenance and nuisance concerns.
- The landscape and wetlands along the shared property line with Chapel Creek Development is proposed to remain undisturbed.
- The lane designated on the plan to the right is to be used for student drop-off and visitors.
- The lane designated on the plan to the left is to be used for bus drop-off and staff parking.
- There will be 16 double striped spaces for bus parking. When the busses are not on school grounds, vehicles may also use the space.
- There will be 92 spaces for staff parking in the rear of the school and 38 visitor spaces in the front.
- The existing road includes a sharp curve, but coordination with DelDOT will guide the planning and design needed to reconfigure the roadway for safe and efficient travel.
- There will be sidewalk and shared use paths for Abbey Creek and Chapel Creek connecting to the school for student walkers.
- Landscaping will be in place to meet the Town's requirements.
- Water, gas, and electric utilities are available and will be accessible from the existing infrastructure along Green Giant Road.
- Abbey Creek is constructing a regional pump station that will be designed to include the anticipated flow from the school. Sewer will be drained to their pump station.
- The site is within the Westown Transportation Improvement District. Instead of a traffic study, funds have been paid into the T.I.D. to make the necessary improvements.
- Renderings were shown of the proposed Green Giant Elementary School.
- Anticipated construction is set to begin in April 2027 to open for the 2029 school year.

Donald Hall asked how the parking at this school will compare to other schools within the Appoquinimink School District due to concerns of there not being enough parking. Mr. Hall states the number of parking will be like other schools in the area. Mr. Hall says the opportunity for more parking can be available if they can work it into the plan.

Joe Pontak asked who will be financing the construction of the school. Mr. Duke is unable to answer this since it will need to be answered directly from a member of the Appoquinimink School Board.

***Moved by Keith Thompson to recommend Mayor and Council to approve 436 Green Giant Road – Preliminary Major Land Development Plan for the Green Giant Elementary School. Motion Carried Unanimously.***

**6. 835 Middletown-Warwick Road – Conditional Use Permit request for a Water Wings Swim School in a C-3 zoned area. The indoor swim facility will offer structured swim lessons, water safety education, stroke development, private lessons and parent-and-child classes for children and adults, year-round. CU-12-26. Tax Parcel No. 23-065.00-018.**

Dharampal Patel presented on this request.

- This will be a franchise location.
- Instructional lessons will be provided for parents and children along with group or private sessions.
- Lessons will also be available for adults.
- All uses will be inside the building.
- Operations are based upon year-round lesson scheduling and is not open for public use.

Jenn Parrish asked if this is the first location with Delaware. Mr. Patel replied, yes. The founder is from Las Vegas and opened 5 locations. The business was taken over by Unleashed Brands, which also franchises kid-oriented places such as Urban Air and The Little Gym. Mrs. Parrish also asked if they will offer swim lessons for children with special needs such as autism as another pool within Town does not. Mr. Patel states they will offer lessons for special needs children.

***Moved by Jenn Parrish and seconded by Joe Pontak to recommend Mayor and Council approve 835 Middletown-Warwick Road – Conditional Use Permit request CU-12-26 for Water Wings Swim School. Motion Carried Unanimously.***

**7. 306 N. Cass Street – Conditional Use Permit request for a financial planning and legal services business (The Ready Group) in a R-1A zoned area. CU-13-26. Tax Parcel No. 23-005.00-011.**

Kristen Krenzer stated the applicant requested this item be tabled. Donald Hall pointed out this item did not list the percentage or square-foot of the home to be used for the home-based occupation. Mrs. Krenzer stated that information will be provided when they request to appear at the next meeting.

**8. 100 S. Broad Street – Conditional Use Permit request for a personal injury and workers' compensation law firm (Law Office of Heather A. Long) in a R-1A zoned area. CU-14-26. Tax Parcel No. 23-009.00-026.**

Heather Long presented this request.

- The property is currently used as a real estate office and the request is to use it as a personal injury and workers' compensation law firm.
- The firm will represent injured parties, not corporations.
- There will be five full-time employees.
- One remote employee located in Florida and works via telecommunication.
- There will be two part-time employees.
- The site contains thirteen off-street parking spaces, and no additional parking is requested.
- There will be minimal to no change on the traffic volume associated with this business.

- Hours of operation would be 8:30 a.m. to 5:00 p.m. with some evening and weekend availability by appointment only.
- A handicap accessible ramp will be added to the entrance on W. Green Street to assist injured clients entering and exiting the firm.
- The proposed signage will be similar to what the current real estate company displays.

Donald Hall asked Ms. Long where her current office is located. She stated it was on Main Street in Odessa.

Keith Thompson asked Ms. Long if she is moving her firm from Odessa to Middletown. Ms. Long replied that she is.

Joe Pontak asked if RE/MAX was going to still be doing business out of the location. Ms. Long replied they will not.

***Moved by Jenn Parrish and seconded Joe Pontak to recommend Mayor and Council to approve 100 S. Broad Street – Conditional Use Permit request for a personal injury and workers’ compensation law firm (Law Office of Heather A. Long) CU-14-26. Motion Carried Unanimously.***

***Moved by Donald Dibert and seconded by Joe Pontak 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,

Morris Deputy, P.E.  
Town Manager

KJ – 6/30/26  
Cc: Mayor & Council  
P & Z Members  
Verdantas