

## PLANNING & ZONING MEETING

JULY 21, 2022

**ATTENDEES:** David Chillas, Chairman  
Morris Deputy, Town Manager  
Frank Bailey, Fire Chief  
Donald Dibert  
Billy Duck  
Chuck McCausland  
Joe Pontak  
Gretchen Rachko  
Charles Roberts  
Keith Thompson

### AGENDA:

**1. 113 Patriot Drive, Suite 1 – Conditional Use Permit request for an industrial parts and solutions distribution company (Philadelphia Bearings and Drive Solutions) in an M-I zoned area. CU-19-22. Tax Parcel No. 23-041.00-023.**

Chris Marolla, managing partner, requested approval to open Philadelphia Bearings and Drive Solutions at 113 Patriot Drive. The business is an industrial distribution company currently based in Wilmington. The company has been in business for 45 years.

The company sells bearings, chains, sockets, etc., as well as hydraulic and pneumatic products mostly to manufacturing plants. Inventory will be stored at the facility; however, no manufacturing will be done at the location. The new owners propose to relocate the business to Middletown.

Gretchen Rachko confirmed that the facility will be used primarily as a warehouse. Mr. Marolla said yes. Boxed products will be stored on shelving.

Joe Pontak asked if a showroom is available.

Mr. Marolla said products will not be sitting out on display. Occasionally clients will come in and pick up products from the counter, but mostly products are delivered to clients.

Chip Roberts asked if any hazardous materials will be stored. Mr. Marolla said no.

Don Dibert asked how many employees will be there and how many trucks will be making deliveries.

Marolla said, including himself, about six employees. Right now, there is only one cargo van for deliveries...probably no more than two at most if they get busy.

***Moved by Gretchen Rachko and seconded by Keith Thompson to recommend Mayor and Council approve 113 Patriot Drive, Suite 1 – Conditional Use Permit request for an industrial parts and solutions distribution company (Philadelphia Bearings and Drive Solutions) in an M-I zoned area. CU-19-22. Tax Parcel No. 23-041.00-023. Motion Carried Unanimously.***

**2. 113 Patriot Drive, Suite 2 – Conditional Use Permit request for a mechanical industrial repair shop (Alpha to Omega Precision Industrial Maintenance, Inc.) in an M-I zoned area. CU-20-22. Tax Parcel No. 23-041.00-023.**

Mike Piemontese, president of Alpha to Omega, said their business is an industrial repair service. One of their customers is Clairos Controls. They perform a combination of field service and shop work.

Chip Roberts asked how hazardous waste is handled, if any.

Mr. Piemontese said they have stringent guidelines and customers have to provide proof of decontamination when picking up repairs. Policies and guidelines will be in place and employees are trained to properly respond to a situation if hazardous material is encountered. Oil will have pig mats to make sure it doesn't become an environmental issue.

Joe Pontak asked if anything will be stored outside.

Mr. Piemontese said no; they are responsible for any equipment they pick up. No parts or pieces of equipment will be stored outside.

Only two or three employees will be on hand at start-up. If the business expands, more employees will be added.

***Moved by Joe Pontak and seconded by Chip Roberts to recommend Mayor and Council approve 113 Patriot Drive, Suite 2 – Conditional Use Permit request for a mechanical industrial repair shop (Alpha to Omega Precision Industrial Maintenance, Inc.) in an M-I zoned area. CU-20-22. Tax Parcel No. 23-041.00-023. Motion Carried Unanimously.***

**3. 255 Celebration Court (Parcel E-4 Levels Business Park) – Conditional Use Permit request for a four-story, 48,800 square-foot hotel building, associated parking and open space area. CU-21-22. Tax Parcel No. 23-065.00-017.**

Items 3 and 4 were presented simultaneously and voted on separately.

Denis Hulme with Woodin & Associates Engineers, requested Conditional Use approval to allow a hotel in the C-3 zoning district. The parcel is located at the intersection of Levels and Middletown-Warwick Road.

- A four-story hotel is proposed with approximately 54 units.
- The C-3 zoning permits hotels with Conditional Use Permit approval.
- The hotel will be located near the recently approved Summerton East apartment building.
- The architecture will be similar to the apartment building.
- The concept plan was presented to Mayor and Council in June.
- A height variance will be requested.

Frank Bailey asked Morris Deputy if there is a code for how much traffic is allowed off one entrance. A 4-story apartment building is proposed, NTB is open and this plan is proposing a 4-story hotel to use the entrance off Patriot Drive as well.

Morris Deputy replied that the Town's consulting engineer, Verdantas, will review the plan. No problems have been brought to our attention at this time.

Billy Duck asked when the last review was done and by whom.

Morris Deputy said each time a project comes through, the Town's engineer, Verdantas, reviews the plan and gets a "No Objection" letter from DelDOT. All improvements on the parcel will be reviewed by both DelDOT and Verdantas. The last review was done by both parties when the apartment building came through a few months ago.

A short discussion continued on the improvements slated for the intersection of Levels Road and Rt. 301. It was noted that, when warranted, improvements will include widening Levels Road to two lanes on both sides to the round-about by St. Anne's. Improvements are also planned at the intersection of Patriot Drive and Levels Road, and Merrimac and Levels Road. All of the development in the area is monitored by DelDOT and reviewed/analyzed as part of the Westown TID. Improvements are made when they are warranted, not necessarily before they are needed.

Joe Pontak questioned why the Town doesn't put pressure on DelDOT to make improvements now instead of waiting 10 years like they did for Rt. 299.

Morris Deputy explained that the Westown TID includes everything proposed for the Westown area. DelDOT will not make improvements just because development is proposed. Projects are prioritized and funded, and improvements are constructed when warranted. DelDOT has a team that meets with the Town on a monthly basis to review proposed plans.

Denis Hulme added that when the pharmaceutical company builds, Merrimac South will be constructed past BreakThru Beverage, which will help the intersection.

Billy Duck remarked that it doesn't make sense to wait 7 to 10 years to make improvements if DelDOT has the data.

Morris Deputy said DelDOT has a list of projects and needs throughout the State and projects are prioritized.

***Moved by Joe Pontak and seconded by Chip Roberts to recommend Mayor and Council approve 255 Celebration Court (Parcel E-4 Levels Business Park) Conditional Use Permit request for a four-story, 48,800 square-foot hotel building, associated parking and open space area. CU-21-22. Tax Parcel No. 23-065.00-017. Motion Carried Unanimously.***

**4. 255 Celebration Court (Parcel E-4 Levels Business Park) – Preliminary Major Land Development Plan for a four-story, 48,800 square-foot hotel building, in a C-3 zoned area, with associated parking and open space area. Tax Parcel No. 23-065.00-017.**

The Preliminary Major Land Development Plan was presented with Item #3, Conditional Use Permit request.

*Moved by Joe Pontak and seconded by Chip Roberts to recommend Mayor and Council approve 255 Celebration Court (Parcel E-4 Levels Business Park) – Preliminary Major Land Development Plan for a four-story, 48,800 square-foot hotel building, in a C-3 zoned area, with associated parking and open space area. Tax Parcel No. 23-065.00-017. Motion Carried Unanimously.*

**5. 1999, 1963, 1985 Middle Neck Road (301 Business Park – North) – Conditional Use Permit request for a warehouse located in an M-I zoned area. CU-22-22. Tax Parcel Nos. 23-073.00-001, 23-073.00-002 and 13-026.00-029.**

Scott Lobdell with First State Engineering, explained the plan received Preliminary Plan approval last month from both Planning and Zoning and Mayor and Council; however, it was brought to his attention that a warehouse in the M-I zoning district required Conditional Use approval.

*Moved by Keith Thompson and seconded by Joe Pontak to recommend Mayor and Council approve 1999, 1963, 1985 Middle Neck Road (301 Business Park – North) – Conditional Use Permit request for a warehouse located in an M-I zoned area. CU-22-22. Tax Parcel Nos. 23-073.00-001, 23-073.00-002 and 13-026.00-029. Motion Carried Unanimously.*

**6. 1924 Middle Neck Road (301 Business Park – South) – Conditional Use Permit request for a warehouse located in an M-I zoned area. CU-23-22. Tax Parcel No. 23-068.00-002.**

Items #6 and #7 were presented simultaneously.

Scott Lobdell said the project is 301 Business Park North on Middle Neck Road.

- The plan proposes approximately 1.5MM square-feet of warehousing.
- Conditional Use approval as well as approval for the Preliminary Land Development Plan is requested.
- The parking requirements have been addressed.
- The stormwater will be addressed as part of the design process and Construction Plan review.
- Two buildings are proposed.
- A tenant(s) has not yet been secured.
- DelDOT has provided improvements required for Middle Neck Road, such as widening, turning lanes, etc.
- The project will produce mostly truck traffic that will use the 301 off-ramp.

Joe Pontak asked how many parking spaces are provided.

Mr. Lobdell said 900 parking spaces and about 303 spaces for the trucks.

Pontak expressed safety concerns if 400 vehicles use the entrance/exit at the same time.

Lobdell said the number of vehicles using one entrance/exit at the same time will depend on the users. If the building has different users, they may have different shift schedules.

Lobdell said when they first met with DelDOT, they indicated one entrance/exit was preferred. It's not shown on this plan, but after meeting with DelDOT today, another entrance will be added once the turning movements are configured. The second entrance will most likely be past the power line easement.

Morris Deputy asked if Exelon agreed with the travel lane through their power line easement.

Lobdell said the attorney's interpretation of the easement agreement is that a crossing is permitted under the easement. Parking lots or structures are not permitted.

***Moved by Gretchen Rachko and seconded by Chip Roberts to recommend Mayor and Council approve 1924 Middle Neck Road (301 Business Park – South) – Conditional Use Permit request for a warehouse located in an M-I zoned area. CU-23-22. Tax Parcel No. 23-068.00-002. Motion Carried Unanimously.***

**7. 1924 Middle Neck Road (301 Business Park – South) – Preliminary Major Land Development Plan for a 1,485,000 square-foot manufacturing/Industrial building space on 119.32 acres in an M-I zoned area. Tax Parcel No. 23-068.00-002.**

The Preliminary Major Land Development Plan was presented with Item #6, the Conditional Use Permit request.

Joe Pontak requested recommending approval with the condition two entrances are required for the parcel.

***Moved by Gretchen Rachko and seconded by Chip Roberts to recommend Mayor and Council approve 1924 Middle Neck Road (301 Business Park – South) – Preliminary Major Land Development Plan for a 1,485,000 square-foot manufacturing/Industrial building space on 119.32 acres in an M-I zoned area, with the condition Mayor and Council consider requiring two entrances to the parcel. Tax Parcel No. 23-068.00-002. Motion Carried Unanimously.***

**8. 305 Middletown-Warwick Road/700 Ash Boulevard (Northside Shopping Center) Preliminary Major Subdivision Plan to subdivide two tax parcels into nine (9) separate parcels. Tax Parcel Nos: 23-003.00-010 and 23-003.00-015.**

Scott Lobdell, First State Engineering:

- The parcel is the large piece sitting between Ash Boulevard and Doc Levinson Drive. Middletown Apartments are located behind it.
- Currently, two parcels total +/-32.66 acres. The plan proposes to remove the lot line and create 9 individual parcels with pad sites for commercial use.
- Site plans will be submitted for each parcel for approval.

Billy Duck asked if there are any prospective tenants.

Mr. Lobdell said there are businesses looking at the smaller lots, but nothing that can be confirmed yet. The next agenda item is a plan for the 12-acre site. The parcel will eventually look like a regular commercial center with an anchor store in the back and smaller sites up front.

Keith Thompson commented that the access road is already built behind Burger King and Popeyes. Mr. Lobdell said the road is actually part of the next project on the agenda. It will connect Doc Levinson to Ash Boulevard; it also lines up with the access road behind the Dash In, which is currently under construction.

***Moved by Keith Thompson and seconded by Joe Pontak to recommend Mayor and Council approve 305 Middletown-Warwick Road/700 Ash Boulevard (Northside Shopping Center Preliminary Major Subdivision Plan to subdivide two tax parcels into nine (9) separate parcels. Tax Parcel Nos. 23-003.00-010 and 23-003.00-015. Motion Carried Unanimously.***

**9. 305 Middletown-Warwick Road/700 Ash Boulevard (Northside Shopping Center)  
Preliminary Major Land Development Plan for 147,613 square feet of retail building space  
on 12.79 acres in a C- zoned area. Tax Parcel Nos. 23-003.00-010 and 23-003.00-015.**

Scott Lobdell, First State Engineering:

- This project is for Lot 1, the 12.79-acre lot of the subdivision plan just presented.
- A retail building approximately 147,613 square feet is proposed.
- Parking provided exceeds code requirement.
- Access points include a right-in/right-out off Middletown-Warwick Road, the light at Doc Levinson Drive and the access road that connects the parking areas. There is also a right-in in front of the building off Doc Levinson. The full movement entrance at the back of the building will probably be used mostly by truck traffic for deliveries.
- When Middletown Village was designed years ago, the stormwater runoff for a certain percentage of impervious coming from this side of Doc Levinson was accounted for. As long as the site stays below 80%, it will tie into the existing pond for stormwater management.

Keith Thompson asked for the name of the tenant.

Mr. Lobdell said he is allowed to announce that it is Target. They hope to break ground later this fall.

Billy Duck asked how the retail space will be separated from the apartments. He is concerned with noise pollution, lights, etc. He asked if another proposal will be presented with the exact layout of the building with sign logos, landscaping, etc.

Lobdell said landscaped berms will be constructed in the back to mitigate the noise. About a one-hundred-foot buffer is between the building and the property line. Lighting from one site is not allowed to spill over to another site. Landscaping plans and renderings will probably be ready for the Mayor and Council meeting. The building will be a typical Target-looking building.

Chuck McCausland asked if anything is proposed for Ash Boulevard – it's a nightmare. Lobdell said nothing yet. DelDOT had a master plan for this area when 301 was widened. The rights-in/rights-out were constructed with the anticipation that all of this property would be commercial. We were told early on that there are plans to install a signal when the need arises. DelDOT is aware of the issues with Ash Boulevard.

Billy Duck asked what traffic calming devices are planned besides stop signs. He expressed concern with increased traffic and speeding on Doc Levinson and the access road.

Lobdell said crosswalks will be provided and the turn lanes should help with slowing traffic. Otherwise, there are no real specifics at this time. He said they would work with the Town on their preferences and he will discuss safety concerns with the applicant.

Morris Deputy said the access road is private. He commented that raised crosswalks work well, but that should be discussed with the fire company for their opinion.

Joe Pontak asked if plans showing more detail like landscaping will be submitted to this committee for review.

Morris Deputy said this commission only sees the Preliminary Plan. If the commission wants to see additional information, that should be requested. Mayor and Council will see the Preliminary and Record Plans.

Billy Duck said he would feel better seeing a plan showing traffic calming measures, such as raised crosswalks, possibly some roundabouts, etc. He said it looks like a giant parking lot for vehicles to speed through. The zoning code talks about safe pedestrian access and safe vehicular access and that's what he would like to see.

Short discussion on tabling the project in order to view more detailed plans showing items as discussed.

***Moved by Billy Duck and seconded by Joe Pontak to recommend Mayor and Council TABLE 305 Middletown-Warwick Road/700 Ash Boulevard (Northside Shopping Center) Preliminary Major Land Development Plan for 147,613 square feet of retail building with the condition a revised plan is presented providing information on landscaping and traffic calming devices. Tax Parcel Nos. 23-003.00-010 and 23-003.00-015. Motion Carried Unanimously.***

***Moved by Joe Pontak and seconded by Gretchen Rachko 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, P.E., Town Manager

Ry 7/27/22

Cc: Mayor & Council  
Planning & Zoning Members  
All Attendees  
Verdantas Engineers