

## PLANNING & ZONING MEETING

MARCH 20, 2025

**ATTENDEES:** David Chillas, Chair  
Morris Deputy, Town Manager  
Frank Bailey, Fire Chief  
Donald Dibert  
Chuck McCausland  
Jenn Parrish  
Joe Pontak  
Charles Roberts  
Keith Thompson

### AGENDA:

**1. 112 Patriot Drive, Suite C – Conditional Use Permit request for a pipe fabrication company (US Piping, Inc.) in an M-I zoned area. CU-04-25. Tax Parcel No. 23-041.00-007.**

Duane Curlett requested approval to consolidate and relocate US Piping, a pipe fabrication company, from two existing locations in Middletown, to 112 Patriot Drive.

Don Dibert asked what type of piping is fabricated.

Mr. Curlett indicated hygienic piping, carbon steel, stainless, plastic, etc., to support the WuXi plant.

***Moved by Jenn Parrish and seconded by Don Dibert to recommend Mayor and Council approve 112 Patriot Drive, Suite C, Conditional Use Permit request for a pipe fabrication company (US Piping, Inc.) in an M-I zoned area. CU-04-25. Motion Carried Unanimously.***

**2. 1924 Middle Neck Road – 301 Business Park South – Preliminary Major Land Development Plan for a 5-story warehouse with a gross floor area of 3,918,700 square-feet, along with associated parking, loading area and accessways. Tax Parcel No. 23-068.00-002.**

Richard Forsten represented the owners of the property, Stoltz Real Estate Partners.

- The property is currently approved for two warehouses totaling 1,485,000 square-feet.
- The new plan proposes a distribution center with one building with a smaller footprint of 783,740, and four (4) mezzanine levels, heavily dependent on robotics.
- The plan is similar to the project on the north side of Middle Neck Road presented a few months ago. The company name will be publicized in the very near future.
- These types of facilities are in very high demand; three parties are interested in this site.
- Entrances are the same as the currently approved plan.
- The traffic projections will remain the same.

- A note will be added to the plan stating: “The future use of this property is at all times subject to the traffic roadway improvements recommended by JMT in the 7/10/2024 letter for DelDOT Project No. T202369005, with DelDOT concurrence by letter dated 7/11/24. This plan shall not be recorded until the DelDOT Letter of No Objection is received by the Town. Any proposed future use of this property that would exceed the traffic assumptions and roadway improvements identified in the 7/10/2024 letter, shall also require a Letter of No Objection.”
- The only changes are: the building itself, the parking layout around the building and more truck parking is added as required per code.

Joe Pontak asked how many employees are expected and why there are 500 parking spaces if the building will be mostly robotics. He questioned if all the parking isn’t needed, can it become green space.

Mr. Forsten indicated, per traffic assumptions, the company is limited to about 500 employees. He pointed out the amount of parking is per code; any changes would require a variance.

Frank Bailey commented, the plan says it’s a five-story building, but it is 139’, which is over 27 stories. He asked if elevators for people will be provided for emergency purposes. The same request was asked in December for the other project. The elevators proposed are not for people. Mr. Forsten responded there was a user for the other project at the time the plan was proposed; there is no user for this building to ask those questions at this time.

Ray Hudson, Town plan examiner, indicated multi-level buildings are required to have elevators at each level. Mezzanines are not finished levels. Elevator access is not required if it’s not an occupiable level; if it’s a room or finished level, 3,000 sq. ft. per level, it would be required.

Chief Bailey said he understands what the code is; this is a request for elevators and he wants to be sure the concern and request are understood.

Mr. Forsten said the user for the other building confirmed it will absolutely have elevators. He said at this time he doesn’t know who this user will be, but he can’t imagine there will not be an elevator that goes to the roof and stops at each mezzanine level. There will probably be multiple elevators because of the building size.

Mr. Forsten explained this is the site plan for approval. Construction drawings will be prepared and reviewed with the Fire Marshal, the Town, etc., when there is an actual user.

Joe Pontak questioned gate access for emergency vehicles as required for the other project.

Mr. Forsten reiterated, there isn’t a specific user for this plan; the gate issue was specific to the development on the north side. He indicated if gate access is required for this user, it will most likely be handled with transponders, as done on the north side development.

***Moved by Chuck McCausland and seconded by Joe Pontak to recommend Mayor and Council approve 1924 Middle Neck Road – 301 Business Park South – Preliminary Major Land Development Plan for a 5-story warehouse with a gross floor area of 3,918,700 square-feet, along with associated parking, loading area and accessways. Tax Parcel No. 23-068.00-002. Motion Carried Unanimously.***

**3. 7, 11, 15, & 19 E. Main Street – Minor Land Development Plan for two (2) apartment buildings, one (1) commercial/apartment building (7 apartment units and 850 square-feet of retail) and two (2) townhouses with onsite parking, accessways and stormwater management. Site acreage is 0.59 acres in a C-2 zoning area.**

**Tax Parcel Nos: 23-006.00-247, 23-006.00-248, 23-006.00-249 and 23-006.00-250.**

Ron Sutton presented the revised plan proposing to create two lots for semi-detached housing, renovating two existing buildings and demolishing and rebuilding one new building. The project proposes 7 apartments and 850 square-feet of retail space.

- 7 E. Main Street: three (3) apartments and 850 square-feet of retail space on the first floor.
- 11 E. Main Street: two (2) apartments.
- 15 & 19 E. Main Street will be demolished; two (2) new apartments will be constructed.
- The semi-detached units will be 3 or 4 bedroom, semi-detached townhouse units, each with two off-street parking spaces.
- 20 off-street parking spaces are provided as required; street parking is not proposed.
- The turning template shows that fire trucks can turn into the parking area.

Frank Bailey commented the entrance and parking looks better. He asked what is between buildings 11 and 15.

Mr. Sutton said it is the old Peoples Bank and it's not their property. A sidewalk access is proposed between the buildings is shown from Main Street to the parking lot. The area between 7 and 11 is handicap ramping to make everything accessible.

Joe Pontak asked if the State Historic Preservation Office or Center for Historic Design had been contacted and what the new building would look like.

Mr. Sutton responded those offices had not been contacted. An elevation for the new building was shown.

Jenn Parrish questioned the age of the building to be demolished and what occupies it now.

Mr. Sutton said it used to be apartments but is empty. The building is in very poor condition and falling apart: the floors are caving in, the windows are broken, and half the siding on one side is down to the studs. The other two buildings can be saved and renovated to meet code.

After a discussion regarding Anderson Street parking, Sutton agreed to install "No Parking" signs on each side of the entrance to the parking lot on Anderson Street.

Frank Bailey asked if the two proposed lots on the back of the parcel are part of this plan.

Mr. Sutton replied that the two lots were created when the plan was revised. The lots will be used for two semi-detached dwellings, each with two off-street parking spaces.

Jenn Parrish suggested building something like the new brick building proposed on Main Street – it would look good and be in keeping with the downtown look.

Sutton said he didn't think two separate brick houses would be built, but it would be something that fits in with the area and meets the Town code.

Dave Matsen with the Historical Society, said he appreciates the owner committing to saving and restoring #7 because it's one of the oldest buildings in Town. He has old photos that show details of the building that have been removed and will share them with the developer.

Matsen expressed concern with the demolition of #15 and suggested possibly using the bracketing that is on the upper part of the building.

Architect Michael Lukshides, indicated they would gladly work with the Historical Society and would love to see the pictures. He said they are salvaging the brackets to use on the new building. He said the building at 7 E. Main is from the late 1700's and will be restored.

***Moved by Keith Thompson and seconded by Chuck McCausland to recommend Mayor and Council approve 7, 11, 15 & 19 E. Main Street, Minor Land Development Plan for two (2) apartment buildings, one (1) commercial/apartment building (7 apartment units and 850 square-feet of retail), and two (2) townhouses with onsite parking, accessways and stormwater management. Tax Parcel Nos: 23-006.00-247, 23-006.00-248, 23-006.00-249 and 23-006.00-250. Motion Carried Unanimously.***

**4. 1023 Bunker Hill Road – Preliminary Major Land Development Plan and Subdivision Plan for 445 townhomes, five (5) flex-space buildings (215,520 total square-feet) in an R-3/C-3 zoned area. Tax Parcel No. 23-024.00-287.**

Dana Dunphy presented the Preliminary Plan and Subdivision Plan.

- Utilities are available to the site.
- An access off Bunker Hill and an access at the back of the parcel to connect to Doc Levinson Drive are proposed.
- Rezoning approval was received from Mayor and Council on March 10<sup>th</sup>.
- 445 townhome units are proposed: 118 lots with 24' wide units are on the outer edge of the subdivision, and 327 lots with 20' wide units are on the interior.
- 5 buildings with a total of 215,520 square-feet are proposed on the southern section of the plan.
- Six-foot sidewalks are proposed throughout the development.
- 248 parking spaces will be provided in the residential section.
- A 100' setback will be provided between the R-3 and C-3 section as required per code.
- Open space, landscaping and stormwater management will be provided per code.
- DelDOT approved the plan to be included in the Westtown TID. Contributions to the fund will be over \$1MM. The pre-submittal with DelDOT is scheduled for April 7<sup>th</sup>.
- Per discussions with Spring Arbor residents, all units will have garages with a sidewalk connection on the east side of the property along Bunker Hill Road.
- Pedestrian inter-connectivity will be provided from Spring Arbor into the site to Middletown Village.
- Screening will be provided on both the Spring Arbor side and the development.

Discussion on street widths:

Frank Bailey asked what the street widths are in the residential portion.

Ms. Dunphy indicated 30 feet and 32 feet. 32' wide within the townhomes; the alleys are 20 feet. Chief Bailey commented the main road is 32 feet wide, and the street between the main road and houses is 20 feet. Turning off a 20-foot street to another 20-foot street is not going to work for fire apparatus. He asked if the turning template used was sized for their fire apparatus.

Ms. Dunphy said they used the E-1 template. A few years ago the fire company's apparatus was matched up with a template in their software.

Joe Pontak asked if larger plants could be used for screening instead - the small plants take years to grow. Using Target as an example, he said the trees and berm were supposed to block lights from the townhouses but the screening is small.

Ms. Dunphy said the developer has been talking with Spring Arbor and the Town; discussions are ongoing regarding the screening for the development and what the residents are requesting. It was pointed out that different lighting will be used for this development.

Paul Webber, Spring Arbor, asked if the screening would be put on top of the berm.

Ms. Dunphy said possibly and it would be approved by the Spring Arbor HOA or DelDOT.

Claude Newton, Spring Arbor, asked where the entrance for the new development will be located and if the project will connect straight through to Doc Levinson Drive.

Ms. Dunphy replied the entrance will be south of the farm house entrance. The main boulevard will go past the commercial portion and connect to the street in the back of the development; that street will connect to Doc Levinson Drive.

***Moved by Keith Thompson and seconded by Don Dibert to recommend Mayor and Council approve 1023 Bunker Hill Road – Preliminary Major Land Development Plan and Subdivision Plan for 445 townhomes, five (5) flex-space buildings (215,520 total square-feet) in an R-3/C-3 zoned area. Tax Parcel No. 23-024.00-287. Motion Carried Unanimously.***

**5. 700 & 710 Hedgelawn Way – Preliminary Major Land Development Plan for a 7,100 square-foot, one-story medical office building with associated parking and accessways in a C-3 zoned area. Tax Parcel No. 23-065.00-007 and 23-065.00-008.**

Tim Anderson, Anderson Civil Engineering, presented the plan proposing a 7,100 square-foot, one-story medical office building.

- This plan revises the 2021 approved plan for a 9,950 square-foot building on the lot – that building was not built; the parcel is vacant.
- This plan proposes a 7,100 square-foot medical building on the southern portion of the site. The other buildings shown on the parcel will be presented for approval at a later date.
- Access is from Hedgelawn Way, a new access point across from Kohl Avenue.
- The building will be connected to the stormwater management facility located on Lot 3.
- The turn-around shown at the end of the entrance way is large enough to accommodate a 10 x 42-foot ladder truck.

Don Dibert questioned why the entrance door is in the middle of the building and the handicap parking at the end. He asked if the handicap parking could be moved closer to the door location.

Mr. Anderson said the building has a canopy that extends down to the handicap parking; it's not a canopy for cars to drive under for unloading.

Mr. Dibert reported a local physician's office in Town has only one handicap entrance and the concrete is crumbling. It's very unsafe for anyone with a walker or wheelchair. He indicated the truncated domes are unsafe as well.

Morris Deputy noted the Town can address the issue if it's not ADA compliant.

Discussion followed on the construction and placement of handicap parking spaces and access.

Chip Roberts pointed out the ADA sets the requirements for handicap accessibility and developers have to follow those regulations.

Tim Anderson responded the plan meets the ADA code. He indicated the HC parking space can be moved over a space or two closer to the entrance.

Frank Bailey questioned the reason for the cylinder on the side of the building. Mr. Anderson replied that it is part of the stormwater management system.

Frank Bailey asked if the template used would allow an emergency vehicle to come in the entrance to the building without going around the big loop at the end of the street, and if the traffic is one-way or two-way.

Mr. Anderson said the trucks could not go through the entrance to the building, they would have to use the loop. He indicated the traffic is two-way.

Chief Bailey commented that the Town has the fire company's turning template and suggested it be used to check the entrance and turns proposed on the plan while there is still time to make any adjustments, if necessary. The template considers wheel base and length of the vehicle.

***Moved by Chuck McCausland and seconded by Joe Pontak to recommend Mayor and Council approve 700 & 710 Hedgelawn Way, Preliminary Major Land Development Plan for a 7,100 square-foot, one-story medical office building with associated parking and accessway in a C-3 zoned area with consideration for the turning radius as required by the fire department's turning template, to be provided by the Town. Tax Parcel 23-065.00-007 and 23-005.00-008. Motion Carried Unanimously.***

***Moved by Jenn Parrish and seconded by Don Dibert 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

Ry 3/26/25

Cc: Mayor and council  
P & Z Members  
All Attendees  
Verdantas

Note: Microphones were extremely staticky; recording very staticky and void in many places even though microphones were switched out numerous times.

Planning and Zoning Members: Please ***speak directly*** into the microphone for the recording. Thank you.