

PLANNING & ZONING MEETING

MAY 18, 2023

ATTENDEES: David Chillas, Chairman
Morris Deputy, Town Manager
Frank Bailey, Fire chief
Billy Duck
Chuck McCausland
Jenn Parrish
Joe Pontak
Gretchen Rachko
Charles Roberts
Keith Thompson

AGENDA:

1. 601 South Ridge Avenue (Parcel 3 at The Parkway at South Ridge and Westtown Town Center) Preliminary Minor Land Development Plan for a 3,013 square-foot, drive-thru restaurant (Freddy's Frozen Custard & Steakburgers) in a C-3 zoned area.
Tax Parcel No. 23-022.00-180.

Ted Williams with Landmark Science and Engineering presented the plan. Mr. Williams said the comments from the Commission were presented to the client and Kohl's.

- The plan presented last month had the drive-thru almost in the area where customer's leaving Chick-fil-A would make a right turn from their drive-thru lane and make a right to go to Kohl's, creating a conflict.
To alleviate that, the proposed Freddy's building was rotated 90° and moved further toward the west so the drive-thru is on the backside; vehicles will exit directly onto the drive aisle in front of the building, not by Chick-fil-A. There will be an island between Freddy's and Chick-fil-A, with parking in the area and an entrance into the drive-thru lane coming from the easterly direction from the Kohl's facility. There will be no exiting of vehicles toward Chick-fil-A's area. Kohl's will not let the facility go any further to the southwest on the lot.

Billy Duck asked what data was used to rotate the building; he said he sees possibly two choke points. He asked if a traffic study was done for Chick-fil-A.

Mr. Williams said the building was rotated based on concerns that Freddy's customers exiting the drive-thru would head directly toward the lane that would conflict with customers exiting from Chick-fil-A. With rotating the building, customers exiting Freddy's will come straight out toward the front of the building and make a right or left turn, but will not be in direct conflict with Chick-fil-A traffic. They did not do a traffic study for Chick-fil-A. Chick-fil-A vehicles go in an easterly direction when exiting the drive-thru lane and can turn right to go back toward Kohl's.

Billy Duck said he's concerned with people making a left to enter the drive-thru. He provided data, during peak hours pulled from both restaurant's websites and commented that he doesn't think the vehicles will stay in the drive-thru lane but will spill into the drive aisle.

Mr. Williams said the lanes will be signed. He said he doesn't think there will be a conflict with the Chick-fil-A people because there is two-lane traffic on that side of the property – one lane going towards Kohl's and one lane coming back from Kohl's. If cars are queuing in that area, they will queue in the parking lot and not be in conflict with Chick-fil-A.

Keith Thompson commented that Chick-fil-A has such volume that customers have to go around the barriers and wait to have their food delivered, which could cause a bigger conflict. He asked if Chick-fil-A has been part of this conversation.

Frank Bailey questioned the new plan.

Mr. Williams took the plan to the dais and explained where the changes would be made and discussed the bypass lane.

Mr. Williams said their client has been in communication with Chick-fil-A because they have permission to go across the back of the property to tie-in to the sanitary sewer and water. No one has indicated that Chick-fil-A has any issues with Freddy's being on the site or the layout.

Billy Duck asked if they were specifically asked.

Mr. Williams said he was not part of that conversation. He understands that Freddy's has spoken with the Chick-fil-A operators and they know what is going on. He said they believe this design, with a minor adjustment at the entrance to the drive-thru off the common drive aisle on the right side, there is enough room to provide stacking and for traffic from Chick-fil-A to exit the site.

Billy Duck suggested restricting the 16' entrance for drive-thru only.

Mr. Williams said he would have to discuss that with his client. He said he could adjust the entrance to the 16' drive aisle and make a sharper angle on the island so vehicles would almost have to make a U-turn to get into the drive-thru lane.

Joe Pontak told Mr. Williams he has a hunch it's not Kohl's saying no, but you sir, saying no to putting it on the other side, because they don't want to pay to tear up the property to put in the sewer and water; they would rather tie-in to Chick-fil-A. He said he would like to see a proposal from Kohl's saying they are saying no to it. He said it was tabled the last time because of the traffic volume coming from Chick-fil-A. He said his main concern with all development is traffic and he doesn't understand why Kohl's will not move it. He is not in agreement with this because of the safety factor; if it was on the other side, there would not be a problem. He questioned people in the audience for their comments on traffic.

Mr. Williams said, for the record, it is not his decision; his client has said that Kohl's will not allow them to go to the southern part of the site.

Dave Chillas said this is Kohl's parking lot, we're not talking about traffic on 299; their volume is nowhere near what Chick-fil-A has.

Billy Duck said he would like to see another proposal that takes the safety factor into consideration based on the peak hour data he provided.

Mr. Williams said this plan is being presented today and adjustments will be made as discussed. He said his client would like a recommendation on the plan.

Billy Duck commented it's not a good plan; he doesn't see that much difference and he would make a motion to table it. He said this is the opportunity to do it right.

Short discussion on tabling the project versus making a recommendation; if the plan is tabled, it will come back again.

Chuck McCausland questioned the motion. He asked if the change is made to the island near the drive-thru which would keep the traffic from spilling into the drive aisle, as pointed out by Mr. Williams, would he reconsider the motion.

Jenn Parrish agreed the changes would make a difference with her.

Billy Duck said he would need to see it first.

Frank Bailey asked if the client is requesting a vote one way or the other, don't they have to agree to table their plan; otherwise, it can be tabled every month and never voted on.

Morris Deputy said a recommendation is required for the project to go to Mayor and Council. He said he will ask for the Solicitor 's opinion on the tabling question.

Billy Duck said a motion was made and seconded and a vote should be taken.

Chief Bailey said there was a question on the motion and that's why he asked a question.

Moved by Billy Duck and seconded by Joe Pontak to table 601 South Ridge Avenue (Parcel 3 at The Parkway at South Ridge and Westown Town Center) Preliminary Minor Land Development Plan for a 3,013 square-foot drive-thru restaurant (Freddy's Frozen Custard & Steakhurgers) in a C-3 zoned area on the basis that concerns from the previous meeting were not fulfilled from a traffic flow perspective considering Chick-fil-A traffic exiting Chick-fil-A's site. Tax Parcel No., 23-022.00-189. Motion Carried Unanimously (8-0).

2. 399 E. Main Street – Preliminary Major Land Development Plan for a 7,704 square-foot restaurant and 6,928 square-feet of retail space on 1.42 acres, in a C-2 zoned area. Tax Parcel No. 23-007.00-029.

Ron Sutton with Civil Engineering Associates represented the owner/developer of the property, ANTA LLC. The plan proposes the following at 399 E. Main Street, the previous location of the M&T Bank next to St. Joseph's Church:

- A 7,704 square-foot restaurant for Pat's Pizzeria. The restaurant will relocate from the current location on N. Broad Street.
- Approximately 6,928 square-feet of retail space is divided into four spaces; businesses are unknown at this time.
- The existing site is 1.42 acres, zoned C-2.
- 44 parking spaces are required for the restaurant; the retail requires 24 spaces. A total of 70 spaces are proposed. Twelve bicycle spaces will be provided.
- Sewer exists on site; a grease trap will be provided. Water will be relocated around the building; a new valve is on Main Street.
- DelDOT is working on a new right-in/right-out on Main Street; it is hoped that it will be constructed as part of their project when they work on the north side of Main Street. Traffic will also enter from Cleaver Farm Road, at the entrance to St. Joe's.
- The plan complies with regulations except for pavement on the east side of the property by Cleaver Farm Road. A ten-foot setback is required on the Cleaver Farm Road side and a variance will be requested for a 6' pavement setback on the Cleaver Farm Road side.
- Stormwater management will be handled by a new underground system that will be tied-in to catch basins; some runoff will continue to go to St. Joseph's.
- The dumpster will be enclosed and shared.

- Elevations were provided.
- Landscape screening will be provided for the St. Joe's parcel, zoned R-1A.

Joe Pontak asked if the existing building will be demolished and if they would work with DNREC on that demolition.

Morris Deputy said they will pull a demo permit from the Town's permit office which requires verification of asbestos and requires safety procedures are followed during the demo.

Chuck McCausland asked if there is an entrance on Cleaver Farm Road.

Mr. Sutton said it's a shared access with St. Joe's; a cross-access easement is currently in place.

Keith Thompson asked if there are other plans for improvements on Cleaver Farm Road. He said he is aware of the traffic circle proposed for the Reybold property.

Morris Deputy said some improvements are associated with the Highlands job and DelDOT has some improvements into Cleaver Farm Road.

Mr. Sutton said he thinks DelDOT's work will stop just before their entrance. They will install all new sidewalks, drainage and curbing along the frontage of the property.

Chief Bailey asked if the retail building is attached.

Mr. Sutton said the buildings will be attached.

Chief Bailey said the buildings will be over 10,000 sq. ft. and sprinklered. He asked for the size difference between the existing Pat's and the new proposed restaurant.

Mr. Sutton said the existing restaurant is about 5,000 square-feet; the new restaurant will be approximately 7,700 square-feet, similar to the restaurant in Smyrna.

Moved by Keith Thompson and seconded by Jenn Parrish to recommend Mayor and Council approve 399 E. Main Street – Preliminary Major Land Development Plan for a 7,704 square-foot restaurant and 5,928 square-feet of retail space on 1.43 acres, in a C-2 zoned area. Tax Parcel No. 23-007.00-029. Motion Carried Unanimously (8-0).

3. 410 Brick Mill Road – Preliminary Major Subdivision Plan for Janies Way, a 22-lot, single family semi-detached, senior living (55+) subdivision with associated site improvements, public right-of-way and open space. Tax Parcel Nos. 23-057.00-158 and 23-056.00-023.

Steve Woodin with Apex Engineering presented the plan for 410 Brick Mill Road.

- The property is approximately 9 acres.
- Twenty-Two single family, semi-detached homes are proposed as presented last month in the rezoning request.
- Janies Way will have a 60' wide public right-of-way dedicated to the Town.
- A 32' drive aisle and six-foot sidewalks will be provided.
- The cul-de-sac in the rear will have a 24' wide drive aisle one way, in a counter-clockwise direction.
- Renderings were presented; base price proposed is \$600 to \$800,000.
- Mr. Woodin said he has discussed the fire apparatus movement with Chief Bailey; they will try to minimize the curb on the southwest corner of the roundabout to make an easier turn for the fire apparatus.
- The stormwater is in an existing channel.
- The entrance will be reviewed and approved by DelDOT.

Frank Bailey asked for the size of the cul-de-sac.

Mr. Woodin said the interior radius on the curve is 40 feet; additional concrete will probably be added to make it more comfortable. The curb will be mountable, flush with the paving; the additional sidewalk will be mountable. The outer diameter is 65' to the upright curb; it's 24 feet wide and the gutter is another foot – 130' diameter to the upright curb.

Chief Bailey said they require a 91' diameter.

Mr. Woodin said there will be more discussion on the roundabout as the construction plans go through the review process.

Billy Duck asked if the road has a parking restriction.

Mr. Woodin said not necessarily; a 32' drive aisle is typical. The garages have dual parking and the driveway has two parking spaces.

Moved by Chuck McCausland and seconded by Gretchen Rachko to recommend Mayor and Council approve 410 Brick Mill Road – Preliminary Major Subdivision Plan for Janies Way, a 22-lot, single family, semi-detached, senior living (55) subdivision with associated site improvements, public right-of-way and open space. Tax Parcel Nos. 23-057.00-158 and 23-056.00-023. Motion Carried Unanimously (7-0). Joe Pontak abstained.

Moved by Joe Pontak and seconded by Billy Duck 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, Town Manager

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