

# The Mayor and Council of Middletown

General Administration

19 W. Green Street  
Middletown, DE 19709



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**PLANNING & ZONING MEETING**  
**Virtual Meeting via Zoom Video Conference**  
**AUGUST 20, 2020**

**ATTENDEES:** Dave Chillas, Chair  
Morris Deputy, Town Manager  
Gene Bloemker  
Joe Pontak  
Gretchen Rachko  
Charles Roberts  
Scott Unruh

**AGENDA:**

- 1. 1068 Industrial Drive – Church Branch Lot 3 – Conditional Use Permit request for a one-story, 8,750 square-foot warehouse building and contractor yard for the storage of construction equipment, materials and supplies in an M-I zoned area. CU-10-20. Tax Parcel No. 23-012.00-017.**
- 2. 108 Patriot Drive, Suite D – Conditional Use Permit request for an HVAC company warehouse (Miller Heating & Cooling) in an M-I zoned area. The offices and warehouse are currently located in 108 Patriot Drive, Suite E. This expansion will put the warehouse alone in Suite D and offices in Suite E. CU-11-20. Tax Parcel No. 23-041.00-005.**
- 3. 113 Mallard Way – Conditional Use Permit request for a life coaching business (A New Leaf Behavioral Life Strategy Coaching) to be located in an R-1B zoned area. CU-12-20. Tax Parcel No. 23-057.00-129.**
- 4. 922 Levels Road – Conditional Use Permit request for a distribution center (MRP Industrial/Breakthru Beverage) to be located in an M-I zoned area. CU-13-20. Tax Parcel No. 23-041.00-130.**
- 5. 922 Levels Road – Preliminary Major Land Development Plan for MRP Industrial to build a 282,520+/- square-foot distribution center on approximately 25 acres. Tax Parcel No. 23-041.00-130.**
- 6. 14 S. Broad Street – Historical Zone Review of a building renovation downtown. Tax Parcel No. 23-009.00-004.**

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**1. 1068 Industrial Drive – Church Branch Lot 3 – Conditional Use Permit request for a one-story, 8,750 square-foot warehouse building and contractor yard for the storage of construction equipment, materials and supplies in an M-I zoned area. CU-10-20. Tax Parcel No. 23-012.00-017.**

Denis Hulme requested Conditional Use approval to allow the construction of an 8,750 square-foot

warehouse building for the storage of construction equipment at 1068 Industrial Drive. Mike Miklus, owner of the property, will use the building to store his construction equipment.

***Moved by Charles Roberts and seconded by Gretchen Rachko to approve 1068 Industrial Drive, Church Branch Lot 3, Conditional Use Permit request for a one-story, 8,750 square-foot warehouse building and contractor yard for the storage of construction equipment, materials and supplies in an M-I zoned area. CU-10-20. Tax Parcel No. 23-012.00-017. Motion Carried Unanimously.***

**2. 108 Patriot Drive, Suite D – Conditional Use Permit request for an HVAC company warehouse (Miller Heating & Cooling) in an M-I zoned area. The offices and warehouse are currently located in 108 Patriot Drive, Suite E. This expansion will put the warehouse alone in Suite D and offices in Suite E. CU-11-20. Tax Parcel No. 23-041.00-005.**

Danielle Banks requested Conditional Use approval to allow Miller Heating & Cooling to use Suite D as a warehouse to store HVAC material. The company currently leases Suite E for offices and storage and proposes to expand their office space in Suite E, and lease Suite D for storage.

Chip Roberts asked if parking was adequate.  
Ms. Banks said it was.

***Moved by Charles Roberts and seconded by Scott Unruh to approve 108 Patriot Drive, Suite D, Conditional Use Permit request for an HVAC company warehouse for Miller Heating & Cooling in an M-I zoned area. CU-11-20. Tax Parcel No. 23-041.00-005. Motion Carried Unanimously.***

**3. 113 Mallard Way – Conditional Use Permit request for a life coaching business (A New Leaf Behavioral Life Strategy Coaching) to be located in an R-1B zoned area. CU-12-20. Tax Parcel No. 23-057.00-129.**

Alethea Miller requested Conditional Use approval to allow clients to come to her home. Life coaching assists individuals in improving their health, relationships, careers, etc. She owns the home and no changes will be made to the outside or inside.

Gretchen Rachko asked how many clients would be coming to her home and how many parking spaces are available.

Ms. Miller said the number of clients coming to the house would be minimal. In the beginning, she will be holding virtual meetings because of Covid-19. She has two-car garage with driveway parking; additional parking is available on the street. She will not be holding group counseling sessions. Counseling sessions are one-on-one.

Scott Unruh asked if the HOA allows home businesses.  
Ms. Miller said she didn't recall seeing anything in writing.

Joe Pontak asked how many clients are expected per month.  
Ms. Miller said it is a part-time business with only one or two clients expected per month.

***Moved by Gretchen Rachko and seconded by Joe Pontak to approve 113 Mallard Way Conditional Use Permit request for a life coaching business (A New Leaf Behavioral Life Strategy Coaching) to be located in an R-1B zoned area. CU-12-20. Tax Parcel 23-057.00-129. Motion Carried Unanimously.***

**4. 922 Levels Road – Conditional Use Permit request for a distribution center (MRP Industrial/Breakthru Beverage) to be located in an M-I zoned area. CU-13-20. Tax Parcel No. 23-041.00-130.**

Jim Curran with KCI Associates presented the Conditional Use Permit request with Item 5, the Preliminary Land Development Plan for Breakthru Beverage.

Chairman Dave Chillas said the items will be voted on separately.\*

**5. 922 Levels Road – Preliminary Major Land Development Plan for MRP Industrial to build a 282,520+/- square-foot distribution center on approximately 25 acres. Tax Parcel No. 23-041.00-130.**

Jim Curran said the project proposes to subdivide 25 acres from the 89-acre parcel zoned M-I, located behind Johnson Controls.

- Breakthru Beverage, an alcoholic beverage distribution company, proposes to construct a 282,528 square-foot warehouse distribution center. Approximately 25,000 square-feet are proposed for a two-story office area; the sales area will use approximately 5,000 square-feet. The project proposes a future 95,904 square-foot expansion.
- In addition to the building and improvements to the lot, the project will create a new intersection, Levels Road and Merrimac Avenue, and will construct the extension of Merrimac Avenue on the southern property line of the 25 acres.
- Approximately 250 parking spaces are provided; 40 spaces are proposed for trailers.
- The project will contribute to the Westtown TID fund.
- Stormwater management will be located in the back of the building.
- The developer has been meeting with the Town and DelDOT to discuss the improvements required to widen Levels Road, and the requirements for the new intersection at Levels Road/Merrimac Avenue.
- The warehouse/distribution center is a permitted use in the M-I zoning district, with Conditional Use Permit approval.

Chip Roberts asked if DelDOT agrees with what is being planned.

Mr. Curren said a pre-submittal meeting was held with DelDOT and the developer is meeting with the Town to discuss the Merrimac Avenue requirements.

Joe Pontak asked for clarification on the 25-acre location.

Reid Townsend explained that three parcels under the same ownership make up a total of 216 acres on Industrial Drive, bordering the Deep Creek subdivision; approximately 25 acres will be subdivided from the 89-acre parcel located on the northwest corner of Levels Road and Industrial Drive.

***\*Moved by Joe Pontak and seconded by Gene Bloemker to recommend Mayor and Council approve 922 Levels Road Conditional Use Permit request for a distribution center (MRP Industrial/Breakthru Beverage) to be located in an M-I zoned area. CU-13-20. Motion Carried Unanimously.***

***Moved by Gene Bloemker and seconded by Charles Roberts to recommend Mayor and Council approve 922 Levels Road Preliminary Major Land Development Plan for MRP Industrial to***

**build a 282,520+/- square-foot distribution center on approximately 25 acres. Tax Parcel No. 23-041.00-030. Motion Carried Unanimously.**

**6. 14 S. Broad Street – Historical Zone Review of a building renovation downtown. Tax Parcel No. 23-009.00-004.**

Adam Cofield representing Clark Construction, pointed out the property is better known as the old fire house, originally constructed in 1943.

- An artist's rendering was presented showing the proposed architecture.
- Approximately 6200 square-feet of retail space is proposed on the first floor – possibly creating 6 individual retail spaces.
- Two fire stair towers will be added to the building.
- The existing elevator will be converted to a residential element.
- A fourth floor will be added.
- A total of 18 units are proposed for the second, third and fourth floors.

Gretchen Rachko asked if the building will be enlarged other than adding a fourth floor and if parking is sufficient for both the existing and proposed retail and residential units. She asked if the parking is just for this building or is it available for other businesses to use.

Mr. Cofield said the footprint would remain the same except for the addition of the fire corridor. The parking allocation meets the requirement; right now the lot is open and hopefully it won't have to be limited.

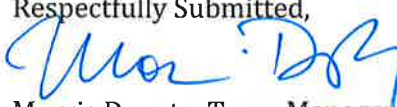
Gene Bloemker asked if the retail space will be built out or built per a tenant's requirement. Mr. Cofield said they typically build a shell and complete the fit-out according to a tenant's need.

Joe Pontak asked if the building will be demolished or restored. Mr. Cofield said they will build from the pre-existing structure.

**Moved by Joe Pontak and seconded by Scott Unruh to recommend Mayor and Council approve 14 S. Broad Street Historical Zone Review of a building renovation downtown. Tax Parcel No. 23-009.00-004. Motion Carried Unanimously.**

**Moved by Joe Pontak and seconded by Charles Roberts 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 8/26/20  
Cc: Mayor and Council  
Planning & Zoning Members  
All Attendees