

## PLANNING & ZONING MEETING

JANUARY 19, 2023

**ATTENDEES:** David Chillas, Chair  
Todd Frey, P.E.  
Frank Bailey  
Donald Dibert  
Billy Duck  
Chuck McCausland  
Jenn Parrish  
Joe Pontak  
Gretchen Rachko  
Charles Roberts  
Keith Thompson

### AGENDA:

**1. 117 Patriot Drive, Suite A – Conditional Use Permit request for a commercial elevator repair company (Kinetic Elevator, LLC) in an M-I zoned area. CU-01-23. Tax Parcel No. 23-041.00-020.**

Elizabeth Flumer requested Conditional Use approval to allow Kenetic Elevator at 117 Patriot Drive. She said she and her husband started the business on the eastern Shore and currently have an office in Philadelphia. They plan to expand their business in Delaware. The front part of the building will be used for an office; the remainder will be used for elevator parts storage.

***Moved by Keith Thompson and seconded by Don Dibert to recommend Mayor and Council approve 117 Patriot Drive, Suite A, Conditional Use Permit request for a commercial elevator repair company (Kinetic Elevator, LLC) in an M-I zoned area. CU-01-23. Tax Parcel No. 23-041.00-020. Motion Carried Unanimously.***

**2. 700 N. Broad Street – Minor Subdivision Plan for the adjustment of boundary and property lines for utilities. Tax Parcel Nos. 23-003.00-008 and 23-003.00-009.**

Jack Shoemaker with First Order, LLC, said their company was surveying the property for transfer. During the survey, it was found that a 25' x 25' parcel of land is deeded to Chesapeake Utilities and shown along the northerly property line on the microfilm of record. The deed shows the same parcel being located 10' off the property line and a couple feet further to the north. It was also found that the actual utilities facility was built completely outside either of those two areas.

Mr. Shoemaker said the property owner and Chesapeake Utilities both agreed the best course of action is to correct the plat and move the easement to where the utility exists.

Don Dibert asked if there is any documentation that both parties agreed.

Todd Frey responded the owner and representative from Chesapeake Utilities will be giving their approval of the subdivision plan when they sign the plan for recordation.

***Moved by Chuck McCausland and seconded by Joe Pontak to recommend Mayor and Council approve 700 N. Broad Street Minor Subdivision Plan for the adjustment of boundary and property lines for utilities. Tax Parcel Nos. 23-003.00-008 and 23-003.00-009. Motion Carried Unanimously.***

**3. 603 Tower Lane - Preliminary Major Land Development Plan for a 13,440 square-foot flex space building with parking and improvements in an M-I zoned area.**  
**Tax Parcel No. 23-008.00-115.**

Matt Brickley with Morris & Ritchie Associates represented Tom Wilcox, owner of the property. The plan proposes a 13,440 flex-space building at 603 Tower Lane, located in the Auto Park.

- A one-story, six unit building with all associated improvements is proposed.
- The parking exceeds code requirement.
- The building will be sprinklered.
- The Middletown Auto Park site has existing stormwater management, a sanitary sewer manhole and water connection in place.
- The Auto Park has approval for 95% lot coverage; 71% is proposed for this plan.

Dave Chillas pointed out the comment under “Fire Marshal - Section B”, states the building will not be equipped with a sprinkler system.

Mr. Brickley remarked the building will be sprinklered and the comment on the plan will be corrected.

Gretchen Rachko asked if a tenant had been secured for the space.

Mr. Brickley said not at this time; each unit will come back for a use permit and approval.

Jenn Parrish commented it appears the facility could employ about 36 people.

***Moved by Chip Roberts and seconded by Jenn Parrish to recommend Mayor and Council approve 603 Tower Lane Preliminary Major Land Development Plan for a 13,440 square-foot flex-space building with parking and improvements in an M-I zoned area. Tax Parcel No. 23-008.00-115. Motion Carried Unanimously.***

**4. 610 Tower Lane - Preliminary Record Minor Land Development Plan for a 1,280 square-foot metal storage building on the property adjacent to the Super Service Automotive Center. C-3 zoning area.** Tax Parcel No. 23-008.00-111.

Doug Liberman with Larson Engineering, represented Nick Gadaleta, owner of Super Service Center Automotive.

- The owner is seeking approval to construct a 36' x 40', 1,440 square-foot pole building to be used for auto parts storage.
- The square-footage on the plan-set indicates the building will be 32' x 40' for 1,280 square-feet. An additional four-feet needed to be added to the building in order to fit a third overhead door for the building.
- Electric will be supplied to the building; no water or sewer will be connected.
- The building will be built over the existing paved area previously used for storage, as shown on the existing Record Plan.
- Striping will be added to the additional paving area.
- The project is still under the maximum 95% impervious coverage.

Jenn Parrish asked if any flammable substances will be stored.

Mr. Liberman said no flammables will be stored. The building permit will also require Fire Marshal approval for the project. A 1,440 square-foot building will not require a sprinkler system.

***Moved by Billy Duck and seconded by Jenn Parrish to recommend Mayor and Council approve 610 Tower Lane, Preliminary Record Minor Land Development Plan for a 1,440 square-foot metal storage building on the property adjacent to the Super Service Automotive Center in the C-3 zoning district. Tax Parcel No. 23-008.00-111. Motion Carried Unanimously.***

***Moved by Joe Pontak and seconded by Chip Roberts 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,

Todd Frey, P.E.

RY-1/25/23  
Cc: Mayor & Council  
P & Z Members  
Verdantas  
All Attendees