

## PLANNING & ZONING MEETING

OCTOBER 17, 2024

**ATTENDEES:** David Chillas, Chairman  
Morris Deputy, Town Manager  
Chuck McCausland  
Jenn Parrish  
Joe Pontak  
Gretchen Rachko  
Charles Roberts  
Keith Thompson

### AGENDA:

1. **110 Patriot Drive, Suite E - Conditional Use Permit request for a warehouse and distribution center for pre-packaged consumer items to be sold online and shipped to destinations overseas and domestically, in an M-I zoned area. CU-29-24. Tax Parcel No. 23-041.00-006.**

No representative.

2. **116 Sleepy Hollow Drive, Suite B - Conditional Use Permit request for an overhead door repair company (Del Mar Door Service) to operate an office and store manual and automatic door parts in an M-I zoned area. CU-30-24. Tax Parcel No. 23-021.00-127.**

Mike Lentz represented Del Mar Door Service. Mr. Lentz explained the business is actually a handicap access repair and installation business, owned by an overhead door company. All repair parts will be stored in the warehouse. Hollow metal and store fronts are installed as well. Mr. Lentz said he will occupy the office; technicians will pick up required parts for repairs from the warehouse. The business has been in Middletown about 20 years, and previously occupied Suite D. They are down-sizing and relocating to Suite B.

***Moved by Joe Pontak and seconded by Jenn Parrish to recommend Mayor and Council approve 116 Sleepy Hollow Drive, Suite B, Conditional Use Permit request for an overhead door repair company (Del Mar Door Service) to operate an office and store manual and automatic door parts in an M-I zoned area. CU-30-24. Tax Parcel No. 23-021.00-127. Motion Carried Unanimously.***

**3. Review Ordinance 24-10-01 for the rezoning of Tax Parcel Nos. 23-006.00-642, 23-006.00-328, 23-007.00-371 and 23-007.00-369 in the Middletown Crossing Shopping Center from C-2 to C-3 zoning.**

Elio Battista presented the rezoning request on behalf of the applicant, Poet Holdings, LLC.

- The request is to rezone four (4) parcels from C-2 to C-3 to maintain a uniformity of zoning. Tax Parcel 23-006.00-642 is currently an empty lot; the remaining three parcels are developed and occupied.
- The rezoning purpose is to increase the options to market the property for additional retail, food service, etc. The nature of the area will stay the same.
- The parking and stormwater management requirements are existing and will not change.

Gretchen Rachko expressed concern if the vacant lot is intended for the tire shop. She said she doesn't think it should be located so close to a residential area because of the noise created by the equipment; it would be better suited in the industrial area.

Mr. Battista said the tire shop is concept at this time, but explained that the business does everything in an enclosed facility, and they typically operate in shopping centers. A food service establishment with a drive-thru or other retail could also go there.

Jenn Parrish said she lives in the neighborhood and would be concerned with traffic from a drive-thru and the noise from a tire shop. She asked if oil changes, lubes, etc., would be offered. She feels a road/traffic study should be done before anything is built on the lot because of the amount of traffic.

Mr. Battista indicated only tires will be sold; the tire shop and drive-thru food service are only proposed concepts. Mr. Battista pointed out any actual business will require a Land Development Plan that will be reviewed for comments by the Planning and Zoning Commission and Mayor and Council for approval. Concerns for any proposed business would be addressed through that process. He added they have been working with the Town to get the Green Street Extension completed; they have their approvals but are waiting on DelDOT.

Morris Deputy pointed out the proposed new traffic pattern is on the plan.

Chuck McCausland questioned the tax parcel number (23-007.00-369) being different on the agenda than what appears in the letter (23-007.00-396).

Morris Deputy explained the parcel number on the agenda is the correct number. The number in the letter is an error, and is actually Walgreens' address.

Joe Pontak asked if the property is rezoned from C-2 to C-3, could it all be demolished later and a mini-strip or anything else be built?

Morris Deputy responded that anything allowed in C-2 or C-3 could be built. C-3 zoning allows shopping centers and employment centers.

Discussion followed on uses allowed in C-2 versus C-3. C-2 has over 20 uses; C-3 allows everything in C-2, plus several additional uses...service station, auto sales agency, public garage or lot, restaurants with drive-thru (which have to be part of a comprehensive designed shopping center), offices and shopping centers. The parcel is currently zoned C-2; any use allowed could be presented and approved as a matter of right.

Mr. Battista responded there are 20 other uses permitted in the C-2 zone that could be built by-right. He said they don't want to tear down anything and rebuild; he received specific instructions that no residential would be proposed. They just want to increase the opportunity to market the parcel.

***Moved by Chuck McCausland and seconded by Keith Thompson to recommend Mayor and Council approve Ordinance 24-10-01 for the rezoning of Tax Parcel Nos. 23-006.00-642, 23-006.00-328, 23-007.00-371 and 23-007.00-369 in the Middletown Crossing Shopping Center from C-2 to C-3 zoning. Motion Carried 4 - 3.***

***Keith Thompson - Aye***

***Gretchen Rachko - Nay. If the tire shop is being considered, it should be in an industrial park and not next to a neighborhood. Tire changing tools are very loud.***

***Chuck McCausland - Aye***

***Jenn Parrish - Nay. Traffic and the noise from a tire shop. She lives in the neighborhood and would like to get the community's feeling on the rezoning. Middletown Crossing already gets a lot of traffic from the Acme.***

***Chip Roberts - Aye***

***Joe Pontak - Nay. Traffic and not sure what C-3 holds for the future.***

***David Chillas - Aye (voted to break the tie vote).***

Joe Pontak asked if the Green Street Extension was part of this plan.

Mr. Battista said he only represents the owner of the land. DelDOT has to obtain easements from the land owner for the road and those easements have been approved. Green Street Extension will help relieve traffic on Rt. 299.

Keith Thompson noted that Lake Street is also going to be extended and will provide an alternate route from 299.

**Adjournment:**

***Moved by Joe Pontak and seconded by Gretchen Rachko 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 -10/21/24  
Cc: Mayor & Council  
All Attendees  
Verdantas