

PLANNING & ZONING MEETING

NOVEMBER 18, 2021

ATTENDEES: David Chillas, Chairman
Morris Deputy, Town Manager
Frank Bailey, Fire Chief
Gene Bloemker
Bruce Orr
Joe Pontak
Gretchen Rachko
Craig Sherman
Scott Unruh

PUBLIC HEARINGS:

1. 104 S. Broad Street – Conditional Use Permit request for Warriors Helping Warriors Veterans Home, to have a resident apartment above first floor non-residential use (Veterans resource center) with a maximum of nine (9) occupants utilizing bedrooms. This is an amended permit to replace CU-02-16, acquired in 2016. CU-15-21. Tax Parcel No. 23-009.00-028.

Marsha Conley requested a modification to their original Conditional Use CU-02-16 to include a first floor Veterans Resource Center, and an apartment to house nine (9) veterans. Also requested is approval to add one ADA bedroom on the first floor to accommodate one handicap veteran. The two second floor bedrooms will each house three veterans, and one third-floor bedroom will house 2 veterans, for a maximum total of 9 veterans.

Bruce Orr said he understood there were 16 residents, and the third floor apartments required Fire Marshal compliance.

Mrs. Conley said after they were notified they were non-compliant with their Conditional Use, they reduced the number of occupants from 12 to 9.

Gretchen Rachko commented that the center was originally approved for women and families. She asked why the use changed and where all the residents would park. Parking is a major concern. Mrs. Conley said they park on S. Broad Street, on Cochran Street near the church and in the public lot on Scott Street - most of the veterans don't have vehicles. There are seven total staff members. Ms. Rachko said there is no guarantee future residents won't have vehicles.

Frank Bailey asked if the discrepancies on the third floor, per letter dated March 16th, had been addressed.

Kevin Conley said the Fire Marshal approved one room on the third floor toward the back of the house that has a closed-in stairwell.

Mrs. Conley said there are two rooms on the third floor that the Fire Marshal said they could not use. Those rooms are locked at all times; only staff has access.

Morris Deputy said there is a stamped plan from the Fire Marshal approving the back bedroom. Kristen Krenzer commented that the Town's Code Official said the back bedroom complies with the code.

A resident questioned why they were reducing the number of residents. Bruce Orr explained they exceeded the number of residents allowed and are seeking approval for 9 residents and the addition of an ADA bedroom on the first floor.

Chuck Wisninski, W. Redding Street: Parking is a big concern; the intersection is dangerous and unsafe. Vehicles parked on Broad Street create a blind intersection.

Morris Deputy said Mayor and Council agree that the intersection is unsafe and Council will be restricting parking on South Broad Street along the frontage of the property.

A resident from W. Cochran Street asked where the residents will park if they can't park on Broad Street – a lot of the residents and visitors already park on W. Cochran Street.

Mrs. Conley said they will ask the staff and residents to park in the public lot on Scott Street and not park on Cochran.

Moved by Gene Bloemker and seconded by Scott Unruh to recommend Mayor and Council approve 104 S. Broad Street Conditional Use Permit request for Warriors Helping Warriors Veterans Home, to have a resident apartment above first floor non-residential use (veterans resource center) with a maximum of nine (9) occupants utilizing bedrooms. This is an amended permit to replace CU-02-16, acquired in 2016. CU-15-21. Tax Parcel No. 23-009.00-028.

Motion Carried 6 – 1. Gretchen Rachko voted Nay based on parking and safety concerns.

2. Dove Run Centre – Lot B – Conditional Use Permit request for garden apartments in a C-3 zoned area. CU-16-21. Tax Parcel No. 23-025.00-084.

Mark Russo with Vandemark & Lynch presented the Conditional Use Permit request and Preliminary Major Land Development Plan together.

3. Dove Run Centre – Lot B – Preliminary Major Land Development Plan to re-develop Lot B in the Dove Run Centre. Previously-approved plans were for big-box commercial development. This re-development plan asks for garden apartments. Tax Parcel No. 23-023.00-084.

Mark Russo stated the Conditional Use Permit is requested to allow garden apartments within the C-3 zoning district.

- The entire parcel is 15.1 acres; the area proposed for development is +/-11 acres.
- The plan proposes eight (8), three-story garden apartment buildings, a community center and swimming pool. The buildings have 24 units for a total of 192 apartments.
- The apartments will be similar to the apartments recently completed at Westown.
- The development will tie into the existing water, storm sewer and sanitary sewer systems.
- Landscaping will meet or exceed Town requirements.

- The proposed plan will reduce the impervious coverage versus the previously approved shopping center and parking lots by about 2 acres.
- The plan will also reduce the number of vehicle trips versus a shopping center use.
- The concept plan was presented to Mayor and Council earlier this month. At that time, Mayor Branner asked that they contact DelDOT to review the plan. Sarah Coakley, Principal Planner with DelDOT is present and will report their findings.

Sarah Coakley explained the site was part of the Eastown Transportation Improvement District. The previous plan proposed +/-110,000 square-feet of shopping center use which would generate 206 a.m. peak hour trips and 579 p.m. peak hour trips; removing the “internal capture” would result in over 300 p.m. peak hour trips. A traffic generation based on 192 apartment units is expected to generate 83 p.m. peak hour trips (the busiest 2 hours of the day). DelDOT does not have any concerns with the apartments. Additional bicycle and pedestrian access, bike racks, etc., will probably be required when PLUS reviews the plan.

Joe Pontak questioned how DelDOT could not have any concerns with 192 apartments being built there. He asked if DelDOT’s website explains how traffic studies are calculated.

Ms. Coakley said from a traffic stand point, DelDOT doesn’t have any objections. On DelDOT’s website, TIS information is located under Programs, Transportation Improvement Districts – a portion is dedicated to the Eastown TID and the Westown TID.

Pontak commented that if studies are done on previously approved plans, the traffic count doesn’t include the 100 townhomes recently approved by the library, etc.

Ms. Coakley said actual counts were done on previously approved plans; those counts are added to the proposed trip generations from future land uses for each parcel. The apartments will generate approximately 1/3 of the traffic compared to the previously approved shopping center.

Craig Sherman asked if the increased volume on Brick Mill Road and Main Street was factored in for the study for this plan. At the November meeting Mayor and Council requested an updated traffic plan for this project.

Ms. Coakley said a round-about will be constructed at the hospital entrance on Brick Mill Road. As part of the Rt. 299 improvements, Dove Run Center Drive (front entrance). will be relocated across from the hospital entrance and use the round-about to help reduce conflicts.

It was pointed out that Planning and Zoning is only a recommending board; these issues should be brought up to Mayor and Council.

A large number of Dove Run residents attended the meeting. The following is a summary of their concerns.

- The shopping center parking lot is usually only 1/3 full on a daily basis but still causes maximum congestion.
- It usually takes 15 minutes to get from Dove Run to the center of town.
- Over 300 additional cars will impact the traffic situation if the apartments are built.
- Traffic is further impacted when the high school lets out and the road is already blocked.
- The safety of the kids crossing 299 to and from school is a great concern.
- Traffic is horrendous on Rt. 299 from Brick Mill Road to the center of town.
- Traffic has doubled on Dove Run Boulevard since the opening of Brick Mill Early Education Childhood Center.
- A box store has set hours of operation; apartments do not.
- It was suggested the parcel remain commercial.

- Three story apartment buildings will block views.
- People regularly run the stop signs on Dove Run Blvd. – additional vehicles will add to the problem.
- Residents moved here because of the small-town feel; it's not that way anymore.
- Main Street/Rt. 299 is overrun.
- Traffic backs up on Rt. 1 up to 30 minutes when trying to exit onto Rt. 299.

Craig Sherman questioned Building Four's parking lots proximity to the daycare center based on code compliance of Section 4, (b) which states that "no portion of such structure shall be located within 500 feet of the premises of any school relating to parking lots or garages". The daycare has a pre-school program. He said he would like to see a legal opinion from Mayor and Council before moving forward with the plan.

Mr. Russo stated the daycare center came in as a daycare center by definition, not a school. He also said the last recorded re-subdivision plan for the shopping center was in 2016 for the daycare center.

Frank Bailey asked how far the buildings set back from the street labeled Dornock Circle. Mr. Russo said from the back of the sidewalk to the front of the building is about 12 feet. The layout is the same as the buildings at the Parkway and Westtown.

Chief Bailey questioned if perpendicular parking was included for consideration when the 32-foot wide street-width requirement was changed.

Morris Deputy said the Town would require that they confirm the turning movements of emergency vehicles around the parking stalls. The intent of the change was for subdivision streets.

Mr. Bailey asked if another entrance would be cut in off Dove Run Boulevard to Kingsbarn Court and will it be connected to Dornock Circle.

Mr. Russo said that is an existing entrance that goes back to the pump station..

Mr. Russo added that a right-in and right-out will be installed between the credit union and Hardees as part of DelDOT's Rt. 299 improvements.

It was requested that the new traffic study be performed at the time the kids are going to school.

Moved by Joe Pontak and seconded by Gretchen Rachko to recommend Mayor and Council table Dove Run Center Lot B Conditional Use Permit request for garden apartments and the Preliminary Major Land Development Plan to re-develop Lot B, based on the following: Section 10.A (a) (ii) Be detrimental to the public welfare or injurious to property or improvements in the neighborhood; a new traffic study should be done; the plan should be revised; it will be detrimental to the Town; the original plan should remain. Motion Carried Unanimously.

4. 5350 Summit Bridge Road – Conditional Use Permit request for an events center (Xquisit Place) in a C-2 zoned area, that will be rented/reserved/booked by individuals, groups or businesses to accommodate private functions, including, but not limited to, small banquets, weddings, anniversaries, other celebrations. CU-17-21. Tax Parcel No. 23-013.00-048.

Ifedolapo Adejoro requested approval to lease space at 5350 Summit Bridge Road (Cricklewood) for the purpose of an event hall. The space, located on the second floor, will be leased for parties, banquets, wedding and other social, private events. Three spaces totaling 5,000 square-feet are

available; only 2 spaces might be leased. The space is totally open now - small office area, storage room, and lounge/changing room will be included with the fit-out.

Gretchen Rachko asked how many parking spaces are available.
Ms. Adejoro said there are well over 100 parking spaces.

Following are questions asked by Planning & Zoning members and responses from Ms. Adejoro:

- Q. How much parking is available?
A. Over 100 spaces are available in the shopping center.
- Q. When will events take place?
A. Fridays and weekends. Usually from 6 p.m. to 11 or 12 p.m. Sometimes meetings will be held during the week.
- Q. How many exits are available?
A. One
- Q. Is there an elevator?
A. Yes, an elevator and stairs.
- Q. The code says a minimum of 3,000 square-feet has to be leased.
A. Mr. Deputy explained that section of the code refers to a minimum *lot area size* for the site – not individual building space for lease.
- Q. Who occupies the lower level?
A. A daycare center, gym, nail salon, DiNapoli Pizza
- Q. Will a kitchen be installed?
A. Yes, a mini-kitchen will be installed – food will be brought in and warmed up; not actually prepared there.
- Q. Of the three bathrooms shown on the drawing, will a handicap bathroom be available?
A. The space is just a shell; nothing is there. The drawing is what is proposed.
Morris Deputy pointed out a fit-out permit from the Building Permit office will be required and reviewed for full ADA compliance, Fire Marshal approval, building code compliance, etc. Tonight's approval is only for zoning compliance; the building permit will be applied for after final Conditional Use approval by Mayor and Council.
- Q. Maximum number of people?
A. If two spaces are leased, it will allow about 125 people.

Moved by Bruce Orr and seconded by Gene Bloemker to recommend Mayor and Council approve Conditional Use Permit request for 5350 Summit Bridge Road for an events center (Xquisit Place) in a C-2 zoned area, that will be rented/reserved/booked by individuals, groups or businesses to accommodate private functions, including, but not limited to, small banquets, weddings, anniversaries, other celebrations. CU-17-21. Tax Parcel No. 23-013.00-048. Motion Carried Unanimously.

5. Middletown Auto Mall – Conditional Use Permit request for a 600,000 square-foot cross-dock warehouse in an MI-zoned area. CU-18-21. Tax Parcel Nos. 23-008.00-114, 23-040.00-006, 23-040.00-007, 23-010.00-044, 23-010.00-045, 23-010.00-046 and 23-010.00-047.

Ring Lardner with DBF and Tony Maras with PRDC Properties, LLC, presented the Conditional Use Permit request.

- Rezoning of the parcels from C-3 to M-I and the Preliminary Major Land Development Plan were previously presented and received unanimous approval.

- Rezoning the parcels from C-3 to M-I requires a Conditional Use Permit to allow a warehouse in the M-I zoning district.
- The Conditional Use Permit is requested tonight to allow the 600,000 square-foot warehouse in the Auto Mall on the lots recently rezoned to M-I.

Morris Deputy explained that usually a Conditional Use Permit is requested at the same time the Land Development Plan is presented – it was overlooked when the agenda was prepared.

Mr. Lardner apologized for the oversight as well.

Craig Sherman asked what the outcome was regarding the discussion about the truck traffic flow. Ring Lardner said the discussion was about not having truck traffic use Diamond State Boulevard, but instead use the access Amazon trucks use. At this time, truck movement will be encouraged by the use of internal signage. If Mayor and Council decide more truck restriction is required after the business is open, those restrictions can be addressed at a separate meeting.

Frank Bailey asked if the footprint of the building has been finalized.

Mr. Lardner said the footprint is 600,000 square-feet; the height is currently at 65 feet. The current fire truck can reach 85 feet.

Tony Maras said the building will most likely be a conventional warehouse; probably not cold storage. It could possibly be only 55 feet high.

Moved by Joe Pontak and seconded by Gretchen Rachko to recommend Mayor and Council approve Middletown Auto Mall Conditional Use Permit request for a 600,000 square-foot cross-dock warehouse in an M-I zoned area. CU-18-21. Tax Parcel Nos: 23-008.00-114; 23-040.00-006; 23-040.00-007, 23-010.00-044; 23-010.00-045, 23-010.00-046 and 23-010.00-047. Motion Carried Unanimously.

Moved by Joe Pontak and seconded by Gretchen Rachko 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 11/29/21

Cc: Mayor and Council
All Attendees
Duffield Associates