

PLANNING & ZONING MEETING

DECEMBER 19, 2024

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

AGENDA:

1. 1100 Industrial Drive, Suite 6 – Conditional Use Permit request for a boutique-style personal training gym (Cooper Personal Training) specializing in providing personalized fitness training, in an M-I zoned area. CU-32-24. Tax Parcel No. 23-012.00-019.

Personal trainer, Patience Cooper, requested approval to open a gym at 1100 Industrial Drive. The gym will cater to 55-plus people with health issues. Clients will be seen two at a time.

Moved by Keith Thompson and seconded by Gretchen Rachko to recommend Mayor and Council approve 1100 Industrial Drive, Suite 6, Conditional Use Permit request for a boutique-style personal training gym (Cooper Personal Training) specializing in providing personalized fitness training, in an M-I zoned area. CU-32-24. Motion Carried Unanimously.

2. 26 Crenshaw Court – Conditional Use Permit request for a home-based barber shop in an R-2 zoned area. CU-33-24. Tax Parcel 23-002.00-071.

Alexandra Aviles requested approval to open a barber studio in the garage. She is the owner of the property and her fiancé Henry Castillo is the barber. The home is on a cul-de-sac in the Villas of Augusta; proposed hours are 9 a.m. to 7 p.m., Monday through Saturday, with one client at a time.

Gretchen Rachko asked if the neighbors were aware of the proposed business. Ms. Aviles said they wanted to get the permit before contacting their neighbors.

Jenn Parrish commented that even though there is plenty of street parking, the parking is shared. Ms. Aviles said two-car parking is available in the driveway as well as parking on the street. She indicated she works away from home so the driveway is available during the day.

Henry Castillo said there will only be one client at a time.

Parrish questioned the possibility of expanding the business to more than one chair and how hair disposal will be handled.

Ms. Aviles said they will not expand the business in the home. The hair will be swept or vacuumed into a bag and disposed.

Mr. Castillo said he wants to start the business in the garage and when they expand they plan to rent a larger space.

Keith Thompson asked how many customers were expected during the day.

Mr. Castillo said one to ten max.

Chief Bailey asked if the garage had a separate door for entrance or would customers enter the garage from the home.

Ms. Aviles said customers would enter through the home.

Jenn Parrish asked the Town Manager if there were other barber shops operating in garages in townhomes.

Morris Deputy responded he was not aware of any barber shops operating in any townhouses.

Moved by Keith Thompson and seconded by Chuck McCausland to recommend Mayor and Council approve 26 Crenshaw Court Conditional Use Permit request for a home-based barber shop in an R-2 zoned area. CU-33-24. Motion Carried Unanimously.

3. 106 Patriot Drive – Lot 4, Middletown Business Park – Preliminary Major Land Development Plan for a 14,000-square-foot warehouse/flex space building with parking and associated improvements. Tax Parcel No. 23-041.00-004.

Matt Brickley with Morris Ritchie Associates presented the following:

- The current use is an auto body repair shop.
- A 14,000-square-foot flex space building is proposed in the back of the lot with several garage doors and “man” doors; a loading zone is in the front of the building.
- The building will be sprinklered.
- No tenants are proposed at this time.
- Any future tenants will be required to obtain a Conditional Use Permit.

Chief Bailey commented the size of the proposed islands will make it difficult to navigate a fire truck near the first island. He asked the Town Manager if the islands have to be that large.

Mr. Brickley said the code requires a standard island to break up the parking lot.

Morris Deputy said they could probably be smaller.

It was indicated that the owner is proposing to use a portion of the building for storage and to hopefully lease a portion to one of his distributors.

Moved by Chuck McCausland and seconded by Jenn Parrish to recommend Mayor and Council approve 106 Patriot Drive – Lot 4, Middletown Levels Business Park – Preliminary Major Land Development Plan for a 14,000-square-foot warehouse/flex space building with parking and associated improvements, with the condition the island size is addressed as requested by the Fire Chief. Motion Carried Unanimously.

4. 305 N. Scott Street – Review Ordinance 24-11-01 for the Rezoning and Comprehensive Plan Map 5 amendment of Tax Parcel No. 23-005.00-014 from R-1A to C-2 zoning.

John Tracey, with Young Conaway Stargatt Taylor, LLP, presented the rezoning request:

- The 305 N. Scott Street property is split-zoned with a parcel to the west zoned C-2; the parcel to the east is zoned R-1A.
- A Conditional Use Permit has been in place since 2012 for a business office for Farrell Roofing.
- The access to the residential parcel is from the C-2 zoned portion.
- A C-2 zoned parcel bounds the property on the west and southwest; C-2 zoned property is located diagonally across the street.
- The owner is looking to potentially expand the office space.
- State Planning had no objection to the rezoning amendment to Map 5.
- No construction is proposed on the property at this time.

Joe Pontak commented that by rezoning the whole parcel, it could open the parcel up for one big large store.

Mr. Tracey said the owner is looking for the ability to expand and give more room for their office staff. A two-story house is on the residential side and has been operating with a Conditional Use Permit since 2012.

Frank Bailey indicated an apartment used to be over the garage.

Matt Brickley said there was an apartment and a swimming pool at one time. The pool was filled in and the garage is being used for storage. He pointed out if the owner proposed eliminating the property line to make one large parcel or change the use, a plan would be required to come back for review and approval.

Joe Pontak verified with the Town Manager that if the owner decided to make one large parcel, it could be done.

Morris Deputy responded that if the property gets rezoned to C-2, they can put anything permitted by code, as long it meets sewer and water demands, etc., and fits on the site.

Moved by Gretchen Rachko and seconded by Chuck McCausland to recommend Mayor and Council approve 305 N. Scott Street, Ordinance 24-11-01, for the Rezoning and Comprehensive Plan Map 5 amendment of Tax Parcel No. 23-005.00-014 from R-1A to C-2 zoning. Motion Carried Unanimously.

5. 301 Business Park – North (1999, 1963 and 1985 Middle Neck Road) – Preliminary Major Land Development Plan for a proposed multi-story, 652,050-square-foot building for warehouse distribution. Tax Parcel Nos. 23-073.00-001, 23-073.00-002 and 23-073.00-003.

Richard Forsten, attorney for the property owner 301 Logistics, LLC, presented the following:

- The property consists of 135+/- acres, located on the north side of 301 and has a previously recorded plan.
- The previous plan was recorded in 2023 with 1.4 million square-feet in two buildings designed for warehousing distribution; the site has been on the market for sale.

- A new user is proposing a building with a smaller foot print of 652,050 square-feet, but taller. The previous buildings were approximately sixty (60 feet); this building is ninety-one (91) feet in height. A mezzanine with robotics is proposed.
- The previous plan had all the tractor trailers backing up to the building; parking for the tractor trailers is now proposed to the left of the building.
- The entrances are the same.
- The traffic volumes will not exceed what DelDOT has approved.
- The new plan decreases the impervious surface by about 5 acres.

Frank Bailey commented mostly everyone knows the fire trucks cannot reach the roof. He asked if HVAC units, or what, were on the roof, how many floors are proposed and if it has an elevator. Mr. Forsten said he presumes HVAC will be on the roof. He said there is a ground floor and the rest of the floors are mezzanine levels. All employees will be on the first floor unless they have to go to an upper floor for a particular reason. Robots will be used to pull boxes.

Chief Bailey pointed out people still have to go to the other floors to work on things and people get hurt. He asked how emergency personnel will access the other floors and assist injured people. Mr. Forsten said the building won't have full floors and workers; it's intended for robotics for retrieving storage on the higher floors. He said he doesn't know if there will be an elevator or stairs.

Chief Bailey questioned if the gates were power and how they will be controlled. Brian Conlon from Langan Engineering, said the gates are controlled by the tenant to separate the employees from the trucks and loading activities. He said he wasn't sure if they were power. Two guard houses are located at the truck facilities. Chief Bailey said an emergency switch should be provided for the fire department.

Gretchen Rachko asked if a tenant had been selected for the property. Mr. Forsten said there is a potential user but for now it's confidential.

Ms. Rachko asked if any hazardous material will be stored on the site. Morris Deputy indicated that when the building permit is pulled, the code official will make sure all codes are met including the Fire Marshal's approval.

Mr. Forsten said this is a warehouse/Ecommerce facility; he is not aware there will be any hazardous materials other than something like small quantities of household cleaners; hazardous materials are not intended.

Frank Bailey commented when the previous plan was approved, the neighboring chicken farm was concerned about ponds with waterfowl and disease.

Mr. Forsten said one pond is exactly the same as proposed on the previous plan; the other pond is slightly further away.

Mr. Conlon added the ponds are very similar; the stormwater ponds are designed as infiltration ponds that perc into the ground and will not have standing water.

Jenn Parrish asked if the ponds will be fenced in. Mr. Conlon replied they will be.

Joe Pontak questioned, for clarification, that this meeting is to change the previous plans to what is

being presented tonight. He asked Chief Bailey if he was satisfied with the gate issue, and asked if not, should those issues be satisfied now or wait until they come back.

Chief Bailey remarked that he doesn't have enough answers on how emergency personnel will take care of people on the top floors...how will those floors be accessed; are there elevators for people and not just material elevators? He said he wants to be sure everyone understands his concerns.

Mr. Forsten said they will reach out to the Chief to coordinate and discuss his concerns with the user.

Morris Deputy answered Pontak's question that this is the Preliminary Plan and it will not come back to Planning. Any items for Council's consideration should be included in the motion, such as, they comply with the Chief's concerns for personnel safety, etc.

Pontak asked if the plan would come back when a tenant is finalized.

Mr. Deputy said no, the tenant will pull a building permit for plan review approval to start construction.

Chief Bailey said his major concerns are access to interior, upper levels and access to the roof; the gates are the easiest issue to fix.

Chip Roberts asked if the elevator could be a construction elevator.

Chief Bailey said no, because they aren't made for safety.

Mr. Forsten said they will follow up with Morris Deputy and Chief Bailey before they go to Mayor and Council for review.

Moved by Chuck McCausland and seconded by Chip Roberts to recommend Mayor and Council approve 301 Business Park – North (1999, 1963 and 1985 Middle Neck Road) – Preliminary Major Land Development Plan for a proposed multi-story, 652,050-square-foot building for warehouse distribution. Tax Parcel Nos. 23-073.00-001, 23-073.00-002 and 23-073.00-003, with consideration for access to the roof, possibly an elevator and conditions by the Fire Chief. 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 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 - 12/24/24
Cc: Mayor & Council
All Attendees
Verdantas