

PLANNING & ZONING MEETING

FEBRUARY 20, 2025

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

AGENDA:

1. 16 Brady Circle – Conditional Use Permit request for an in-home financial planning office in an R-1A zoned area. Office provides insurance, investment and financial planning services to clients primarily by phone and videoconference. CU-02-25. Tax Parcel No. 23-004.00-139.

David Iobst requested approval to operate an in-home financial planning office. Business is conducted via phone, video-conference or in person at the residence.

Moved by Joe Pontak and seconded by Chip Roberts to recommend Mayor and Council approve 16 Brady Circle, Conditional Use Permit request for an in-home financial planning office in an R-1A zoned area. Office provides insurance, investment and financial planning services to clients primarily by phone or video-conference. CU-02-25. Motion Carried Unanimously.

2. 27 Browning Circle – Conditional Use Permit request for an in-home psychological practice (Dahlia Psychological LLC) that is entirely virtual, in an R-3 zoned area. CU-03-25. Tax Parcel No. 23-020.00-139.

Rachel Brandenburg requested approval to operate an in-home psychological practice (Dahlia Psychological). Her work is primarily for the Delaware Family Court system. All work is virtual, no patients come to her home. Patients are seen virtually, by home visits or at the court.

Moved by Jenn Parrish and seconded by Joe Pontak to recommend Mayor and Council approve 27 Browning Circle Conditional Use Permit request for an in-home psychological practice that is entirely virtual, in an R-3 zoned area. CU-03-25. Motion Carried Unanimously.

3. 1023 Bunker Hill Road – Review Ordinance 25-01-01 for the rezoning and Comprehensive Plan Map 5 amendment of Tax Parcel 23-024.00-287 from M-I to mixed-use (R-3 and C-3) zoning.

Emily Haney with St. John Properties requested re-zoning approval for 1023 Bunker Hill Road from M-I to mixed-use, R-3 and C-3. The Commission turned down the rezoning request on January 16th based on traffic. Since that time, discussions were held with the Town and DelDOT to address those concerns.

Sean Doordan, with St. John Properties provided background information on the company; the following was provided on the project:

- A regional partner will handle the development; hiring is done locally.
- Long-term holders build and lease the office park space.
- Flex/R&D space is proposed for the Bunker Hill Park. Buildings are approximately 40,000 square-feet with bays approximately 30' x 80 or 100'; no large industrial buildings. Flexibility from 1,500 square-feet to a whole building can be leased to include offices, daycares, indoor courts, etc.
- Brick on block construction is proposed. The parcel will be landscaped and irrigated.
- The residential portion will be brought through the planning process and sold to a national, reputable home builder.

Ms. Haney presented the Land Development Plan showing the proposed location of the flex-space buildings and the townhomes.

- Access is proposed on Bunker Hill Road and to Doc Levinson Drive.
- A PLUS meeting was held in November – all agencies supported the rezoning.
- February 3, 2025, Mayor and Council voted to include the site into the Westtown Transportation Improvement District (TID). A TID provides transportation improvements needed to support land development in locations identified in local comprehensive plans.
- As the developer of the site, over \$1,000,000 will be contributed to the Transportation Improvement District for DelDOT to build improvements on Bunker Hill Road. Improvements include roundabouts at the intersections of Bunker Hill at Merrimac, and Bunker Hill at Lake Seymour Drive.

Chuck McCausland pointed out, the development will produce 800+ additional vehicle trips and two more roundabouts on Bunker Hill Road. Traffic on Choptank Road in the morning and afternoon causes backs-up about a mile at the roundabout. He doesn't feel the additional roundabouts will help much with the 800+ residential trips and commercial traffic proposed.

DelDOT representative, Sarah Coakley, indicated an additional 10% of trips were added to the TID report finalized in 2023, to cover expected growth for vacant parcels within the Westtown TID boundary. Whatever the existing trips were estimated at each intersection throughout the TID, an additional 10% was added to the TID to cover background growth on vacant parcels outside the TID and surrounding area. The trips for this parcel and recommendations for the roundabouts would have been included in that study.

Chuck McCausland questioned how the traffic study done in 2023 could include the 450 homes and commercial traffic now being proposed.

Ms. Coakley noted that DelDOT reviewed the previous plan that proposed a large Amazon-type warehouse with a lot of truck trips, that would have been more impactful in terms of truck traffic than this plan. She indicated it appears the Choptank circle was built for widening or right-turn bypass lanes; if backups are occurring, she will put it on the schedule for DelDOT to review.

Jenn Parrish commented the Commission was hoping for a new study because they had concerns last month with the consistency of traffic during rush-hour times.

Ms. Coakley agreed that most of the peak periods are morning and afternoon commutes, but without knowing the specific uses for the flex space, it's hard to tell when those peaks might be.

Don Hall asked if the study was done from a base line traffic flow.

Ms. Coakley said yes; the counts were updated for the base line, the future land use was added to that, and an additional 10% was added to that figure to create the updated base line.

Joe Pontak commented this plan just came in. He questioned how the TID could include 450 homes if the TID was done in 2023, not knowing homes would be there. He asked how long it takes to do a traffic study.

Ms. Coakley explained the additional 10% increase would have covered the 450 homes. Even though it is zoned Manufacturing-Industrial, the growth would have been factored in. DelDOT uses a Peninsular CUBE Model that factors in the underlying zoning on a regional scale.

The TID took about two years; TIDs are updated at a minimum every five years. A traffic study for the Choptank round-about would take approximately six months, depending on the backlog.

Coakley indicated, based on tonight's feedback, she will program the 2023 TID update for 2026 instead of waiting the five-year period.

Frank Bailey asked if the new roundabouts would be adequately sized to handle their fire equipment. The first circle installed on Choptank was too small and had to be done over. He questioned if lighting would be provided at the roundabouts for pedestrian safety.

Ms. Coakley responded that DelDOT is using a different design than what was used for the Choptank roundabout. It will have the flat center area, similar to the one on Levels and St. Anne's Church Road. Lighting will be provided. Crossings will be included at all four legs of the circle and sidewalks will be ADA accessible. The project is already in the Capital Transportation Program. Information on the roundabout details will be forwarded to Chief Bailey for his review.

Pontak questioned how the residents will contend with traffic if this project is approved and construction starts at the same time as the road construction.

Ms. Haney replied that they do not have a construction timeframe at this time, and construction will be phased. DelDOT's standards for road and lane closures will be followed for whatever frontage improvements need to be done on the site; the road construction timeframe will be taken into consideration when phasing for their project is being projected.

Discussion on constructing the roundabouts before the development construction begins.

Ms. Coakley reported that DelDOT had identified the need for the roundabouts before development was proposed for this parcel the first time. The project is in the Capital Transportation Program and TID funding is available that could be used to start the design sooner than 2027.

Don Hall asked if the increase in trips would have been 10% had the parcel been zoned R-3/C-3.

Ms. Coakley said it probably would have been closer to 15%. Most intersections increased 10%; more intense areas slightly more - it varies based on use.

P&Z members discussed and expressed the following concerns:

- increasing the number of trips only 10% when zoned M-I, but probably 15% had the property been zoned R-3;
- number of trips could be higher depending on the uses in the C-3 section;
- the amount of traffic generated by M-I zoning versus R-3/C-3 zoning;
- asking to rezone the property before knowing the amount and type of traffic proposed;
- would rather leave the zoning M-I;
- the possibility of houses being built before the road improvements are constructed.

Morris Deputy said a roundabout had been planned at St. Anne's but a signal was installed due to timing. He asked if DelDOT would put a signal at Merrimac permanently or in the interim of the roundabout.

Ms. Coakley explained that DelDOT is adamant about the roundabout alternative because of being located in Town and safety benefits. Due to pavement widths, roundabouts will require very little ROW acquisition. Signals require turn lanes on all side street approaches and require quite a bit more land acquisition, have more impacts, and require more time and money. Most importantly, roundabouts have a greater reduction in accidents. Accidents are reduced by 35% compared to regular 4-lane intersections; injuries are reduced by 76% and fatalities by 90%, based on National Highway Transportation Research.

Parrish asked if any traffic calming devices are available that can be used while waiting for the roundabout construction.

Coakley responded she will find out what is available and provide Morris Deputy that information.

McCausland pointed out the entrance is very close to the base of bridge.

Emily Haney indicated the new entrance will be shifted to the east, away from the bridge. DelDOT will require the developer to make frontage improvements for the entrance that would allow for an appropriate amount of traffic going in and out of the development.

Don Hall asked where the other access location is that was mentioned earlier.

Ms. Haney said the project will have a drive aisle in the commercial portion at the southeast corner of the property to connect to Doc Levinson.

Morris Deputy explained it's the road that goes through to Dash-In.

Joe Pontak asked if there is a connection at the other end of the development.

Ms. Haney said no vehicular connection is proposed. The Spring Arbor residents indicated they would like a pedestrian connection to the Middletown Village soccer fields.

Pontak asked for clarification about selling the residential portion but keeping the commercial.

Sean Doordan answered the intent would be to sell the residential to a builder (to be determined). The sale would include declarations to ensure guidelines are followed to maintain a quality development. They will be long-term holders to build and lease the office park space.

Spring Arbor resident Claude Newton, explained that Mayor & Council and the developers shared the concept plan with Spring Arbor residents last fall; residents in attendance were overwhelmingly pleased with the concept. Previously, a plan proposed an industrial complex with warehouses that no one was happy with. The residents understand there are 450 homes – Spring Arbor has 317. The two entrances to Spring Arbor are very seldom backed-up. He said when he first moved into the area 11 years ago, traffic did back-up from the circle to 301. The school hours were adjusted; traffic is flowing smoothly through the circle on Bunker Hill.

On behalf of the 25+/- Spring Arbor residents attending to support the rezoning, Newton requested the Planning & Zoning Commission to approve the zoning change for this project. He made it clear the Spring Arbor residents did not want an industrial complex across the street with trucks running around the clock.

A resident asked if the roundabout at Merrimac would go on their properties.

Ms. Coakley said the concept plan for the roundabout does not show any major impact to any of the properties on the corners.

Paul Webber, Spring Arbor resident, agreed the traffic moves freely on Bunker Hill. He feels a lot of the residents will use the back exit to reach the shopping center area. He added the majority of residents are in favor of the proposal.

One resident commented he commutes daily and has no problems with Bunker Hill Road.

Another resident commented they do not want an industrial park with large trucks traveling at all hours.

A resident asked if pedestrian crossings could be marked at the circles.

Ms. Coakley stated that both roundabouts would have pedestrian crossings at all four legs.

Morris Deputy reiterated that a Traffic Improvement District (TID) is a Traffic Study done in a larger area and not just an engineering design. A traffic study was done that didn't consider just a farm, but a development proposed with traffic. The studies usually project about a ten-year term.

Keith Thompson thanked the residents for taking time to come out and express their opinions.

Jenn Parrish thanked Sarah Coakley for the DelDOT presentation and information provided.

A resident asked if the rezoning request is turned down by this board, where does it go?

Chairman Chillas replied that the Planning Commission is a recommending board and Mayor and Council has final approval of plans. The plan can still go to Mayor and Council for consideration.

Moved by Chuck McCausland and seconded by Keith Thompson to recommend Mayor and Council approve 1023 Bunker Hill Road, Ordinance 25-01-01 for the rezoning and Comprehensive Plan Map 5 amendment of Tax Parcel 23-024.00-287 from M-I to mixed-use (R-3 and C-3) zoning. Motion Carried 5 to 1.

4. 860 Middletown-Warwick Road – Levels Business Park – Parcel C-2A Preliminary Major Land Development Plan for a 9,900-square-foot retail building and associated parking, in a C-3 zoned area on 1.5 acres. Tax Parcel No. 23-065.00-014.

Denis Hulme with Woodin and Associates presented the plan proposing a 9,900 square-foot, multi-tenant retail building on Parcel C-2A in Levels Business Park. The parcel has access from two locations: a curb cut from Royal Farms and an access road in the rear of the property. All utilities will be extended to the property; stormwater management will be handled in front of the building with an infiltration basin and/or bio-retention area. Plans have been forwarded to the Town's engineer for review.

Moved by Joe Pontak and seconded by Chuck McCausland to recommend Mayor and Council approve 860 Middletown-Warwick Road, Levels Business Park – Parcel C-2A Preliminary Major Land Development Plan for a 9,900 square-foot retail building and associated parking in a C-3 zoned area on 1.5 acres. Motion Carried Unanimously.

5. Levels Crossing (formerly known as Poole Property) – Parcels 4 & 7 – Preliminary Major Land Development Plan for the revision of the lot lines between Parcel 4 and Parcel 7 for the development of a 19,500-square-foot retail building with associated improvements on Parcel 4; and an 18,200-square-foot retail building with associated improvements on Parcel 7. C-3 Zoning, on 5.4 acres. Tax Parcel Nos. 23-065.00-021 and 23-065.00-024.

Denis Hulme with Woodin and Associates presented the Preliminary Major Land Development Plan for Parcels 4 and 7 at Levels Crossing, previously known as the Poole Property.

- A hotel was previously approved for the lots.
- Two multi-tenant buildings are proposed on the lots with shared parking.
- Parcel 4 proposes a 19,500 square-foot retail building.
- Parcel 7 proposes an 18,200 square-foot building.
- All infrastructure has been completed.
- Two entrances are proposed: one off Levels Road and one off Middletown-Warwick Rd.
- Stormwater management will be handled by infiltration and/or bio-retention.

Moved by Keith Thompson and seconded by Joe Pontak to recommend Mayor and Council approve Levels Crossing (formerly known as the Poole Property) – Parcels 4 and 7 – Preliminary Major Land Development Plan for the revision of the lot lines between Parcel 4 and 7 for the development of a 19,500 square-foot retail building with associated improvements on Parcel 4; and an 18,200 square-foot retail building with associated improvements on Parcel 7. C-3 zoning on 5.4 acres. Motion Carried Unanimously.

Moved by Joe Pontak and seconded by Jenn Parrish 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 re 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 – 2/24/25
Cc: Mayor & Council
P & Z Members
All Attendees
Verdantas