

PLANNING & ZONING MEETING

NOVEMBER 21, 2024

ATTENDEES: David Chillas, Chair
Morris Deputy, Town Manager
Frank Bailey, Fire Chief
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.

Amir Talib requested Conditional Use approval to allow an Ecommerce shipping business at 110 Patriot Drive. Goods will be purchased and shipped overseas and domestically.

Chip Roberts asked how shipments would be shipped and what size trucks would be used. Mr. Talib said they would use FedEx; 20-foot trucks.

Joe Pontak asked how often would shipments be made. Mr. Talib replied every other day or so.

Moved by Keith Thompson and seconded by Joe Pontak to recommend Mayor and Council approve 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. Motion Carried Unanimously.

2. 128 Patriot Drive, Suite 5 – Conditional Use Permit request for a physical therapy training facility (Top Tier Physical Therapy) for strength, conditioning and performance training, in an M-I zoned area. CU-31-24. Tax Parcel No. 23-041.00-015.

Brad Logue requested Conditional Use approval to allow a physical therapy and performance training facility at 128 Patriot Drive in Suite 5. Training is mostly with weights versus tables.

Joe Pontak asked if the physical therapy would be by appointment, if memberships would be required for the gym, and how many clients are expected at one time. He questioned parking availability.

Mr. Logue said it will be more appointment based, one-on-one at this time. Potentially, group training will be offered in the future. No memberships would be required. Mr. Logue said not more than 5 or 6 clients would be there at one time. He indicated the parking is shared at this time; if additional parking is necessary, he will negotiate with the owner for additional space.

Moved by Jenn Parrish and seconded by Chuck McCausland to recommend Mayor and Council approve 238 Patriot Drive, Suite 5, Conditional Use Permit request for a physical therapy training facility (Top Tier Physical Therapy) for strength, conditioning and performance training, in an M-1 zoned area. CU-31-24. Tax Parcel 23-041.00-015. Motion Carried Unanimously.

3. 657 Middletown-Odessa Road – Preliminary Major Land Development Plan for a 93,000-square-foot Christiana Care Health Services Building and associated site improvements, on 105.87 acres, in a C-3 zoned area. Tax Parcel No. 23-069.00-001.

Steve Woodin with Apex Engineering, represented Christiana Care.

- The property is located on the northeast corner of Brick Mill Road and Rt. 299.
- This is the second phase of the overall campus project proposing a 93,000 square-foot Health Services building for medical office use including typical diagnostic exams, radiology, lab work, primary care physician visits, etc.
- Construction will include the continuation of the 40-foot-wide loop road to accommodate future use throughout the campus.
- 310 parking spaces and 20 bicycle spaces are proposed.
- Pedestrian improvements and sidewalks around the campus are included.
- All utilities and infrastructure are on-site.
- A rendering was presented showing the pedestrian improvement area.
- An overall rendering was presented showing the access road completion and additional future buildings.
- A vehicle movement diagram for emergency apparatus has been submitted to the State Fire Marshal, Town of Odessa and Middletown Fire Company for review.
- Bollards on the plaza spaces are removable for emergency vehicles.

Frank Bailey asked what style of removable bollard is proposed.

Mr. Woodin said the style has not been selected yet; the bollards used at the Newark facility are shown. Keys to the bollards would be provided to the fire companies.

Joe Pontak questioned the traffic pattern and time frame.

Mr. Woodin said the gate on Brick Mill Road will be open; there will be complete access to both entrances and exits. He said construction should start summer of 2025, with an 18-month buildout. Tentatively, it should open approximately the first quarter of 2027.

Moved by Chuck McCausland and seconded by Chip Roberts to recommend Mayor and Council approve 657 Middletown-Odessa Road, Preliminary Major Land Development Plan for a 93,000 square-foot Christiana Care Health Services Building and associated site improvements on 105.87 acres, in a C-3 zoned area. Tax Parcel No. 23-069.00-001. Motion Carried Unanimously.

4. 201 New Street – Revised Record Major Land Development Plan for the Louis L. Redding Middle School, to include the addition of an 8,000-square-foot maintenance building and associated improvements, in an R-1A zoned area. Tax Parcel No. 23-006.00-123.

Tabled as requested by the engineer.

5. Review Ordinance 24-11-02 for the Rezoning and Comprehensive Plan Map 5 amendment of Tax Parcel No. 23-075.00-093 (5044 Summit Bridge Road) from R-3 to C-3 zoning.

Doug Liberman with Larsen Engineering Group, represented developer S & S Holdings, LLC.

- The request to change the land use was approved by the Office of State Planning and Mayor and Council.
- Tonight’s proposal is to change the parcel from R-3, Multi-Family Residential to C-3, Employment/Retail.
- The parcel is 1.87 acres fronting on the west side of Rt. 896, south of Armstrong Corner Road; a remnant parcel from Middletown Reserve’s approved site in 2021.
- A mix of residential and commercial border on the north side of the Town’s boundary line.
- The parcel is joined by the Armstrong farm parcel to the north; the west by Middletown Reserve and the south by two residential parcels.
- The Comprehensive Plan states that high priority should be given to areas where town services can be extended easily and economically. This parcel has water and sewer available from the west side of the site.
- The site is located in a Level 2 area, where development is expected to occur.

Gretchen Rachko asked what is proposed for the area.

Mr. Liberman said retail with apartments on the second floor.

Jenn Parrish asked how many apartments are proposed.

Liberman said about 6 or 8 apartments; approximately 14,000 square-feet, including commercial, is proposed.

Gretchen Rachko commented she thought that area was supposed to be open space when the townhouse project was approved.

Morris Deputy said it’s a separate parcel from the townhouse project.

Morris Deputy clarified that Mayor and Council introduced an Ordinance to amend the Comp Plan and rezone the parcel. This plan will not be presented to Council until the December meeting; it hasn’t been approved yet.

Jenn Parrish asked what type of retail is proposed and if the residents had been contacted.

Mr. Liberman said two separate buildings were discussed with the clients, proposing a package store for one, and the other would be split into possibly six, 1,200 square-foot suites for retail.

Jenn Parrish said she thinks the residents should be part of the rezoning discussion because that determines what can go there. The residents are already concerned with the traffic issues in the area; 8 apartments and retail will add to that issue.

Mr. Liberman said a package store is a potential use and mom-and-pop type retail are proposed for the suites.

Jim Ciamarcone said he and the Shahan's can't get out of their drive ways because traffic is heavy. He said he also thought that parcel would be green space. He questioned why commercial would be allowed, how people would enter and exit safely and if there is room for emergency vehicles.

Mr. Liberman pointed out Wawa is on the corner and commercial is on both sides of Armstrong Corner Road. DelDOT will review the project for an entrance plan. The site plan will address setbacks and emergency vehicle movement, and an approved entrance plan from DelDOT will be provided at that time.

Jenn Parrish asked, if the plan is passed tonight, would the developer work with the residents on the plan moving forward, and could they be included with the discussions with DelDOT on the traffic patterns, etc.

Mr. Liberman said he told the client earlier that since the survey has been done, they have enough information to schedule a meeting with DelDOT.

Gretchen Rachko said she feels the traffic study should be done before the plan is approved.

Joe Pontak asked for clarification for C-3 and if a bunch of apartments could be put there later. Morris Deputy said as it is currently zoned, single-family, townhouses and apartments can go there by-right; basically, anything residential. The plan would obviously have to meet code and get an entrance permit approved by DelDOT. Apartments alone in C-3 require Conditional Use; apartments above commercial are allowed by right. C-3 is a broad commercial use...stores, offices, etc. The previous plan was recorded and developed as a stand-alone project that left this piece available for sale and for whatever the owner can do with it. It does not have a "denial of access" from DelDOT; DelDOT has not said they cannot have an entrance.

Chuck McCausland asked if a study could be required for the property as R-3, before it changes to C-3.

Mr. Deputy responded a plan for R-3 would need to be submitted before the board could request a study.

Joe Pontak asked if they could recommend the plan be tabled.

Mr. Deputy said the applicant can request to table the plan, or if the motion is to approve it, it can be voted down. If the plan goes to Council with the "No" vote, reasons should be stated for that vote, and Council would take that into consideration.

Mr. Liberman said based on the conversation, he feels it would be prudent to table the request and go to DelDOT first, to see what the access would end up being.

Mr. Ciamarcone said he wants everyone to understand how dangerous it is getting into and out of their properties because of the merge lane being so far down the road.

JoAnne Armstrong added that her house and five acres were originally placed on the National Register of Historic Places in 1985. The Delaware State Historic Preservation Office found that the parcel has moderate to high potential for archaeological resources, and recommended an archaeological survey prior to any ground disturbance. Buffer landscaping was recommended to screen the noise and visual effects. She said she hopes Council will follow New Castle County's lead regarding the new and revised lighting standards Ordinance 23-122, for new and potential projects to provide more intentional light direction to not impact the surrounding areas.

Mr. Liberman pointed out the Ordinance referenced is a New Castle County Ordinance, not a Middletown Ordinance or code.

Ms. Shahan asked if the residents will be contacted when the DelDOT study moves forward. She said she would like them to visit the site and enter and exit from their drive ways.

Mr. Liberman said he will let them know.

The potential owner of the parcel commented more traffic would be generated if the total parcel is developed with all apartments under the current zoning, than if some commercial is built with it.

Keith Thompson commented, based on discussions at a recent Council meeting, most of the traffic with residential development is in the morning and afternoon, during peak hours. Traffic with commercial development is spread out during the day.

Mr. Ciamarcone indicated the hours for a package store are 9 a.m. to 9 p.m.

Mr. Liberman requested to table the request to rezone 5044 Summit Bridge Road.

Chairman Chillas said the rezoning request has been sufficiently discussed and Mr. Liberman has requested the Ordinance 24-11-02 to rezone 5044 Summit Bridge Road be tabled.

Moved by Jenn Parrish 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, P.E.
Town Manager

Ry - 11/25/24
Cc: Mayor & Council
All Attendees
Verdantas