

## **PLANNING & ZONING MEETING**

**DECEMBER 17, 2020 via ZOOM**

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

### **AGENDA:**

**1. Stoltzfus – Lot 2 Tommy’s Express Subdivision – Preliminary Major Land Development Plan for an 11,220 square-foot retail building on the “future development” Lot 2 of the recent Tommy’s Express Car Wash Subdivision. The lot will front on Lake Seymour Drive within the Westown Town Center. Tax Parcel No. 23-021.00-578.**

Andrew Collins with Larson Engineering presented the plan proposing an 11,220 square-foot retail building on Lot 2. The concept plan was presented to Mayor and Council in July.

- A new entrance off Lake Seymour Drive will provide access; the access will align with Ridgemont Drive.
- The lot will share a cross-access easement with the Tommy’s Express Car Wash lot that accesses the Westown Center parking lot on the south side of the site.
- 53 parking spaces are provided (51 spaces are required).
- Per Mayor and Council’s request to improve circulation, the access on the east end of the building is now aligned with the drive aisle in the front parking lot.
- Drive aisles are 26 feet wide where the bulk of the parking is located. A 24-foot aisle is in front of the building.
- The entrance will be 30 feet wide.
- The site has a connection to Tommy’s Express Car wash.
- Truck access is located along the rear through the access drive in the Westown site.
- Sidewalk is provided along the frontage of Lake Seymour Drive, connecting to the sidewalk on the west side of the Ashley Furniture site.
- A sidewalk connection from Lake Seymour Drive is provided through the parking lot to the front of the building.
- Landscaping is provided along property lines.
- Water and sewer will be extended through the car wash lot to serve this site.

- A storm drain line through this parcel towards the car wash was sized and located to accommodate this project.
- The base of the building is brick. A canopy with a standing seam metal roof will cover the sidewalk along the front of the building.
- Windows will extend around each side of the end unit.

Joe Pontak asked if the building will house multiple businesses or just one large retailer. Mr. Collins said the plan is for multiple store fronts, up to 8 units max.

Bruce Orr asked if the calculation for the handicap parking was correct. Morris Deputy said Duffield will check that as part of their review.

***Moved by Craig Sherman and seconded by Joe Pontak to recommend Mayor and Council approve Stoltzfus, Lot 2, Tommy's Express Subdivision, Preliminary Major Land Development Plan for an 11,220 square-foot retail building on the "future development" Lot 2 of the recent Tommy's Express Car Wash Subdivision. The lot will front on Lake Seymour Drive within the Westown Town Center. Tax Parcel No. 23-021.00-578. Motion Carried Unanimously.***

**2. The Crossings at Silver Lake – Preliminary Major Land Development Plan for a 119-lot townhome subdivision with associated site improvements to be constructed on a 10.01+/- acre parcel located in the southeast corner of the intersection of Main Street and Library Drive. Additionally, the plan proposes lands to be dedicated to the Town of Middletown for the expansion of E. Green Street and E. Cochran Street. Tax Parcel No. 23-009.00-157.**

Steve Woodin with Apex Engineers represented Promenade Development LLC. The plan proposes:

- 119 townhomes on 10.01 acres; zoned C-2.
- The Green Street extension and Cochran Street will be dedicated to the Town.
- In 2007 the parcel received approval for a mixed-use commercial project known as the Promenade at Middletown. The plan included a movie theatre, retail space and residential condos with a total of 1,536 parking spaces. The parcel had 18 acres and since then, 8 acres have been sold to the County for the new southern library.
- The parcel is located in the Eastown Transportation Improvement District, which extends E. Green Street toward the Middletown Crossing Shopping Center, a portion of the round-about will be constructed as part of the library project.
- The TID proposes East Green Street to extend through the parcel, incorporates two 11-foot travel lanes, two 8-foot shoulders and 6' concrete sidewalks on each side; and a 60-foot public right-of-way.
- Approximately 1.7 acres of right-of-way will be dedicated to the Town for access to the future YMCA and park for the new TID improvements.
- The townhomes feature superior elevations faced with brick and stone.
- End units are designed with a width of 24-feet; interior units are 22 feet.
- Each unit contains a double-loaded driveway with two-car garages for total parking of four spaces per unit.
- 8-foot shoulders on the Green Street extension will provide space for an additional 50 parking spaces.
- Each home has the double-loaded driveway to the rear of the property except the northern block closest to Main Street.
- The alleys are 16-foot paved drive aisles that can accommodate emergency and service vehicles.

Gretchen Rachko expressed concern with the number of units and lack of additional parking. She feels a traffic study should be done before this plan is approved because of the traffic impact to Rt. 299. She questioned Carl Chetty's involvement with the project, and based on experience with the previous Promenade Development, she doesn't think the Town should trust the developer.

Mr. Woodin said Mr. Chetty still owns the property. Traffic improvements are outlined in the agreement between the Town and DelDOT as part of the Transportation Improvement District Agreement. The East Green Street extension should help alleviate some of the traffic on Main Street. The Rt. 299 improvements project should start soon. As part of the TID, a fee is paid into an account with the Town and DelDOT that helps pay for the improvements. Green Street will be extended behind the strip center and Post Office.

The code requires two off-street parking spaces per townhome. Two driveway parking spaces are provided in addition to two garage parking spaces. The garages will be deed restricted against being finished for living space. Shoulder space along Green Street will also accommodate about 50 parking spaces.

Morris Deputy added that the Town worked directly with the Attorney General on the previous Promenade, which resulted in all funds being reimbursed.

Bruce Orr commented that if cluster mail boxes are used, they should be placed in an area that will not block traffic when residents get mail. He questioned the distance between the driveways of the end units and the radius of the corner.

Mr. Woodin said they will check the dimensions. Per Town specs, the roadways are designed to DelDOT's specifications.

Joe Pontak expressed concern with building 119 homes in such a small space. He feels the Town should really think about the impact to the area. Green Street is being extended to help alleviate traffic and now an additional 119 homes are proposed on this property. He feels this is not the right fit and will not benefit the town.

Mr. Woodin pointed out what the property was previously approved for and what could be allowed to be built because the property is zoned C-2.

Frank Bailey asked if a 60-foot ladder truck could make the turn at the east end of the alley between Green and Cochran Street. The fire department has a turning radius requirement more stringent than the Fire Marshal's requirements. He also asked if the streets are 16 feet wide with overhanging trees.

Mr. Woodin said the alleys will be designated one-way, east to west toward Library Drive. The radii are constructed to allow trash trucks, pumper trucks, etc. He said he will submit copies of the turning movement diagrams for review -- if the Town has a specific design that should be considered, they will adjust the curbs as needed. Street/alley trees are required by code.

Chief Bailey requested that the turning radius requirement be a condition in the motion.

Gene Bloemker asked Woodin if he knew the size of the double garage. He noted that Hutchison Drive did not have any shoulder for additional parking; he agrees with earlier comments regarding

the lack of parking. He asked if the homes will be shielded from people parking in the alley. Other than Green Street, there is no additional or overflow parking.

Mr. Woodin said he would forward a floor plan showing the garage dimensions. He said the alleys primarily provide access to the driveways and parking only for the homeowner. The code require 2 parking spaces per unit. Two off-street spaces are provided; if the additional parking on Green Street is counted, there would be 2.25 spaces per unit, not including the garage parking.

Public Comments:

Hedley Davis, S. Broad St.:

- The development is too dense and will load up traffic on Cochran and Green and adversely affect the quality of life for nearby residents.
- No green space is provided.

Laura Kuzminski:

- Very concerned about the number of homes proposed. Too many homes in a small space. With 3 and 4 bedroom units, there could be over 450 people in the development.
- Main Street already has a large traffic problem.
- The number of homes will have a big impact on the school as well.
- No green space indicated on the plan.

Chuck Kuzminski, West Redding Street:

- Agrees with Gretchen's opinion about the builder.
- Proposed development is too dense.
- Not enough parking.
- No green space.
- Additional congestion and parking issues during events at the park.
- Price range of homes.

Diane Dudderar, S. Broad Street:

- Has the same concerns as previously mentioned.
- If garage space is used for storage and the residence has 3 or 4 drivers, there will not be enough off-street parking.
- The school, library and YMCA will have spill over parking.

Lou Voight, Promenade Development: Pointed out the property, 18 acres, always proposed high density development. Originally, 4 story apartment buildings, retail with three levels of apartments above, and theatre were approved. The property could go back to apartments. Eight acres were sold for the library which provides a lot of green space; green space is between the buildings, the units have front yards.

Carl Chetty, Promenade Development: The Green Street Extension came about to help alleviate the traffic on 299 after meeting with DelDOT for over a year. That's why the development dedicated property for the Green Street Extension through the proposed development.

Joe Pontak asked if the traffic plans/improvements were based on what is forecast now.

Morris Deputy explained that DelDOT did a study for the Main Street Corridor from Catherine Street to the Wawa on the east end of Town. Traffic was projected out for the next 40 years and took into account a fully developed corridor along this area. The improvements are under way

now. The 299 improvements from Catherine to Wawa are slated to be done in 2024. Green Street, shown on this plan, will be built by the developer. DelDOT will determine the schedule to build the connection from the east end of the project out through the Acme. Some of the improvements won't be done when this project is done because the demand for the units is unknown. DelDOT has looked at the area as a fully developed corridor of Town.

David McHenry:

- Totally agrees with all comments expressed by the residents.
- Concerned that no discussion is taking place on what the impact of the Main Street improvements, and this development, will have on the residents in the Broad Street area. The Amazon shift change traffic uses South Cass, West Redding, and all the streets in the neighborhood and is getting out of control. The developer lost the window of opportunity when the plan fell through. The Town should do something now to prevent this type of overcrowding. It no longer fits in.

Hedley Davis: The situation in Town has gotten worse over the last 13 years. What could have happened in 2007 doesn't mean that this should be approved now.

Carl Chetty asked Morris Deputy to elaborate further on the Green Street Extension proposed for the west side of Town.

Morris Deputy explained that part of DelDOT's analysis of the Town was to add another connection over the railroad tracks to help alleviate traffic on the west side of Broad Street. DelDOT has committed to a plan to extend Green Street over the train tracks and connect to Industrial Drive. There is no time frame yet and right-of-way has to be obtained from the railroad.

Chuck Kuzminski asked if this plan does not get approved, does that mean the Green Street extension will not get built. Did the western extension take into consideration the 119 extra homes?

Morris Deputy replied that the western extension is part of DelDOT's plan regardless whether this plan gets approved or not. The overall traffic study did include the Promenade development.

Laura Kuzminski said if only 50 units were proposed when DelDOT did their analysis and now 119 units are proposed – that's a big difference in the amount of proposed traffic.

Morris Deputy said DelDOT has always considered this to be a dense project. It would not have been as low as only 50 units.

Carl Chetty added that the Promenade had 1500 parking spaces and parking garages – the traffic from that would have been 4 or 5 times more than what is proposed now.

Chairman Chillas asked Morris Deputy if the plan complied with the zoning code.

Deputy responded it complies with some portions. There are some open space requirements that don't comply with code. Mayor and Council can waive some of those requirements as per the R-3 section of the Zoning Code, if the project comes in with some substantial improvements.

A question was raised regarding the density compliance. Morris Deputy responded that if density meets code, it's allowed.

After discussion, the consensus of the committee was to not make a motion. The committee said they did not want to be a part of this project approving 119 units and motioned to table.

***Moved by Charles Roberts and seconded by Scott Unruh to table The Crossings at Silver Lake Preliminary Major Land Development Plan for a 119-lot townhome subdivision to allow Mayor and Council to reconsider the density of the project and proposed traffic. The plan is also required to comply with the fire departments truck turning radius requirements as requested by the Fire Chief. Motion Carried Unanimously.***

Morris Deputy said he can ask DelDOT to attend the meeting to answer some of the traffic and improvements concerns.

***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 12/23/20  
Cc: Mayor and Council  
Planning & Zoning Members  
All Attendees  
Duffield Associates