

PLANNING & ZONING MEETING

JUNE 16, 2022

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

AGENDA:

1. 915 Cadman Drive - Conditional Use Permit request for a skincare/spa business (Glow Skinetics Skin Spa) in an R-3 zoning district. CU-15-22. Tax Parcel No. 23-044.00-149.

Nakeya Cochrane, a licensed Esthetician/hair stylist, requested approval to use a room in her home at The Preserve at Deep Creek to provide facials to clients. She is currently a traveling hair stylist and goes to private residences, senior centers, etc.

Joe Pontak asked if she contacted the HOA to see if the bylaws prohibit a business at the residence. Ms. Cochrane said after she posted her business on Facebook she started receiving some "static". No one told her at the time she purchased the home that she couldn't run a business from the residence. Some board members have been clients and no one told her until afterwards that it was in the bylaws. She heard there was some concern about traffic going in and out of the home but has not received an official complaint. She only schedules one person at a time and feels traffic shouldn't be an issue.

Keith Thompson asked if the business proves successful, does she plan to open the business in a commercial district.

Ms. Cochrane said that would be her goal. She wants to start the business in her home; she has a separate room where she will see clients. No medical services/treatments will be provided.

Moved by Keith Thompson and seconded by Joe Pontak to recommend Mayor and Council approve 915 Cadman Drive Conditional Use Permit request for a skincare/spa business (Glow Skinetics Skin Spa) in an R-3 zoning district. CU-15-22.

2. 1120 Industrial Drive, Suite 3, Conditional Use Permit request for a painting and contracting business (Mayse Painting & Contracting) in an M-I zoning district. CU-16-22. Tax Parcel No. 23-012.00-121.

Nick DeStefano represented Justin Mayse, owner of the business. The space will be used to store trim, paint, baseboard molding, etc. The painting will be done in customer's homes. Two trailers

will be parked in front of the garage door. If there is room the trailers will be parked inside. The only traffic will be employees in the morning and at the end of the day.

Joe Pontak asked if any hazardous materials will be stored.
Mr. DeStefano said nothing hazardous will be stored.

Moved by Joe Pontak and seconded by Charles Roberts to recommend Mayor and Council approve 1120 Industrial Drive, Suite 3 Conditional Use Permit request for a painting and contracting business (Mayse Painting & Contracting) in an M-I zoning district. CU-16-22. Tax Parcel No. 23-012.00-121. Motion Carried Unanimously.

3. 554 N. Ramunno Drive – Conditional Use Permit request for an inflatables business (Top Flight Inflatables, LLC) in an R-3 zoning district. CU-17-22. Tax Parcel No. 23-023.00-010.

Kyle Woolard requested approval for an inflatables business. There are no employees and no clients will be coming to the residence. The garage will be used to store the inflatables. No advertising will be done at the house. Currently, he has only three bounce houses; ten or fifteen more will fit in the garage. If they get to that number, they will rent a storage facility. If the business expands further with tents, chairs, etc., they would possibly move to another location.

Moved by Gretchen Rachko and seconded by Chuck McCausland to recommend Mayor and Council approve 554 N. Ramunno Drive Conditional Use Permit request for an inflatables business (Top Flight Inflatables, LLC) in an R-3 zoning district. CU-17-22. Motion Carried Unanimously.

4. 5 S. Cox Street – Conditional Use Permit request for non-transient boarders (Warriors Helping Warriors) in an R-1Z zoning district. CU-18-22. Tax Parcel No. 23-006.00-298.

Marsha and Kevin Conley requested approval to house two or three veterans at 5 S. Cox Street, depending on what the code will allow.

Morris Deputy explained that the property zoning allows a maximum of 3 non-transient boarders, with Conditional Use Permit approval. The Code Official inspected the house and determined they could get 2 bedrooms, and possibly 3, with some modifications to the house, as well as mandatory code requirements. Other than zoning, the other item to be considered is off-street parking. There is currently no off-street parking.

Discussion on parking. It was pointed out that consideration was given for off-street parking for the facility on S. Broad Street. The concession was nearby streets and parking lots would be used. There were also issues with vehicles parking on Broad Street, impairing the view from side streets. It was noted Cox Street is a different scenario as it is a one-way street with only one or two other houses. The building previously had tenants – it wasn't a vacant building.

Conley commented that only residents would be using this building; all services will go through the facility on Broad Street.

Keith Thompson asked if the neighbors had any issues with the proposed use.
Ms. Conley said the church is across the street, the adjacent neighbor has off-street parking and there is one house on the corner of Green and Cox -- the neighbor doesn't have an issue as long as their driveway doesn't get blocked.

Gretchen Rachko expressed concern over the fact that when the S. Broad Street facility first came in for approval, it was approved for women, and that didn't happen. It ended up being for men and exceeding the number it was approved for.

Ms. Conley said they originally had up to 12 veterans, and they neglected to let the Town know it was switched to men.

Kevin Conley added that after the S. Broad Street facility was opened, they realized the need was greater for men, and not women and families. The S. Broad facility is currently approved for 8 veterans, and with the completion of the ADA addition, it will be approved for 9.

Moved by Keith Thompson and seconded by Charles Roberts to recommend Mayor and Council approve 5 S. Cox Street Conditional Use Permit request for non-transient boarders (Warriors Helping Warriors) in an R-1A zoning district. CU-18-22. Motion Carried 5 - 1. (Gretchen Rachko voted Nay, based on parking concerns.)

5. 1999, 1963 and 1985 Middle Neck Road – Preliminary Major Land Development Plan for 1,420,200 square-feet of manufacturing/industrial building space on 135.05 acres. Tax Parcel Nos. 23-073.00-001, 23-073.00-002 and 13-026.00-029.

Scott Lobdell with First State Engineering presented the plan. The parcels were rezoned from Residential to Manufacturing/Industrial last month. The three parcels total 135+/- acres.

- The property includes two ten-acre parcels on Middle Neck Road; the remaining 115 acres is the larger parcel.
- A residential subdivision with approximately 400 homes was approved for the site about a year ago. The neighboring property owner prefers this use versus residential.
- The new plan proposes a 1,420,200 square-foot manufacturing/industrial building.
- DelDOT has approved two entrances to the site off Middle Neck Road. No entrances are proposed on Middletown-Warwick Road.
- Discussions are ongoing with DelDOT for upgrades to Middle Neck Road.
- Preliminary stormwater areas are shown on the plan.
- The plan depicts the Delmarva Power electric easement through the property.
- Most of the traffic to the site will be truck traffic and will use the 301 by-pass. Most local roads will have minimal impact as the site connects to the ramps for the by-pass.
- No tenant is proposed for the site at this time.

Morris Deputy added that warehouse/distribution was originally what the University of Delaware felt was the best use for the property.

Moved by Keith Thompson and seconded by Gretchen Rachko to recommend Mayor and Council approve 1999, 1963 and 1985 Middle Neck Road Preliminary Major Land Development Plan for 1,420,200 square-feet of manufacturing/industrial building space on 135.0 acres. Tax Parcel Nos. 23-073.00-001, 23-073.00-002 and 13-026.00-029. Motion Carried Unanimously.

6. Review Ordinance 22-06-01 to amend the Town of Middletown Comprehensive Plan Map 7 for the rezoning of Tax Parcels 23-008.00-115 and 23-008.00-110 from Commercial to Manufacturing-Industrial.

Morris Deputy said the owner of the parcels is requesting approval to rezone the parcels from Commercial to Manufacturing-Industrial. The request was submitted to State Planning and received no objection.

Frank Bailey asked if the entrance for parcel 23-008.00-115 is off Tower Lane or Diamond State Blvd.

Morris Deputy said parcel 23-008.00-115 will have a shared entrance with parcel 23-008.00-108. Parcel 23-008.00-115 is 1.2 acres; Parcel 23-008.00-110 is 3.04 acres.

Keith Thompson asked, per the comment from PLUS, who is responsible for an archaeological survey if required.

Morris Deputy said the developer is responsible.

A short discussion followed about what archaeological items could be found at the site. It was suggested bones, parts of structures, etc., could possibly be found, given the location.

Moved by Joe Pontak and seconded by Charles Roberts to recommend Mayor and Council approve Ordinance 22-06-01 to amend the Town of Middletown Comprehensive Plan Map 7 for the rezoning of Tax Parcels 23-008.00-115 and 23-008.00-110 from Commercial to Manufacturing-Industrial. Motion Carried Unanimously.

Moved by Joe Pontak and seconded by Keith Thompson 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 - 6/24/22
Cc: Mayor & Council
P & Z Members
Verdantas
All Attendees