

## PLANNING & ZONING MINUTES

JANUARY 16, 2025

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

### **AGENDA:**

**1. 29 Anderson Street – Conditional Use Permit request for a group home for adults with cognitive, intellectual, or developmental disabilities, in a C-2 zoned area. CU-01-25. Tax Parcel 23-005.00-206.**

Robinson Tabi, Alkis Group Real Estate; Dr. Eban Ebai, Manager of the project; Mrs. Agbor Mase, nurse practitioner and clinical advisor; and Neil Brenner, designer with Drafting by Design presented the proposed project.

A group-home health facility for long-term care is being proposed for people with mental disabilities, with services including Medicare service, nursing care and daily living services for elderly and young people.

Jenn Parrish asked what ages will be housed and if they will share the same building. Robinson Tabi replied youth from age five to older adults. They will start with one building for adults and eventually design the other part of the building for the youth. The programs cannot stay in the same address. One program is proposed for now; the long-term goal is to have two in the same area, but they have to have different addresses.

Parrish questioned that it would be a live-in residential nursing home for children who are medically fragile as well as developmentally delayed, and a nursing home component for older people. She asked what the division would be. Robinson said they would be divided by age but services will be similar for both groups.

Don Hall asked how many total residents are proposed, how many vehicles will be parked, were neighbors notified, what is the current use of the building.

Robinson Tabi indicated they are allowed to have 10 patients; about 40 parking spaces are available; only one neighbor was notified; the building has been vacant for a while.

#### Discussion/questions on Parking

- Mr. Tabi said parking is on side of the building; there may be only 20 total spaces.
- A Google maps location was displayed showing about 8 spaces in one area and 8 or 10 on the side. To the left is a vacant building where parking could possibly be increased.
- Parking is available across the street.
- Per Ms. Mase, with 10 patients, at least two employees, possibly four (house manager and personal care providers) would be there at all times.
- How many vehicles are anticipated at peak holiday/special events?
- How many vehicles are proposed on a daily basis with staffing and regular family visits? 2 to 4 for staff but up to 10 with visitors on regular working days.
- What are visitation hours? Afternoons and after work.
- The number of parking spaces was corrected to about 18 - 20 spaces available.

Joe Pontak said he lives on Main Street and there aren't 40. He pointed out the parcel was presented last year proposing a help center for veterans and the same parking questions came up. In addition to parking, there were concerns with emergency vehicles having access. There could be 20 to 40 cars at peak times with visitors plus employees parking (2 to 4).

Frank Bailey questioned which building is proposed to be used. He indicated no streets are shown on the plans for reference.

It was noted the buildings face Anderson Street and the building in question is located on the left. Chief Bailey asked if the building to the left would be modified and if it would be accessed from N. Cox Street.

Neil Brenner indicated a door is in the front of the building. The building is a steel, pre-engineered building with no columns inside and could be gutted. There is a connector to the area on the right-hand side that will be demolished. He said his understanding is the pre-engineered building would be used for the first 10 people; the right side will be occupied later. The initial request for changing the zoning is to separate the pre-engineered building from everything else and do that at a later date. Apparently, the same address cannot be used for different programs.

Chief Bailey asked if there is a parking lot on the side that can't be seen.

Mr. Brenner replied there is nothing on the other side of the building. An exit door on the left side of the building will be removed and an exit door will be added at the end of the building.

Joe Pontak questioned that the adult living space will be provided first, and the child living space will be added later in a separate building; there will be two separate components in two separate buildings.

Mr. Brenner said the problem now is that the buildings are connected. The idea is to put the adult living building on a parcel with its own address and do the same thing with the other building so it will be its own program.

Jenn Parrish questioned the "20" people indicated on the plan and asked if that means 10 now and 10 in the second building when it gets approved.

Mr. Brenner said he believes that number referred to the original idea and a mistake. This particular request is for 10.

Joe Pontak questioned if the next building could be for 20 people.

Mr. Brenner replied it could possibly be more, he is not sure.

Pontak commented that the parking could be increased by two-thirds or more. If this plan is approved, and 20 or so will be included for the second building, there could be issues when the second building is brought in for approval.

Brenner explained the idea is to separate this building from the other building and get this part approved and operational. The other uses could be anything, depending on what programs are available. He said he would probably suggest the owners have a civil engineer look at the property across the street to see what the capabilities are for traffic for the next phase.

Pontak suggested the lot across the street become the parking lot and he would make that recommendation to Mayor and Council. He said he bikes frequently in that area and there is a lot of traffic.

Mr. Tabi said they didn't realize all the issues. He said they are seeking approval for the first lot and if they cannot open the next one on the same piece of land, they will look for a different place with parking. If the parking will only allow for the 10, that will be good enough, that is fine. He indicated there is space in the back that could be used for more parking.

Gretchen Rachko question if the agenda should have read "a group home for adults *and children*" since both were discussed and being considered.

Mr. Tabi stated this section would be for adults only.

Don Hall suggested the drawing be updated before it goes to Council.

***Moved by Jenn Parrish and seconded by Joe Pontak to recommend Mayor and Council approve 29 Anderson Street, Conditional Use Permit request for a group home for adults with cognitive, intellectual, or developmental disabilities, in a C-2 zoned area. CU-01-25. Tax Parcel No. 23-006.00-206. Motion Carried Unanimously.***

**2. 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-2 and C-3) zoning.**

Dana Dunphy with Century Engineering represented St. John Properties for the rezoning for 1023 Bunker Hill Road, Tax Parcel No. 23-024.00-287.

- The current zoning of the property is M-I Manufacturing-Industrial.
- The application is requesting to rezone the M-I parcel to a mixed-use of R-3 Multi-Family and C-3 Employment Regional Retail. Residential zoning is proposed on the northern portion; commercial zoning on the southern portion.
- Surrounding properties are zoned Commercial and Residential; the rezoning fits the area.
- Utilities are available.
- Access is off Bunker Hill Road.
- An additional access is proposed off Doc Levinson Drive.
- PLUS comments have been received.
- No environmental concerns exist.
- Coordinating with DelDOT and the Town to be included in the Westtown TID.

Chip Roberts asked how many homes are proposed.

Ms. Dunphy replied 450 townhomes.

Chuck McCausland commented that 450 homes would produce about 800 cars. He questioned how the cars will get in and out with all the traffic and school nearby. He said the traffic and parking was an issue when the parcel was brought in with the M-I zoning.

Ms. Dunphy said the purpose of the pre-submittal to DelDOT will be to discuss those concerns. She added an access from Doc Levinson is also proposed – any traffic using that access would be able to get to the traffic light on 301.

McCausland said the previous traffic studies talked about a traffic circle and a traffic light, but the traffic light would be years, if it happened...his biggest concern is traffic.

Chip Roberts added that with M-I zoning, truck traffic will be an issue.

Ms. Dunphy indicated the M-I will be rezoned to commercial zoning, which will provide more flex space and less truck traffic.

Joe Pontak asked what the comments were from PLUS.

Morris Deputy said, in general, they did not give an unfavorable opinion to amend the Comp Plan to rezone the property to R-3 and C-3. He noted there is a Record Plan approved for the M-I zoning.

Joe Pontak commented if manufacturing-industrial went there, there wouldn't be 800 or 900 cars, unless it was an Amazon. Adding 450 townhomes is a lot to an area already surrounded by residential. He questioned if DelDOT really expected this amount of residential in the area. The projected 800 or 900 cars doesn't include the commercial traffic.

Morris Deputy said a few million square-feet of industrial was approved for warehousing that could have been for Amazon, UPS, etc., anything that satisfied that zone, but a user didn't come. This applicant is now coming in with a different plan. DelDOT has studied and contemplated traffic on Bunker Hill Road and two roundabouts are proposed. DelDOT suggested the new plan be put in the Westown TID so they will pay fees in lieu of a traffic study to contribute towards the improvements that need to be built in the area.

Mr. Deputy indicated the latest analysis was for the previous plan submitted. If this plan is approved and put in the TID, it will be included in the analysis. DelDOT will handle the overall TIS for the area and put in the improvements as needed, based on the contributions received from the developers. It isn't a new plan on a road that hasn't had a traffic analysis done.

Chuck McCausland remarked that the new plan adds about 800 cars. The traffic from the school already backs up to Merrimac Avenue at 7:30 - 8:00 in the morning - it takes 5 minutes to make a left turn from Merrimac Avenue.

Mr. Deputy said when the new Preliminary Plan is brought in for review, DelDOT may make suggestions for different improvements other than what was approved when the warehousing with trucks and employees was proposed.

John Paradee with Brockstead, Frederico and Mandalas, representing St. John Properties, pointed out the application tonight is a rezoning request. The question is what is a more appropriate zoning classification for this property: the M-I which includes manufacturing-industrial type uses with heavy truck traffic, or a mixed-use development of residential and low density commercial. We believe the latter is more consistent with the Comprehensive Plan; the State Planning Office and PLUS also agree. He said it's too early to speculate about traffic concerns based on a particular number of townhouses. The exact number of homes and traffic that will be generated will not be determined until the Preliminary Plan; concerns about traffic and other issues can be addressed when that plan is presented. By that time, the TID analysis by DelDOT will be completed.

Joe Pontak pointed out this is the committee's time to stop it if they don't want to approve it. If the plan is within proper zoning, it can go to Mayor and Council.

Jenn Parrish added that heavy truck traffic isn't as consistent as hundreds of residential vehicles.

Mr. Paradee said he understands that, but the number of units and how much traffic it will generate is not known at this time. The amount of traffic the site might generate as currently approved is not known at this time either.

Frank Bailey asked if the intent is to connect the residential and commercial to Doc Levinson. Ms. Dunphy said, yes, everything will connect.

Don Hall asked how DNREC's comment that the site is an "excellent groundwater recharge area and recommended limiting impervious surfaces to no more than 20% of the area" affects the plan. Morris Deputy said the Town has a Recharge Ordinance that has to be followed.

***Moved by Keith Thompson and seconded by Joe Pontak 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. Keith Thompson: Nay - I would feel more comfortable if it was a smaller scale project; otherwise, keep the zoning the same due to the traffic in the area.***

***Gretchen Rachko: Nay - I vote to keep it M-I due to the traffic impact.***

***Chuck McCausland: Nay - A traffic light should be installed at the entrance and at Merrimac.***

***Jenn Parrish: Nay - Traffic; If a new plan comes back, would like to see a traffic study already done.***

***Don Hall: Nay - Traffic***

***Charles Roberts: Nay - Don't like the parking and too much additional traffic.***

***Joe Pontak: Nay - Mostly residential is in the area. The main reason is to keep it M-I and keep the traffic use for what the study was actually done.***

***Motion to approve - 0.***

***Motion Unanimously DENIED 7 - 0.***

***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, P.E.  
Town Manager

Ry - 1/23/25  
Cc: Mayor & Council  
All Attendees  
Verdantas