

PLANNING & ZONING MEETING

JULY 15, 2021

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

AGENDA:

1. Parcel E-2 Levels Business Park (250 Celebration Court) – Conditional Use Permit request to allow garden apartments in a C-3 zoned area. CU-10-21. Tax Parcel No. 23-065.00-001.

Denis Hulme with Woodin and Associates and Bob Stella, owner of the parcel, presented the proposed plan. The Conditional Use Permit request and Preliminary Land Development Plan will be presented at the same time.

- Parcel E-2 is located at the intersection of Levels Road and Middletown-Warwick Road, adjacent to the NTB building.
- A residential apartment building is proposed, similar to the Summerton Place apartments across Levels Road, also owned by Mr. Stella.
- The parcel is zoned C-3 which permits apartments by Condition Use. Apartments in the C-3 zone are subject to the R-3 zoning requirements, which restricts apartments to three-story, or 40-feet high, 24 units per building.
- Variances will be requested for the building height and number of units per building.
- Open space around the pond will be used to meet the 40% open space requirement.
- The open areas will be improved with benches, walking paths, covered picnic areas. Owner has considered installing electric vehicle charging stations and covered bike storage areas.
- Architectural renderings were presented.
- The building will have a secured entrance and elevator.
- No commercial space is proposed.

Gretchen Rachko asked what the first floor will be used for and if the units have patios.

Mr. Hulme said all four floors will be residential, no commercial is proposed in the building. The first floor will also house a meeting space, recreation area, gym, etc. A variance will be requested to allow a four-story apartment building in the C-3 zoning district. At Summerton Place, the demand for apartments has been more than the demand for retail/commercial space. The upper floors will have balconies and the first floor will have a patio area.

Frank Bailey asked if the paved area went completely around the complete building.
Mr. Hulme said yes, except the end adjacent to the dentist office.

Chip Roberts asked Chief Bailey if a fire truck would have complete access around the building in case of a fire.
Bailey said he would have access because the building is not that deep.

Craig Sherman asked if the variance would be approved by the P & Z board.
Morris Deputy said the variance request goes before the Board of Adjustment. If the Conditional Use Permit is approved tonight, that allows a three-story apartment building to be built in the C-3 zoning district. If the Board of Adjustment turns down the variance request for a four-story building, the owner can only build a three-story building or withdraw the request.

Moved by Gene Bloemker and seconded by Joe Pontak to recommend Mayor and Council approve Parcel E-2 Levels Business Park (250 Celebration Court) Conditional Use Permit request to allow garden apartments in a C-3 zoned area. CU-10-21. Tax Parcel No. 23-065.00-001. Motion Carried Unanimously.

2. Parcel E-2 Levels Business Park (250 Celebration Court) – Preliminary Major Land Development Plan to subdivide the property into two parcels in order to create a separate parcel for a proposed 4-story apartment building and associated improvements in a C-3 zoned area. Tax Parcel No. 23-065.00-001.

Denis Hulme said the Preliminary Plan was basically covered with the Conditional Use Permit request just presented.

Bob Stella pointed out the apartments are more than garden apartments, but the building falls under the “garden apartment” classification in the code. In C-3, a mixed use, four-story building (three floors of residential with commercial on the first floor) is permitted. A variance will be requested for a four-story apartment building without any retail/commercial space because the demand for rental units is high. Summerton Place has a waiting list. They are the only secured, elevator units in Town.

Joe Pontak asked for clarification on the C-3 zoning for apartments with retail and the variance request.
Morris Deputy explained that the C-3 zoning district allows three-stories of apartments over retail on the first floor by-right. If they don’t want to offer retail space, they can only build three stories for apartments. An approved variance is required to allow a four-story apartment building without retail. They also have to meet the parking code.

Moved by Joe Pontak and seconded by Scott Unruh to recommend Mayor and Council approve Parcel E-2 Levels Business Park (250 Celebration Court) Preliminary Major Land Development Plan to subdivide the property into two parcels in order to create a separate parcel for a

proposed 4-Story apartment building and associated improvements in a C-3 zoned area. Tax Parcel No. 23-065.00-001. Motion Carried Unanimously.

3. 336 Brick Mill Road – Conditional Use Permit request for a daycare facility in a C-3 zoned area. CU-11-21. Tax Parcel No. 13-023.00-008.

Tim Anderson with Anderson Civil Engineering, along with Manoj Gandhi, the facility's owner, presented the Conditional Use request and Preliminary Major Land Development Plan.

- The parcel is 3.1 acres recently annexed with a C-3 zoning classification.
- A day care facility requires Conditional Use approval in the C-3 zoning district.
- The plan proposes a +/-10,000 sq. ft. day care facility with a playground and parking.
- The parcel is located on the east side of Brick Mill Road, between Christiana Care and Brick Mill Elementary School.
- The facility will house 160 to 170 children, ages 6 weeks to 6 years.

Don Dibert asked if the pump station area behind the building will be fenced. Mr. Anderson said most likely.

Frank Bailey asked if the drop-off space is adequate for 170 kids and if the parking lot is shared with the medical center.

Manoj Gandhi explained the facility will open at 7 a.m.; peak time is 8:30 to 9:30 a.m.; not more than 6 or 8 parents arrive at the same time. Pick-up time starts around 3 or 3:30 p.m. until 5:30 p.m. The parking lot is not shared.

There was a lengthy discussion on the design and location of the entrance to the day care facility. Concern was expressed by the fire chief and board members that fire trucks would have difficulty maneuvering through the entrance and parking lot to get back to the day care facility. The entrance for the medical center poses the same problem. Chief Bailey commented that the entrance is tight for both a day care facility and medical center to be emptying out into the same small driveway in such a short area.

It was also questioned where the children would go in case of a fire.

Mr. Anderson said the access was checked with turning templates and it works. The Fire Marshal's Office did not have an issue with the plan.

Chief Bailey pointed out the template doesn't include cars parked in the parking lot or vehicles trying to exit because of a fire. The Fire Marshal's Office states the minimum requirements for the code – the Town approves the plan.

Additional entrance scenarios were discussed.

The Commission agreed the plan should be tabled based on the safety aspects of the entrance design and where the children would go in case of a fire. They stipulated the plan should be reviewed by both the Volunteer Hose Company and Odessa Fire Company because it is located in Odessa's fire district.

Chief Bailey said he would be willing to review a draft of the revised plan before it comes back to the Planning Commission for review.

Moved by Joe Pontak and seconded by Craig Sherman to table Items 3 and 4 for 336 Brick Mill Road, based on the safety aspects of the entrance design. The revised plan should be reviewed and approved by both Odessa and Middletown fire companies. Motion Carried Unanimously.

4. 336 Brick Mill Road – Preliminary Major Land Development Plan for a 10,000 square-foot daycare building and a 21,600 square-foot medical office building on 3.2 acres, in a C-3 zoned area. Tax Parcel No. 13-023.00-008.

Tabled along with Item 3 above.

Moved by Charles Roberts and seconded by Joe Pontak to adjourn.

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 7/21/21

Cc: Mayor and Council
Planning & Zoning Members
All Attendees
Duffield Associates