

PLANNING & ZONING MEETING
**(Virtual Meeting via Zoom video conference, continuation of the March 19, 2020 meeting
postponed due to the Coronavirus)**

APRIL 19, 2020

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

AGENDA:

- 1. 221 N. Broad Street – Conditional Use Permit request for a professional office space for a business incorporator and registered agent (ALB Futures LLC) in an R-2 zoned area. CU-03-20. Tax Parcel No. 23-006.00-473.**
- 2. 654 Nesting Lane – Conditional Use Permit request for a transportation service (Delaware 1st Transportation, LLC) in an R-1B zoned area. CU-04-20. Tax Parcel No. 23-057.00-041.**
- 3. 360 Brick Mill Road – Preliminary Major Land Development Plan for a new, one-story Early Childhood Center building totaling 40,000 square-feet with administrative offices, classrooms, kitchen, cafeteria and auditorium. Tax Parcel No. 23-057.00-002.**
- 4. 605 Tower Lane (Parcel P, Middletown Auto Park) – Preliminary Major Land Development Plan for a 12,050+/- square-foot Moose Lodge facility on 2.62+/- acres in a C-3 zoned area. Tax Parcel No. 23-008.00-109.**
- 5. Parkway at South Ridge – Record Minor Re-Subdivision Plan proposing to convert private open space within the Parkway at South Ridge, to public open space area that is located adjacent to South Ridge Avenue and South Parkway Drive. Tax Parcel No. 23-021.00-417.**
- 6. 109 Sandhill Drive – Preliminary Major Land Development Plan for a Firestone Total Care Store located on Lot 16 Bunker Hill II. The development proposes a 6,262 square-foot auto repair light use building with associated parking and drive aisles. Tax Parcel No. 23-005.00-312.**
- 7. Parcel 1, Westown Town Center, Phase 3 – Record Re-Subdivision Plan to revise the building layout. Tax Parcel No. 23-022.00-193.**

8. 610 Tower Lane (Parcel N, Middletown Auto Park) Preliminary Major Land Development Plan for a 12,000+/- square-foot Light Duty Automotive Service Shop and improvements. Tax Parcel 23-008.00-111.

1. 221 N. Broad Street – Conditional Use Permit request for a professional office space for a business incorporator and registered agent (ALB Futures LLC) in an R-2 zoned area. CU-03-20. Tax Parcel No. 23-006.00-473.

Chuck Boyce, CEO, United Agent Services said the property was acquired at the beginning of the year. A Conditional Use Permit is requested at this time to use the front half of the first floor for an office. The garage will provide two off-street parking spaces to be used by personnel. The public does not typically come to the office.

Moved by Charles Roberts and seconded by Gretchen Rachko to recommend Mayor and Council approve 221 N. Broad Street Conditional Use Permit request for a professional office space for a business incorporator and registered agent (ALB Futures LLC) in an R-2 zoned area. CU-03-20. Tax Parcel No. 23-006.00-473. Motion Carried Unanimously.

2. 654 Nesting Lane – Conditional Use Permit request for a transportation service (Delaware 1st Transportation, LLC) in an R-1B zoned area. CU-04-20. Tax Parcel No. 23-057.00-041.

Ursicina Vergara requested Conditional Use approval to use her residence for the business and allow four vans to park in the driveway. The business provides transportation for disabled, foster and displaced children to various schools in Smyrna and Glasgow. The drivers pick up the vans and leave their cars.

Resident Bill Wolff, representing the HOA for Dove Run, said it is against their deed restrictions to allow commercial vehicles in the development. He said he doesn't object to the office in the house as long as the deed restrictions are followed.

Ms. Vergara said there are many commercial vehicles in the development. She said she will abide by whatever she's asked to do.

Dave Chillas asked if deed restrictions supersede the Conditional Use request to allow the business. Morris Deputy said not officially. The Commission can place conditions on their recommendation to Council for consideration. The Code does not address deed restrictions.

Moved by Gretchen Rachko and seconded by Scott Unruh to recommend Mayor and Council approve 654 Nesting Lane Conditional Use Permit request for a transportation service (Delaware 1st Transportation, LLC) in an R-1B zoned area. CU-04-20. Tax Parcel No. 23-057.00-041. Motion Carried Unanimously.

3. 360 Brick Mill Road – Preliminary Major Land Development Plan for a new, one-story Early Childhood Center building totaling 40,000 square-feet with administrative offices, classrooms, kitchen, cafeteria and auditorium. Tax Parcel No. 23-057.00-002.

Ted Williams with Landmark Science and Engineering represented the Appoquinimink School District.

- The school district is proposing a 40,000 square-foot early childhood center adjacent to the Brickmill Elementary School.
- The existing entrance to the elementary school will be used.
- 116 parking spaces are proposed (113 are required).
- A side-by-side bus parking area for 22 busses will be constructed that will be striped and provide an additional 98 over-flow parking spaces for after-hour events.
- A parent drop-off area is located in the front of the building.
- The plan has addressed comments received in March from Duffield Associates.
- Two recharge facilities will be constructed on the property that exceed DNREC's requirements.
- The plan is currently being reviewed by the Fire Marshal's Office.
- The plan is being recorded as a "Phased Building", but the intent is to build the total 40,000 square-foot building. The phasing will be based on the budget versus the bids.
- The project will go to bid in June.

Moved by Gretchen Rachko and seconded by Joe Pontak to recommend Mayor and Council approve 360 Brick Mill Road Preliminary Major Land Development Plan for a new, one-story Early Childhood Center building totaling 40,000 square-feet with administrative offices, classrooms, kitchen, cafeteria and auditorium. Tax Parcel No. 23-057.00-002. Motion Carried Unanimously.

4. 605 Tower Lane (Parcel P, Middletown Auto Park) – Preliminary Major Land Development Plan for a 12,050+/- Square-foot Moose Lodge facility on 2.62+/- acres in a C-3 zoned area. Tax Parcel No. 23-008.00-109.

Dennis Hulme and Rick Woodin presented the plan proposing a 12,000 square-foot Moose Lodge facility.

- The Moose Lodge is a fraternal order and community service organization. The New Castle Lodge closed and they are looking forward to opening a facility in Middletown.
- The facility will consist of a one-story building on Parcel P in the Middletown Auto Park.
- Approximately 100 parking spaces are provided, with the ability to add an additional 40 spaces.
- All stormwater runoff will be directed to the existing facility in the Auto Park.

Frank Bailey questioned the height and size of the canopy in front of the building. It appears the canopy covers the fire lane instead of just the pull-off.

Dennis Hulme said the architect is still working on the design. The canopy would probably be 12 to 15 feet high – the building is one-story. The canopy stops at the island separating the drop-off area and the fire lane – it doesn't cover the fire lane.

Moved by Charles Roberts and seconded by Joe Pontak to recommend Mayor and Council approve 605 Tower Lane (Parcel P, Middletown Auto Park) Preliminary Major Land Development Plan for a 12,050+/- square-foot Moose Lodge facility on 2.62+/- acres in a C-3 zoned area. Tax Parcel 23-008.00-109. Motion Carried Unanimously.

5. Parkway at South Ridge – Record Minor Re-Subdivision Plan proposing to convert private open space within the Parkway at South Ridge, to public open space area that is located adjacent to South Ridge Avenue and South Parkway Drive. Tax Parcel No. 23-021.00-417.

Rick Woodin requested approval to convert the private open space to public open space. The parcel was originally proposed for a community pool facility to be maintained by the townhome residents. After discussions between the Town, residents and developer, it was agreed that a passive park would be a better use for the parcel. The park will be dedicated and maintained by the Town. A condition of approval by Council, would be their acceptance of an open space improvement plan for the parcel.

Chip Roberts asked if the proposed plan had been reviewed with the Town Manager. Mr. Woodin replied that the plan was reviewed by the Town.

Moved by Charles Roberts and seconded by Gene Bloemker to recommend Mayor and Council approve the Parkway at South Ridge Record Minor Re-Subdivision Plan proposing to convert private open space within the Parkway at South Ridge, to public open space area that is located adjacent to South Ridge Avenue and South Parkway Drive. Tax Parcel No. 23-021.00-417.

6. 109 Sandhill Drive – Preliminary Major Land Development Plan for a Firestone Total Care Store located on Lot 16 Bunker Hill II. The development proposes a 6,262 square-foot auto repair light use building with associated parking and drive aisles. Tax Parcel No. 23-005.00-312.

Rado Nedkov, with CEI Engineering, presented the plan for a Firestone Total Care Store to be located on Lot 16, Bunker Hill II.

- The plan proposes a 6,262 square-foot building.
- Thirty parking spaces will be provided.
- An access entrance is proposed off Casa Drive as well as a shared access easement on the adjoining Lot 15.
- The existing drainage area, located south of the property, will be utilized.
- Comments from the Town’s engineer will be addressed.
- A sidewalk connection from the building to Sandhill Drive will be installed (not yet shown on the plan).

Moved by Gene Bloemker and seconded by Joe Pontak to recommend Mayor and Council approve 109 Sandhill Drive, Preliminary Major Land Development Plan for a Firestone Total Auto Care Store located on Lot 16 Bunker Hill II. The development proposes a 6,262 square foot auto repair light use building with associated parking and drive aisles. Motion Carried Unanimously.

7. Parcel 1, Westtown Town Center, Phase 3 – Record Re-Subdivision Plan to revise the building layout. Tax Parcel No. 23-022.00-193.

Matt Brickley, with Clifton Bakhsh Engineers, presented the plan for the proposed Fairfield Inn and Suites Hotel.

- The plan was previously approved in April 2017 for a Comfort Suites Hotel.
- The new building is 2,000+/- square-feet smaller than the original plan and reduces the impervious area by 4,000 square-feet.
- Ninety rooms are proposed versus the original 81.
- The canopy location has been moved from the southeast corner to the middle of the building on the west side.

- Parking remains the same at 100 spaces.
- Stormwater management should not be affected.

Moved by Joe Pontak and seconded by Gretchen Rachko to recommend Mayor and Council approve Parcel 1, Westown Town Center, Phase 3, Record Re-Subdivision Plan to revise the building layout. Tax Parcel No. 23-022.00-193. Motion Carried Unanimously.

8. 610 Tower Lane (Parcel N, Middletown Auto Park) Preliminary Major Land Development Plan for a 12,000+/- square-foot Light Duty Automotive Service Shop and improvements. Tax Parcel 23-008.00-111.

Matt Brickley explained that the plan subdividing Parcels N and S was approved by the Town, but the plan has not yet been officially recorded at the Recorder of Deeds office. They are proceeding with the Land Development Plan to keep the project on schedule.

- A 12,000 square-foot light duty, automotive shop with seven bays and several offices is proposed.
- The business is currently located on Peterson Road, behind the Food Lion.
- 28 parking spaces are proposed.
- The long-term parking area will be fenced.
- Spaces are also available inside for overnight parking.
- Stormwater management will be provided by the existing facility in the Auto Park.

Chip Roberts questioned how waste material would be disposed.

Matt Brickley said the business is fully recyclable.

Moved by Gene Bloemker and seconded by Don Dibert to recommend Mayor and Council approve 610 Tower Lane, Parcel N, Preliminary Major Land Plan for a 12,000+/- square-foot, light-duty automotive service shop and improvements. Tax Parcel 23-008.00-111. Motion Carried Unanimously.

Moved by Chip Roberts and seconded by Don Dibert 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 4/22/20
Cc: Mayor and Council
Planning and Zoning Members
All Attendees
Duffield Associates