

PLANNING AND ZONING MEETING

DECEMBER 21, 2023

ATTENDEES: David Chillas, Chairman
Morris Deputy, Town Manager
Frank Bailey, Fire Chief
Donald Dibert
Billy Duck
Chuck McCausland
Joe Pontak
Charles Roberts
Keith Thompson

AGENDA:

1. 410 Diamond State Blvd, Suite F - Conditional Use Permit request for a Polaris Sling Shot and Auto Rental Business (Delaware Sling Shot Rental) in an M-I zoned area. CU-16-23. Tax Parcel No. 23-008.00-115.

Juan Govens requested approval to use the location for a specialty rental car. The cars are gas-powered, two-seater vehicles, classified as auto cycles and driven on the street. Mr. Govens said he has operated the business from his home for two years with two vehicles. More space is needed to keep up with the demand.

Joe Pontak asked how many vehicles would be stored on-site.
Mr. Govens said 8.

Chuck McCausland commented the top speed for the vehicle is 125 MPH and asked where they are supposed to be driven safely; are the rentals short-term, such as motorcycles, and what insurance is required.

Mr. Govens said the vehicles can be driven anywhere safely – it's up to the person driving the vehicle. The rentals are long-term – 2 to 24 or 48 hours. People rent them to go to the beach, Poconos, etc. A two-hour rental would be for a short run to a winery, etc.
He said he partners with Polaris and they cover the insurance.

Don Dibert asked the age requirement for rental.
Mr. Govens said from 25 years up.

Dave Chillas asked what the rental fee is.
Mr. Govens indicated from \$199 to \$450 for a 24-hour rental.

Billy Duck questioned customer parking, available parking space and number of employees.
Mr. Govens said most customers get dropped off to pick up the vehicle. There are 8 parking spaces and just he and his son operate the business.

Moved by Keith Thompson and seconded by Billy Duck to recommend Mayor and Council approve 410 Diamond State Blvd. Suite F – Conditional Use Permit request for a Polaris Sling Shot and Auto Rental business (Delaware Sling Shot Rental) in an M-I zoned Area. CU-16-23. Tax Parcel No. 23-008.00-115. Motion Carried Unanimously.

2. 12 N. Cass Street – Conditional Use Permit request for an Internet automobile dealership (Ecomrides, LLC) in an R-1A zoned area. CU-17-23. Tax Parcel No. 23-005.00-030.

Aaron Dixey requested approval to use 12 N. Cass Street for his Internet automobile dealership business and office. The property has a large building located on the back of the lot with access from N. Scott Street, that was used by a previous owner for a construction business.

- The Internet auto dealership is similar to Carvana; no customers will come to 12 N. Cass Street; however, in order for DMV to issue a dealer’s license, a letter is required from the Town saying it’s suitable for his business.

Don Dibert asked where parking is proposed.

Mr. Dixey said there is room for three or four cars in front of the building and parking for seven or eight cars through the gate.

Billy Duck asked where the vehicles will be serviced.

Mr. Dixey indicated they are working on a Pennsylvania location where about 50 vehicles will be stored. No retail will take place; this location will be the hub; all transportation will go out of Pennsylvania.

Joe Pontak asked how many employees are expected.

Dixey said just himself and two partners; however, there’s room for two or three more people, should they decide to hire additional administrators or sales people.

Moved by Chuck McCausland and seconded by Joe Pontak to recommend Mayor and Council approve 12 N. Cass Street Conditional Use Permit request for an Internet automobile dealership (Ecomrides, LLC) in an R-1A zoned area. CU-17-23. Motion Carried Unanimously.

3. 128 Patriot Drive, Unit 9 – Conditional Use Permit request for an electrical contractor business (Parra Electric, Inc.) with an office and warehouse space for materials, in an M-I zoned area. CU-18-23. Tax Parcel No. 23-041.00-015.

Ron Parra requested approval to operate his electrical contracting business from 128 Patriot Drive. The space will be used for office and material storage. Four parking spaces are available.

Joe Pontak asked if any hazardous material would be stored.

Mr. Parra said no hazardous material would be stored.

Moved by Joe Pontak and seconded by Billy Duck to recommend Mayor and Council approve 128 Patriot Drive, Unit 9 Conditional Use Permit request for an electrical contractor business (Parra Electric, Inc.) with an office and warehouse space for materials, in an M-I zoned area. CU-18-23. Motion carried Unanimously.

4. 1270 Levels Road – Preliminary Major Subdivision Plan for Freestone Village, a market rate community to be comprised of 705 dwelling units (273 single-family, 431 townhomes and one existing home to remain). Tax Parcel No. 23-050.00-124.

Shawn Tucker, Charlie Barnett with MRA Engineers, Mike Brown from Lennar Homes, and Traffic Engineer Nicole Kline represented the applicant.

- Slides were presented showing the parcel location and intersecting roadways.
- The site is approximately 172 acres, zoned R-3, annexed March 2023.
- Most of the property runs along Levels Road to the intersection of Grears Corner Road; Strawberry Lane is across the road.
- 705 Lots are proposed consisting of 273 single-family homes, 431 townhomes and one existing farmhouse.
- Density is approximately 4 units per acre; open space proposed is +/-62 acres versus 34 required.
- The project will use Town utilities.
- Sidewalks will be provided on both sides of the internal streets.
- Two entrances into the subdivision are proposed off Levels Road.
- Various types of single-family homes are proposed; Townhomes will be available in 22 and 24-foot-wide units.
- Several large buffer yards are provided along both Levels Road and Grears Corner Road with a large setback to the proposed lot lines.
- A walking trail along the perimeter of the property will tie-in to the internal street network, for a total of approximately 2-1/2 miles of trails. A trail from this development will tie-in to a trail near the property line of St. Anne's, to provide a connection between the developments.
- Two great amenities are nearby: Price Memorial Park and the St. Anne's Clubhouse. Hopefully, residents from Freestone Village will be able to buy memberships to the golf club – the clubhouse manager has indicated a number of memberships were still available.
- Landscaped earthen berms along both roads are proposed to buffer the houses.

Frank Bailey questioned if on-street parking would be permitted.

Mr. Barnett indicated the single-family homes and wider townhomes will have two-car garages; the narrower townhomes will have single garages and driveways - parking should be sufficient. Some overflow parking is also provided. Restricting parking on the street has not been discussed.

Chief Bailey commented the streets are 32-feet and 24-feet wide – if vehicles are parked on both sides of the 24-foot wide streets, mirrors can be ripped off. 24-feet is not wide enough. Restricting parking will not stop people from parking on the street.

Secondly, Chief Bailey questioned if the Town's minimum requirements were used for the cul-de-sac design. The Town's measurements are required to accommodate the Town's fire apparatus – not the State Fire Marshall's measurements, which are smaller.

Chief Bailey requested the motion be amended with the condition the Town's street measurements are required for approval, including the cul-de-sacs.

Mr. Barnett said the cul-de-sacs are larger than DelDOT's requirements.

Shawn Tucker indicated his client is willing to discuss the street parking restriction prior to the plan going before Council.

Mr. Tucker stated a full Traffic Impact Study was done and the Preliminary Report is currently under review by DelDOT. Based on the analysis, no Level of Service problems are anticipated.

Traffic Engineer Nicole Kline reported about a dozen intersections surrounding the site are being studied. Some of DelDOT's projects overlap with some of those intersections. A lot of improvements are on the books for the study area and are factored within the TIS. Once the final review is received for the Preliminary Plan, the final report should be ready to submit in a few weeks. DelDOT will then issue a full draft review letter that will include their recommendations and comments for off-site improvements, site accesses for turn lanes, etc., as well as pedestrian circulation.

Based on the twelve off-site intersections that were required for study with the development and all committed background growth that is required to be included, including the Westown TID improvements and DelDOT improvements, a Level of Service D or better is being achieved, which is the level for areas like this. Level of Service E or F are considered failing and require additional improvements.

Joe Pontak commented this is the plan the Commission will vote on tonight even though DelDOT is still reviewing the TIS. He questioned if the plans would change dramatically if DelDOT determined the Level of Service is E or F, and if a new plan will have to be presented.

Ms. Kline said they would not expect the plan to be changed, but would expect to have to implement additional improvements on the streets. If there is a Level of Service issue at an off-site intersection, DelDOT requires the applicant to complete improvements to bring the Level of Service to D...it would be added to the application and would not change the plan itself.

Pontak expressed his opinion that DelDOT should complete their projects and make improvements in areas zoned for residential development.

Ms. Kline explained there are several factors that come into play for the timing of improvements, and DelDOT controls when DelDOT and TID projects get constructed. If there are any additional improvements, the applicant in a private land development scenario is required to complete those improvements prior to their traffic being on the street. Anything triggered by the application itself, has to be in place before that traffic is realized (before CO's are issued) to avoid that type of issue.

Mr. Tucker explained that Level of Service D means an average delay over the A.M./P.M. peak of no more than 55 seconds. He said Ms. Kline's firm uses the same modeling used by DelDOT. DelDOT's consultants check all the math and there are rarely any differences, even with a preliminary study.

Mr. Tucker further provided that DelDOT is dropping the Level of Service in a lot of its TID's to E, which is a little longer than 55 seconds (80 seconds).

Moved by Chuck McCausland and seconded by Don Dibert to recommend Mayor and Council approve 1270 Levels Road Preliminary Major Subdivision Plan for Freestone Village, a market rate community to be comprised of 705 dwelling units (273 single-family, 431 townhomes and one existing home to remain), with the condition the street widths and cul-de-sac measurements follow the Town's Code. Motion Carried Unanimously.

Moved by Joe Pontak and seconded by Donald 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 12/28/23
Cc: Mayor & Council
P & Z Members
All Attendees
Verdantas