

NEW BUSINESS:

Review Petition 18-04, Tax Parcel Number 1900-200-162

Mr. Julian Pellegrini (Pelsa Company), who is the project engineer, spoke on behalf of the applicant and explained that in this application they were seeking to subdivide the subject parcel at 2 Elsmere Boulevard.

Chairman Lindell noted that the Planning Commission would be hearing both petition applications for the property at this meeting: 18-04 and 18-16.

Code Officer Melissa Faedtke stated that the applicant had answered all questions raised by the building committee and town engineer other than the sidewalk. Chairman Lindell stated that the sidewalk was only a recommendation.

Commissioner Backer inquired whether the variances should be heard first.

Town Manager John Giles advised that any motions should be conditioned on approval of the subdivision by the Mayor and Council.

Commissioner Jensen questioned whether part of the parcel is located in Wilmington and whether this is an issue. Town Manager Giles stated that any issues with the city/town limits would have been indicated by the town engineer and building official. Mr. Pellegrini stated that the deed does not indicate that it is located within the City of Wilmington, therefore they have proceeded with applying to Elsmere for the approval of the project.

Josephine Kaminski, 903 South Grant Avenue, asked whether the proposed building is two story and why it will be situated on the property catty-corner.

Mr. Pellegrini stated that it is an irregular shaped lot and it is situated the best way possible in order to adhere to certain town codes and reduce the total number of variances required. He also presented two drawings that showed the proposed building elevations. The drawings were subsequently marked as Exhibits 18-04V and 18-04W.

Nina Simpson, 911 South Grant Avenue, asked whether anything would be done about a tree that is a nuisance. Mr. Pellegrini confirmed that the tree was on the subject property and, after further discussion, agreed to trim back anything that needed to be trimmed.

Ms. Kaminski stated that she understands that the basement is remaining from the house that was previously on the property, that it was filled in when the Town of Elsmere removed the original house and inquired whether it is stable enough to handle the new building.

Mr. Pellegrini responded that their survey did not show this but it will be dealt with during construction should anything be found. He further stated that if they encounter anything, then it will be removed or graded over.

Some of the existing pavement along Kirkwood Highway would be removed and replaced with grass. Mr. Sutton explained that the plan includes 16 parking spaces and that the code requires 15 parking spaces.

Chairman Lindell inquired about a buffer landscape. Mr. Sutton replied that they can use a combination of fencing and landscaping for screening. Chairman Lindell noted that 20 feet of buffer is required and that he did not notice it indicated on the drawing. Mr. Sutton confirmed that it was not shown on the drawing.

Chairman Lindell inquired about the placement of the drive-thru. A discussion followed with the applicant pointing out on the drawing where the drive-thru would wrap around and that it would exit onto Northern Avenue.

Mr. Sutton stated that there is a small amount of table service planned with three tables on the inside and 12 employees will be working on the largest shift. A discussion followed about the required parking in accordance with Section 225-10E of the town code. Mr. Sutton pointed out that after allowing for the 12 employees, there would be four parking spaces available for customers and that is what he believes the code requires. Code Officer Faedtke confirmed that it meets code.

In response to a question from Chairman Lindell, Mr. Sutton stated that he is guessing that the hours will be until 11:00 p.m. seven days a week including the drive-thru and open around 10:00 or 11:00 a.m.

Chairman Lindell questioned whether orders will be ready when customers go through the drive-thru or whether cars will be idling. Commissioner Norkavage questioned whether there will be enough parking and asked if there would be a delivery service. Mr. Sutton stated that he believes the drive-thru is only for those who have placed an order ahead and that much of the business is through the delivery service.

Commissioner Lindell asked about the location of a dumpster or trash compactor. In response, Mr. Sutton stated that the dumpster would be located behind the building and would be kept behind an enclosure.

Commissioner Norkavage asked whether traffic on Northern Avenue was considered versus Kirkwood Highway. Mr. Sutton stated that he does not believe that DelDOT would give approval of traffic exiting on Kirkwood Highway but that DelDOT has not been contact yet.

The commissioners asked the applicant further questions. In response, the applicant stated that he did not have an answer about plans to control noise, that lighting will be controlled with fences and landscape.

Mr. Sutton stated that signage would meet code. He also indicated the truck unloading area. Chairman Lindell noted that truck traffic would increase on Northern Avenue.

Chairman Lindell inquired about traffic studies on Northern Avenue. Town Manager Giles stated that traffic studies would be handled through the police department.

Town Manager Giles stated that there are already curb cuts along Kirkwood Highway and asked whether DelDOT has denied the applicant. Mr. Sutton answered that DelDOT has not and that they were planning to use the front area to increase pervious area. The applicant agreed to redesign the plan to allow traffic flow from Kirkwood Highway.

Town Manager Giles asked whether anyone can place an order form the drive-thru. Mr. Sutton stated that the way he understands it that the drive-thru is for call ahead orders only. Town Manager Giles asked for further detail about how the drive-thru will work particularly with coordinating when orders will be ready so that traffic continues to flow. Town Manager Giles stated that the applicant did not send enough information for the Planning Commission and the residents to agree to it.

Sharon Burg, 108 Northern Avenue, stated that she is concerned about tractor trailers, traffic flow and children on Northern Avenue.

Steven Burg, 108 Northern Avenue, noted that the applicant said that deliveries would be on Northern Avenue and stated that it will not only affect traffic on Northern Avenue, but also on Western and Baltimore Avenue. Mr. Burg mentioned that a previous variance on the property prohibited traffic from accessing Northern Avenue which required traffic to exit onto Kirkwood Highway and that he understood that variances remain with the property once granted. Mr. Burg further stated that he is concerned that the neighborhoods cannot handle the increase in traffic.

Robert Anderson, 107 Northern Avenue, stated that two years ago Petition 16-18 was approved which required a 20 foot buffer. Mr. Anderson questioned that the plan requires cars to back out of parking spots and into Northern Avenue and questioned what would be required to conduct a traffic study.

Town Manager Giles stated that a traffic study could be done if Council directs the police department to do one.

Mr. Anderson further stated that he is not opposed to the store, but he is opposed to the drive-thru due to concerns about noise and lights from the drive-thru traffic late at night.

Fred Carlson, 104 Western Avenue, stated that it will also affect traffic on Ohio Avenue and questioned whether the code allows a drive-thru in the CC zoning district. Code Officer Faedtke confirmed that it is not prohibited. Mr. Carlson asked about the environmental report due to the previous automotive use. Town Manager Giles stated that everything was cleared with the testing that was done after the car dealer left.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: Commissioner Norkavage made a motion to adjourn the meeting. The motion was seconded by Commissioner Anderson.

VOTE: 5 in favor and 2 absent Motion carried

Lindell – Yes, Anderson – Yes, Backer – Yes, Jensen – Yes, Matthews – Absent,
Norkavage – Yes, Wriston – Absent

At this time, the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the July 03, 2018 Planning Commission meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

CHARLES LINDELL, CHAIRMAN

LEON BACKER, SECRETARY