

**Planning and Zoning Commission Meeting
June 13, 2019 @ 7:00pm**

In attendance were Town Manager Debbie Botchie; P&Z Chairman Pat Plocek; P&Z Secretary Marshall Gevinson; Commissioners Cathy Scheck, Glen Faden, Tim Roe; GMB Representative Andrew Lyons, Jr.; and Town Clerk Matt Amerling.

1. **CALL TO ORDER**: P&Z Chairman Pat Plocek called the meeting to order at 7:00 p.m.

2. **ROLL CALL**: Mr. Plocek stated all were present.

3. **PLEDGE OF ALLEGIANCE**

4. **ADOPTION OF MINUTES**

A. May 23, 2019

P&Z Commissioner Cathy Scheck motioned to adopt the May 23, 2019, P&Z minutes. P&Z Secretary Marshall Gevinson seconded the motion. Motion carried 5-0.

5. **NEW BUSINESS**

A. Review, discuss and vote on possible recommendation to the Town Council a Conditional Use Application submitted by LandTech LLC on behalf of JIIS Management LLC, for the Beaches Car Wash. The proposed business is located on Tax Map Parcel #134-12.00-343.00, 35162 Atlantic Avenue, Millville, DE 19967, and zoned C1 - Commercial. The applicant is requesting a conditional use for an automated express car wash, and the existing lot is 1.17 acres.

Mr. Dennis Schrader, of Morris James Law Firm in Georgetown, stated he represents the applicant of this particular application. Mr. Schrader stated the introduction of Steve Fortunato of the Becker Morgan Group, Marty Lampner of Chimes International, and Jeff Clark of LandTech. Mr. Schrader stated tonight's application is for a conditional use for a car wash with the property being located along Atlantic Avenue and is at an intersection with Warren Road, which is immediately adjacent to the Dollar General store. Mr. Schrader stated the parcel is currently occupied by a house and detached building, which would both be taken down if this application goes through. Mr. Schrader stated this site was recently updated on the current ongoing comprehensive plan as commercially-zoned, and there are one-point-one-seven (1.17) acres on this property, which is fifty-thousand-nine-hundred-sixty-five (50,965) square feet more or less. Mr. Schrader stated the Town's current zoning code says anything which is neither expressly permitted or prohibited can be applied for as a conditional use, which is where the applicant finds himself. Mr. Schrader stated we have put in considerable time on behalf of the applicant, Mr. Imoh Matthews, to show the engineering and design of the building based on this property and how it will be compatible with this particular area of Millville.

Mr. Jeff Clark, of LandTech, stated as a priority for a car wash site plan, we have to establish the best location for site access, for entry and exit. Mr. Clark stated in the case of this application, the entrance and exit was predetermined by Millville and DelDOT back in 2012 when they went through the final site plan process for the existing Dollar General

store which is immediately to the site's east. Mr. Clark stated the area he has rendered in yellow is an easement on their property, it's also intended to serve the property, so the applicant is following the condition of that approval as well as the wishes to DelDOT. Mr. Clark stated because the Whites Neck Road and Atlantic Avenue intersection is planned for a "future signalized intersection," this allows for the absolute safest control of commercial traffic entering and exiting both the Dollar General and the future car wash. Mr. Clark stated this site access also removes the entrances as far away as possible from Warren Road, which is the Denton Mills community entrance street. Mr. Clark stated the automatic car wash building on this plan is rendered in tan and is oriented to the southern point of the site with cars coming in the north end and passing by a credit card reader with car wash instructions before they enter the car wash tunnel, and after exiting the tunnel, customers can either proceed back to Atlantic Avenue and leave the site, or proceed to self-serve vacuums or parking and letting it dry. Mr. Clark stated vehicles can stack up or queue on the site in a double row to wait for their turn for a wash, and the building, parking and landscaping buffers are all designed to meet or exceed the Town Code setbacks, building height, landscape buffers, and open space requirements for a C-1 land use in the town center commercial zoning district.

Mr. Clark stated one (1) Code requirement pointed out by Mr. Andrew Lyons Jr, of GMB, in his June 6, 2019, comment letter is the need for a ten (10)-foot-wide planting buffer between the DelDOT-required shared use path and the interior drive aisle. Mr. Clark stated the gray shape you see at the top of the page is a shared use path and it will be required by DelDOT, and you can see it kind of squeezes in the white area which is the pavement of the driveway for the car wash. Mr. Clark further stated there is room to move it south towards the wooded buffer along the tax ditch and with DelDOT's final plan, it can be adjusted. Mr. Clark stated the site plan has respect there exists a natural wooded buffer separating the Millville commercial district from the residences in Denton Mills. Mr. Clark stated at the bottom of the plan presented, the strip is an existing wooded area which is adjacent to and part of the tax ditch system and, as part of the applicant's design, we will put some additional plantings along there as well. Mr. Clark stated their plan shows the woodline to be preserved in addition to the embellishment with future plantings. Mr. Clark stated this plan shows there is more than adequate drive aisle width and turning radius for vehicles entering and exiting the car wash. P&Z Commissioner Cathy Scheck stated she does see how the traffic flows in but wants to know how this business will be staffed and whether this is completely self-serve or will there be on-site staff controlling the flow of traffic? Mr. Clark stated yes, it is staffed, is not totally self-service, there will be about fourteen (14) staff people, and he will come to more of the details a little later. P&Z Secretary Marshall Gevinson stated moving in and out of the site onto Route 26/Atlantic Avenue, the plan's space showing is about eighteen (18) feet? Mr. Clark stated the aisle is twenty-five (25) feet wide. Mr. Gevinson stated the space shown is not twenty-five (25) feet wide and he's concerned with vehicles turning into the car wash site. Ms. Scheck asked if Mr. Gevinson was referencing the entrance onto Route 26 or the entrance from Dollar General into the car wash site. Mr. Gevinson stated he is referencing the entrance from Dollar General into the car wash site. Mr. Clark stated when the applicant gets to the final site plan design, there are "turning templates" which the engineer will apply to all of the turns, including the ones coming into and exiting out of the car wash for various size vehicles which are likely to come to the site, and those templates will tell what the radius and the widths will need to be of all the turns; that is typical highway design entering off Route 26, which will also be

applied although it has already been applied when it was created for Dollar General. P&Z Chairman Pat Plocek stated to the P&Z Commission they will be getting this back if it is approved via conditional use, so detail items such as this will be addressed at the preliminary site plan meeting. P&Z Commissioner Tim Roe stated he doesn't see a spot for employee parking. Mr. Clark stated if you move north from the car wash building itself on the plan there are vacuum and drying spaces, and immediately in front of those are employee parking spaces.

Mr. Clark stated it is planned with this project the building be done in one (1) phase, the property is currently served – and will be continued to be served – water from Tidewater Utilities, there will be central sanitary sewer by Sussex County, the stormwater concept for design will be explained by Mr. Steve Fortunato, the site plan has been reviewed by Mr. Lyons and each of the issues he has raised will be addressed in the next submission which will show site topography, grading and all done in greater detail for the site plan. Mr. Clark stated the dumpster pad on site will also include a complete screen enclosure for the trash containers, which is as required in the letter from Mr. Lyons. Mr. Clark further stated all site lighting will be on the building and on poles for the parking lot, and all of those fixtures will project downward and away from Atlantic Avenue, away from Dollar General, away from Denton Mills, and away from Warren Road; so the lighting will be oriented in and down. Mr. Clark further stated there will be signs posted on the site to ask customers when they arrive to turn off their radios and any broadcast music at the time they enter the site, and there will be no amplified music played into the parking lot or for the customers, and no loud speakers are used outside as part of the business operation. Mr. Clark stated he asked the architect for this project to go out and take photos of some of the typical car washes seen throughout the area and county. Mr. Clark showed the photos of the other car washes, followed by a concept drawing of the proposed Beaches Car Wash. Mr. Clark stated the Beaches Community Car Wash will be an automatic vehicle washing business, and everything is conducted inside of a fully enclosed tunnel within a one (1)-story building, and the building does use siding, roofing and window materials which are residential in character; and the landscape plantings in this illustration presented on the slides are in keeping with the landscape design as presented as part of a conditional use site plan. Mr. Clark stated the Town has a well-developed and very detailed document called the Development and Design Standards and Guidelines – and this document was used by the architect when he was preparing the elevations shown here.

Mr. Steve Fortunato, of the Becker Morgan Group, stated this site takes primary access off Atlantic Avenue through an existing entrance which was built for the Dollar General store. Mr. Fortunato stated as part of the Dollar General, DelDOT realized this parcel would eventually be developed and – in an effort to limit the amount of access locations to a major highway like Route 26 – DelDOT required the displayed cross access easement which would provide access for this parcel, and the applicant is still required to adhere to DelDOT's standard, which is why this plan is set up the way it is and why the entrance is located where it is. Mr. Fortunato stated for the entrance into Dollar General, there currently is no auxiliary lane so there is just a travel lane (of Route 26) headed into Bethany Beach, and a traveler would make right turn into the Dollar General; but what his project triggers is the addition of a dedicated right-turn-lane which the applicant would construct and is per DelDOT requirements to allow cars to pull off of Route 26 to slow down before travelers enter the Dollar General or car wash site. Mr. Fortunato stated as part of the pedestrian

improvements which are required, there is a ten (10)-foot-wide shared use pathway, which is paved and with curb ramps on either side – typically required on any road frontage for any development plan – and the plan shown complies. Mr. Fortunato asked if there were any questions regarding the entryway from Route 26 into the Dollar General site. There were no questions. Mr. Fortunato stated there will be access to the car wash through the Dollar General parcel, where customers will enter through the right-hand (western) side of Dollar General’s parking lot and into the car wash site. Mr. Fortunato stated customers will enter the one-way entrance and enter the queue lanes provided which the applicant has estimated – per the model of a big SUV-type truck – the queue can hold up to twenty-six (26) vehicles, with three (3) vehicles within the car wash building itself. Mr. Fortunato stated he has shown in this presentation slide what the use will be for permitted use projects as opposed to the applicant’s project presented tonight. Mr. Fortunato showed a slide of permitted use applications in the Town Code such as restaurants, retail stores, etc., and what those businesses would generate in vehicular customer traffic per national traffic standards, and compared it to the same use of standards measuring traffic and use for the applicant’s conditional use of a car wash. Mr. Fortunato stated the car wash would generate about five-hundred-twelve (512) trips per day with sixty (60) trips during the peak morning hour between seven (7) a.m. and eight (8) a.m., and sixty (60) trips during the peak afternoon hour between five (5) p.m. and six (6) p.m. Mr. Fortunato stated he looked at what permitted use businesses could be put on the site of its size – such as a convenience market, a fast food restaurant with drive-thru window, a nursery, etc. – and, without going through the conditional use process, those businesses would generate about five (5) times more traffic in and out of the site. Mr. Fortunato stated while the car wash will add traffic, the applicant is making entrance improvements which are currently not there, pedestrian improvements which are currently not there, and the applicant is not adding the respective amount of traffic which could be added to this intersection and entrance should a permitted use business such as the ones shown come onto that site. Mr. Fortunato stated there is a plan for DelDOT to install a traffic light at the intersection in front of Dollar General; it’s “on DelDOT’s radar” and, as the applicant has gathered, DelDOT has not perceived this application as a traffic or safety concern. Mr. Fortunato stated everyone in the area will have to pay into a “revolving fund” for the signal; however, it’s not something this project or applicant alone can install, and it’s not up to the applicant but completely up to DelDOT. Mr. Clark added on the trip numbers of sixty (60), each one (1) count represents a car entering, and another one (1) is the same vehicle exiting, so half are vehicles coming in and the other half are the vehicles coming out.

Ms. Scheck asked how many washes there are per hour. Mr. Clark stated it is one (1) wash every three (3) minutes so there are about twenty (20) washes per hour. P&Z Commissioner Glen Faden asked if people drive through the wash building or do the vehicles go on a track to pull the car along. Mr. Clark stated there is a track, and the owner/passengers stay in the vehicle. Mr. Fortunato showed examples of other car washes in places such as Long Neck, Lewes, and Ocean City (MD), showing how little of a queue lane they all have compared to the applicant’s queue lanes. Mr. Fortunato stated the photo of the Long Neck car wash was taken on a Friday afternoon before a recent holiday weekend, the car wash there has queue lanes which accommodate twenty (20) vehicles and there are no long lines. Mr. Fortunato stated, regarding stormwater management, the applicant will submit to the Sussex Soil Conservation District (SCD) to have them review and approve the stormwater management; however, the applicant’s plan is to install a pervious pavement system in most of the parking

lot because it allows the rainwater to flow through the pavement into a stone storage area where it is either held for a required amount of time to receive quality management, or infiltrated into the ground. Mr. Fortunato stated the system would have a series of underdrains which would provide storage and a stone layer typically eighteen (18) to twenty-four (24) inches, and that water would discharge to the existing tax ditch which runs behind the property and the applicant would be required to not have an adverse impact to the surrounding area per the current State regulations. Mr. Plocek stated the applicant doesn't have to answer or address this now, but Mr. Plocek would like to see – when the applicant comes back for site plan review – how long it takes for the water to get from the parking lot to the tax ditch because, with twenty-four (24) inches, the applicant will see most of the water go down to the ground water table, and the water won't be held long before it goes to the tax ditch. Mr. Fortunato stated this is an estimate they've seen done on similar projects, and he would have to do soil investigation to figure out where the water is as well as what is the infiltration rate, then, based off those items, they do an analysis using current software to figure out exactly how deep the stone has to be so they don't discharge excess water to the tax ditch. Mr. Plocek stated he is in favor of porous asphalt but he just questions this when there is such a small storage area. Mr. Fortunato stated yes, and it very well may be more than that. Mr. Gevinson asked what happens to the wastewater from the facility. Mr. Fortunato stated a vast majority of the water used in the car wash is recycled, and there is a very small amount of sanitary sewer flow to this type of system. Mr. Clark stated there is almost ninety percent (90%) of recycled water. Mr. Plocek asked if the water department has the availability of the amount of water the applicant will need for this operation. Mr. Clark stated they don't see a problem with it.

Mr. Clark stated the applicants – Mr. and Mrs. Matthews – have done extensive research into the car wash service business over the past several years, and Mr. Clark believes there is a need for a high-quality automatic car wash business in this immediate area. Mr. Clark stated the nearest automatic car wash businesses are in Lewes, Rehoboth, Berlin (MD), Cambridge (MD), and Dover. Mr. Clark stated the applicants have also devoted a fair amount of time to researching the alternative car wash vendors and the equipment used, and they've chosen a vendor called Clean Edge, whose equipment is state-of-the-art and all of their soaps, detergents, etc., are “green technology.” Mr. Clark stated the business plan for this establishment will have hours of operation being from seven (7) a.m. until seven-thirty (7:30) p.m. – meaning they wouldn't always be open that long but would not exceed those hours – Monday through Saturday, and the business will be closed on Sundays. Mr. Clark stated the employment will consist of a total number of fourteen (14) employees, and, of those 14, three (3) to four (4) of them will be full-time, eight (8) hours per day staff. Mr. Clark stated there will be two (2) shifts with two (2) management staff on-site at all times. Mr. Clark stated the remainder of the employees are a “full-time part-time” so they are less than eight (8) hours per day; and with the management, there is a manager, assistant manager and supervisor, the last two of which will have someone who is qualified and experienced to work with disabled staff because the remainder of staff will be comprised of persons with disabilities.

Mr. Marty Lampner, of Chimes International, stated people with disabilities are not exceptional, they are us, they're amongst us; people wear glasses, hearing aids, etc., have a disability. Mr. Lampner stated what is being discussed here tonight is people with more severe disabilities – people who are often not seen as potential employees., and there are a

variety of people who fit that niche, such as people with developmental disabilities, and disabled military veterans. Mr. Lampner stated services for people with disabilities are not required, so when someone moves to an area, they're an older sixty (60)-year-old or seventy (70)-year-old parent, and they have a thirty (30)-year-old or forty (40)-year-old child who has worked every day through a program such as Chimes but they don't automatically get that service when they move here. Mr. Lampner stated in many cases these parents have a child who worked every day but is now sitting at home, wondering when they'll resume their job. Mr. Lampner stated most people find a sense of self-worth when having a job and people with disabilities are no different; however, most of them don't get jobs, and more than seventy percent (70%) of people with disabilities want to work and are able to work, but are either unemployed or underemployed. Mr. Lampner stated these are people who are very dedicated and wonderful workers, willing to work hard. Mr. Lampner stated he has worked with the applicant, Mr. Matthews, for thirty (30) years and he has a huge experience with this population, and one of the things he did was have a force of one-hundred-ten (110) people clean Dover Air Force Base, so we know these people can work and work hard, and you give something to them and this community when you put them to work. Mr. Lampner stated another thing to consider is when these people don't work, we all pay for the supports they need; but when they do work, instead of being tax users, they're taxpayers like the rest of us. Mr. Lampner stated it may not sound like much but the cost for service for a person with a developmental disability can cost upwards of fifteen- (\$15,000.00) to twenty-thousand dollars (\$20,000.00) just for their day services; but when they work, the number is half the cost. Mr. Lampner stated he has known Mr. and Mrs. Matthews for a long time and their dedication to this service, this business is extremely high.

Mr. Schrader stated in terms of neighbor sensitivity, the applicant will be screening the rear end of the parcel, between the building and the tax ditch, the lighting will be only for the parking lot, and any noise, if any, generated by the car wash will be contained within the structure itself, and there will be no open storage of products. Mr. Schrader stated this plan is consistent with the comprehensive plan and a typical business location – as referenced in the Town's comprehensive plan – talks about addressing the issue of location, the facilities, the business costs, the finance, workforce, business knowledge, resources, and the quality of life; and Mr. Schrader believes they've touched upon those tonight. Mr. Schrader stated he has copies of the proposed suggestions the applicant suggests (which Mr. Schrader distributed to the P&Z Commission) which should be applied to this particular project. Mr. Schrader stated the first suggestion would be the car wash shall comply with all Town of Millville Code requirements as to building height, setbacks, vehicle parking, open space, landscaping/buffers, signs, and building design standards. Mr. Schrader stated the second suggestion would be the car wash shall comply with all DelDOT entrance and roadway improvement requirements including bicycle lanes, shared use paths, turning lanes and sidewalks. Mr. Schrader stated the third suggestion would be that the stormwater management system for the car wash shall meet or exceed the requirements of the Sussex Conservation District. Mr. Schrader further stated the fourth suggestion would be the car wash shall be served by central sewer provided by Sussex County. Mr. Schrader stated the fifth suggestion would be the car wash shall be served by central water provided by Tidewater Utilities, Inc. Mr. Schrader stated the sixth suggestion as being the Final Site Plan for the car wash shall be subject to the review and approval of the Millville Planning and Zoning Commission. Mr. Schrader stated the seventh suggestion would be a revised Preliminary Site Plan noting all conditions placed on the car wash by the Town of Millville

shall be submitted to the Planning and Zoning Commission. Mr. Schrader stated the eighth suggestion would be the car wash applicant shall maintain as many existing trees along the tax ditch as possible. Mr. Schrader stated the ninth suggestion would be to have all car wash site lighting and building lighting fixtures projecting downward and not be directed off-site. Mr. Schrader further stated the tenth suggestion would be that all outside trash containers shall have tight fitting openings to prevent trash from escaping. Mr. Schrader stated the eleventh suggestion would be there shall be no outside sound equipment used for announcements, music or the like on the car wash site; and signage will be erected near the site entrance directing car wash patrons to turn off radios. Mr. Schrader stated the twelfth suggestion to be the car wash hours of operation shall not exceed 7:00 a.m. to 7:30 p.m.; Monday to Saturday and closed on Sunday. Mr. Schrader stated the thirteenth suggestion to be the car wash architecture shall very closely match the building elevations presented within the Preliminary Site Plan. Mr. Schrader stated the fourteenth suggestion is that the entry and exit for the car wash shall be shared with the Dollar General Store as depicted on a site plan approved by the Town of Millville in August of 2012. Mr. Schrader stated the fifteenth suggestion would be the final site plan shall provide a queue area for a minimum of twenty four (24) vehicles waiting to enter the car wash.

GMB Representative Andrew Lyons Jr. stated everyone on P&Z has received the comment letter Mr. Lyons sent on June 6, 2019, and the applicant has addressed all of the comments, but most comments are plan-oriented and will be seen at the preliminary site plan approval when it comes back before P&Z. P&Z Commissioner Glen Faden asked if the existing structures will be utilized or removed. Mr. Clark stated the existing house and detached garage will be removed. Mr. Faden asked if the employees will be doing the drying. Mr. Imoh Matthews, of Frankford and the applicant, stated the vehicles will come out of the building about ninety percent (90%) to ninety-five percent (95%) dry and the employees will dry the rest for any possible missed spots as well as wipe down the windows. Mr. Faden asked if the window cleaning is exterior only. Mr. Matthews stated yes. Mr. Faden asked if there will be any noisy vacuums used because vacuums used at 7 a.m. may disturb the neighbors. Mr. David Singer, of CleanEdge (who is the supplier of the vacuums), stated the vacuum systems today are central vac systems in that they work on variable frequency drives (VFDs), so they're very quiet, and when they're not being used, they go to a very low RPM and, depending on how many people are using the RPMs, the suction will come up. Mr. Singer stated you could stand next to the vacuums and hear a very low hum; they've become very quiet over the last five (5) to six (6) years. Mr. Singer stated the blowers – which is the dryers for the cars – if they were outside the building, they'd be about the same noise level as a lawn mower, but, because they are in the building, they're muffled quite a bit. Mr. Faden asked there are six (6) parking spaces for employees, but with the number of staff discussed, will this be sufficient parking? Mr. Clark stated the disabled people who are employed here don't drive so with the four (4) full-time employees – having two (2) at a time for each shift – will have more than adequate parking available.

P&Z Commissioner Timothy Roe asked what made the applicant choose this particular lot. Mr. Matthews stated he looked at many locations on Route 26, and most did not quite meet the requirement in terms of fitting a one-hundred (100)-foot tunnel. Mr. Matthews stated he looked at the land where the former business Uncle Sugar's was located but the parcel would not fit the requirement. Mr. Matthews stated the reason he chose this particular parcel was because it is big enough to fit what he needs and provide enough parking spaces for the

employees as well as customers, and the ability to have the shared easement with Dollar General so there will be a couple who has one person going to get the car washed while the other is shopping at Dollar General, and there will be synergy to it all. Mr. Roe asked if the Dollar General parking spaces are still compliant to Code after giving up a few spaces to make the entranceway to this car wash. Mr. Lyons stated yes, Dollar General is still compliant.

Mr. Plocek stated, regarding lighting, he would like something about timers on the lights, so after the business is closed, all the security lights remain on and the parking lot won't be lit up in the middle of the night. Mr. Plocek stated he would also like to see the applicant's stormwater management, and Mr. Plocek knows the applicant has to go through the process with the SCD but Mr. Plocek does have some concern with the shallow area underneath the parking lot and the porous asphalt. Mr. Faden stated he would hope the applicant would consider energy-efficient lighting. Town Manager Debbie Botchie stated she has been meeting with Mr. Matthews and she believes this is a good presentation and this is a use the residents and property owners could really use. Ms. Botchie stated she also appreciates the applicant is giving disabled persons an opportunity to work. Mr. Plocek stated this is not a public hearing but asked all those present who are in favor of the application to stand up. The entire audience of twenty-three (23) people stood up. Mr. Plocek asked how many people in the audience live or own property in Denton Mills, the community behind the proposed car wash. No one raised their hand. Mr. Schrader stated the applicant and him did reach out to the neighbors and they had no response.

Ms. Scheck motioned to approve the Conditional Use application and recommend to Council for approval with the proposed conditions as presented by the applicant as well as timers being placed on the security lights, to include energy-efficient lighting, and to present the Soil Conservation District (SCD) report on the stormwater management. Mr. Faden seconded the motion. Motion carried 5-0.

6. CITIZENS PRIVILEGE

There were no comments.

7. ANNOUNCEMENT OF NEXT MEETING

Mr. Plocek stated the next P&Z meeting will be on Thursday, July 11, at 7 p.m.

8. ADJOURNMENT

Mr. Roe motioned to adjourn the meeting at 8:12 p.m. Mr. Plocek seconded the motion. Motion carried 5-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk