

**CITY OF NEWARK  
DELAWARE**

**PLANNING COMMISSION  
MEETING**

**August 3, 2010**

**7:00 p.m.**

Present at the 7:00 p.m. meeting were:

**Chairman:** James Bowman

**Commissioners Present:** Ralph Begleiter  
Patricia Brill  
Mary Lou McDowell  
Kass Sheedy

**Staff Present:** Roy H. Lopata, Planning and Development Director

Chairman James Bowman called the Planning Commission meeting to order at 7:00 p.m.

**1. THE MINUTES OF THE JULY 6, 2010 COMMISSION MEETING.**

Mr. Ralph Begleiter: Mr. Chairman, There is a typo on page 4 that I think needs to be fixed. On page 4, the third paragraph down, Mr. McFarland, "All that in the utility funds as well . . ." I think it should be all that "and" the utility funds as well. You may want to check with Mr. McFarland first.

MOTION BY BEGLEITER, SECONDED BY BRILL, THE MINUTES OF THE JULY 6, 2010 PLANNING COMMISSION MEETING ARE ACCEPTED AS CORRECTED.

VOTE: 5-0

AYE: BEGLEITER, BOWMAN, BRILL, MCDOWELL, SHEEDY

NAY: NONE

ABSENT: BROWN, DRESSEL

**2. REVIEW AND CONSIDERATION OF THE MINOR SUBDIVISION OF THE 5.71 ACRE PROPERTY AT THE SOUTHWEST CORNER OF THE INTERSECTION OF ELKTON ROAD AND CHRISTINA PARKWAY EXTENDED AND A SPECIAL USE PERMIT FOR A PROPOSED WSFS BANK WITH DRIVE-IN FACILITIES.**

Mr. Lopata summarized the report to the Planning Commission. The report reads as follows:

"On June 17, 2010, the Planning and Development Department received an application from WSFS Bank for the minor subdivision and a special use permit of the 5.71 acre property at the southwest corner of the intersection of the Christina Parkway extended and Elkton Road. The applicants are requesting minor subdivision for a 3,831 sq. ft. WSFS Bank facility on a to be created 1.44 acre parcel. A special use permit is also being requested for the Bank's proposed drive-in facilities.

Please note that a similar development request was reviewed and recommended with conditions for approval by the Planning Commission at its January 5, 1999 meeting. That plan, however, was subsequently withdrawn by the applicants and not reviewed by City Council. Interestingly, the 1999 subdivision plan represented a renewal of a nearly identical 1992 subdivision that, because the City's time limitations on subdivision

approval has elapsed, had required a resubdivision request. Please see the attached Landmark Engineering minor subdivision and special use permit plan and supporting letter.

The Planning and Development Department’s report on the WSFS project follows:

**Property description and Related Data**

1. Location:

South of Christina Parkway extended, west of Elkton Road.

2. Size:

Bank parcel: 1.44 acres  
Vacant parcel: 4.27 acres  
Total site: 5.71 acres

3. Existing Land Use:

Vacant Farmland.

4. Physical Condition at the Site:

The WSFS Bank site consists of vacant farmland. The remainder of the property contains a wooded area and underbrush. A small tributary to the Christina Creek runs along the southern portion of the site, through a farm pond, and eventually to the Creek through a 54 inch diameter pipe under Elkton Road. Wetlands are also shown at the southern portion of the property.

In terms of soils, the United States Department of Agriculture’s Natural Resources Conservation Service indicates that the site contains soils listed below. The Natural Resources Conservation Service’s soils development limitations are also included.

| <u>Soil Type</u>               | <u>Location</u>                     | <u>Rating</u>              |
|--------------------------------|-------------------------------------|----------------------------|
| Sassafras Sandy Loam<br>[SaB2] | Southeast Corner                    | Slight                     |
| Keyport Silt Loam<br>[KeB2]    | Central; South;<br>Northeast Corner | Moderate                   |
| Elkton Silt Loam<br>[EmB]      | Central and Southwest Corner        | Severe-high<br>Water Table |
| Matapeake Silt Loam<br>[MeA]   | Southeast Corner                    | Slight                     |

Please note that according to the Natural Resources Conservation Service, “. . . a rating of severe does not mean that a soil cannot be used for the intended use. However, it does mean that severe limitations exist that must be overcome with proper design and operation.”

5. Planning and Zoning:

The WSFS site is zoned BC (general business). BC permits office facilities, banks, and a wide variety of commercial uses. In terms of comprehensive planning, Comprehensive Development Plan IV calls for “commercial (auto oriented)” land uses at the WSFS location.

Regarding BC zoning area requirements, please note that the proposed subdivision plan complies with all applicable BC zoning specifications.

In terms of adjoining properties, the small property at the eastern portion of the southern boundary of the site contains a single family home and is zoned “CN” New Castle County. The remaining vacant property south of the site is also zoned “CN,” or “neighborhood commercial,” which is a County business category that permits a variety of office, commercial and related uses. The land north of the site across Christina Parkway extended is zoned BC (general business) and contains the Suburban Plaza Shopping Center that was annexed as part of the Pauline A. Mayer, Inc., annexations in 1989. The property west of the site, also annexed in 1989, is a vacant MOR (manufacturing, office research) zoned parcel. The land east of the WSFS Bank site across Elkton Road is in the City and is zoned BL; this property was also part of the Mayer annexation in 1989. The land to the north and east of the site across Elkton Road, was part of the 1989 annexation, and as part of that project was transferred to the City for passive open space.

### **Departmental Comments**

The City’s Management, Planning and Operating Departments have reviewed the WSFS development plan and have the comments below. Where necessary, the subdivision plan should be revised prior to its review by City Council. The Departmental comments are as follows:

1. The Planning and Development Department suggests that in light of this site’s location as a key gateway to the heart of the City that the subdivision agreement for this site include the following design requirements.
  - Mechanical equipment or other utility hardware on roofs of buildings or on the ground shall be screened from public view with materials harmonious with the building, or should be located so as not to be visible from any public rights-of-way.
  - Exterior lighting shall be part of the architectural concept and design for all buildings on the parcel; fixtures, standards and all exposed accessories shall be harmonious with the building design. Such exterior lighting shall be shielded so it is reflected away from adjacent properties and adjoining public rights of way.
  - Refuse and waste removal areas, loading areas, and any other exterior work areas shall be screened from public rights-of-way.
2. The Public Works Department indicates that in light of the City’s recent environmental protection amendments to the Subdivision and Development Regulations, the plan will need to be modified to provide a 50 foot buffer between any proposed construction and the wetlands on the site.
3. The Public Works Department also has the following comments:
  - The metes and bounds of the southerly property line for parcel A1-A are difficult to read and should be revised.
  - The plan needs to be revised to show sidewalks and handicapped ramps along Christina Parkway extended; these should mirror the northerly side of that roadway.
  - A storm drainage easement is required for the pipe outfall into the Delaware Department of Transportation (DelDOT) right-of-way.
  - A stormwater management and grading easement is required for the bio-retention area on the site.
  - A soils analysis will be required assessing the impact to the wetlands on the project and should include recommendations to preserve and/or enhance the quality of these wetlands.
  - Prior to the plan’s review by City Council, the applicant should review additional stormwater related comments with Public Works.

3. The Electric Department has the following comments:
  - Electric service is available from Elkton Road.
  - The plan should be revised to show a blanket utility easement.
  - The applicant will be required to pay \$3,000 toward the cost of transformers and \$350 per radio read meter.
4. The Water and Wastewater Department indicates that water and sanitary sewer service can be provided to the site.
5. The Code Enforcement Division indicates that the proposed new structure must meet all applicable City Building and Fire Code requirements.
6. The Parks and Recreation Department has reviewed and approved the proposed landscape plan for the site. The Department notes, however that the applicant should review with the Department requirements for existing tree preservation in the area of the proposed stormwater management facility.

### **Traffic and Transportation**

The Newark Police Department has reviewed the WSFS plan and notes the increase in traffic that would be expected to be generated from the site will impact the current three-way access at the Christina Parkway extended and the existing Suburban Plaza Shopping Center.

The Delaware Department of Transportation (DelDOT) has also reviewed the WSFS plan and has a series of comments that are summarized below:

- Rather than requiring a traffic impact study – in light of the traffic expected to be generated from this site – a DelDOT specified “area wide study fee,” will be acceptable and would be required through the Department’s “no objection,” review process.
- Prior to the plan’s review by City Council, the applicant should submit to DelDOT required traffic generation diagrams (pre and post development) for the intersection of Elkton Road and Christina Parkway and a related analysis to determine the required length of inbound left and right turn lanes.
- The required right-of-way dedication should be shown on the plan.
- A 15 ft. wide permanent easement for a 10 ft. wide multi-use – bicycle and pedestrian – path is required.
- Prior to the plan’s review by City Council, an analysis will be required for the reconfiguration of the access to the existing Suburban Plaza Shopping Center and the WSFS Bank site. Because the Planning and Development and Newark Police Departments believe that the current configuration will not adequately serve the existing and proposed businesses at this location, DelDOT recommends the applicant’s engineers analyze the location to consider the need for a traffic signal and/or other site reconfigurations. This analysis should also reflect the required left turn lane extensions as well as pedestrian crosswalks.
- The flow of traffic within the Bank site needs to be evaluated to ensure that turning movements as shown can be adequately accommodated.

### **Recommendation**

Because the WSFS minor subdivision and special use permit plan, with the Departmental recommended conditions, will not have a negative impact on nearby and adjacent properties, because the project, with the recommended conditions, conforms to the land use recommendations in Comprehensive Development Plan IV, because the proposal meets or can meet all applicable Code requirements, and because the proposed use is consistent with the development pattern in the nearby area, the Planning and

Development Department suggests that, subject to the Departmental conditions, **the Planning Commission recommend the following:**

- A. That City Council approve the WSFS minor subdivision, as shown on the Landmark Engineering plan, dated June 16, 2010; and,**
- B. That City Council approve the special use permit for drive-in facilities as shown on the Landmark Engineering WSFS minor subdivision plan, dated June 16, 2010.”**

Mr. Begleiter: Roy, on page 3 of your report under item #1 under Departmental Comments, you make reference to a key gateway to the heart of the City. Do you have a list of “key gateways to the heart of the City,” or are you just using that generically?

Mr. Lopata: Generically – Elkton, S. College, Rt. 896, Kirkwood Highway, New London Road.

Mr. Begleiter: Chapel Street and Cleveland Avenue?

Mr. Lopata: No, they are well within the City. Milford Crossroads would be the key gateway in that direction.

Mr. Begleiter: I will have to find out where that is.

Mr. Lopata: It is just across from the Shell Station.

Mr. Begleiter: I just wanted to know where they were and if there is such a list.

Mr. Lopata: They are in my head.

I think that it is important, and even in this case as the City boundary has migrated further and further to the west, at this location, which was once the southwestern border of the City, to have an attractive use.

Ms. Lisa Goodman: Thank you, Mr. Chairman, members of the Commission. Good evening. I am with Young, Conaway, Stargatt & Taylor from Wilmington. I am here on behalf of the applicant, WSFS Bank. With me here this evening are Ted Williams from Landmark Engineering, who is the project engineer; and, Lisa Brubaker, who is an executive with WSFS.

I am going to be relatively short because I think Roy summarized this and it is not a very complicated application. As Roy pointed out, you have already been through the drill for a bank here and have previously recommended in favor of it. You know that the site is properly zoned BC and it is surrounded by various other commercial zoning. Some in the City and some in New Castle County, and it is also surrounded on one side touched by a little bit of manufacturing and office type of zoning. And, the special use permit is needed because of the drive-through. I know that you are all aware that banks don’t get built these days without drive-throughs. It is really the major way that when people are going to a physical bank interact with the bank. That is for many reasons. It is because of weather, people with young children, folks that have a difficult time getting in and out of a car. It is just much simpler for many people to utilize that.

This is a relatively small building. It is 3,831 sq. ft. It will have two drive-through positions. What I would like to do briefly is turn to the handout that we provided you. This shows the proposed layout. As Roy indicated, the plan on the top is the one that we submitted to the City. After we talked to Roy about the fact that the regulations had been adopted relating to the buffer for wetlands, we went back, and if you turn the page, you will see that Ted has worked out a design for this property that pulls it out of that buffer. If you look where the blue is on the plan, you will see the dashed line running through the blue. This plan has not yet been submitted to the City. So, they haven’t had a chance to see it, but we wanted to bring it tonight to demonstrate that we can do it and we intend to do it. If you look briefly at the third page, what Ted has done

is simply taken the original plan that we submitted and super imposed in red the outline of how we will change it. We pulled everything closer to the Christina Parkway.

The plan is otherwise fully Code compliant for setbacks, parking, everything. We have no variances we are seeking relating to the plan.

Roy briefly went through some of the transportation comments. We are comfortable working our way through all of those before we get to Council. The fee for the area wide study rather than the TIS makes perfect sense submitting traffic data DelDOT and generating analysis for length of turn lanes, etc. We have looked already at the right-of-way and path dedications and we can do those items as required by DelDOT. We will do the required analysis regarding the possibility of a signal. That issue is a little complicated. We just have to work through it. For one thing it is not a dedicated street. It is a private street actually. That is going to require some working through. If a signal is ultimately required, we will figure out how to deal with that along with DelDOT.

That is our application. It is really very straight forward. It is a subdivision because we are creating an additional parcel and proposing to develop it. There is, of course, several prior plans that show development on this property, as I know you are aware.

As far as meeting the legal standards for the special use permit, we think we meet them very well. There is no adverse health or safety affects. Again, it is properly zoned. It is a low impact use. It is consistent with the area, certainly consistent with what the City has said, in the past, they want to see here. It is not detrimental to the public welfare or injurious to property or improvements on the property. If it results in a signal, we know that is already an issue. I'm sure those of you that have been in there have seen those giant stop signs, which are privately installed and not standard DelDOT stop signs. So, we will figure out what needs to be done there working with DelDOT. The third standard is that it is consistent with the Comprehensive Development Plan. The Comp Plan says commercial auto oriented, which is exactly what this is. Of course, it is consistent with the City's past recommendations.

We are happy to answer any questions you might have.

Ms. Kass Sheedy: I am having trouble with the old and the new configuration. I want to make sure I understand how the traffic works. They come in across from the entrance to the shopping center and they exit on the other side of the island. Correct?

Ms. Goodman: Correct.

Ms. Sheedy: So, if you are coming in, you make a left turn off Christina Parkway, come down the long drive and then to the parking area.

Mr. Lopata: If you don't want to use the drive-through.

Ms. Sheedy: If you do want the drive-through, you make a turn at that little loop?

Ms. Goodman: Are you looking at the new one or the old one?

Ms. Sheedy: Looking at the new one, you make a turn at the little loop. Looking at the old one, you just continue on back into the parking lot.

Ms. Goodman: That is exactly right. It will have to be carefully signed as these bank properties always are to direct folks to the drive-through. You are right. The first time you go in these you always have to figure out how they work.

Ms. Sheedy: Once you come out of the drive-through, do you then make a hard U-turn to go back down the driveway? It just looks very narrow.

Ms. Goodman: If you are looking at the old one, the first page, yes, you would come out and you would make a U-turn. It is not as small as it looks. The engineers have to

carefully do the turning radiuses, not just for cars but, actually, for larger vehicles, fire vehicles.

Ms. Sheedy: But, Am I understanding the traffic pattern correctly?

Ms. Goodman: Yes you are.

Mr. Lopata: There is a Wilmington Trust at Lantana Square that has an interesting kind of somewhat intricate way of getting in. The first time you use it, you might get a little confused, but once you do it once, you will think, oh, that is what I do to get in and out of the drive-through.

Mr. Bowman: The TD Bank over at the Omega Center is rather convoluted, too, to get in and out of. This could be signed with no problem.

Ms. Sheedy: It doesn't loop that convoluted, I just wanted to make sure that I was actually seeing what I thought I saw.

Ms. Goodman: You are indeed.

Mr. Begleiter: First of all, I am pleased to see the revised drawing because I think the initial plan would have created a nightmare traffic pattern. Just a question about parking spaces. There are about 10 +/- fewer spaces in the new plan than there were in the old plan. Are there enough spaces?

Mr. Lopata: We have to go back and recalculate. I assume Ted did that, but I haven't seen the plan.

Ms. Goodman: The new plan does have less parking spaces, but according to all of our calculations it is still Code compliant. We were over parked in the original plan and WSFS is comfortable. They still will have plenty of parking. They absolutely aren't even sure that they had a branch with as many parking spaces as we were proposing originally. We are comfortable, but obviously, we will have to work through that with Roy.

Mr. Begleiter: Since, as you point out, most users of these branches probably never set foot outside their car anyway, it probably is not an issue, but the Code is obviously the Code whether it's kept up with current use or not, I don't know.

Ms. Sheedy: Since there is more and more residential in this area, this shopping center is where I go to the bank and supermarket, pet food store and the hair dresser, I have noticed a lot more pedestrian traffic along Elkton Road and into the shopping center. Although it is not showing even on the new drawing that there is going to be a requirement for a sidewalk, is it possible to show a pedestrian entrance that is closer to Elkton Road.

Mr. Lopata: We are requiring sidewalks on that side, and they will have to access the bank through that, and they will have to show it on the plan.

Ms. Sheedy: Rather than walking all the way down.

Mr. Lopata: That won't make any sense at all. They should go right to the parking lot.

Ms. Goodman: We don't think that will be any issue. The comments do ask us and we are fine with putting a sidewalk all the way along, but that makes perfect sense to have a little spur going into the bank area, so you won't have to walk all the way around. Frankly, people wouldn't do that, they would walk through the grass.

Mr. Lopata: Kass is right. The foot traffic on Elkton Road continues to grow, which isn't a bad thing.

Ms. Goodman: That makes good sense.

Mr. Bowman: Is there anyone in the public who wishes to comment on the proposal? If there are no public comments, we will bring this item back to the table for any further discussion from the members of the Commission.

MOTION BY BEGLEITER, SECONDED BY SHEEDY THAT THE PLANNING COMMISSION MAKES THE FOLLOWING RECOMMENDATIONS TO CITY COUNCIL:

- A. THAT CITY COUNCIL APPROVE, WITH THE CONDITIONS IN THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT, THE WSFS MINOR SUBDIVISION, AS SHOWN ON THE LANDMARK ENGINEERING PLAN, DATED JUNE 16, 2010 WITH THE PLAN TO BE REVISED AS SHOWN ON THE ILLUSTRATION PRESENTED AT THE PLANNING COMMISSION MEETING.
- B. THAT CITY COUNCIL APPROVE THE WSFS SPECIAL USE PERMIT FOR DRIVE-IN FACILITIES.

VOTE: 5-0

AYE: BEGLEITER, BOWMAN, BRILL, MCDOWELL, SHEEDY

NAY: NONE

ABSENT: BROWN, DRESSEL

Respectfully Submitted,

Elizabeth Dowell  
Secretary, Planning Commission