

June 6, 2023
6:30 P.M.

Planning Commission Minutes
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one large parcel and re-zone Parcel 1900-400-010 (1 Spruce Avenue) from R-1 (Single Family Dwelling) to CC (Community Commercial). The Planning Commission will review and make a recommendation to the Mayor and Council.

Prior to hearing any testimony, all witnesses who are expected to testify were sworn in by Chairman Jaremchuk.

Pam Scott, from the law firm of Saul Ewing, is speaking on behalf of the Applicant. She also has Carol Ohm, the Civil Engineer from Apex Engineering. The request is to make 7 Community Commercial parcels into one large parcel and to rezone one Single Family Dwelling into a Community Commercial parcel also known as “, (19-00400-010). 1 Spruce Ave.

This is to provide overall better redevelopment of this property. While reducing the parcels to one large CC parcel it will reduce the number of Variances for the redevelopment. This will provide a better parking layout for the site. They propose that rezoning 1 Spruce Avenue and removing the house will allow this property to stay within the Town of Elsmere’s Comprehensive Plan.

A brief break was requested to look at the proposed plans by the attendees of the meeting and was approved by Commissioner Jaremchuk.

Chairman Jaremchuk asked several questions about the maps that have been provided. Question one is what happens to the water runoff if the curb is removed. The second question is the egress on to Spruce Avenue. What do the residents have to say about that?

Carol Ohm’s, Appex Engineer, response is the curb is being removed to add an additional 4 parking spots that lead up to the building. The grade determines where the water flows. The water will continue to flow down Walnut.

Carol Ohm’s response to the second question is that they assume that most of the traffic will turn right and go back out to Kirkwood Highway.

Chief Giles commented to have a traffic exit on to Spruce Avenue is going to be a nightmare. There is traffic from the library, Baltz School, school buses, workers, and residents of Oak Hill who currently drive down Spruce Avenue and the crowding is horrible. Chief Giles suggested having them exit on Walnut or back out to Kirkwood Highway as they do now. To have them exit on Spruce Avenue will make the traffic woes even worse.

Carol Ohm asked how does the Town feel about dead-end parking? It is where you have a space at the end of the lot, and it is cross hatched so people can drive to the end and then turn around in the dead-end spot. Close off the entrance to Spruce and make it the dead-end.

Commissioner Pockets stated this seems like a better idea than what is proposed by exiting on to Spruce Avenue.

Chairman Jaremchuk asked is the planned egress onto Spruce Avenue where the house is currently sitting, correct? If the plan changes for it not to be an egress, why would it be rezoned?

Carol Ohm responded the space is still needed for parking per the Town Code.

Commissioner Anderson questioned why the buffer zone is only 7 feet.

Carol Ohm stated they can provide a bigger buffer, but it will be take up the other parcel.

Commissioner Pockets asked what the buffer zone is going to consist of. There should be some sort of privacy for the house that is behind Serpes.

Carol Ohm stated that currently it is showing a fence and evergreen screen. She said we are proposing landscaping and replacing the existing fence that is currently there.

Commissioner Anderson asked as to how the 9 feet parking space has been proposed. He measured his truck when he got to Town Hall and the proposed size will be very tight.

Carol Ohm responded other municipalities and New Castle County requirements are 9 feet by 18 feet.

Commissioner Pockets stated he feels if the parking spots are made smaller there are going to be issues with this and angry customers.

Chairman Jaremchuk asked Code Enforcement Officer Allen is there a Town Code for parking spaces?

Code Enforcement Officer Allen responded yes, the Code states 10' W x 20' long.

Carol Ohm stated that much of New Castle County has approved of the smaller parking spaces whether they have trucks, cars, and or electric cars. She is aware there will be a need for a variance.

Chairman Jaremchuk asked who has been approved for this size parking?

Carol Ohm responded I believe the Seasons pizza.

Chairman Jaremchuk asked Code Enforcement Officer Allen is this correct. His response is Seasons has received a variance, but he would have to review the petition to confirm.

Commissioner Anderson asked if this is something that should be discussed at tonight's meeting.

Chairman Jaremchuk stated no this if not for tonight's discussion. Tonight's meeting is

Chairman Jaremchuk stated the meeting tonight is to make a recommendation for the reverse subdivision and the rezoning.

Commissioner Dyer stated he does not support rezoning or the reverse subdivision. This is only gaining 18 parking spaces. He knows runoff is an issue, parking is an issue. He would rather lose the liquor store and make the new building a little bigger than lose a house and additional green space. He feels on an average day the parking provided is sufficient but also realizes during holidays it is much busier.

ACTION: Commissioner Pockets made a motion to approve the recommendation to Mayor and Council to reverse subdivide Parcels 1900-400-003, 004, 005, 006, 007, 008 and 010 into one large Parcel. Commissioner Anderson seconded the motion.

VOTE: 3 in favor, 1 Opposed, 3 Vacancies Motion carried

Anderson – Yes, Pockets – Yes, Dyer – No (see above statement as to why he is opposing), Jaremchuk – Yes

ACTION: Commissioner Pockets made a motion to approve the recommendation to Mayor and Council to rezone Parcel 1900-400-010 (1 Spruce Ave) from R-1 (Single Family Dwelling) to CC (Community Commercial). Commissioner Anderson seconded the motion.

VOTE: 3 in favor, 1 Opposed, 3 Vacancies Motion carried

Anderson – Yes, Pockets – Yes, Dyer – No (see above statement as to why he is opposing), Jaremchuk – Yes

OLD BUSINESS:

None

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

ADJOURNMENT:

ACTION: Commissioner Anderson made a motion to adjourn the meeting. Commissioner Dyer seconded the motion.

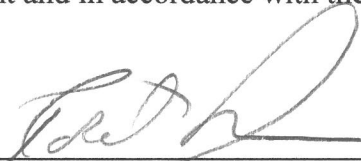
VOTE: 4 in favor, 3 Vacancies Motion carried

Anderson – Yes, Dyer – Yes, Jaremchuk – Yes, Pockets – Yes

At this time, the meeting was adjourned.

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.



JOHN JAREMCHUK, CHAIRMAN

ROBERT ANDERSON, SECRETARY