

Town of Cheswold
Planning Commission Meeting Minutes
April 9, 2015
Cheswold Fire Hall Board Room

- I. **Chairperson Coker called the meeting to order at 7:03 pm**
- II. **Pledge to the Flag**
- III. **Observed moment of Silence**
- IV. **Confirmed Proper Meeting Notice Posted**
- V. **Roll Call of Commissioners to ensure a quorum**

<u>Present</u>	<u>Absent</u>
Dennis Coker	Martha Scott
Alan Roth	Barry Jones
Albert Lambertson	

Chairperson Coker confirmed a quorum has been established. Mayor Don Tinari and Land Use Administrator Sam Callender were acknowledged as present.

VI. Review of Agenda; Motion to Accept as Amended

Chairperson Coker requested the following agenda change: 1.) insert below Item 8, Annexation Requests, discussion topic 'R-5 Age-defined Zoning District' proposal. Mrs. Callender informed Mr. Coker the presented agenda had been changed to reflect this request. Commissioner Roth made a motion to approve the agenda as presented; Commissioner Lambertson seconded. Motion unanimously carried.

VII. Review of Previous Meeting Minutes; Motion to Approve as Presented or as Amended

Commissioner Lambertson made a motion to approve the March 12, 2015 meeting minutes as presented; Commissioner Roth seconded. Motion unanimously carried.

VIII. Annexation Requests and Land Use Ordinance Amendment Request

Mr. Justin Olear, Mr. Harry Miller and Mr. Barrett Edwards of Eddie Evans Farm, LLC were present to represent the annexation applicants. Mr. Max Walton was present to represent the Cheswold Planning Commission.

Following the presentation of Max Walton, Planning Commission attorney, at the previously held public hearing to receive public comments on annexation applications Nos. 2015-02-25-0001, 2015-03-25-0002 and proposed Land Use Ordinance amendment entitled 'R-5 Age-defined Community Zoning District' the following comments were received.

Mayor Tinari asked Max Walton if the annexation applicants or Mr. Walton select the proposed R-5 zoning uses. Mr. Walton responded the annexation applicant's attorney, Mr. Barrett Edwards, submitted the original draft document and he (Mr. Walton) narrowed the selection. Mr. Tinari expressed concern about future services and future R-5 developments. Mr. Tinari also expressed concern about conditional use designations relating to Table 7-2, Permitted uses & Structures, in the R-5 column.

Commissioner Lambertson inquired as to how the proposed annexations would benefit the Town. Mr. Walton responded that revenue enhancements would be the main benefit. Additionally, Mr. Lambertson

asked how of the proposed Noble's Pond annexation is built out. Mr. Miller answered little of the proposed Nobles Pond annexation has been built.

Commissioner Roth inquired what problems are there in annexing the built out sites. Mr. Edwards said the problem is ownership of the sites and getting them to agree to annex. Mr. Roth also asked why the process seems to be rushed with the annexations and the R-5 being processed as a package. Mr. Walton replied the packaging of the annexations and the R-5 zoning district is unusual but not unprecedented. Mr. Roth also expressed concerns about the jurisdictional issues such as fire and police protection. Mrs. Callender replied all emergencies would be adequately addressed.

Commissioner Coker commented he was not aware a public hearing was scheduled to be part of tonight's Planning Commission meeting. Mr. Walton replied the public hearing was properly posted. Mr. Coker said the Planning Commission should have been informed as a matter of courtesy. Mrs. Callender apologized for neglecting to directly notify the Planning Commission.

Mr. Coker asked the annexation application representatives if they were aware the existing Community Center location in Noble's Pond is in violation of the proposed R-5 zoning ordinance. Neither of the annexation application representatives offered an explanation or comment to this question.

Mr. Coker asked if there were other uses besides residential planned in the proposed R-5 zoning district. No answer was offered to this question.

Commissioner Roth asked if it was necessary to consider the proposed annexation and the proposed R-5 zoning district together. He said he did not understand the urgency to approve both at the same time. Mr. Walton commented he felt it was prudent to approve them together.

Mr. Coker asked Mr. Walton if there was a need to update the Comprehensive Plan since Map 7, Five Year Growth Plan and Proposed Land Use Plan Map, indicated the proposed annexation area is to be residential and not mixed use as the proposed R-5 district allows for mixed use. Mr. Walton responded saying he was not aware the current Map 7 indicated residential zoning for the proposed annexation area. Mr. Walton went on to say he felt comfortable that the proposed annexation would comply with the current Comprehensive Plan.

With no further comments or questions, the following action was taken: Commissioner Roth made a motion to recommend to the Cheswold Town Council approval of the proposed R-5 Age-defined Community Zoning District with attached applications numbered 2015-03-25-0001 and 2015-03-25-0002; Commissioner Lambertson seconded. Motion carried unanimously.

IX. Review Land Use Ordinance Revision Log

- a. Land Use Ordinance Article 13: Signs; update
Commissioner Lambertson made a motion to postpone discussion of this topic until the May meeting; Commissioner Roth seconded. Motion unanimously carried.

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X. Old Business

- a. Cheswold Comprehensive Plan; 5 year update
Mrs. Callender said she would contact Dave Edgell of State Planning to inquire about the Institute Of Public Administration's involvement in this process.
- b. Review Land Use Administrator Report
Commissioners briefly discussed the Land Use Administrator's report with no comments or questions.

XI. New Business

None

XII. Motion to Adjourn

Commissioner Lambertson made a motion to adjourn at 8:45 pm; Commissioner Roth seconded. Motion unanimously carried.

Respectfully Submitted,

Dennis Coker, Chairperson

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