

Town of Cheswold
Planning Commission Meeting Minutes
May 27, 2015
Cheswold Town Hall

- I. **Acting Chairperson Lambertson called the meeting to order at 7:05 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>
Albert Lambertson	
Barry Jones	
Alan Roth	
Martha Scott	

Acting Chairperson Lambertson confirmed a quorum was in attendance.
Mayor Don Tinari and Land Use Administrator Sam Callender were acknowledged as present.

VI. Review of Agenda; Motion to Accept as Amended

Acting Chairperson Lambertson requested the following agenda change: 1.) Delete Item 9, as it was included on the agenda in error.

Commissioner Jones made a motion to approve the agenda as amended and Commissioner Roth provided the second. The votes on the motion were as follows:

Commissioner Lambertson - Yea	Commissioner Jones - Yea
Commissioner Roth – Yea	Commissioner Scott - Yea

Motion unanimously carried.

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

Commissioner Roth made a motion to approve the April 9, 2015 meeting minutes as presented; Commissioner Jones seconded.

Commissioner Lambertson - Yea	Commissioner Jones - Yea
Commissioner Roth – Yea	Commissioner Scott - Yea

Motion unanimously carried.

VIII. Assignment of Zoning Codes to Annexation Requests for Eddie Evans Farms, LLC, (Nobles Pond) and Evans Jarrell, LLC

After a review by Land Use Administrator Theon Callender, of the annexation process as it relates to the Planning Commission and requested by Commissioner Roth, the Commission discussed the recommendation memo of their previous meeting to the Town Council to approve the R5 Zoning Code update of the Land Use Ordinance. After additional discussion of the April meeting, a motion was made by Commissioner Roth to make a recommendation to the Town Council to approve the requested Zoning assignments of both applications. Commissioner Jones made a second to the motion to recommend assignment as follows:

**Eddie Evans Farms, LLC, (Nobles Pond) – R5
Evans Jarrell, LLC – R3**

The votes on the motion were as follows:

Commissioner Lambertson - Yea	Commissioner Jones - Yea
Commissioner Roth – Yea	Commissioner Scott - Yea

Motion unanimously carried.

Note: Subsequent to the meeting, Memo 15-002 was forwarded to the Town Council recommending the assignments shown above.

IX. Review Land Use Ordinance Revision Log

a. Land Use Ordinance Article 13: Signs; update

Acting Chairperson Lambertson made inquired of the Commissioner if they were prepared to complete an in-depth review of Article 13. As no one was, Chairperson Lambertson suggested a motion to postpone discussion of this topic until the June meeting. Commissioner Jones made the suggested motion and a second was provided by Commissioner Roth. The votes on the motion were as follows:

Commissioner Lambertson - Yea	Commissioner Jones - Yea
Commissioner Roth – Yea	Commissioner Scott - Yea

Motion unanimously carried.

X. Old Business

a. Cheswold Comprehensive Plan; 5 year update

Acting Chairperson Lambertson explained that there are three, (3), options open to the Commission concerning the 5 year update of the Comprehensive Plan and they are as follows:

1. Maintain status quo; make no changes and forward a letter to the Office of State Planning Coordination to that effect.
2. Determine and select limited portions of the Plan that require amendment or addendum changes and make only those changes.
3. Conduct a full and complete update of the Plan.

Acting Chairperson Lambertson asked Mrs. Callender when the full update of the Plan is required and when the 5 year update is required. She responded that the full update is due in 2020 and the 5 year update is due by December 31, 2015.

Commissioner Scott informed the Commission that a full update requires a significant amount of effort, time, cost and frustration. Mrs. Callender added that the most expedient thing to do is to select Option 1, however, since the Town has engaged in and completed a significant number of annexations, thus changing the boundaries of the Town, she believes the Office of State Planning of Coordination would not accept and approve Option 1, as they are aware of the boundary changes.

After some additional discussion, Commissioner Scott made a motion to impose Option 2 and to make map changes and whatever minimal written changes may be required. After a second from Commissioner Jones, the votes on the motion were as follows:

Commissioner Lambertson - Yea
Commissioner Roth – Yea

Commissioner Jones - Yea
Commissioner Scott - Yea

Motion unanimously carried.

Mrs. Callender committed to contacting Mr. BJ DeCoursey, (302-831-4925), of the University of Delaware to request their assistance with the update.

b. Review Land Use Administrator Report

Commissioners agreed that discussion of the Land Use Administrator's report was not necessary.

XI. New Business

a. Review, Discussion of Plan of Action as Result of Board of Adjustment Decision

The Commissioners referred to the Land Use Administrator’s Report of the Board of Adjustment Meeting that resulted in the approval of a Variance to Mr. Joe Coleman to place manufactured homes in the R-1 Zone. It was noted that such placement is restricted by the Land Use Ordinance and annoyance and disbelief at the approval was expressed.

Mrs. Callender informed the Commission that they have the right to appeal the decision, as she was so informed by Max Walton, but the Town could not. She additionally suggested to the Commissioners that the Land Use Ordinance be revised to remove the placement of modular homes from the R-1 homes and to specify that only stick built homes may be approved, so that in the long term, the Old Town atmosphere and historical nature of the area will return.

Acting Chairperson Lambertson expressed his concern about the cost of appealing the decision and the effects of a potential loss.

After some additional discussion, Mrs. Callender agreed to contact Max Walton to attempt to obtain a potential cost and win value of such litigation.

Note: Subsequent to the meeting, Mrs. Callender discussed this issue further with Mr. Walton and he requested time to think and investigate the legalities of the appealing parties, as either the Town Council or the Planning Commission can appeal.

XII. Motion to Adjourn

Commissioner Jones made a motion to adjourn at 8:10 pm; Commissioner Roth seconded. The votes on the motion were as follows:

Commissioner Lambertson - Yea
Commissioner Roth – Yea

Commissioner Jones - Yea
Commissioner Scott - Yea

Motion unanimously carried.

The meeting adjourned at 8:10 pm.

Respectfully Submitted,
Theon E. Callender
Land Use Administrator