

Town of Cheswold
Planning Commission Meeting Minutes
November 13, 2014
Cheswold Fire Hall

- I. **Chairperson Coker 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>
Dennis Coker	Martha Scott
Alan Roth	Albert Lambertson
Barry Jones	

Chairperson Coker confirmed a quorum has been established. Mr. Coker acknowledged the presence of Theon (Sam) Callender, Cheswold Land Use Administrator. Additionally, Mr. Coker thanked RuthAnn Purchase for volunteering to take meeting minutes.

VI. Review of Agenda; Motion to Accept as Amended

Commissioner Jones made a motion to delete agenda Item #9; Commissioner Roth seconded. Motion unanimously carried.

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

Commissioner Roth made a motion to accept the October 9, 2014 meeting minutes as presented; Commissioner Jones seconded. Motion unanimously carried.

VIII. Max Walton, Planning Commission Attorney, Discussion Updates

Chairperson Coker welcomed Mr. Max Walton, Planning Commission attorney, for discussion of pertinent issues before the Planning Commission.

a. **Age-Restricted Ordinance**

Mr. Walton informed the Commissioners he was asked by the Town of Cheswold to review a proposed age-restricted zoning ordinance. The proposed age-restricted ordinance was drafted by consultants of a current property owner. Mr. Walton commented there were several unique features of the proposal which needed further clarification and he would do his best to understand the precise nature of these unique features before offering an opinion. Mr. Walton further explained the use of 'Overlay' districts are allowed by the Cheswold Land Use Ordinance but 'Overlays' have come under fire as a result of recent litigations; separate zoning has been deemed more appropriate. Mr. Walton continued stating his concerns were mainly utilities and storm water responsibilities.

Sam Callender, Cheswold Land Use Administrator, asked Mr. Walton for clarification on the seven year expiration term for annexation agreements and how storm water maintenance and other agreements would be affected. Mr. Walton commented changes in the expiration period would have to be presented to the legislature.

Commissioner Jones asked if there was any insight as to why there was an interest to annex. Mr. Coker answered there might be current jurisdictional issues and the property is identified as a growth area in the Cheswold comprehensive Plan.

Commissioner Roth asks if there are specifics that can be ironed out such as who cares for fire protection. Mr. Walton comments that inter-agency jurisdiction decisions may not be up to the Town to decide.

With no further questions or comments, Mr. Coker thanked Mr. Walton for his update.

b. M1 Court Action; Update

Mr. Walton explained to the Commissioners there has been a significant delay in getting the Court to hear this case. The original case assignment was to Judge Vaughn who was subsequently appointed to the Delaware Supreme Court leaving the assignment open for a period of time. Mr. Dunkle, the attorney for Central Delaware Business Park, has requested a discovery process which will further delay a court hearing date. Mr. Walton expects a court date sometime in the spring of 2015. With no further questions or comments, Mr. Coker thanked Mr. Walton for his update.

IX. Review Land Use Ordinance Revision Log

a. Re-zoning process; update

Mr. Coker stated the recommendations submitted by Sam Callender to the Commissioners were generally well received with the exception of changing the term 'Administrative Staff' to 'Administrator'. There was a feeling among the Commissioners that the term 'Administrator' was too restrictive and the term 'Administrative Staff' provided more flexibility. Mrs. Callender responded saying the term 'Administrator' was more consistent with the Land Use Ordinance. Mr. Coker and Mrs. Callender agreed to work on a final draft re-zoning ordinance to present to the Commissioners.

b. Land Use Ordinance Article 13: Signage; update

Mrs. Callender asked Mr. Coker if the intention was to revise the current signage ordinance or adopt a new signage ordinance. Mr. Coker responds the existing signage ordinance is insufficient and needs a major overhaul. He added the draft sign ordinance is fairly comprehensive and may be more than what is required. Mr. Coker suggests deleting from the draft some of the language not needed and replacing the entire existing ordinance with the refined draft.

Commissioner Roth stated he feels the draft is close to where we should be with a sign ordinance.

X. New Business

Mrs. Callender asked the Commission to review Land Use Ordinance, Article 7: Use Regulations, Table 7-2 Permitted Uses & Structures for consistency when requiring a 'Site Plan Review'. There were two specific areas Mrs. Callender felt should be reviewed. The first being under 'Transportation-Related Sales & Service' second bullet 'Motor vehicle sales, repair, service and storage' requiring a 'Site Plan Review' for Zone C-2 and not for Zone C-1. Mrs. Callender recommends amending Table 7-2 to require a 'Site Plan Review' for Zone C-1 as well. The second being under 'Not Grouped Elsewhere' first bullet 'Accessory Uses, generally' requiring a 'Site Plan Review' for Zone I-1 and Zone I-2 only. Mrs. Callender recommends

amending Table 7-2 to require a 'Site Plan Review' for Zone R-1, Zone R-2, Zone R-3, Zone R-4, Zone C-1 and Zone C-2 as well.

A discussion of these two recommendations resulted in the following action; Commissioner Jones made a motion to recommend to the Cheswold Town Council to amend Land Use Ordinance, Article 7, Table 7-2, Transportation-Related Sales & Service, 'Motor vehicle sales, repair, service and storage' to require a 'Site Plan Review' for Zone C-1; also to amend Table 7-2, Not Grouped Elsewhere, 'Accessory Uses, generally' to require a 'Site Plan Review' for Zone R-1, Zone R-2, Zone R-3, Zone R-4, Zone C-1 and Zone C-2; commissioner Roth seconded. Motion carried unanimously.

XI. Motion to Adjourn

Commissioner Roth made a motion to adjourn at 9:20 pm; Commissioner Jones seconded. Motion unanimously carried.

Respectfully Submitted,

Dennis Coker, Chairperson
Cheswold Planning Commission