

Town of Cheswold
Planning Commission Meeting Minutes
June 12, 2014
Fire Hall Board Room

- 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 was posted
- V. Roll Call of Commissioners to ensure a quorum

Present

Martha Scott
Albert Lambertson
Barry Jones
Alan Roth
Dennis Coker

Chairperson Coker confirmed a quorum has been established. Mr. Coker acknowledged the presence of Mayor Tinari and Land Use Administrator Theon Callender. Mr. Tom Wilkes of Remington, Vernick and Beach Engineers was present to provide engineering comments for the Town.

- VI. **Review of Agenda; motion to accept as presented or as amended**
Commissioner Lambertson made a motion to accept agenda as presented; Commissioner Jones seconded. Motion unanimously carried.
- VII. **Review of previous meeting minutes; motion to accept as presented or as amended**
Commissioner Jones made a motion to accept the May 8, 2014 meeting minutes as presented; Commissioner Roth seconded. Motion unanimously carried.
- VIII. **Family Dollar Preliminary Sub-division Plan Review**
Chairperson Coker welcomed Mr. Robert Rauch and Mr. Casey Rauch of Robert D. Rauch and Associates, Inc. representing the applicants for the Family Dollar Sub-division Review and the Family Dollar Final Plan Review. Mr. Coker informed the Commissioners both agenda items will be discussed simultaneously. Mr. Coker asked Mr. Wilkes to begin the discussion since he had provided written comments to the applicants for review.

Mr. Wilkes stated his comments identified information the applicant could not possibly provide at this time such as a 911 address which will not be assigned until a building permit is applied for. Also, he was still awaiting 'Letters of No Objection' from applicable agencies. Mr. Wilkes stated he had no objections to the proposal to sub-divide the property.

Mr. Coker asked for clarification on the length of the east and west property lines. Casey Rauch stated the measurement should be 251 linear feet and not 265 linear feet and the change would not affect the site computations.

Mr. Coker asked if the deed restrictions for the M-1 zoned lots would have any effect on the proposed developments. Land Use Administrator Callender reminded Mr. Coker the subject property was zoned C-1 and not M-1.

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Casey Rauch described the site plan changes made as a result of the comments received at the Preliminary Plan review. Those changes include: adjusting parking space size and number, reduced dumpster area, revised entrance stripping, re-sized retention pond and the building had been moved four feet to the west.

Mr. Coker inquired about the landscape plan indicating 30 foot to seventy foot trees lining the front of the property. He said 6 foot to 8 foot trees are planned for the east property line. He questioned the use of such a tall tree in the front of the property. Robert Rauch answered the intent was to use small root trees to control damage to the parking lot. Casey Rauch said they would consult with Family Dollar about the type of trees to be installed.

Mr. Wilkes brought attention to the proposed 8 foot access aisle which appeared to be 5 foot on the plans. Casey Rauch stated they would review the detail.

Mr. Wilkes questioned the omission of a right turn arrow in the turn lane. Casey Rauch said DelDot requested its' removal and he had forgotten to remove the leader.

Casey Rauch said the tenant will be responsible for the open space and stormwater management but the agreement had not been signed yet.

Casey Rauch stated the DelDot design reflects their most recent comments. Robert Rauch said DelDot wanted extensions on the right-of-way sidewalks. DelDot's request could not be accommodated.

Mr. Coker inquired about the walk ability factor. It was acknowledged walk ability was difficult to achieve on this site. Robert Rauch said they had proposed a cross walk in the front but DelDot said no.

With no further questions, Mr. Coker asked the Commission if they wanted to decide on the sub-division application and the final plan review together or separately. Commissioner Jones said they should be decided separately.

Commissioner Jones made a motion to recommend approval to the Town Council for the Family Dollar Sub-division request; Commissioner Scott seconded. Motion unanimously carried.

Commissioner Scott made a motion to recommend approval to the Town Council of the Family Dollar Final Site Plan dated February 6, 2014 revised 4-17-2014, 4-24-2014, 6-5-2014 inclusive of the engineer's comments received by letter dated June 11, 2014; Commissioner Lambertson seconded. Motion unanimously carried.

IX. Family Dollar Final Plan Review

Agenda item discussed simultaneously with agenda item No. VIII

X. Coleman Lot Redesign Preliminary Plan Review

Mr. Coker welcomes Joe Coleman who in addition to an application for lot re-design has applied for annexation into the Town of Cheswold portions of the proposed re-designed lots.

Mr. Coleman explained the reason for the proposed lot re-sign. He explained portions of the proposed re-designed lots currently are under Kent County jurisdiction and when he consulted with Kent County they suggested he annex those portions into the Town of Cheswold. Mr. Coker asked Mr. Coleman to clarify what was to be annexed. Mr. Coleman replied all of the meadow lot current in the County plus a 30 foot easement for access to this property. Details of the annexation were illustrated to the Commission.

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Mr. Wilkes explained to Mr. Coleman the sub-division process would be simpler if the annexation process was completed first. Mr. Coleman replied he was concerned about the length of time required for annexation and it would negatively impact his development schedule.

Mrs. Callender commented the annexation process would likely take a few months because of the adjacent property notifications and the requirement for a public hearing. She said State Planning also has a role to play.

Mr. Coker asked Mr. Coleman if he had responded to the engineer's comments concerning the sub-division request. Mr. Coleman replied the comments were addressed on the revised sub-division plan he had submitted. Mr. Coker informed Mr. Coleman he would have to respond in writing to the engineer's comments so his responses would be a matter of record. Mr. Coleman said he would provide written comments.

Mr. Coker advised Mr. Coleman the Town had no jurisdiction to sub-divide County property and if he chose to piece meal the process it would cost more in the long run. Mr. Coker stated the proposed lot re-design is an improvement that he supports however it has to be done properly.

Mr. Wilkes told Mr. Coleman he could move forward with the lot re-design without annexation the result would be some lots would have dual jurisdiction needing County compliance.

A discussion of the request by Mr. Coleman to delete an alley came to no conclusion. This same discussion involved the drainage features of the proposed lots.

Mr. Coleman provided a letter from Kent Soil Conservation.

Mr. Coleman stated he would continue with the annexation process and provide written responses concerning the lot re-design application.

Mr. Coleman asks if he would come before the planning commission every time he wants to develop a lot. Mr. Coker replied building permits are not subject to planning commission review.

With no further comments or questions, Commissioner Lambertson made a motion recommend to the Town Council R-1 Zoning for the proposed annexation of the Joe Coleman property; Commissioner Roth seconded. Motion unanimously carried.

XI. Review Land Use Ordinance Revision Log

a. Floodplain management ordinance

Mr. Coker informed the Commissioners of the need to review a revision to The Land Use Ordinance, Article 12, Section 12-1; Flood Prone Areas. The Commissioners were provided with copies of the proposed revision.

Mr. Coker stated he had reviewed the initial revision and noticed there was no definition for the word 'floodway' which was used several times in the text. Mr. Coker found the FEMA definition of 'floodway' to be 'the channel of a river or watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height'. He stated a definition of 'floodway' should be included in the revision. Mr. Wilkes concurred with including a definition.

Mr. Coker asked if there was 'automatic adoption' language in the revision. Mr. Wilkes advised against 'automatic adoption' language is this case as a precaution.

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Mr. Coker suggested it may be prudent to develop a 'local flood plain map' as additional insurance for the Town.

With no further comments or questions, Commissioner Jones made a motion to recommend approval to the Town Council of **Ordinance No. 01-07-08-003** as revised dated June 17, 2014 inclusive of the FEMA definition of the word 'floodway' as attached; Commissioner Scott seconded. Motion unanimously carried.

- b. Re-zoning process; update
No discussion of this agenda item
- c. Land Use Ordinance Article 13: Signs; update
No discussion of this agenda item

XII. Motion to Adjourn

Commissioner Jones made a motion to adjourn at 9:30 pm; Commissioner Roth seconded. Motion unanimously carried.

Respectfully Submitted

Dennis Coker, Chairperson

Cheswold Planning Commission