

Town of Cheswold
1856



State of Delaware
1787

**PLANNING COMMISSION
MEETING MINUTES
THURSDAY, April 13, 2023
691 Main Street
Cheswold, Delaware 19936**

ATTENDANCE VIA ZOOM WAS AVAILABLE

Planning Commissioners In Attendance:

Mr. Stephen Williams – Vice Chairperson
Ms. Barbara Cooper Commissioner - via ZOOM
Mr. Dave Naples - Commissioner - via ZOOM
Mr. Michael Callender – Commissioner

Mr. Carl Schultz, Chairperson - Excused

Also in Attendance:

Mr. Thomas Wilkes, P.E., Town Engineer - via ZOOM
Ms. Sam Callender, Town Land Use Administrator
Ms. Shadina Jones, Town Clerk
Ms. Alyssa Pruitt, Civil Design – Mountain Consulting – via ZOOM
Mr. D.J. Shanahan, Sharp Water Culligan – via ZOOM

MEETING OPENING:

The meeting was called to order at 5:01 p.m., by Acting Chairperson Williams, followed by a Salute to the Flag and a Moment of Silence.

MEETING PROPERLY POSTED

Acting Chairperson Williams acknowledged that the meeting had been properly posted.

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ROLL CALL:

Acting Chairperson Williams conducted a roll call, and it was acknowledged that a quorum of members were in attendance, and the meeting proceeded.

AGENDA REVIEW:

A call for a review of the agenda was made by Acting Chairperson Williams and a motion was made by Commissioner Naples to accept the agenda as presented. Commissioner Cooper provided a second to the motion as presented and it passed with a unanimous roll call vote of the Commissioners.

MINUTES REVIEW:

Acting Chairperson Williams requested the Commissioners to review the minutes of previous meetings and to make a motion to accept as presented or provide notice of items requiring revisions.

A motion was made by Commissioner Naples to accept the minutes as presented and Commissioner Cooper provided a second to the motion. And the following minutes passed with a unanimous roll call vote of the Commissioners:

January 12, 2023

March 9, 2023

NEW BUSINESS –

a. Application 2023-01-29-116

- Annexation Request
- Applicant: Immanuel United Methodist Church
- Map ID: 4-00-04602-01-3300-000 (*Currently located in Kent County*)
- Current Zone = BG (*Business General – Kent County*)
- **Requested Annexation Zone = C-1 (Commercial Neighborhood)**
- Acres = 2.3
- Existing Conditions:
 - Drainage = Discuss during Review Process
 - Zoning = Re-zoning Required from County to Town
 - Electric = Delmarva
 - Sewer = Kent County
 - Water = **Well**
 - Easements = None Required
 - Property Tax = EXEMPT

PLANNING COMMISSION

TOWN of CHESWOLD

P.O. Box 220 – Cheswold, Delaware 19936
Phone: (302) 734-6991 – Fax: (302) 734-1355

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NEW BUSINESS – *“continued”*

a. Application 2023-01-29-116

- Owner Representative = Richard Durham – President Board of Trustees
- Town Representative = Shadina Jones, Town Clerk

Ms. Jones introduced the Annexation Application for the Immanuel United Methodist Church to the Planning Commission. She stated that the Church has been in operation for probably more than 100 years and most members thought the Church was already within the corporate limits of the Town of Cheswold. Unfortunately, Kent County property records do not agree and the Church cannot find documents to support their belief, therefore an annexation is required. The Board of the Church voted unanimously to annex into Cheswold.

The Commissioners agreed that the proper zoning code is C-1, (Neighborhood Commercial), but there was some extended discussion as to whether or not a Conditional Use request and a Site Plan were required. The Land Use Ordinance indicates that they are, but the Town Charter which provides the process for Annexations does not. It was eventually decided to review the requirements of Conditional Use and the Commissioners agreed that the Church met and was not in violation of any of them.

Subsequent to the meeting, Land Use Administrator reviewed the Town Charter and determined that the Conditional Use process did not apply as Annexations are dictated by the Town Charter alone. And the Planning Commission only receives notification of it for agreement on the Zoning Code as applied by the Land Use Administrator.

Although a motion was made by Commissioner Mike Callender and Barbara Cooper to accept the Annexation Application, and it was approved by a roll call vote, this action deemed unnecessary after it was determined that only the Town Council is responsible for Annexations per the Town Charter.

b. Application 2023-03-14-117

- Lot Line Adjustment
- Applicant: Culligan Water
- Map ID: 4-03-04600-01-0600-000
 - Acres: 3.3
- Map ID: 4-03-04600-01-0702-000
 - Acres: 0.55
- Zone: C-1 (C-1 Commercial Neighborhood)
- Combine 2 Lots into one
- Owner: Shanahan Webb Real Estate, LLC
- Owner Contact: DJ Shanahan - 1-443-880-2395
- Engineering Representative: Mountain Consulting; Alyssa Pruitt - Civil Designer
1-302-744-9875

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NEW BUSINESS: *"continued"*

- **Application 2023-03-14-117**

Ms. Alyssa Pruitt of Mountain Consulting presented a Lot Line Adjustment Application designed to combine two lots into one. All pertinent associated information is shown on the previous page.

The property owner Mr. Shanahan added that once the Application is approved he intends to submit a building permit to construct a pole building on the combined lots. He also stated that the official name of the business is Sharp Water Culligan.

After the Commissioners review, and having found no issues with the application or the site plan, a motion was made by Commissioner Naples to recommend the plan for approval by the Town Council. A second to the motion was made by Commissioner Mike Callender and it passed with a unanimous roll call vote.

Land Use Administrator Sam Callender advised Ms. Pruitt and Mr. Shanahan that the application will be on the May 1, 2023 Town Council agenda for final approval and that she would receive written notification of the recommendation from the Planning Commission in the mail. *(Notification was sent on April 18, 2023)*

OLD BUSINESS:

- a. **Review of Revisions to Article 4. Administrative Procedures - Pages 8 – 14**

Land Use Administrator Callender stated that she had revised the pages based on the notes she received from Commissioner Mike Callender and the Commissioners review from January, 2023.

Specifically, she had added a definition for PC (Planning Commission) Memo and how they are numbered. She also asked if the Flow Charts that are currently a part of Article 4 can permanently be deleted. It was agreed that they are difficult to maintain and sometimes understand, so they are to be deleted.

Just prior to the meeting an update to Pages 8 – 14 had been forwarded to the Commissioners which did not provide enough time for them to review the revisions, so it was agreed to table further discussion until next month.

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COMMENTS:

Vice Chairperson Williams then moved on to comments from the attendees:

- **TOWN ENGINEER COMMENTS:**

NO COMMENTS

- **LAND USE ADMINISTRATOR COMMENTS:**

NO COMMENTS

- **VICE-CHAIR STEPHEN WILLIAMS** - Stated it's possible he won't in attendance for June meeting.

- **COMMISSIONER BARBARA COOPER** –

NO COMMENTS

- **COMMISSIONER DAVE NAPLES**

NO COMMENTS

- **COMMISSIONER MIKE CALLENDER** – stated that interest has been shown in the Development of solar panel farms and marijuana farms and there is nothing in the Land Use Ordinance to address such usage.

Land Use Administrator Callender added that she is not sure how to respond should such a request be made official.

Discussion included the assignment of zoning codes and usage types and the possibility that none would be necessary due to regulations set by the State of Delaware.

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COMMENTS: *"continued"*

- **CHAIRPERSON CARL SCHULTZ** –
EXCUSED (*Vacation*)

NEXT MEETING DATE:

Thursday – May 11, 2023; 5:00 p.m.
Regularly Scheduled Planning Commission Meeting

Meeting to be Held at:

Cheswold Town Hall - Commissioners and Applicants only

- **ZOOM** will be available for all others

MOTION to ADJOURN:

A motion to adjourn was made by Commissioner Cooper at 6:19 p.m. A second to the motion was made by Commissioner Naples and a unanimous roll call vote passed the motion.

Minutes Submitted by: Land Use Administrator Sam Callender – April 19, 2023

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