

Town of Cheswold
1856



State of Delaware
1787

**PLANNING COMMISSION
MEETING MINUTES
THURSDAY, May 11, 2023
691 Main Street
Cheswold, Delaware 19936**

ATTENDANCE VIA ZOOM WAS AVAILABLE

Planning Commissioners In Attendance:

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

Also in Attendance:

**Ms. Sam Callender, Town Land Use Administrator
Mr. Clifford Mumford, P.E. – DB&F Engineering - via ZOOM
Ms. Tanesha Bugam, Representative – via ZOOM**

MEETING OPENING:

The meeting was called to order at 5:04 p.m., by Chairperson Schultz, followed by a Salute to the Flag and a Moment of Silence.

MEETING PROPERLY POSTED

Chairperson Schultz acknowledged that the meeting had been properly posted.

**PLANNING COMMISSION
MEETING MINUTES
THURSDAY, May 11, 2023**

ROLL CALL:

Chairperson Schultz 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 Chairperson Schultz.

Land Use Administrator Sam Callender requested that a Commissioner make a motion to amend the agenda to add sub-item "b" to Item Item 10, "Old Business" – Review of Article 7 – Section 7.5.

Such a motion was made by Commissioner Mike Callender with a second from Vice-Chair Williams to revise the agenda as motioned. The motion passed with a unanimous roll call vote of the Commissioners.

MINUTES REVIEW:

Chairperson Schultz requested the Commissioners to review the minutes of the meeting of the previous month and to make a motion to accept as presented or provide notice of items requiring revisions.

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

Planning Commission Meeting
April 13, 2023 Minutes

PLANNING COMMISSION
MEETING MINUTES
THURSDAY, May 11, 2023

NEW BUSINESS –

1. NEW BUSINESS –

a. Application 2023-05-02-118

(Notification of Annexation & Assignment of Zoning Code)

- Annexation Request
- Applicant: A Better Mind Set
- Map ID: 4-00-04602-01-1400-000 *(Currently located in Kent County)*
- Property Address: 5673 North Dupont Highway
- Current Zone = BG *(Business General – Kent County)*
- **Requested Annexation Zone = C-2 (Highway Commercial)**
- Acres = 0.46
- Existing Conditions:
 - Drainage = **Undeveloped**
 - Zoning = Re-zoning Required from County to Town
 - Electric = **Undeveloped**
 - Sewer = Kent County
 - Water = **Well**
 - Easements = **Undeveloped**
 - Property Tax = \$.60 per \$100 of assessed value
- Owner & Representative = Tameika Bugam; 302-480-5793
- Town Representative = Sam Callender, Land Use Administrator

Ms. Callender provided the above information concerning the proposed annexation to the Planning Commissioners and indicated the location of the property in association with other properties that are contiguous. After the introduction she asked the Commissioners if they had any questions or concerns about the proposed Zoning code assignment of C-2, Highway Commercial, based on the location and the anticipated business type.

Commissioner Naples asked if the property is currently serviced by a well, will they be required to connect to Tidewater. Mrs. Callender responded no, if Tidewater is not available to the location. He also asked for the time frame for the development of the property. Mrs. Bugam responded she expects to begin development within 3 to 6 months after the annexation approval and that they have engaged Scott Engineering as their engineers.

Vice Chair Williams inquired about the status of drainage to the property and if municipal sewage will be addressed. Commissioner Mike Callender explained that Kent County sewer is already available to the property and drainage will be addressed during the property development by the applicant's engineers and reviewed during the building process.

Commissioner Cooper asked Mrs. Bugam to describe the type of business that will be conducted on the property. Mrs. Bugam responded that it will be a small holistic mental health facility,

PLANNING COMMISSION
MEETING MINUTES
THURSDAY, May 11, 2023

NEW BUSINESS – “*continued*”

1. NEW BUSINESS –

a. Application 2023-05-02-118

Mrs. Bugam additionally stated that patients will be seen in the building.

With no further discussion, questions or expressed concerns, Vice Chair Williams made a motion to accept the Zoning assignment of C-2, Highway Commercial of the application and to recommend to Town Council to approve it, as suggested by Land Use Administrator Sam Callender. Commissioner Cooper made a second to the motion as submitted and a roll call vote of the Commissioners passed the motion.

b. Application 2023-05-03-119

- Final Plan
- Applicant: Lot 3 & 4, LLC (*McGinnis Green*)
- Location: Lot 6 – Taco Bell
- Map ID: 4-03-04700-01-0101-000
- Acres: 1.3
- Current Zone: C-2 (C-1 Highway Commercial)
- Commercial Industrial Plan
- Owner: Lot 3 & 4 LLC
- Owner Contact: Arik Jakob, 410-977-7787
- Engineering Representative: DB&F Engineering
Cliff Mumford, P.E.; Ring Lardner, P.E.

Ms. Callender re-introduced the Final Plan associated with Lot 6 for Taco Bell, located off Jerome Drive in the McGinnis Green properties. She explained that all the requirements needed for Final Plan approval as required by the Land Use Ordinance have been met except for the receipt of an approval letter from the Kent Conservation District. In addition, she has received a review approval letter for the Plan from our Town Engineer, Mr. Thomas Wilkes, P.E. – Carroll Engineering.

Mr. Mumford added that he had an approval letter from the Kent Conservation District and that he would forward a copy to Mrs. Callender after the meeting.

With that explanation, a motion was made by Vice Chair Williams to recommend approval of the Final Plan to the Town Council contingent upon receipt of the approval letter from the Kent Conservation District by Land Use Administrator Sam Callender. A second to the motion was made by Commissioner Cooper and the motion passed with a unanimous roll call vote.

PLANNING COMMISSION

TOWN of CHESWOLD

MEETING MINUTES
THURSDAY, May 11, 2023

OLD BUSINESS:

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

Land Use Administrator Callender asked that discussion and review of this section be tabled until the next meeting and that the Commissioners move on to the review of Article 7 – Section 7.5.

It was unanimously agreed to do so.

b. **Review of Revisions to Article 7. Section 7.5 Home-Based Businesses**

Ms. Callender requested Commissioner Mike Callender to make the Commissioners aware of a request from a property owner to operate a home-based cleaning business.

Commissioner Callender explained that the Land Use in Article 7 – Section 7.5 explicitly prohibits the operation of cleaning services from allowable Home-Based businesses. However, it is the intent of the property owner to conduct an internet-based business thus not adding to undue noise and traffic which appears to be the reason the business is prohibited per Section E-2c. Operational Standards

There was intense discussion about the intent of the prohibition and the technological changes that have occurred since the implementation of the Land Use Ordinance. It was ultimately agreed that a revision to the section is required to meet those changes.

Commissioner Naples made a suggestion to revise Article 7 – Section 7.5 Home-Based Businesses to add an Item 3 to Part A – Permitted Home-Based Businesses that will read:

“Any licensed home-based business conducted over the internet, by phone or by mail.”

and to add an Exception to Article 7 - Section 7.5 Home Based Businesses Part D – Prohibited Home-Based Businesses that will read:

“On a case by case basis the above noted prohibited businesses may be permitted, if the function of the business is related totally to the internet, phone or mail services.”

A second to the motion was made by Vice Chair Williams to revise the Land Use Ordinance as stipulated by the suggestion of Commissioner Naples. Commissioner Cooper voiced a second to the motion and it passed with a unanimous roll call vote.

PLANNING COMMISSION

TOWN of CHESWOLD

MEETING MINUTES
THURSDAY, May 11, 2023

COMMENTS:

Chairperson Schultz then moved on to comments from the attendees:

- **LAND USE ADMINISTRATOR COMMENTS:** Expressed her appreciation for the cooperation and work being done by Planning Commission.
- **VICE-CHAIR STEPHEN WILLIAMS:** - NO COMMENTS
- **COMMISSIONER BARBARA COOPER:** – NO COMMENTS
- **COMMISSIONER DAVE NAPLES:** - Expressed his concern over plans that he receives from a builder in Town who does not provide sealed survey easements. The source of the issue is the misalignment between Article 4. Administrative Procedures – Table 4.1 Information Required for Single Family Development, Concept, and Preliminary Plan Review; PLAT INFORMATION for Single Family Development Plan of the Town of Cheswold Land Use Ordinance **which does not require the “Signature and seal of a registered Delaware land surveyor or professional engineer”** and the Delaware Code Title 24; Chapter 27; Sub-chapter 2719 which reads:

“§ 2719. Seal.

Every land surveyor licensed in this State shall have a seal of a design authorized by the Board by regulation and which bears the professional land surveyor’s name. All technical submissions prepared by such land surveyor, or under that land surveyor’s direct supervision, shall be stamped with the impression of the professional land surveyor’s seal. No professional land surveyor shall impress that land surveyor’s seal on any technical submission unless it has been prepared under that land surveyor’s direct supervision.”

Therefore, said Town builder has consistently submitted plans without the seal of a State of Delaware licensed surveyor or engineer.

It was agreed that Mrs. Callender would include a request to revise the Land Use Ordinance to include updating Table 4-1 to an “R”, (Required), for the **Signature and seal of a registered Delaware land surveyor or professional engineer for Single Family Development Plans, along with the revisions to Article 7.**

PLANNING COMMISSION

TOWN of CHESWOLD

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

**MEETING MINUTES
THURSDAY, May 11, 2023**

COMMENTS: *"continued"*

- **COMMISSIONER MIKE CALLENDER:** - NO COMMENTS

- **CHAIRPERSON CARL SCHULTZ:** – Welcomed Mr. Mike Callender to the Planning Commission and asked if he had been officially appointed. Mrs. Callender responded no because she forgot to add his appointment to the agenda at the Town Council meeting, but promised to include it at the June meeting.

Chairperson Schultz acknowledged that Mr. Callender has been faithfully attending Commission meetings for some time and providing valuable information and insight and will appreciate him being formally appointed.

NEXT MEETING DATE:

There was discussion about who will be available for next month's meeting and it was ultimately decided that due to vacation and graduation plans there would not be a quorum of members in attendance to hold a valid meeting. It was also recognized that there are no pending applications to be reviewed next month, so it was agreed to cancel the June meeting and r-convene at the July meeting.

**Thursday – July 13, 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 Vice Chair Williams at 6:02 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 – May 17, 2023