

Town of Cheswold
1856



State of Delaware
1787

**PLANNING COMMISSION
MEETING MINUTES
THURSDAY, April 11, 2024
691 Main Street
Cheswold, Delaware 19936**

ATTENDANCE VIA ZOOM WAS AVAILABLE

Planning Commissioners In Attendance:

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

Also in Attendance:

Ms. Sam Callender, Town Land Use Administrator
Ms. Sarah Cahall, Assistant Town Land Use Administrator

MEETING OPENING:

The meeting was called to order at 5:03 p.m., by Chairperson Steve Williams. The opening was followed by a Salute to the Flag and a Moment of Silence.

MEETING PROPERLY POSTED

At the request of Chairperson Williams, Land Use Administrator Sam Callender acknowledged that the meeting had been properly posted.

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ROLL CALL:

Land Use Administrator Sam Callender 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 Steve Williams.

It was followed by a motion to approve the agenda as presented by Commissioner Barbara Cooper and a second to the motion was provided by Commissioner Davis Naples. The agenda was accepted as presented after the motion passed by a unanimous roll call vote of the Commissioners.

MINUTES REVIEW:

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

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

Planning Commission Meeting
March 14, 2024 Minutes

INTRODUCTION of ASSISTANT LAND USE ADMINISTRATOR – Land Use Administrator Sam Callender introduced Ms. Sarah Cahall as the newly hired Assistant Land Use Administrator. Ms. Cahall was previously employed by the Town of Camden where she performed similar duties and is well qualified to fill the position of Land Use Administrator for the Town of Cheswold in the near future.

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OLD BUSINESS –

- a. Review and discussion of DRAFT Ordinance 12-05-23-073 Revision of Article 7. Use Regulations Section 7.2 of the Land Use Ordinance of the Town of Cheswold.

Mrs. Callender explained that some of the Zoning Codes do not have specific descriptions. She stated that she reviewed the City of Harrington Zoning Codes as a reference to help her with updating the Land Use Ordinance.

Commissioner David Naples questioned if the description shown in the Draft Ordinance for Item 5 of the R-1 Zone means only Single-Family homes are permitted. He asked if it was the Towns intent to actually mean Detached Single-Family Dwelling Units. He stated that Single Family Dwelling Homes is not defined in the Land Use Ordinance as such, but as a Dwelling – Single Family Detached. Therefore, if it is left at Single-Family Homes, it will allow other types of dwelling units on the same lot in the R-1 Zone, even if they are attached. Mr. Naples suggested adding Detached in front of Single-Family and replacing Homes with Dwelling Units. This will provide consistency with the definitions of Dwellings in the Land Use Ordinance.

Mrs. Callender explained there is no definition for mixed use communities and suggested including a definition for Mixed Use Communities. Vice-Chairperson Callender stated that he agrees some type of definition should be required and that it will be a thorough review to determine what that definition should be. Commissioner Cooper also suggested doing research to come up with some definitions. Commissioner Naples added that Kent County has a definition for Mixed Use Communities. He added that Mixed Use has a better definition under C-1, Item 2 of Article 7; Section E), than R-3.

Mrs. Callender suggested adding the terminology for Mixed Use Communities shown in C-1, Item 2 of Article 7, Section E to C-2 and using the Kent County definition for Mixed Use Communities to the R-3 Zone.

Commissioner Naples stated that it should be considered Mixed Use in C-2 instead of R-3. He added that moving forward to cleaning up R-3 and what's intended using Mixed Use Communities. Ms. Callender mentioned adding the verbiage of mixed-use communities to Section 2 - Definitions with inclusion of the various residential uses such as single family and town houses available in R-3 versus the residential townhouses and apartments that may be available over commercial businesses in the C-1 and C-2 Zones. There were no changes in A-1, R-4, and R-5.

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OLD BUSINESS – “continued”

b. Review of Revisions to Article 4. Administrative Procedures

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A motion was made by Chairperson Williams and seconded by Commissioner David Naples to table Review of Revisions to Article 4. Administrative Procedures. All in favor; motion carries.

NEW BUSINESS – “continued”

a. Table 7-2. Permitted Uses and Regulations

Vice-Chairperson Mike Callender requested the Commissioners to consider adding Permitted with a Site Plan to the I-1 Zone under the Transportation-Related Sales & Service Category for Motor vehicle sales/repair/service and storage.

Commissioner Cooper added that storage/garage parking was under R-3 as conditional use. Vice-Chairperson Callender agreed it should be in R-3.

Ms. Cahall suggested that a self-storage facility should be in the C-2.

Mrs. Callender asked if a warehouse or distribution center should be permitted in C-2.

Ms. Cahall suggested adding a worship place in C-2.

A motion was made by Chairperson Williams and seconded by Vice-Chairperson Mike Callender to amend Table 7-2 Permitted Uses & Structures as follows:

Category – EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL;
FRATERNAL

- Places of Worship
 - Add Permitted with a Site Plan to C-2 Zone

Category – TRANSPORTATION – RELATED SALES & SERVICES

- Motor Vehicle Sales: Repair; Service; Storage
 - Add Permitted with a Site Plan to I-1 Zone

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NEW BUSINESS – *“continued”*

a. Table 7-2. Permitted Uses and Regulations – “continued”

Category - STORAGE & PARKING

- Distribution Center
 - Add Permitted with a Site Plan to C-2 Zone
- Self-Storage Facility
 - Add Permitted with a Site Plan to C-2 Zone
- Warehouse
 - Add Permitted with a Site Plan to C-2 Zone

A roll call vote taken after the motion resulted in a unanimous vote for approval.

b. Article 2. Definitions

Mrs. Callender requested the Commissioners to consider looking into definitions of retail sales. Commissioner David Naples explained the mercantile occupancy definition in the ICC Building Code appears to best define the intent of retail sales as it applies to the Town of Cheswold and suggested aligning that definition into the definition section of the Land Use Ordinance for retail sales. Vice-Chairperson Mike Callender agreed with removing retail sales as they currently exist and to replace it with the addition of mercantile occupancy.

A motion was made by Commissioner David Naples and seconded by Vice-Chairperson Callender to amend the retail sales definition in the land Use Ordinance to include the mercantile occupancy definition under the currently adopted international building code. All were in favor and the motion carried.

c. C-1 Zoning Compliance Questionnaire

Mrs. Sam Callender explained the difference between a Zoning Compliance questionnaire and a Zoning Compliance Certificate. She asked if an applicant in the C-1 district questioned if they are in compliance with the Land Use Ordinance if the questionnaire be given to them. Commissioner Cooper suggested adding a disclaimer explaining the questionnaire is not a certificate. Mrs. Callendar asked if the Commission would like to review a questionnaire when it is submitted. The Planning Commission all agreed to review the questionnaire.

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ATTENDEE COMMENTS: Nothing to Report

COMMISSION COMMENTS:

- TOWN ENGINEER' S COMMENTS: Absent
- LAND USE ADMINISTRATOR COMMENTS: Mrs. Callendar welcomed Ms. Cahall and she thanked the Planning Commission.

COMMISSIONER BARBARA COOPER: She thanked Mrs. Callender for all her work and welcomed Ms. Cahall.

COMMISSIONER DAVE NAPLES: Welcomed Ms. Cahall

- VICE-CHAIR MIKE CALLENDER: Nothing to Report
- COMMISSIONER KARA NAPLES:: : Nothing to Report
- CHAIRPERSON STEVE WILLIAMS: informed the Commission that he and the Mayor had a meeting with Culligan.

NEXT MEETING DATE: Thursday – MAY 9, 2024; 5:00 p.m.
Cheswold Town Hall - Commissioners and Applicants only

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

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MOTION to ADJOURN:

A motion to adjourn was made by Commissioner David Naples at 6:41 p.m. A second to the motion was made by Commissioner Michael Callendar and a unanimous roll call vote passed the motion.

Minutes Submitted by: Assistant Land Use Administrator Sarah Cahall March 30, 2024