

# Planning & Zoning Committee Meeting

## May 22, 2024

Present: Wayne Stover, Jonathan Burnett, Kenny Getty, Bill Brockenbrough, Richard Pratt, Nick Smith, Jennifer Reitz, Sue Muncey, and Ryan Paisley were in attendance.

1. **Call to Order**: Mr. Stover brought the meeting to order at 7:00 p.m.
2. **Pledge to the Flag**: Mr. Stover led the pledge.
3. **Approval of Minutes**:

*All approved. No formal motion was made.*

4. **Determination of Quorum**: Mr. Stover stated a quorum was present.
5. **Old Business**: Mr. Stover stated that he would like to return to the discussion of the Future Annexation Area Map, with the University of Delaware's help.
6. **New Business**:

### **Workshop to Discuss and Make Suggestions to the Town of Clayton's Comprehensive Plan**

Ms. Reitz provided two documents for review: Town of Clayton Community Survey and Context for Annexation.

Ms. Reitz asked how would you like to review the survey. Mr. Stover stated question by question. Ms. Reitz went question by question asking for the committee's input. There are a total of 12 questions. We have limited the number of open-ended questions. Mr. Burnett stated I know we don't want to necessarily collect information, identify who the individual is, but what about if they are in Old Town or if they are in the developments. Some of the desires or needs would be different based upon where you live. We could gear some of the decisions based on that. We could see where the biggest issues are in Old Town and the developments. Ms. Reitz stated that is absolutely feasible. Would it be enough to say do you live in Old Town or do you live in one of the developments? Should we include a map that kind of says where you live like an ABCD because some people may not automatically know. Mr. Brockenbrough agreed. Mr. Burnett will send Ms. Reitz a map. Mr. Brockenbrough stated on question 9 and 10 he suggests going with your top three. Ms. Reitz asked about fire and police services for both transportation and non-transportation. Mr. Brockenbrough stated he is more focused on transportation. Mr. Getty asked about EMS and police services. Mr. Burnett stated we control the fire service because of the bylaws. Ms. Reitz suggested leaving the EMS in as a separate line and putting in parentheses not controlled by the town. Mr. Burnett stated more information is better than less. He stated about 10% of people will complete the whole survey. He asked how many people completed the survey last time. Mr. Burnett stated very few. Mr. Brockenbrough commented that the clarification of EMS and police is good, but what is public safety other than police services? Mr. Burnett stated either put them all together or separate them all. Ms. Reitz will get everything ready and put it online. She will get the online version done which will be formatted for both a computer screen as well as a mobile screen and

send with a link. We will distribute however works best for the town. She will also keep one formatted for handwritten so it can be in the office for people who walk in and want to fill it out. Mrs. Muncey stated we can put it on our Facebook. Mr. Burnett stated there are many ways. We will get hosted on our website. We will just do a URL for Facebook. There are free apps out there for surveys.

Ms. Reitz stated the next topic is annexation. She sent a draft map that was based on the original maps that she had been given. I've received some comment back from that. She renumbered them so that the light tan is basically within the corporate boundaries of the town. The orange dapple is your existing comprehensive plan for residential. The purple is really the new areas that we would be discussing. The green striping is existing agricultural easement areas. The first question is are all these parcels that you are considering? The other question is does it stay in the annexation map? I am guessing the majority of them would be residential, but it is possible to do an agricultural proposed annexation. There is proposed annexation for commercial industrial. We can walk through this. She asked did I get it right? Mr. Burnett stated he thinks it goes high and low enough to accomplish what they are wanting. To set the growth zones up and down to limit the growth from the east. Mr. Brockenbrough stated there were a few smallish parcels, probably residential lots, that we went around. Not sure why. One is just below K2 and the other one is to the left of K10. Mr. Burnett stated one is Byler – 5 acres. We could add it. Mr. Brockenbrough asked about Alley Corner next to K10. Mr. Burnett stated that is two parcels we can include. Ms. Reitz stated we will not include the large ones on the one side. Mr. Brockenbrough stated we will wait for the next update. Ms. Reitz stated what do you think along the railroad here NC1 and NC2. The Smyrna Comp Plan has shown as a greenbelt area. You might get a little push back from them. Mr. Burnett stated the railroad will not give them main crossing there. They only give a crossing for a single-family house. They do not have the access from the roads to do the size development they want. We do not want Smyrna to come around and cut us off. We want to establish some boundaries where we are planning on going so then they can work on their comp plan and do their growth. Ms. Reitz stated NC1 is in the Smyrna Comprehensive Plan. They are proposing a greenbelt basically around most of the town and they list that parcel as one of the potential. They are not proposing it for annexation. New Castle County is not proposing to allow development or change zoning or any of that. It is in their preservation area. Ms. Reitz stated NC3, NC4, and NC5 are under an existing AG easement. Mr. Burnett stated we need to start looking at that annotation for agriculture as an option. Hanover would be another good example. Mr. Brockenbrough asked who has three and five? Are they Hanover? Mr. Stover stated yes. Mr. Burnett asked if we list it as an AG in the comp plan as potential annexation and a developer comes to us and says they would like to develop for housing. Does something have to happen with the comp plan because we listed it one way and not the other? Is it set in stone? Do we have to do a whole update? Ms. Reitz stated it is not an update. It is actually a fairly common exercise. It is an amendment to the plan. You would basically just be amending the map to show residential. It happens regularly. Mr. Burnett stated it is important we do include a lot of AG that we have listed here. It shows our intent not to develop more houses. Just establish boundaries by putting an AG that kind of hammers home what our intent truly is. Mr. Brockenbrough stated by doing that if a developer comes to us and says I am trying to buy C5 from Hanover we can say how do you propose to service it. Ms. Reitz stated that also gives you a little more leverage in those types of negotiations. Mr. Burnett stated we want to identify those parcels that we want to really keep as AG versus residential. Ms. Reitz stated the annexation process still has to be approved by the town and the town still has to submit a plan for servicing to the state. Mr. Burnett stated we would list as residential only ones that border existing residential large developments because it will be easier for us to service them. Mr. Brockenbrough stated if you use my example with NC5, if we are saying residential and a developer comes in and says I want to buy it from

Hanover. Do you provide sewer service? We could say we did not plan for that. We will want you to put in the sewer in the lift station. Mr. Burnett stated is that something we need to decide this meeting or do we get a list to you. Ms. Reitz stated we have a process to go through and we can keep coming back to it. It is really more the thought process and putting it in there keeping it logical. K12 and K13 are going to be AG. Mr. Burnett stated any of the outliers should all go to AG. He stated once our developments end there is no more impact fees coming in, so the town is going to have to live off the money they generate from selling electricity. It is going to be a challenge going forward for the Council to do that. You cannot continue to raise residential rates. We need to find ways to get businesses here that use electricity and sewer to generate a lot more money. It is easier for the town to cover shortfalls with big commercial operations than it is for residential. We have some areas that are identified as our commercial zone but there is really no growth there. Maybe we could list the parcel at the end of School Lane as commercial space. We would love for the town to someday be able to go out and start really working with the Kent County Small Business Association and finding ways to get businesses in this town. We have a commercial one coming in now that the mayor was talking about at the old fertilizer plant. That is very limited too. We already have the infrastructure. Ms. Reitz stated she was going to ask about the fertilizer plant. She works with brownfields, and she assumes it is considered somewhat contaminated property. Mr. Burnett stated it is one of the ones listed, but apparently, they got a letter back that they were okay to buy and build. Ms. Reitz stated she can draft it – take the purple to the next level and kind of say proposed residential, proposed AG, and then any of them that I am not sure of we will discuss and confirm. Ms. Reitz stated she will fill in the table. Mr. Burnett stated on Dickerson Street there are two parcels that cannot be serviced by Smyrna. We should go ahead and put as potential annexation of residential. If everyone is comfortable with the whole 300 outlay to Dickerson, we should list it as potential. The question is on the 300 side do we list it as residential, or do you go commercial? It is next to the VFW. Mr. Brockenbrough stated you have the feed store there. Ms. Reitz stated you have the option of saying mixed use. Mr. Brockenbrough stated on this scale, he thinks the mixed-use makes sense. If we have to look at it parcel by parcel, the ones on 300 be commercial. Mr. Burnett stated the ones on Dickerson list as residential and the ones on 300 list them as mixed-use. Mr. Burnett stated on School Lane do we list as mixed or strictly as commercial? Mr. Paisley stated there have been some discussions in regards to the Hanover property across the street from the school. We are just mentioning about the school district having an interest in it as they look for building more schools and in addition to that on the building committee for the new town hall they are considering a number of different parcels. Obviously, the place on Bassett Street but a number of the committee members wanted to approach Hanover and there are ongoing discussions with Hanover about that also being a potential place for a town hall in the future. So, if you can, do mixed use. If my understanding of mixed use is correct is that you could either go residential or commercial. I think that is honestly the best way to go because it gives you so much more leverage and there are so many different ideas being discussed for that. Mr. Burnett stated mixed use is something that does make more sense to have a combination. Mr. Paisley asked how you would zone that. Mr. Burnett stated we have it listed as agricultural. Mr. Paisley stated if they were to annex, that is going to include a factory I am assuming. Mr. Burnett stated we would exclude that. It would be the parcel next to it. If we do it agricultural, Hanover would consider annexing in order to annex in the parcel next to them. Mr. Paisley stated in order for that to be you would have to amend the comp plan because you would when you annexed it, you would have a factory; it therefore which would not fit. You proposed to any classification right? Ms. Reitz asked do you have an existing zoning district? Mr. Paisley stated that is now. Mr. Burnett stated we would have to develop all that. Mr. Paisley asked about the comp plan amendment. How long does it take? Ms. Reitz stated it is a Plus

Review. It is an application. It is a map amendment with a description and potential for service provision. Mr. Brockenbrough stated when he was working, he represented his agency at PLUS and Dover would come in every six months with a handful of amendments. Ms. Reitz stated it would be better off classifying it as mixed used instead of AG on that one. Ms. Reitz stated K6 was in the last plan as residential. The creation of that type of AG district would be an implementation item of the comp plan. She asked if there was anything else on an annexation. Mr. Paisley asked about the parcel between K3 and K5. Do we know what that is? It is just a little area, but it would fill the gap. Ms. Reitz stated that is still county line right there. Mr. Burnett stated those are houses – three parcels belonging to Hurd. Mr. Brockenbrough stated keep the maps clean and simple.

Ms. Reitz stated she started going through the minutes and started updating Chapters 1-4 as much as they could be. Chapter 5 was demographic and economic profile which she completely updated. The first page is kind of the key summary. Just a six-line summary. These are the highlights – population from 2000 to 2010 was 150% of whatever it was and then from 2010 to 2020 was 35%. The most recent projections were from October 2023. It shows what would equal just over 1% growth rate per year for the town. The previous plan showed the Delaware Population Consortium estimates and then did an additional 1% and 2% just to show some different trend lines. Population projections are based on your existing boundaries and your existing land use. Mr. Burnett asked about medium household income. It is substantially higher than Kent County. I wonder if a lot of that is the big influx we have. The people from Jersey, New York who still work up there but live down here. Ms. Reitz stated that would match the increase in the education attainment. It jumped a full 8%. Mr. Brockenbrough asked about the building permit data. Ms. Reitz stated that is usually included more in the housing chapter, but it is absolutely useful information. Mr. Brockenbrough stated we are growing through construction of houses and people moving in. We should look at the trend line of building permits. Mr. Burnett stated that is going to plateau. All we have left is Old Country Farms. Ovation is almost built out. Ms. Reitz stated she has completed the draft chapter. She will send it for review and make additional revisions if needed. Ms. Reitz stated at one of the upcoming meetings, we will have DelDOT come as well as Dover MPO to talk a little bit about the transportation perspective – what it is that you want to see and what they can do and discuss trails and those types of things. IPA has a contact with DelDOT to do some in depth transportation planning that we typically do with a comprehensive plan. The month after that we will be focusing on the sewer and the infrastructure or storm water. We get these done before we discuss parks and into the other areas. Ms. Reitz stated she will be out the last week in July so she will not be able to make the July meeting. Mr. Getty said did not we talk at one time about suspending the summer meetings. Mr. Burnett stated we put that proposal out. Mr. Stover asked if there was anything else for the meeting tonight.

7. **Next Meeting:**

Mr. Stover stated the next meeting will be on June 26, 2024.

8. **Adjournment:**

*Mr. Burnett made a motion to adjourn. Mr. Getty seconded the motion. Motion carried unanimously. The meeting was adjourned at 8:17 p.m.*

Recording Secretary,

Sue Muncey