

Planning & Zoning Committee Meeting

May 24, 2023

Present: Wayne Stover, Bill Brockenbrough, Tom Ruppert, Kenny Getty, Jonathan Burnett, Nick Smith, Robert Cote, 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**:

Mr. Ruppert made a motion to approve the meeting minutes of 04/26/23 in their written form. Mr. Getty seconded the motion. Motion carried unanimously.

4. **Old Business**: No old business to discuss.
5. **New Business**:
 - a. **Workshop to discuss and make suggestions to the Town of Clayton's Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance.** The purpose of this Public Workshop is to discuss and make suggestions to the Town of Clayton's Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance. There will be no formal action taken.

Mr. Brockenbrough stated he made lists – one for each ordinance. Unless we are expanding, this should be a review with minor changes. Mr. Burnett stated we need to document in the comp plan how we can approach annexation. We need to clarify.

Mr. Burnett stated we need to change Town Foreman to Town Manager and/or appointee. We need clarity in the definition. We don't want to pigeonhole ourselves. On page 11 there is a picture of the firehouse. Mr. Burnett has blueprint plans that this used to be the first town hall. It was the town hall before it was the firehouse. On page 35 – having the town hall and fire company listed on the historic register. When do we consider something historic? Mr. Brockenbrough stated a building over 50 years old is historic. Mr. Burnett said on page 37 the owner of the train station has changed. On page 39 – S. Bassett Street the town owns the building. In the town center there are new businesses. On page 41-42 design center Mr. Burnett wants to talk to Mr. Cote after the meeting. The area is between the Clayton Liquor Store parking lot and Smyrna Avenue. On page 43 buildings have been updated. The owner is working on the outside of the old Clements building. On page 56 – will it be a review or an update. We must list stuff for annexation in the comp plan. Land to consider is the Synex farm, Moore property, Green Gable Farms, O'Neal farm, Med Davis farm, Pappens farm, and Council farm. Mr. Stover stated we need to list property. If not used at this time it would be for future possibility. You

couldn't annex property from New Castle County before. They are now allowing it because they can't provide sewer. Mr. Brockenbrough asked about long and short-term preservation. Mr. Burnett showed a map he printed from the Delaware Agricultural Land Preservation. It is an interactive map online for Delaware farm preservation. Mr. Brockenbrough asked if there was capacity for sewer. Mr. Burnett stated there is not a lot for Smyrna and not much in Kent County. Mr. Stover stated there is no more into Smyrna. That is why we are looking to the west. There is Kent County sewer funding to increase sewer in Frederica. Mr. Burnett stated we need to change the wording to allow a central sewer system – holding tank. It would be a septic or pump to Kent County. We could have this as a stipulation for the developer to provide. Mr. Stover stated if sewer is available, Kent County wants the income. As far as a separate central sewer it is unlikely unless Kent County approves. Mr. Brockenbrough stated package plans make him nervous. If there is an issue after the developer leaves, who is responsible? Mr. Burnett stated the homeowner's association. Mr. Stover stated if a development was over 25 houses, it had to have central water. That is how it started. Mr. Getty stated crossing over into New Castle County could be a problem. Mr. Cote stated the comp plan is reviewed every 5 years and is updated every 10 years. An amendment can count as the 5-year review. An amendment can be made at any time. The University of Delaware recommends that amendments be completed with the yearly report. Mr. Burnett suggests putting the notes in a common document. We could send to the University of Delaware and ask them if it is a review or an update. Mr. Stover stated get the notes together. For the next meeting we can put together to send for review. Mr. Cote stated Mr. Edgell from the Office of Planning has a person working with him who will be our point of contact. Mr. Cote recommends starting at the beginning. Mr. Burnett stated he will combine the documents. Mr. Cote asked Mr. Burnett as an IT person if we could do a shared file. Mr. Burnett stated everyone needs to have the same platform. Mr. Stover said to put Mr. Burnett and Mr. Brockenbrough's reviews together in one document. We will review it at the next meeting. We will not add anything else at this time. Mr. Cote asked Mr. Stover if he only wanted to do a five-year review. Mr. Stover stated yes. Mr. Burnett stated he is concerned if we limit it. Mr. Brockenbrough stated the University of Delaware could review and tell us what we have. Mr. Cote stated for future land use it is a five-year review. If it involves State Planning or code that will bump it to an update. Mr. Burnett stated the proposed properties will be a new map and will be an update. Mr. Getty asked if there was a difference in the cost. Mr. Cote recommends we might have to do an update. There are a lot of unanswered questions. As far as cost, he can talk to Council. Mr. Burnett stated we wouldn't do it this year. It would be done next year. We can add to the budget for next year. Mr. Brockenbrough stated we are taking no action at this meeting. Mr. Stover stated we could look at the next meeting to take action. The next meeting can be a workshop to review documents.

Mr. Burnett started discussing changes for the Subdivision Ordinance. Section 5.1-2.3 General Provisions on page 2 original owner – add definition of building line. We should follow Kent County. There are no provisions for a flag lot. Mr. Brockenbrough stated he is okay with it on a town street because the speed limit is low, but not on a main road like Route 300. Mr. Burnett discussed Section 5.3-4.6 on page 13 – final subdivision approvals. We should limit the time frame when a subdivision comes back to a review process. Mr. Brockenbrough stated it is sunseting. Mr. Burnett stated, should we require a bond? We need to revamp this. Mr. Brockenbrough stated this is very important. Mr. Burnett stated he is talking about the Liberty Knoll II development. Section 5.4-3 roads and streets. We need to review the wording. Fire

trucks cannot get through the streets. We should state minimal widths. Mr. Brockenbrough stated there is a table with road widths in the book. Other than multi-family would be single residential. Mr. Burnett stated it should be clarified. Mr. Cote stated he interprets “other than” as everything else. Mr. Stover stated it went from 28’ to 34’. Parking on one side and having houses on both sides can cause an issue. Mr. Burnett discussed Section 5.4-6.3 sewer – we have sewer come into town to make money. On page 40 – sidewalks. There should be a provision for new sidewalks to tie into existing sidewalks. Mr. Brockenbrough stated there is one at Providence Crossing that just stops. Mr. Burnett went on to discuss Section 5.4-8.1 Utilities. The town is looking to go to AMI meters. The developer should bear the cost of the pole. Need to look into the wording. He also stated we need to strike out all mention of the water system. Mr. Brockenbrough stated we should list out what utilities we have. Mr. Burnett stated in Section 5.4-10.2 on page 20 – LED lighting. We need to adhere to the town’s criteria. Mr. Brockenbrough asked if there was a standard or code to refer to. Mr. Burnett stated we need to list lumina. We need to clarify. Mr. Brockenbrough stated we need current town standards. Mr. Burnett discussed Section 5.5-1.3 Bonding. The first section should be clarified. If they start the work, a bond should be required. Mr. Burnett stated a fence should be provided around Railroad Square Apartments. Having a multi-family next to a single-family – this could possibly be a requirement.

Mr. Burnett moved on to the Zoning Ordinance. He stated Town Foreman should be changed to Town Manager and/or appointee. Tiny houses were discussed. The new building codes have codes for tiny houses. Do we need to get ahead of it? We need to look at where we allow them or treat them. Mr. Brockenbrough asked, “where do we allow them?” Should we allow rental or not. Can they sell them? Should it be a subdivision approval or a park approval? Mr. Burnett said States that embrace them treat them as a park. Kent County has approved them.

Mr. Brockenbrough stated we will not be ready at the July meeting, but at a later meeting we should meet with Council. Mr. Stover stated we need to simplify down our notes in a document. We need to set a time limit and move from quarterly to monthly meetings. At the next meeting we can work on the comp plan. Mr. Stover stated at the following meeting we can move to the next ordinance. Mr. Stover stated in Delaware land is being used up so much you don’t want to rule out any piece of ground. Mr. Stover asked if all committee members were good with monthly meetings. Everyone agreed. He stated we need to keep things simplified.

Mr. Smith stated he will discuss with Rob the email accounts being set up. The only thing he asked was that the chairman email be passed on to the next chairman. We need to be careful when sending documents back. You cannot hit “respond all” or you will have a quorum. He recommends that everyone respond to the chairman, and he will disperse.

6. **Next Meeting:**

Mr. Stover stated the next meeting will be June 28, 2023, at 7:00 p.m. If it is categorized as a workshop, you have more flexibility scheduling the meeting. Mr. Ruppert stated we need to have three (3) more meetings. The June workshop meeting will be to discuss the comp plan.

7. **Adjournment:**

Mr. Stover made a motion to adjourn the meeting. Mr. Brockenbrough seconded. Motion carried unanimously. The meeting adjourned at 8:50 p.m.

Recording Secretary,

Sue Muncey