

**MINUTES OF THE MILLVILLE
COMPREHENSIVE PLAN COMMITTEE MEETING
December 18, 2018 @ 1:30 PM**

In attendance were Mayor Bob Gordon, Deputy Mayor Steve Maneri, Town Manager Debbie Botchie, Town Code & Building Official Eric Evans, KCI Technologies representative Debbie Pfeil, Comprehensive Plan Committee Member Sally Griffin, and Town Clerk Matt Amerling.

1. CALL TO ORDER

Mayor Gordon called the meeting to order at 1:30 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

**3. COMPREHENSIVE PLAN 10 YEAR UPDATE – Debbie Pfeil, KCI Technologies, Inc.
A. Land Use**

Ms. Debbie Pfeil, of KCI Technologies, Inc., stated today's workshop has to do with the Town's Comprehensive Plan project update for the land use overview in three (3) different maps: (1) the existing land use map, (2) the future land use map, and (3) the annexation areas and future land use map. Ms. Pfeil stated these are existing maps in the plan the Committee will go over today to see where they need to update. Ms. Pfeil stated the next step will be the vision, goals and recommendations review which will be the first "homework" for this but there will not be a lot of discussion today on it as it will be at the next meeting. Ms. Pfeil further stated out of the Committee's four (4)-phase scope project, the Committee is to plan input and draft documents still and then there will be a plan presentation, public comment and adoption period. Ms. Pfeil stated the next Comprehensive Plan Committee meeting will be the goals and implementation meeting toward the end of January. Ms. Pfeil stated a draft document presentation is scheduled for February to the Committee, and the Committee will meet in the timeframes of February and March to go through the draft document. Ms. Pfeil stated, at that point, in the March timeframe and April, it will be released to the public and the State's Office of State Planning (OSP) for the Preliminary Land Use Service (PLUS); and there will be ample time between April and June for public comment meetings and potential adoption towards the end of June.

Ms. Pfeil stated, as far as the data collection update, we continue to add to the Town, County and State, the County adopted its Comprehensive Plan recently and we just received new census data on two (2) or three (3) tracks the first week of December. Ms. Pfeil stated the Town will have the most current census data in its plan and the same goes with the population projections. Ms. Pfeil stated KCI is continually updating any data they get, and the other data updated is OSP; their annual report for the State came out in October, so KCI will be putting in information from that report as well. Ms. Pfeil stated at the last meeting, KCI went through the strengths, weaknesses, opportunities, and threats (SWOT) of the Town, and Town Clerk Matt Amerling posted those on the Town's website so the public may access them.

Ms. Pfeil stated the gist of the meeting today is to go over the land use and the two (2) particular items the Committee needs to pay attention to: the existing land use (ELU), which is

an inventory of what the Town has today on the ground, whether its vacant, commercial, residential, etc., and what the land is currently being used for today; and the future land use (FLU), which is what the land should be used for in the future. Ms. Pfeil stated between those two (2) maps, there are several discussions, such as finding out whether the Town wants to keep the same zoning use which has been in place “since 1922,” the proper zoning, making sure the land use is compatible with other surrounding areas; or if it continues as a non-conforming, meaning someone purchases the property, as an extension it would lapse back to what it was. Ms. Pfeil stated when looking at land use, the Town looks at the size of the property, the neighboring uses, the environmental constraints, the infrastructure such as water, sewer, transportation, etc., as well as the current land use inventory – for example, whether the Town has more land use categories in one field than another. Ms. Pfeil stated non-conforming land is also discussed and whether there are special exceptions, use variances.

Ms. Pfeil stated there are three (3) factors when doing the zoning. Ms. Pfeil stated the days of just guessing the zoning are over; now, we look at the existing land use to determine the future land use. Ms. Pfeil stated the future land use automatically determines the zone. Ms. Pfeil stated, by law, the two (2) maps – zoning and land use – have to mirror one another, and they have to be inventoried and completed within eighteen (18) months of the Town’s adoption of the Comprehensive Plan. Ms. Pfeil stated the reason we talk about it now is if we took the zoning map completely out of this exercise, and we just changed the land use, a lot of people wouldn’t pay attention to the land use change. Ms. Pfeil stated with land use, which trumps zoning, Ms. Pfeil wouldn’t envision any major changes, but this is the exercise where the Committee goes through and say, “That was changed, we need the map to make sure it’s right.” Ms. Pfeil further stated this won’t be done in just one exercise; we’ll leave the maps because we know Town Code and Building Official Eric Evans’ and Town Manager Debbie Botchie’s expertise has to mark up some of this map. Ms. Pfeil stated what KCI has found in several of its municipalities is that the Town limit boundaries are not correct in the mapping, meaning the Town has gone through a process and some of the paperwork hasn’t been processed or finalized or submitted to change the boundaries. Ms. Pfeil stated the boundaries of the maps are hosted at the OSP, so every annexation the Town has goes through the OSP process, to which the OSP modifies the maps once the adopted, signed and dated resolution gets sent to OSP. Ms. Pfeil stated KCI is finding there’s a disconnect from the mapping to the signing of the resolutions.

Town Manager Debbie Botchie stated it was two (2) years last week Ms. Botchie had a meeting with Mr. Evans, Ms. Connie Holland, of the OSP, and Ms. Janel Cornwell, of County, who does mapping and boundaries. Ms. Botchie stated the Town has more than enough properties where boundary lines separating County and the Town go right through the property, and County said they would rather those properties go all in to Millville, but that requires an annexation process. Ms. Botchie stated Ms. Holland said if the Town could get those people to annex in that portion, the Town wouldn’t have to go through the annexation process. Ms. Botchie stated it is expensive for people to annex, and the County doesn’t want to hear the word “deannexation.” Ms. Botchie stated she can’t get County to move on it, and Ms. Holland told Ms. Cornwell “the ball is in County’s court” because County are the ones who drafted the boundary lines to begin with. Ms. Botchie stated it’s been two (2) years and every time she tries to get up with County, they’re too busy. Ms. Pfeil stated the first thing to do is to validate and say whether the Town’s boundaries are correct. Ms. Pfeil stated there are one (1) of two (2) ways to get the split

boundaries cleaned up: (1) imminent domain, which never happens because of political will and the necessity; and (2) if a property owner wants to come into Town. Ms. Pfeil stated there are a couple of ways this can be done; they can collectively be done. Ms. Pfeil stated, for example, the Town says for properties one (1) through twelve (12), it would like to clean those up and make sure those properties are not half-in, half-out of Town, so the Town would like those property owners to come in for the next six (6) months and give people an opportunity to say whether they are for or against it, but those property owners would have to sign something stating they agree with the action. Ms. Botchie stated Ms. Holland put it “in County’s court” to make sure the boundaries were correct. Ms. Pfeil stated, in everybody’s eyes, the boundaries are wrong until the Town gets legal documentation to make the change. Ms. Botchie asked if the Town can get County pushed on this while the Town is in the middle of its Comprehensive Plan review. Ms. Pfeil stated the Town is required to maintain its Town limit boundaries per Charter; and if the Town’s Charter is metes and bounds, the Town is obligated to update the metes and bounds. Ms. Pfeil further stated the updated Charter is referred to the official zoning map that’s kept in the Town. Ms. Botchie stated the Town changed its Charter, it does not have metes and bounds. Ms. Pfeil stated she would have the Town mark up its map to say “this piece is in Town,” and the first thing needed would be a signed resolution stating the parcel is (in Town), and once she has that, the Town starts a list to have the State and the County update the records. Ms. Pfeil stated she’s going through this with four (4) other Towns now, and now is the time to do it; and it doesn’t mean everyone will be annexed and the lines will be split, because that’s about a ninety (90)-day process, but we can identify them to say “here’s the list of housekeeping clean-up where the mapping didn’t match the legislation.” Ms. Botchie stated she has the maps in her office. Town Code and Building Official Eric Evans stated what he thinks Ms. Pfeil is saying is the Town has a letter from these people saying they want to annex in (to Town), the Mayor and Council does a resolution annexing in the properties, and County then has to correct all of it. Ms. Pfeil stated the County is not responsible for the Town limit boundaries; the boundaries are actually hosted by the OSP through the FirstMap, and the FirstMap is what they have as official. Ms. Pfeil further stated the Town may have some that came through and they just never got an ordinance or resolution to seal it; so what the Town needs to do is mark-up deficiencies and send them to Miriam at State mapping, who will correct them because we give her the resolutions. Ms. Pfeil stated regarding the half-ins, half-outs, during the Comprehensive Plan process, the Town can notify everybody and let them know they can come in and look at them to clean them up. Ms. Pfeil stated in the past eight (8) years, she does not have any split parcels – they’re either all in or all out – and that way the control of the land use, the water, the sewer, can be assigned. Ms. Botchie stated right now, she has one person who’s half-in, half-out who wants to de-annex from the Town because he can build more under County jurisdiction than he can in the Town jurisdiction; and more of this property is in County than it is in Millville. Ms. Pfeil stated she would refer the de-annex to a lawyer. Ms. Botchie stated Ms. Holland didn’t want to hear the word “de-annex.”

Ms. Pfeil stated the first step in “homework” is probably more for Ms. Botchie and Mr. Evans, which is to identify the Town limit boundaries because the last update was from the State from early 2018. Ms. Botchie stated Mr. Andrew Lyons of GMB is already working on it. Ms. Pfeil stated this is all just “housekeeping” but if there are any more discrepancies, Ms. Pfeil will let the Town know it needs more research. Ms. Pfeil stated she will send it to the State once they get the documentation, and she will let the Town know the “housekeeping” will be completed.

Ms. Pfeil further stated once the Town gets “housekeeping” over, there is a couple of different options. Ms. Pfeil stated since Millville is really good about rezoning and doesn’t have a lot of zoning uses, with the existing land use, the Town just wants to take a cursory look to see if it is correct and if there is anything which has majorly changed on it. Ms. Pfeil stated she’s less concerned with the existing land use, but it is the future land use which is the map to pay attention toward.

Ms. Pfeil stated the categories being used for the future land use map are commercial, institutional, the master planned community (MPC), open space, residential, and utility. Ms. Pfeil stated if anyone who needs to change their zoning, this is the time to do it. Mr. Evans stated the parcel to the west, on the east side of Route 17, is incorrectly zoned as land use (commercial) on the Town’s current map, and it should be zoned residential planned community (RPC). Ms. Botchie stated, with this parcel, back when Dove Landing (now Bishop’s Landing) was originally approved, it was allowed to have a commercial component, making up twenty percent (20%), but it never should have been zoned as commercial on the zoning map. Mr. Evans asked Ms. Botchie if she would want the land at the corner of Powell Farm Road and Route 17 to remain zoned as MPC for the future land use. Ms. Pfeil stated if the Town doesn’t know now, it can always amend the application if somebody is not going to come in and ask for a change. Ms. Botchie stated she thinks the property owner plans on selling off each of the properties. Ms. Botchie stated with the RPC and MPC, they have to have a certain amount of commercial; so when Millville by the Sea (MBTS) came in to subdivide its property for Beebe, MBTS took a portion and turned it into mixed use commercial – so it could be residential and commercial. Ms. Pfeil stated so if Beebe or someone like them came in now and wanted to be in Town, they can’t go in institutional, open space or residential, but only MPC or commercial.

Mr. Evans asked if the Town wants commercial zoning on Burbage Road. Ms. Pfeil stated the intent is to not take property rights away, to talk about development and transfer. Ms. Pfeil stated the future land uses are if there are large pieces and where do you want to see it, and the good thing about Millville is it has large tracks of land where it can do the mixed use. Mr. Evans stated Atlantic Avenue was always commercial and, except for the Giant Food and Weis Market shopping centers, it’s the small-scale commercial the Town is going for. Mr. Evans stated there is vacant land on Route 17 and asked whether the Town would like to see it as residential or commercial. Ms. Botchie stated she thinks it should go commercial. Ms. Pfeil stated the Committee will do Town limits at a separate date. Ms. Pfeil stated if a parcel is zoned MPC, and it allows commercial, it doesn’t need to be changed, and leaving MPC gives the option of commercial and residential rather than pigeon-holing to just commercial alone. Ms. Botchie stated the MPC has to meet the building criteria of having a certain amount of single family home, a certain amount of other product, and twenty-five percent (25%) commercial. Ms. Pfeil stated so it would be new mix, a new village. Ms. Pfeil asked Ms. Botchie, based on calls for demand, is there anybody Ms. Botchie thinks has shown an interest in changing their land use, because now is the time to do it. Ms. Botchie stated there was talk at one time in which a few parcels wanted residential in the back and commercial in the front, but they wouldn’t be able to do it today; however, there is coming application on a parcel to develop commercial. Ms. Pfeil stated if someone came in and wanted to develop all commercial, but they soon change their mind due to banking, etc., and want the back half to be residential, they would have to come in front of the Town and say they’d like to amend the Town’s future land use map and its zoning

map which would allow them to label it as MPC. Ms. Pfeil stated the case would be heard, the site plan would be attached to it, and the Town would change its amendment, which goes with development trends. Ms. Botchie stated there are some parcels which have the boundary issue, and they are vacant lots – and “back in the day,” with County, it was a subdivision – and the property owner, Mrs. Banks, who owns another property next to them which is commercial. Ms. Botchie stated she thinks all of the parcels should be cleaned up as commercial, because if there’s a lot of commercial in front of it, who would put a little house right there? Ms. Pfeil stated if the Town wants to do clean-up in that area, the Town would have someone write it a letter, stating they want their future land use to go from a certain category to another category, and the Town needs the parcel numbers. Ms. Pfeil further stated if they write the letter and want to be considered during this phase, the Town would entertain it during this process, change these, and they would actually have to go through the annexation process with the appropriate zoning, and those areas would be “cleaned up” after the Comprehensive Plan. Ms. Pfeil stated anyone else who has an interest in changing future land use would need to submit a letter to the Town and the “clean-up” would only be for people already in Town now; if they’re not in Town, it would be a brand-new annexation and they’d have to go through the annexation process “on their own dime.” Ms. Pfeil stated KCI can provide the listing of those who are half-in, half-out, and we can go from there.

Ms. Pfeil stated right now, the Town’s Comprehensive Plan is not in compliance because a parcel is zoned residential and the Town’s future land use says commercial; so to meet the zoning compliance, the Town would notify the property owner and say “your zoning is residential, we want to change land use to residential,” which will make them in compliance; otherwise, the property owner may run into a problem with the bank. The Committee reviewed the commercial and residential parcels. Ms. Botchie stated someone has approached the Town with an application for a new subdivision with only single family homes. Ms. Botchie stated there is commercial nearby and the property owner was wondering if they could get a commercial component in just the two (2) front lots. Ms. Pfeil stated they would have to subdivide and come in to do a map amendment; they’d have to send a letter requesting the change and now is the time to do it. Ms. Pfeil stated if someone wanted to do something like a bed-and-breakfast, they would have to come out on a case-by-case basis and look at the land use. Mr. Evans stated the Town has to investigate the Town limit lines and check up on the corridors of commercial and residential.

Ms. Pfeil stated the next maps has two (2) tiers, one being areas of concern and the other being the PLUS marks that are the annexation areas, which says if someone wants to come into Town, Millville has “first dibs.” Ms. Pfeil stated the applicant’s property has to be contiguous to Town. Ms. Pfeil stated with the areas of concern, it is usually secondary and the Town doesn’t know if it’s going there, but the Town wants first choice. Ms. Pfeil stated since Town doesn’t provide water and sewer, its competition is with the County and it’s usually on density or uses. Ms. Pfeil stated if a property owner can do something or has amenities in County the Town doesn’t have, they’ll go with County. Mr. Evans stated when it comes to density, Mr. Evans thinks the Town is pretty comparable to County. Ms. Pfeil stated in the growth area, if a portion comes into Town, it would be residential and if they wanted anything different – they went to County and got commercial – they can come in and request an amendment to the Town map unless the Town wants to make it commercial. Ms. Pfeil stated when you look at where the Town’s growth is, it’s

commercial along the Town's major transportation area, and residential, mixed use all around the surrounding areas, which is great because the Town doesn't have a lot of spot land use to do the Town's zoning. Ms. Pfeil stated once the in-town and out-of-town maps gets completed, KCI will inventory this by a spreadsheet, take up all the data which backs up the Town's zoning, and matching up land use with zoning, sees what is not in compliance with the future land use; and if there's any discrepancy, it needs to be discussed now. Ms. Pfeil stated she doesn't see any huge discrepancies which are sticking out and will be very hard to deal with and do as far as issues to research. Ms. Pfeil further stated once identified, it comes down to "do we change the future land use?" or "do we change the zoning?" Ms. Pfeil stated they both have potential positive and negative ramifications but our job is to make sure the property rights aren't taken and they're consistent. Ms. Botchie stated one of her main concerns is the property rights. Ms. Pfeil stated usually if you've already done the zoning, they try to make the land use match the zoning, and let the property owner know his land use is being changed to match the zoning, which is more conducive for the property owner.

Ms. Pfeil stated since the Town didn't have a lot of major changes – meaning the Town wants to grab more growth area, or take less growth area, or do some crazy new zoning – the other things which weigh into the factors are who's doing water and sewer, which the Town has no control over; environmental features have an impact, so if someone comes in and says, "what's my wetlands, what's my water bodies?" they will be able to come in and say, "I think my property's worth this," and the Town can say, "that's great because you have one-hundred percent (100%) wetlands." Ms. Pfeil showed a map which she said is on First Map, which is a free map available on the State's website for the OSP, and it shows all the different layers of all the different watersheds, the wellhead protection, the one-hundred (100)-year flip. Ms. Botchie stated the Town doesn't have anything on wellhead protection. Ms. Pfeil stated this is in the County because the wellhead protection is driven by Tidewater, so even though people feel they have the value on the future land use as commercial, and they have the zoning as commercial, it doesn't mean the entire property is developable. Ms. Pfeil stated, for instance, when someone has fifty (50) acres, and they want to do so much square-footage of commercial, the Town starts regulations by putting in setbacks, buffers (sometimes), all of the environmental features (i.e., water, wetlands, floodplains, wellhead protection, etc.), and all of these aspects may take the developable acreage from fifty (50) down to ten (10) – it all depends on the property. Ms. Pfeil stated there are different levels for State strategies, with level one (1) being where the State said all of the infrastructure is in place; level two (2) is the secondary level out of play where the State is not going to help with any investment; level four (4) is questionable but most municipalities are at a level one (1) or level two (2) area, and it means the Town has its stuff in place and it has infrastructure and that's what the State wants to see. Ms. Pfeil stated KCI is not changing the Town's growth boundary – only changing a couple of future land uses, basically from residential to commercial – and KCI will audit them.

Ms. Pfeil stated the "homework" is the vision, goals and recommendations, which will be updated at the next meeting, as well as map verification. Ms. Pfeil stated the next Comprehensive Plan Committee meeting will be in late January, and Ms. Pfeil and Ms. Botchie will be meeting with County on wastewater capacity. Ms. Pfeil stated KCI will want to take what County has in its comprehensive plan, and sit down with Hans Medlarz, who runs the engineering department, to ask if the Town has any capacity issues or anything County is

needing for expansion in Millville? Ms. Pfeil further stated when it comes to water providing, Millville has nothing to do with it as it's between the developer and the property owner, so KCI will count on County and Tidewater to help create the two chapters and refer back to them. Mr. Evans asked when does the water tower come into play and does Millville have a say in how much water will be needed? Ms. Pfeil stated Millville has no say in that but Ms. Pfeil would recommend the Town to send the building permits the Town receives to the County and Tidewater monthly. Ms. Pfeil stated when it comes to putting up a tower and how much it will hold, that is up to County and Tidewater. Ms. Valerie Faden, of Beach Plum Drive, asked if the Town will do the same thing with the roads as it would with the water. Ms. Pfeil stated the roads are under DelDOT's jurisdiction, and KCI would take the latest State plans they have and overlay that in the transportation map. Ms. Faden stated she would hope DelDOT would make improvements to Route 17 particularly because of growth in the area. Ms. Pfeil stated the only thing the Town gets to do with that is it takes DelDOT's last minor/major collector arterials and, when projects like Beebe go to DelDOT for approval, DelDOT will determine the right-of-way, a traffic impact study and whether a traffic signal is needed or not. Ms. Pfeil stated if the one intersection gets clogged, DelDOT can make all future developments put in money to pay for a traffic signal in the future if/when needed.

Ms. Pfeil asked Ms. Botchie to give Ms. Pfeil the stuff the Town worked on two (2) years ago, and KCI can create a spreadsheet of the "housekeeping" and identify the half-in, half-out relief. Ms. Botchie stated the Town's engineer is updating the zoning map, putting in all of the communities and so forth.

4. ADJOURNMENT

Mayor Gordon motioned to adjourn at 2:51 p.m. Town Manager Debbie Botchie seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk