

MINUTES OF THE MEETING OF THE  
ANNEXATION COMMITTEE

October 22, 2018

4:30 p.m.

Councilman H. William Mulvaney called the meeting to order with the following people present: Councilwoman Leanne Phillips-Lowe, Charles Anderson, City Manager and Trisha Newcomer, Director of Economic Development and Community Relations.

The first item on the agenda was to present a petition for an annexation request from Wheaton's Incorporated for annexing TMP 531-12.00-40.00; located at 24960 Dairy Lane, Seaford, DE, 19973. The petition, which was submitted on September 24, 2018, was reviewed by the committee. The property petitioner's reason for requesting annexation is to obtain City utilities and City policing. City Manager Anderson added that the existing land use map does not define any land use. Therefore, an item is on the agenda for tomorrow night's City Council meeting for a map amendment requesting this area to be added with the commercial designation. He added that schools are permitted in residential areas with a special exception and allowed in commercial districts with a variance. Therefore, they may need to request a special exception or variance depending on the final City zoning of the property.

The second item on the agenda was to discuss the draft annexation committee report. City Manager Anderson reviewed the draft report that was prepared. The property identified for annexation is located adjacent to West Stein Highway and contains commercial buildings and other ancillary facilities. The Department of Transportation must approve any new or revised entrances on the roadway, as it is State maintained. There is a municipal storm water system in close proximity to these lands. A storm water line serving Sussex Avenue Extended, Atlanta Road and Nylon Blvd areas of the City exists in an easement area located to the north of the subject property. The outfall of the storm water piping discharges to Chapel Branch west of the site. Any storm water management system to serve these lands will have to be designated by the developer and approved by the Sussex Conservation District office.

The proposed areas of annexation are zoned as follows:

TMP# 531-12.00-40.00, current Sussex County zoning is General Business and the City of Seaford requested zoning is C-2 Highway Commercial District.

The subject parcel receives electrical services from Delmarva Power. Upon annexation the City will amend its service territory agreement with Delmarva Power through the Public Service Commission to include the annexed lands. The City of Seaford currently has a gravity sewer main and water main near the subject property. The owner will need to provide the City the necessary easements prior to acceptance of streets, water mains, sewer mains, and electric installations. The land will be taxed based on the City assessment following the annexation.

The advantages to the City for this proposed annexation were then discussed. The City may benefit from an increased tax base, there is an opportunity to provide utility services (electricity, water and sewer) to the parcel and spread the cost of service over a larger user base. There is a local control of development at the local municipal level by having authority over it; being able to implement the municipal codes to maintain the property-based complaints received. This area would be served by Municipal Police force, which will reduce property owner confusion and minimize dispatcher time (currently the area is serviced by the State Police, which is confusing to the property owners who have a Seaford address but are not within City limits). The governing body that will be the most impacted by the land use decisions will be making those decisions. This is with keeping with Livable Delaware and minimizing sprawl. The incorporation of this property into the City limits would eliminate an “enclave” of non-annexed County land surrounded (on two sides) by Municipal land.

The disadvantages to the City were then discussed for the proposed parcel. With continued growth, the City will have to expand personnel to provide all of the expected services. The expansion may increase the operating and capital budgets and will increase the area for City departments to serve. Traffic may increase on area roads in the event that redevelopment of the property occurs. If the property redevelops, accidents could increase without improvements to the adjoining roads and intersections. A traffic plan should be prepared if development is planned. There will be an added number of requests to the City for reviews of plans, service extensions, Code, and Police services.

The advantages to the area proposed for annexation were then discussed. The area will receive all utility services from one owner so coordination of service will be less complicated. They will be provided local police protection with anticipated shorter response times. All permitting will be coordinated through the City. Support will be provided in obtaining other agency permits. A checklist will be provided for development, local government will do the zoning of the lands and snow removal on all City owned public streets, leaf and limb pickup at the curb and maintenance such as paving, pavement markings, etc. All complaints will be made to the City and the property owners will receive local representation for concerns through the elected officials who have to live in the community. They will benefit from municipal water and sewer services, once extended by the owner.

The disadvantages to the area proposed for annexation were discussed. They will have to adhere to local codes and ordinances, in building and maintaining facilities, which may be perceived as additional paperwork and more restrictive. They will have only one vendor for utilities – water, sewer and electric. They will have to adhere to more restrictive codes in placement of outside storage and appearance of the property.

City Manager Anderson stated that the annexation request is scheduled to go through the Office of State Planning; Preliminary Land Use Service review. He has not heard back yet about the date of the meeting.

City Manager Anderson stated that the draft recommendation included in the report is to proceed with the proposed annexation process for this property.

Councilman Mulvaney asked for any questions from the committee. Councilwoman Phillips-Lowe asked if the lane off of West Stein Highway would be their own personal driveway or a City street? City Manager Anderson stated that at this time it would be the property owners to maintain. He added that they may request for the road to be dedicated back to the City. If this is requested, the City would have our engineer, GMB evaluate the road to look at any improvements that would need to be made prior to the dedication.

The committee did not elect to make a visit to the site.

The committee agreed that the annexation committee report was not in need of any modifications or changes.

With no further questions or comments, Councilman Mulvaney made a motion to make a recommendation to City Council at their next meeting to move forward with the annexation request received from Wheaton's Incorporated. Councilwoman Phillips-Lowe seconded the motion; motion so passed with all present voting in favor.

Councilman Mulvaney adjourned the meeting at 4:46 p.m.

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Charles Anderson, City Manager