

TOWN OF WYOMING

***2016 Amendment
to the
2011 Comprehensive Plan***



Adopted

December 5, 2016
Ordinance 33-16

Sponsor: Frankie Dale Rife
First Reading: passed
Final Reading: Dec 5, 2016

ORDINANCE #33-16

**AN ORDINANCE ADOPTING THE TOWN OF WYOMING 2016 AMENDMENT TO
THE 2011 COMPREHENSIVE PLAN**

WHEREAS, the Town of Wyoming has established a Planning and Zoning Committee as authorized by 22 Del. C. § 701;

WHEREAS, the Planning and Zoning Committee of the Town of Wyoming is authorized pursuant to 22 Del. C. § 702(a) to prepare a Comprehensive Plan for the Town of Wyoming;

WHEREAS, the Town of Wyoming adopted a Comprehensive Plan in 2004 and subsequently updated the Comprehensive Plan in 2011 and again in 2015;

WHEREAS, the Town of Wyoming has determined that it is necessary to update the Comprehensive Plan to incorporate a newly-annexed property into the Future Land Use Map and to change the land use classification of another parcel on the Future Land Use Map ("2016 Comprehensive Plan Amendment");

WHEREAS, at a meeting held September 13, 2016, the Planning and Zoning Committee voted to recommend approval of the 2016 Comprehensive Plan Amendment to the Town Council, which amendments were forwarded to the Town Council for review and consideration;

WHEREAS, the Town of Wyoming held a duly noticed public hearing on November 7, 2016 at which time all interested parties were given the opportunity to provide comments on the 2016 Comprehensive Plan Amendment;

WHEREAS, the 2016 Comprehensive Plan Amendment was submitted to the Delaware Office of State Planning Coordination ("OSPC") for PLUS review, and the Town received comments back from the OSPC in a letter dated November 29, 2016;

WHEREAS, the Town of Wyoming has considered the PLUS comments and made revisions as needed to the 2016 Comprehensive Plan Amendment; and

WHEREAS, the Town Council of the Town of Wyoming has determined it to be in the best interest of the Town of Wyoming to adopt the 2016 Comprehensive Plan Amendment.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Wyoming, a majority thereof concurring in Council duly met, that the Town of Wyoming 2016 Amendment to the 2011 Comprehensive Plan, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted by the Town of Wyoming.

AND BE IT FURTHER ORDAINED THAT this Ordinance shall be effective upon the date of its adoption.

Synopsis

This ordinance adopts the Town of Wyoming 2016 Amendment to the 2011 Comprehensive Plan.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on December 5, 2016.

Attest: *Laura Comer* So Certifies: *Tracie Dale Rupp*
Town Clerk Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on Dec 6th, 2016.

12/6/16 So Certifies: *Laura Comer*
Date



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

November 29, 2016

Ms. Laura Connor
Town of Wyoming
1 N. Railroad Ave.
Wyoming, DE 19934

RE: PLUS review 2016-10-03, Wyoming Comprehensive Plan Amendment

Dear Laura,

Thank you for meeting with State agency planners on October 26, 2016 to discuss the proposed comprehensive Plan Amendment for the Town of Wyoming. This amendment will change the future land use for a parcel on Railroad Ave., and add a newly annexed parcel on Willow Grove Road to the Town's Future Land use map.

Please note that changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact David Edgell 739-3090

- The proposed amendments to the future land use plan are all located in Investment Level 1 according to the *Strategies for State Policies and Spending*. Our office has no objections to the proposed changes.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- In one place on page 3 of the draft amendment, the house number for the Willow Grove Road parcel is incorrect. The correct number is 12181.

State Historic Preservation Office – Contact Terrence Burns 736-7404

- The parcel on 27 Railroad Avenue is in the Wyoming Historic District K06352), which is on the National Register of Historic Places. There is a known warehouse (K-5412) on the parcel, but the other warehouse (K-5413), which was on the parcel is no longer there. The parcel on 12181 Willow Grove Road is not in the Wyoming Historic District.

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

- If there is any federal involvement with the project, in the form of licenses, permits, or funds, the federal agency through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at www.achp.gov.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment and the adopting ordinances to the Office of State Planning Coordination for our records. The plan amendment must include a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan.

Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink, appearing to read "Constance C. Holland".

Constance C. Holland, AICP
Director, Office of State Planning Coordination

cc: Linda Raab

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TOWN, COUNTY, AND STATE OFFICIALS

Town of Wyoming

| | |
|-----------------------------|--|
| Town Council | Frankie Dale Rife, Mayor Terry Witt, Vice Mayor Georgette Williams, Secretary Kyle Dixon, Treasurer Doug Denison, Council Member |
| Planning & Zoning Committee | Phyllis Brooks Collins, Chair Jonny Johnson Michael Petyo Ernest Piazza Tiffany Rife |
| Town Attorney | D. Barrett Edwards, IV, Esq. |
| Town Staff | Pamela Haddick, Finance Clerk Laura Connor, Town Clerk Lew Denham, Town Maintenance |

Kent County

| | |
|------------------------------|--|
| Levy Court Commission | P. Brooks Banta, District 1 Bradley S. Eaby, District 2 Alan F. Angel, District 3 Eric L. Buckson, District 4 George Jody Sweeney, District 5 Glen M. Howell, District 6 Terry L. Pepper, At-Large |
| County Administrator | Michael J. Petit de Mange, AICP |
| Planning Services Department | Sarah Keifer, AICP, Director |

State of Delaware

| | |
|---------------------------------------|---|
| Governor | Jack A. Markell |
| Senate | Colin R. J. Bonini, District 16 Brian J. Bushweller, District 17 |
| House of Representatives | Sean M. Lynn, District 31 Lyndon D. Yearick, District 34 |
| Office of State Planning Coordination | Constance C. Holland, AICP, Director |

INSTITUTE FOR PUBLIC ADMINISTRATION

This Plan Amendment was prepared by the Town of Wyoming Zoning Committee with assistance from the Institute for Public Administration (IPA), a unit within the University of Delaware's School of Public Policy & Administration. IPA links the research and resources of the University of Delaware with the management and information needs of local, state, and regional governments in the Delaware Valley. IPA provides assistance to agencies and local governments through direct staff assistance and research projects as well as training programs and policy forums.

Institute Director

Jerome R. Lewis, Ph.D.

Wyoming Plan Amendment Team

Linda Raab, AICP, Project Manager

Nicole Minni, GISP, Mapping and GIS Support

INTRODUCTION

On May 2, 2011, the Town of Wyoming adopted a complete update to its comprehensive plan which was certified by the governor on November 18, 2011. The 2011 plan was amended on September 12, 2016 by Ordinance 28-16.

The primary purpose for this Plan Update is to change the future land use designation for a single parcel that was not included in the future land use designations on adopted in the 2015 update. A second purpose is to add a newly annexed parcel to Wyoming's future land use map.

RELATIONSHIP TO 2011 PLAN UPDATE AND 2015 UPDATE

This Plan Amendment must be read together with the *2011 Update to the 2004 Town of Wyoming Comprehensive Plan*, adopted May 2, 2011 and certified by the governor on November 18, 2011 and the *Town of Wyoming 2015 Amendment to the 2011 Comprehensive Plan* adopted September 12, 2016 by Ordinance 28-13. The maps and text in this document supersede the maps and text of the 2011 Plan Update as amended. Where there appears to be conflicts between this Plan Amendment and the 2011 Update as amended on September 12, 2016, this Plan Amendment shall govern.

PLAN AMENDMENT PROCESS

This section describes the Plan Amendment adoption process. It includes plan preparation by the Planning & Zoning Committee, state review under the Preliminary Land Use Service (PLUS), local public outreach, and Town Council adoption.

Planning & Zoning Committee Review

Title 22, Section 702(a) of the *Delaware Code* assigns responsibility for the preparation of comprehensive plans to planning commissions. Section 2-1C of the *Wyoming Land Use and Development Ordinance*, charges the planning and zoning committee with this responsibility.

At the meeting of September 13, 2016, the Planning & Zoning Committee recommended that the Town Council adopt this Plan Amendment.

State Review

Title 29, Section 9203 of the *Delaware Code* requires that the state review and comment on county and municipal comprehensive plans, including amendments to plans. Known as the Preliminary Land Use Service (PLUS), the process involves review and comment from state departments and agencies. The Office of State Planning Coordination (OSPC) organizes the review and comment process.

On October 26, OSPC and the state agencies involved in the PLUS process reviewed this Plan Amendment. In a letter dated November 29, 2016, OSPC provided comments that registered no objections to the changes contained in this Plan Amendment.

Town Council Review and Adoption

This section outlines the Town Council's adoption process.

Town Council Hearing

On December 5, 2016 the Town Council held a public hearing on this Plan Amendment. All interested parties were given an opportunity to provide comments on it.

Town Council Adoption

On December 5, 2016 the Town Council enacted Ordinance 33-16 adopting this Plan Amendment by majority vote.

PLAN AMENDMENT DETAILS

This section of the Plan Amendment document provides details about the land use change for 27 Railroad Avenue and the newly annexed 12181 Willow Grove Avenue. The locations of these parcels are shown on the map that follows this page.

Land Use Change

This Plan Amendment changes the land use for the following parcel.

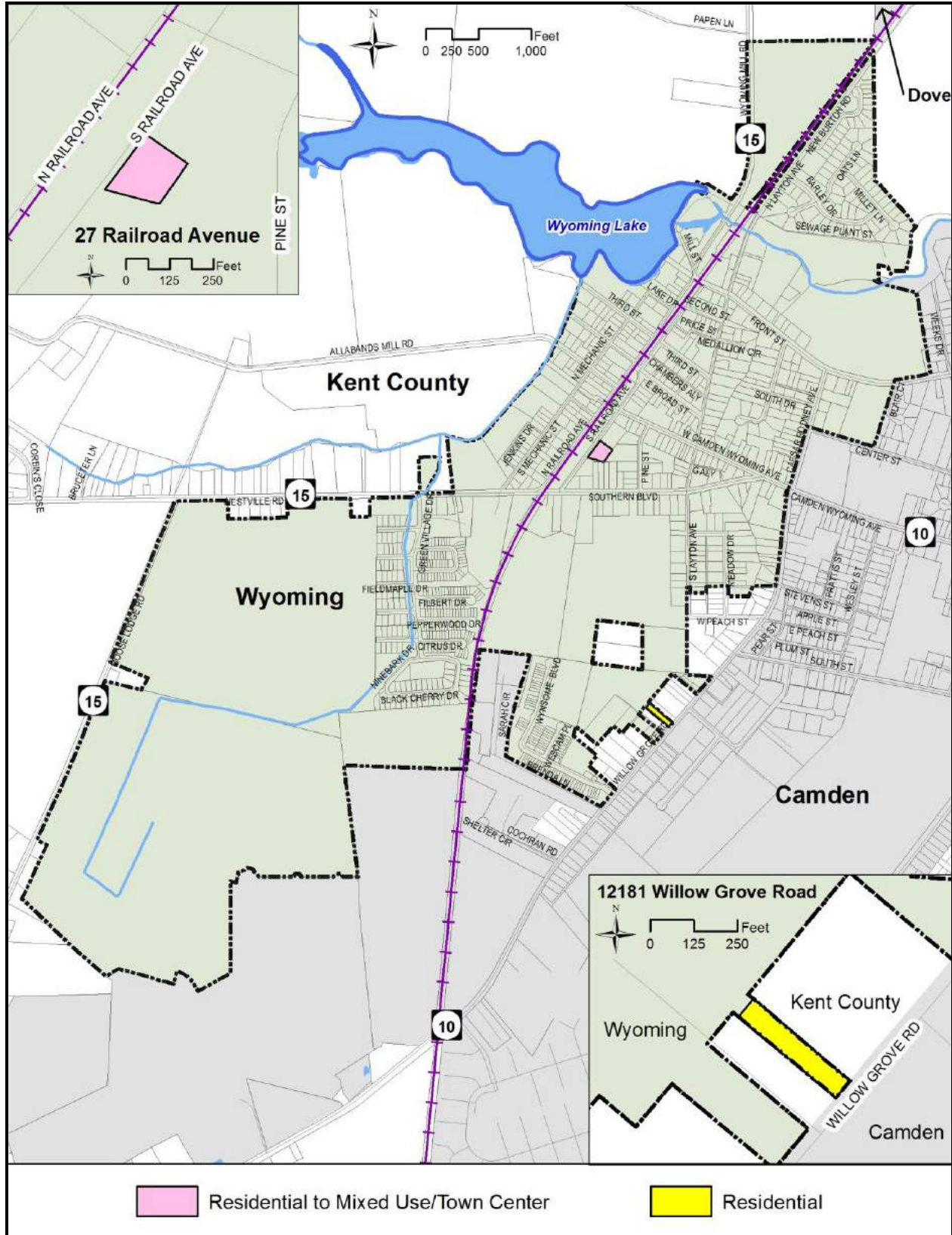
| | |
|---------------------------|--------------------------------|
| Property Location | 27 Railroad Avenue |
| Parcel ID | 7-20-09406-03-3200 |
| Owner Name | Witt, Terry B. |
| Owner Address | 107 W Camden Wyoming Ave |
| State Investment Level | Level 1 |
| 2011/2015 Future Land Use | Residential |
| New Future Land Use | Mixed Use/Town Center |
| Existing Zoning | R-1, Single-Family Residential |
| Zoning Change Needed? | Yes |

Addition of Newly Annexed Parcel

This Plan Amendment shows 12181 Willow Grove Road within the town boundaries. This parcel was annexed on September 12, 2016 and recorded with the Kent County Recorder of Deeds on [DATE]. The 2011 Plan Update and 2015 Plan Amendment included this parcel in Wyoming's annexation area and designated it for Residential land uses. Map 7 in this Plan Amendment designates this parcel as Residential.

| | |
|-------------------------------|--------------------------------|
| Property Location | 12181 Willow Grove Road |
| Parcel ID | 7-00-09410-01-4100 |
| Owner Name | Heist, Kristian |
| State Investment Level | Level 1 |
| 2011/2015 Future Land Use | Residential |
| Future Land Use at Annexation | Residential |
| Zoning at Annexation | R-1, Single-Family Residential |

Location Map—Land Use Change and Newly Annexed Parcel



IMPLEMENTATION

This section identifies the provisions of the *Delaware Code* that Ocean must comply with following adoption of this Plan Amendment.

Comprehensive Rezoning

Title 22, Section 702(c) of the *Delaware Code*, requires that every municipality:

... within 18 months of the adoption of a comprehensive development plan or revision thereof, amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan.

Table 2 shows the link between land use and zoning. This link is important because it provides guidance as to the zoning districts that would be considered consistent with the future land use designations in the 2011 Comprehensive Plan as amended by the 2015 Plan Amendment and this Plan Amendment and Wyoming's zoning districts.

Table 1. Land Use and Zoning Link

| Land Use Designation | Zoning District(s) |
|----------------------------------|--|
| Open Space | OS |
| Residential | R-1, R-2 |
| Mixed Use/Commercial Residential | New Zoning District or revision of an existing zoning district |
| Mixed Use/Town Center | TC |
| Commercial | C-G |
| Industrial | I-1 |
| Community Uses | All Zoning Districts |
| Utilities | All Zoning Districts |

Plan Update

Section 702(e) of the *Delaware Code* also requires that;

At least every 5 years a municipality shall review its adopted comprehensive plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas. The adopted comprehensive plan shall be revised, updated and amended as necessary, and readopted at least every 10 years ...

Since this document is an amendment, not a complete re-vamping of the 2011 plan, Wyoming must fully update the entire comprehensive plan by 2021.

Annual Reports

Section 702(f) requires the submission of annual reports to OSPC each July 1.

MAP








Map 7 on the following page includes the land use change for 27 Railroad Avenue and 12181 Willow Grove Road. This Plan Amendment hereby supersedes and replaces Map 7 in both the 2011 Plan Update and the 2015 Plan Amendment.









**TOWN OF
WYOMING**
Kent County, Delaware
**2015 Comprehensive
Plan Amendment**

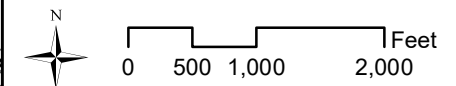
Map 7. Future Land Use 2016
Supersedes Map 7 in
2011 Plan and 2015 Amendment

Land Use Designations

-  Open Space
-  Residential
-  Mixed Use/Town Center
-  Commercial
-  Industrial
-  Utilities
-  Community Uses

Base Map Data

-  Wyoming Boundary
-  Railroads
-  Roads
-  Parcel Boundaries
-  Water Bodies
-  Streams



Sources

Parcel Boundaries - Kent County Department of Planning Services Mapping/911 Addressing Division, 08/25/2015.
Municipal Boundaries - FirstMap, edited by IPA to reflect annexation of 12181 Willow Grove Road on 09/12/2016.
Roads, Water Bodies, Streams & Railroads - FirstMap.

This map is provided by the Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. IPA makes no claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein, and IPA will not be held responsible for any use of this document for purposes other than for which it was intended.



Adopted 12/05/2016 Ordinance 33-16

