

**CITY OF MILFORD
PLANNING COMMISSION**

Minutes of Meeting

January 20, 2009

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, January 20, 2009.

PRESIDING: Chairman Brendon Warfel

IN ATTENDANCE: Commissioners Kim Stevenson, Chuck Rini, Karen McColley, Marvin Sharp, John Kramlich, James Burk

Also: City Planner Gary Norris, City Solicitor Tim Willard, Department Administrative Assistant/Recording Secretary Christine Crouch

Mr. Warfel called the meeting to order at 7:00 pm.

APPROVAL OF MINUTES

With a motion by Mr. Rini, seconded by Mr. Sharp, the minutes from the December Planning Commission meeting were approved as written. Mr. Sharp stated since he was absent last month, he abstained from voting to approve the minutes.

UNFINISHED BUSINESS

Ordinance 2008-18

Zoning Code Amendment

C-1 & C-2 District Density

Mr. Willard apologized for the delay in the commissioners receiving a copy of the proposed ordinance, which was updated today. A copy of the most recent draft was provided to the commission at the meeting. Mr. Willard provided a history of the existing C1, C2 and C3 district as it relates to density. The proposed changes will establish all single family dwelling units in C1, C2 and C3 will have a minimum lot size of 3630 square feet and would clarify density for residential units could not exceed 12 units per acre. Further, in C2, the multifamily use would have to be in conjunction with non-residential use and could not exceed two times the commercial square footage.

Mr. Norris commented the planning commission needs to decide if they want residential uses in commercial zones. Further, in C2, there may be an opportunity for elderly housing to be developed and this change allows for that development. "Single family dwelling" is not currently in the code definitions and would like that changed to "single family detached dwellings". Mr. Norris directed Mr. Willard's attention to §230-45 which states a conditional use is required whenever multiple uses are on a commercial zoned property. Mr. Warfel questioned if that code was added in 1992 because of this very issue. The City's specific statute would outweigh this miscellaneous statute though. Mr. Willard was unsure how to interpret §230-45 and would like to review the history of the amendment via the minutes of June 29, 1992. Mrs. Crouch will provide those minutes to Mr. Willard.

Mr. Rini requested clarification on why the specific statute would hold more meat than §230-45. Mr. Willard was not certain that what he stated is correct, actually.

Mr. Warfel would prefer to see C3 allow those uses permitted in C2. Again, using §230-45 would require multi uses to obtain a conditional use.

Mr. Willard will re-draft the ordinance and provide a copy at the February meeting. A motion by Mr. Rini to table the item until the March meeting was seconded by Mrs. Stevenson. Motion carried unanimously.

NEW BUSINESS

City Planner Report

Parking Lot Landscaping

Mr. Norris provided information about parking lot landscaping suggesting this requirement be added to our code. He also provided copies of the parking data from recent applications seen by the commission and how these changes would affect those projects.

Mr. Warfel stated the city needs to be careful asking for additional requirements of development. Concerns of the commission included tree roots in asphalt and fires in mulch from cigarettes. Landscaping as a design feature has been pushed for by the commission lately, however the majority of the commissioners did not feel landscaped parking lots was needed. The “go green” efforts of the state was discussed by Mrs. McColley. She felt the city should consider this requirement. Mrs. Stevenson reviewed the lighting section of what Mr. Norris provided and after conducting research, printed copies of ideas she would like to see implemented and submitted the information to Mr. Norris for his review.

Mr. Warfel questioned whether council was pushing this topic. Mr. Norris reminded him this would require a recommendation from the planning commission, should it become an ordinance. The maintenance of these landscaped parking lots could be an issue. Mr. Sharp asked how the city would require the maintenance of the landscaping in parking lots. Mr. Norris stated the property owner would be required via the property maintenance code of the city.

Mr. Warfel questioned where the end of the requirements would come into play. This is potentially a private land issue. This requirement has the potential to discourage economic development in Milford. The time to implement these types of restrictions is when the economic development is booming. Mrs. Stevenson reminded the commission while things are going slow is when planning commission should be looking at the codes to see where things can be tweaked and enhanced instead of being reactionary when the boom comes back around.

Making these changes to beautify the city may, on the other hand, bring more people to the city, both business and property owners. Not necessarily needed in the code book, which seems over complicated as it is.

The lighting though, is somewhere the city needs to look at more restrictions. Based on the discussion, the commission suggested Mr. Norris direct his attention toward a lighting ordinance and not focus on landscaped parking lots.

Master Sign Plans

Mr. Norris briefly explained what he submitted to the commission in their packet for review for signs. He directed them to plan on discussing these items at next month’s meeting.

APA Conference

Mr. Norris felt the training materials offered at the APA conference he recently attended would be of value for the planning commission and council. He will research the purchase of the materials. The materials would be used for training purposes.

Mrs. McColley was very please she attended and gave an explanation of the seminars she attended. Mrs. McColley and Mr. Sharp would like to see the planning commission have an annual round table type of training session.

Mr. Sharp questioned the gas pumps near a school vs. a school near a gas pumps issue from a few months back. He inquired as to where the planning commission's duties stop and council's start. Mr. Willard advised the commission is a recommending body to council. Some applications, such as site plans, are decisions made by this body. Either way, the commission has to interpret the statute, aka the code. The authority of the commission comes from Title 22 of the Delaware code.

In regards to a recent subdivision application on Clarke Street, the commission did not see a reason not to subdivide the parcel and questioned the reasons council gave to deny the subdivision. Mr. Willard explained the proposed road would have changed the existing lot on the west side of it into a non-conforming corner lot. Mr. Willard was not certain if any of the council cited that reason for the denial because he has not reviewed the minutes. Mr. Willard then reminded the commission again to state the exact legal reasons for the voting the way they do, citing the code whenever possible.

Mr. Rini directed Mr. Willard's attention to Title 22, section 705 of Delaware code. He is seeking clarification on the language stating council must have a 2/3 vote to reverse a planning commission vote. Mr. Willard will conduct research on this code and report his findings to the commission at the February meeting. Specifically, he will determine if this code applies to recommendations from commission.

A motion to adjourn by Mr. Sharp was seconded by Mr. Kramlich. The meeting adjourned at 8:40 pm.

Respectfully submitted,



Christine R. Crouch

Department Administrative Assistant/Recording Secretary