

**CITY OF MILFORD
PLANNING COMMISSION**

*Minutes of Meeting
February 17, 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, February 17, 2009.

PRESIDING: Chairman Brendon Warfel
IN ATTENDANCE: Commissioners Kim Stevenson, Chuck Rini, Karen McColley, Marvin Sharp, John Kramlich, James Burk, Dirk Gleysteen
Also: City Planner Gary Norris, City Solicitor Tim Willard, Department Administrative Assistant/Recording Secretary Christine Crouch

Mr. Warfel called the meeting to order at 7:01 pm. He noted Mr. James would be absent tonight and Councilman Spillane was in the audience.

Appointment of Officers

Because the officer positions of the Commission were up for nomination, the following were nominated and seconded. Chairman-Brendon Warfel, Vice Chair-Chuck Rini, Secretary-Kim Stevenson. Motion carried with the following votes.

Mr. Burk	Yes
Mrs. McColley	Yes
Mr. Rini	Yes
Mrs. Stevenson	Yes
Mr. Gleysteen	Yes
Mr. Kramlich	Yes
Mr. Sharp	Yes
Mr. Warfel	Yes

APPROVAL OF MINUTES

With a motion by Mrs. Stevenson, seconded by Mrs. McColley, the minutes from the January Planning Commission meeting were approved as written.

UNFINISHED BUSINESS

Ordinance 2008-18

Zoning Code Amendment
C-1 & C-2 District Density

The Commission has discussed this ordinance a great deal in the past several months and with the help of Mr. Willard, the commission believes it is written very close to what they would like to recommend. The one change the commission wanted made was to include “and in conjunction with non residential use” to Section 230-13C (10). A motion to approve Ordinance 2008-18 with the amendment was made by Mr. Rini and seconded by Mrs. McColley. Motion carried with the following votes.

Mr. Burk	Yes
Mrs. McColley	Yes
Mr. Rini	Yes
Mrs. Stevenson	Yes

Mr. Gleysteen	Yes
Mr. Kramlich	Yes
Mr. Sharp	Yes
Mr. Warfel	Yes

Mr. Willard explained in response to Mr. Rini’s questions regarding Chapter 7, Title 22 of the Delaware Code as it relates to a 2/3 vote from Council to override a recommendation from Planning Commission, Mr. Willard does not believe it applies. In the language of the Code, it refers to a “map”, which Mr. Rini interpreted as the subdivision plans brought before Planning Commission and Council. The Code further refers to “maps” being approved by Planning Commission, but since the Commission recommends, it does not apply in this case. For clarification, Mr. Warfel confirmed the Delaware Code does not state Council needs a 2/3 vote to overturn what the Commission has recommended. Mr. Willard confirmed.

Steve Buckles on behalf of Joy Courtney

Final Review and Recommendation of a Change of Zone (R-1 to OC-1)
 1.0 +/- Acres, 820 Seabury Avenue, Tax Map 1-30-3.11-055.01

No one was present to speak on behalf of the application. Mr. Norris explained about a year ago, the applicant came in to do a change of zone but were not in compliance with Comprehensive Plan in place at that time. Since then though, the Comprehensive Plan has been changed and this change of zone will be in compliance with it, but the plan has not yet been signed by the Governor’s office. After discussions with Mr. Willard, the commission decided the recommendation should be made contingent upon the Governor signing the City’s Comprehensive Plan. Mr. Rini questioned how long until the Governor will sign. Mr. Norris replied he anticipated by the end of the month.

Mr. Warfel called for public comment. Hearing none, closed the public hearing.

Mr. Willard recollected the same reason it was tabled a year ago, due to it not being compliant with Comprehensive Plan.

Mr. Rini made a motion to recommend approval of resolution PC09-005 contingent upon the Governor’s signature of the City’s Comprehensive Plan. Mr. Kramlich seconded the motion. Motion carried with the following votes.

Mr. Burk	Yes
Mrs. McColley	Yes
Mr. Rini	Yes
Mrs. Stevenson	Yes
Mr. Gleysteen	Yes
Mr. Kramlich	Yes
Mr. Sharp	Yes
Mr. Warfel	Yes

NEW BUSINESS

Charles Murphy Associates on behalf of Rhoda Friedman

Final Review and Recommendation of a Minor Subdivision
 R-1 District, 6.05 +/- Acres into three lots, 447 Kings Highway, Tax Map 1-30-1.19-054.00

Mr. Harry Murphy of Charles Murphy Associates was present to represent the application. Mr. Murphy explained the application was reviewed by DAC in January. Comments received from DelDOT & the Fire Marshal have been addressed.

Mr. Norris explained a requirement of the subdivision ordinance is sidewalks. Mr. Murphy stated he would be seeking a waiver from that requirement from Council. Mrs. McColley stated she grew up in this area and felt sidewalks would be of benefit to the area. When asked what the plan is to tie into the sidewalks existing further up the road, Mr. Murphy stated there are approximately four houses between this lot and existing sidewalks. Mr. Warfel asked if a note could be added to the plat stating sidewalks would be installed on the newly created lots once sidewalks reach the property lines. Mr. Willard was unsure how that could be enforced, since typically sidewalks are required prior to a Certificate of Occupancy being issued.

Mr. Bob Nash with Charles Murphy Associates suggested the requirement be put in the deed restrictions of the property. This would force the builder to install sidewalks when the house is built. The residual lot would not be affected.

Mr. Kramlich asked for clarification when the sidewalks would be constructed? When the house is built, when the property is sold, or when sidewalks reach the properties? Mr. Warfel explained when the house is built.

Mr. Norris questioned the various lines of the new lots, specifically the wetland and floodplain lines. Mr. Murphy was unsure of the total lot area versus the usable lot area, but felt the usable lot area, which is more than an acre, would be ample for single family dwellings.

Mr. Warfel called for public comments.

Ms. Mildred Betts of 455 Kings Hwy asked if she would have to install sidewalks in front of her existing house. Mr. Warfel explained that would not be required of her unless she subdivided her land.

Hearing no further public comment, Mr. Warfel closed the public hearing.

Mrs. Stevenson remembered Mrs. Friedman having a contract with the school district to use this vacant land as an outside classroom and questioned whether that was still in place. Mr. Murphy was unsure but did not think so.

Motion to approve resolution PC09-001 was made by Mr. Kramlich contingent upon sidewalks being installed on the newly created lots prior to a Certificate of Occupancy being issued was seconded by Mr. Gleysteen. Motion carried with the following votes.

- Mr. Burk Yes
- Mrs. McColley Yes
- Mr. Rini Yes
- Mrs. Stevenson Yes
- Mr. Gleysteen Yes
- Mr. Kramlich Yes
- Mr. Sharp Yes
- Mr. Warfel Yes

Charles D. Murphy Associates on behalf of Burris Foods, Inc

Final Site Plan-Warehouse

I-1 District, 2.21 +/- Acres, 501 S.E. Fifth Street, Tax Map 3-30-11.05-121.00

Mr. Warfel excused himself from the conversation and left the room. Mr. Rini took the Chair. Mr. Todd Webb of Charles Murphy Associates was present to represent the application. In January the application was reviewed by the DAC. Based on recommendations from the City Engineer at that meeting, a pedestrian walkway, delineated by striping was added along the eastern side of the plan. Jan met with DAC. Recommendations given at that time, one was from city engineer, to add pedestrian walkway along the eastern side of plan. Fire Marshal approval has been obtained, as has Sussex Conservation District approval. There is a 320 sq foot catwalk that will connect the proposed building with the existing structure. This added space was at the request of LD Caulk to be used as storage.

Mr. Norris questioned who occupies the existing warehouse. Mr. Webb stated LD Caulk. Mr. Norris confirmed there are not sidewalks on the opposite side of McColley Street. When asked if the building will be sprinkled, Mr. Brendon Warfel, the builder, explained it is not required to be sprinkled based on when the building was built. Fire doors and walls, however will be installed. Mr. Norris requested an explanation of the variance that was granted for this project. Mr. Webb explained a setback variance was approved by the BOA. Mr. Norris asked what colors will be used on the outside of the building. Mr. Warfel explained it will be as appealing as a 40,000 square foot building can look. As part of the variance approval, the skin on the existing building will be replaced.

Mr. Rini asked how the existing utility poles will play into the proposed building. Mr. Webb felt there will be plenty of room between the proposed building and the poles, approximately 13' distance.

Mr. Kramlich noted he was pleased to see sidewalks/striping added.

Mr. Rini called for public comment. Hearing none, he closed the public hearing.

Mr. Kramlich made a motion to approve resolution PC09-002, seconded by Mrs. McColley. Motion carried with the following vote.

Mr. Burk	Yes
Mrs. McColley	Yes
Mr. Rini	Yes
Mrs. Stevenson	Yes
Mr. Gleysteen	Yes
Mr. Kramlich	Yes
Mr. Sharp	Abstain because we does work for LD Caulk.
Mr. Warfel	Abstain because he is the builder for this project.

R. Calvin Clendaniel Associates on behalf of Avenue United Methodist Church

Final Site Plan-Church w/Addition & Expanded Parking

C22 & R-3 District, 3.42 +/- Acres, 20 N Church Street, Tax Map MD-16-183.10-01-71.00-000; -68.00; -69.00; -66.00; -67.00

Mr. Bob Clendaniel with R Calvin Clendaniel was present to represent the application. The church will be undertaking major renovations of the parking and building small additions to the church. At the January DAC meeting, there were no comments. Approval from the Fire Marshal and Kent Conservation District has been obtained. After the DAC meeting, DeIDOT requested a 10' strip of land along NW Front St, which is 40' from center line. The Board of Trustees was not pleased and are in talks with DeIDOT to resolve the issue. There is a possibility of a reserve to be put into place. Mr. Clendaniel is seeking Planning Commission approval contingent upon DeIDOT approval. New electric service would be installed, but the location is undetermined at this time. The renovations to the parking lot will add 70 new parking spaces.

Mr. Norris asked why 70 spaces are needed. Mr. Clendaniel explained over the last five to six years the church has grown tremendously, doubling their services. Parking is a problem from 9:30am until 12:30pm. Mr. Norris asked if there are any plans for additional landscaping. Mr. Clendaniel stated not at this time. Traditionally landscaping has been done as gifts have been donated, but no plans right now.

Mrs. Stevenson confirmed the existing entrances will remain in place.

Mr. Gleysteen asked about the home advertised to be moved. Mr. Clendaniel stated several people have expressed an interest, but no one has purchased the home yet. Mr. Rini asked what will happen to the home if it is not sold. Mr. Clendaniel stated it will be demolished. The plans are to begin work in late spring.

Mr. Norris referenced site plan review in the Code and noted those questions have been addressed.

Mr. Rini asked if striping for walking lanes would be added across the fire lanes. Mr. Clendaniel stated no.

Mr. Warfel noted the north corner of the parking lot/exit is very tight and asked if it will be enlarged. Mr. Clendaniel stated it will be.

The memorial trees that are along Front St will be continued in the future. Currently there is sufficient room, but not if DelDOT takes the 10' strip they originally spoke of.

Mr. Warfel called for public comment. Hearing none, the public hearing was closed.

Mrs. Stevenson made a motion to approve resolution PC09-003 contingent upon DelDOT approval. Mr. Rini seconded the motion. Motion carried with the following vote.

Mr. Burk	Yes
Mrs. McColley	Yes
Mr. Rini	Yes
Mrs. Stevenson	Yes
Mr. Gleysteen	Yes
Mr. Kramlich	Yes
Mr. Sharp	Yes
Mr. Warfel	Yes

Charles D. Murphy Associates on behalf of Randy Ennis

Preliminary Site Plan-Computer Tech Office

OC-1 District, 1.00 +/- Acres, 213 W Liberty Way, Independence Commons, Lot 15, Tax Map MD-16-173.00-01-02.19

Mr. Bob Nash with Charles Murphy Associates was present to represent the application. This site plan is for a computer technology office in Independence Commons. The proposed building is 4000 sq ft, with 200 sq ft dedicated to public use. Type of business is IT, computer programming, work on computers, but most work is done off site. There is an area for people to bring computers in to be repaired. First plan showed a different entrance, but based on comments at the DAC meeting, the plan has changed to what the commission is reviewing. The sidewalk has been added and the entrance was moved. The plan proposes 20 parking spaces, nine of which are for employees. There is a vacant area to the rear of the lot that was created for a geothermal system and a well for landscaping. The plan meets all the requirements for design and site plan of code. Mr. Nash is currently working to obtain Fire Marshal and Conservation District approval. Once obtained, the plan will come back for final approval.

Mr. Rini questioned the customer drop off point. Specifically, the DAC minutes say customers would rarely come to the building. Mr. Randy Ennis, the owner of the business, introduced himself and explained the public can drop off their computers for repair, but that is only 1-3 people per day.

Mr. Burk noted he has used Response Computer Group in the past and they did a great job.

Mr. Warfel called for public comment. Hearing none, the public hearing was closed.

Mr. Rini made a motion to approve resolution PC09-004, seconded by Mrs. McColley. Motion carried with the following vote.

Mr. Burk	Yes
Mrs. McColley	Yes
Mr. Rini	Yes
Mrs. Stevenson	Yes
Mr. Gleysteen	Yes
Mr. Kramlich	Yes
Mr. Sharp	Yes
Mr. Warfel	Yes

Amendment to City of Milford Signage Requirements/Zoning Chapter 230

Mr. Norris commented, referring to the Comp Plan, one of the strategies is to review the zoning ordinance to determine what would need to be revised. Last month the Commission talked about changes to the signage requirements of the City as well as landscaping changes. At the end of that meeting Mr. Norris directed the commission to be prepared to discuss this at more depth.

Mr. Warfel asked if there were any major differences in the proposed new signage Mr. Norris distributed. Mr. Norris stated the Commission needs to consider there will be commercial development in the coming years. In planning for that, the Commission needs to decide what types of signs should be seen in Milford. As you travel around, in his opinion monument signs are more attractive than 28’ pole signs. The other thing coming down the road are the LED signs. Currently we do not allow them in the City and have to granted a variance by the BOA. The proposal Mr. Norris has provided still does not allow LED signs. Mr. Sharp questioned why, with so many businesses requesting them. Mr. Norris explained regulating LED signs is very complicated. Need to address brightness, hours of them being lit, display change times, etc.

Mr. Rini asked who upkeep signs once installed. Mr. Norris stated it becomes the property owner’s responsibility under the property maintenance code. Mrs. McColley asked if the font size on signs could be regulated. Mr. Norris did not feel that was a viable option.

Mr. Warfel noted pole signs up to 28’ tall would still be permitted in commercial zoning, except C1.

Calling for public comment, Mayor Dan Marabello of 1 Windy Drive confirmed the proposed changes still allows for a 28’ tall pole sign in commercial zoning. He felt pole signs detract from the City. The Mayor referenced *Better Models for Development in Delaware* where pole signs are discouraged, and he agrees with that. He believes for the beautification of the City and for the long haul, pole signs are not the way to go. When going into communities in Camden, for example, there are beautiful monument signs that don’t seem to discourage commercial development. If we want to change the way the city looks in the future, we have to start changing things now. He does not think it will affect people’s businesses one iota. He also doesn’t feel it’s going to cost that much more. It certainly would cost more to put a big pole sign up. Mayor Marabello said we have to say, “What do we want our city to look like? What do we want our corridors to look like when people

come into the city?" They have a matter of seconds to give an impression of the city. Do we want it to look like any old city or do we want it to look beautiful? It comes down to beautification. He said we need to look seriously about this and he read the minutes from the last Planning Commission meeting regarding the landscaping matter and the Commission spoke about the landscaping and he has a similar view on that. He doesn't think it's a question of putting hardships on builders. If anything, it will add value to their property even more over time. To give an example, look at Mr. Warfel's property. If the Mayor had to go and buy something and went to Mr. Warfel's shop, even if Mr. Warfel's prices were higher, he would buy it from him just on the presentation of his business. Mayor Marabello restated he feels we need to determine how we want the city to look in the future. You have the control of whether you want to design sign pollution, as he calls it, or it can a beautification plan. It's your call, along with the Council. This is just his opinion. If you decide to eliminate pole signs, which he thinks you should, with rare exception, you may want to consider switching current signs over within a reasonable time frame. He stated it is not a question of money, it's a question of good design.

Mr. Warfel stated he appreciates the compliment; however he would take great offense if someone told him that his sign had to look that way. He chose to have the sign look a certain way. Mayor stated there are guidelines on setbacks and things like that too. Mr. Warfel asked at what point would the line be drawn? Mayor Marabello stated the word is reasonable. He doesn't think that is unreasonable. Look at some of the most beautiful strip centers, and the developers should want to enhance their project. You have to sell it to them, just like he sells a good product. He's sure Mr. Warfel is not the cheapest around, but you're probably one of the best though. It is not a question of forcing people to do it, we have guidelines in other areas too.

Mr. Warfel referenced Hampton Inn. Based on where they are located, he is unsure that if they didn't do a pole sign people would even know where they were. Mayor Marabello stated there will be lettering on the building itself, which will be sufficient. Mr. Warfel can understand them wanting a pole sign. Mayor Marabello again referenced Camden where there are monument signs. Nearby is Lowes with a Lowes which has a pole sign. Mayor Marabello stated there has to be some reason applied.

Mr. Rini stated what he is hearing is it comes to a case by case basis and it should be part of the overall plan, just like landscaping. It's hard to make things concrete and have no ability to adjust, or if a better idea comes up in the future to apply it. We need the ability to go along and look at the overall picture. He thinks everyone on the Commission should look at the drawings for the improvement with the Mayor's opinion in mind. That is one of the key things the Commission has been looking at. Mr. Norris has been instrumental in having applicants show elevations and talk about color schemes, even if it's a warehouse. Mr. Rini felt there is a commitment from the Commission that they are looking at the best possible view when applications come up. Royal Farms, for example. The Commission knew they had different classes of buildings and Mr. Norris brought up we wanted a better looking one for Milford. The Commission emphasized we wanted to see.

Mr. Kramlich agreed with the Mayor. He can also see where exceptions can be made as well. Maybe those exceptions are the ones that go to the BOA. He referenced a study done about Dover. One of the things he recalls is Rt 13 and what people see. The study determined people see all of the pole signs in a negative manner. He doesn't feel having a monument sign instead would be out of the question. It would be more beautifying.

Mr. Kramlich felt in residential areas the sign sizes should be reduced or stay the same and have applicants come before the BOA for a larger sign. He referenced some churches and where they are located and how a 4' x 8' sign would affect those areas. Mr. Warfel agreed.

Mr. Norris explained the Commission has to decide what they want to see. Ratios can be used, if that is what they think would be appropriate, for example an allowable sign size would be 20% of the total width of the property. A 40' wide property in a residential district would be allowed at 8 square foot sign. The height of the

sign would have to be taken into consideration as well. Mr. Warfel asked if this same ratio would apply to what Mayor Marabello's concerns are. Mr. Warfel stated he is not against what his opinion is, but he is playing the advocate of the property owner or business person. He felt the ratio would be a reasonable option.

Mr. Kramlich asked what Camden has done to regulate their signage. No one was aware of what their ordinance states.

Mr. Gleysteen agreed with Mr. Kramlich's statements regarding residential signage. From a commercial standpoint though, the signs are intended to advertise the business and attract customers. The businesses around here are competing with businesses in Dover. He cannot remember a time when he was looking for a business that had a pole sign and missed it. He has though missed businesses that have monument signs. There is surely balance to be had, especially along certain corridors.

Mr. Warfel asked Mr. Norris to research other municipalities and see what they are doing. If someone out there has percentages or ratios they use, we may not have to re-invent the wheel. Mrs. McColley explained she did not want to model Milford's signage ordinance after Ocean City though. Mr. Rini also asked that the Commission give consideration for sign height as well in residential areas.

A motion to adjourn by Mrs. McColley was seconded by Mr. Sharp. The meeting adjourned at 8:47pm

Respectfully submitted,



Christine R. Crouch
Department Administrative Assistant/Recording Secretary