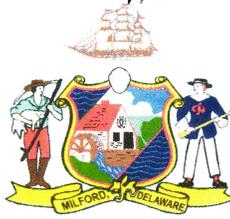


# City of Milford



## CITY COUNCIL AGENDA

February 27, 2017 - 7:00 P.M.

Joseph Ronnie Rogers Council Chambers  
Milford City Hall  
201 South Walnut Street  
Milford, Delaware

### PUBLIC HEARING

#### ADOPTION/ORDINANCE 2017-02

Michael Rivera for a Conditional Use

.22+/- acres in a C2 (Central Business District) Zoning District  
SE Corner of N Walnut Street and NE Second Street Intersection  
119 North Walnut Street, Milford, Delaware  
Present Use: Single Family Detached Dwelling; Proposed Use: Hotel/Bed & Breakfast w/Efficiency Apartment  
Tax Map MD-16-183.10-03-58.00

#### ADOPTION/ORDINANCE 2017-03

Code of the City of Milford  
Part II-General Legislation  
Chapter 230-Zoning  
Article III-Use and Area Regulations  
§230-16 – I-1 Limited Industrial District

#### ADOPTION/ORDINANCE 2017-05

Mildred Pederson on behalf of Transatlantic Shipping Agency for a Conditional Use  
.195+/- acres in a C2 (Central Business District) Zoning District  
NE Corner of the SE Front Street and S Walnut Street Intersection,  
27 South Walnut Street, Milford, Delaware  
Present Use: Commercial Retail; Proposed Use: Commercial Retail with Apartments  
Tax Map 3-30-6.20-002.00

#### ADOPTION/ORDINANCE 2017-06

Larson Engineering on behalf of Milford Plaza Enterprises for a Conditional Use  
21.40+/- acres in a C3 (Highway Commercial) Zoning District  
NE Corner of the N DuPont Boulevard and NW Front Street Intersection  
600 N DuPont Boulevard, Milford, Delaware  
Present Use: Commercial Retail; Proposed Use: Commercial Retail w/Auto Repair and/or Service Station  
Tax Map MD-16-183.09-01-04.00

**COUNCIL MEETING**

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Recognition

Milford Rotary Club/Flags for Heroes/Bicentennial Park

Communication & Correspondence

Governor John Carney Budget Reset\*\*

Citywide Property Maintenance Campaign

Updated City Branding\*\*\*

Unfinished Business

New Business

Mispillion River Project - Surface Water Matching Planning Grant\*

Authorization/Contract - Davis, Bowen & Friedel - Engineering Services - Design\*

Authorization/Contract - Davis, Bowen & Friedel - Engineering Services - Permitting\*

Authorization/Appropriation/IBEW Negotiations & Legal Expenses

Authorization/Funding/Early Bond Buy-Back/Series 2011B

Southeast Water Tower and Treatment Facility/Water Issues\*\*\*

EXECUTIVE SESSION

Recess into Executive Session

{Pursuant to 29 Del. C. §10004(b)(9)} Personnel Matter-City Manager Follow-Up

Return to Open Session

Authorization/City Manager Item

Adjourn

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE ACCEPTED OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.

## NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: JANUARY 17, 2017  
CITY COUNCIL PUBLIC HEARING: FEBRUARY 27, 2017

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, January 17, 2017 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, February 27, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

### **ORDINANCE 2017-02**

Michael Rivera for a Conditional Use to allow a motel/hotel and allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use of .22+/- acres in a C2 (Central Business District) Zoning District. Property is located at the southeast corner of N Walnut Street and NE Second Street intersection, Milford, Delaware. Present Use: Single Family Detached Dwelling; Proposed Use: Hotel/Bed & Breakfast with One Efficiency Apartment. Tax Map MD-16-183.10-03-58.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on January 17, 2017; and

WHEREAS, Milford City Council will hold a Public Hearing on February 27, 2017 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a motel/hotel and allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

*Section 1.* Upon the adoption of this ordinance, Michael Rivera is hereby granted a Conditional Use Permit to allow a motel/hotel and allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

*Section 2.* Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

*Section 3.* Dates.

Planning Commission Review & Public Hearing: January 17, 2017

City Council Introduction: February 13, 2017

City Council Public Hearing: February 27, 2017

Adoption: February 27, 2017

Effective: March 9, 2017

This ordinance shall take effect and be in force ten days after its adoption.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302-424-3712.

*Advertised: Beacon 12/28/16*



# Land Use Application Cover Sheet

File Name: Rivera

Date Stamp

File Number: \_\_\_\_\_

**Instructions for Applicants:**

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted/processed if violations exist or if any fees are owed to the City.

**Specify Type of Land Use Application to be submitted (check all that apply):**

- Preliminary Site Plan
- Preliminary Major Subdivision
- Final Minor Subdivision
- Final Site Plan
- Final Major Subdivision
- Variance/Appeal
- Change of Zone
- Conditional Use
- Annexation

**Please Type or Print Legibly**

<b>Property Owner(s):</b> <u>Mike R. Rivera &amp; Denise S Morris</u>			Phone:
Address: <u>119 N. Walnut St.</u>			<u>302-542-1269</u>
City: <u>Milford</u>	State: <u>DE</u>	Zip: <u>19963</u>	Cell: <u>302-222-3626</u>
E-Mail: <u>michael.rivera32@verizon.net</u> <u>denisesmorris@gmail.com</u>			Fax: <u>N/A</u>
<b>Applicant Name and Company:</b> <u>Same as Above</u>			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
<b>Surveyor or Engineer:</b>			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Site Address: <u>119 N. Walnut St Milford DE 19963</u>			Zoning: <u>C2</u>
Tax Map & Parcel Number(s): <u>MD - 16 - 183 . 10 - 03 - 58 . 00 - 000</u>			Acreage: <u>0.224</u>
I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.			
Signature of Property Owner(s): <u>Denise S. Morris</u>		Date: <u>11/21/16</u>	
Signature of Applicant(s): <u>Mike Rivera</u>		Date: <u>11/23/16</u>	
<b>Office Use Only:</b>			
<input type="checkbox"/> Current on Utilities	<input type="checkbox"/> Current on Taxes	<input checked="" type="checkbox"/> No Outstanding Violations	

REVISED: 05.2016



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

[www.cityofmilford.com](http://www.cityofmilford.com)

**STAFF ANALYSIS REPORT**  
**November 30, 2016**

**Application Number / Name** : 16-016 / Lands of Michael Rivera

**Application Type** : Conditional Use

**Comprehensive Plan Designation** : Highway/Commercial

**Zoning District** : C-2 (Central Business District)

**Present Use** : Single Family Detached Dwelling

**Proposed Use** : Hotel/Bed and Breakfast with one (1) efficiency apartment

**Property Identification Numbers** : MD-16-183.10-03-58.00-000

**Area and Location** : 0.22 +/- acres situated at the southeast corner of N. Walnut Street and NE Second Street. Rear of property abuts N. Washington Street.

---

**I. BACKGROUND INFORMATION:**

The applicant is proposing to convert an existing 5,780 square foot single-family detached dwelling unit into a Bed-and-Breakfast (B&B) operation with an efficiency apartment. Per Chapter 230-13(C)(4)&(10), motels and hotels along with dwelling units other than single-family are allowed uses subject to conditions set forth by the Planning Commission and City Council.

The B&B operation would consist of four (4) rooms and one (1) suite for the innkeeper. The first floor would consist of the common areas (library, parlor, living room and kitchen). The second floor would consist of two (2) B&B suites with bathrooms, the innkeeper suite and bathroom, and one efficiency apartment. The third floor would consist of two (2) more B&B suites and bathrooms, a library and a storage room.

The property contains an existing three-car garage and off-street parking area that could accommodate up to eight (8) vehicles. The three car garage would be utilized by the innkeeper, each B&B room would be allotted one space, and the efficiency apartment would be allotted one parking space. In addition to the provided off-street parking, occupants could utilize available on-street parking and the municipal parking lot along N. Walnut Street.

The B&B would be operated 24 hours a day seasonally (summer and holidays). The apartment would be utilized year-round. The B&B would employ two (2) housekeepers, one (1) B&B cook, (1) groundskeeper and (2) B&B managers/owners.

A summary of the proposal is provided as an attachment outlining the goals and objectives of the ownership.

## **II. STAFF ANALYSIS:**

Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for a Conditional Use:

- Conditional Use evaluation based on the following criteria provided in Chapter 230-48:

*The presence of adjoining similar uses.*

Staff Response: The property is adjacent to a municipal parking lot to the west, a flooring retail business to the east, and single-family detached and attached dwelling units to the north. The adjoining property to the south consists of a single-family structure that has been converted into three apartment units.

*An adjoining district in which the use is permitted.*

Staff Response: A Bed-and-Breakfast is allowed as a conditional use in the adjacent R-2 zoning district. In addition, a one-family dwelling could be divided into multiple dwelling units in the adjacent R-2 district with a conditional use approval.

*There is a need for the use in the area proposed as established by the Comprehensive Plan.*

Staff Response: The Comprehensive Plan promotes mixed-use development in the Central Business District. The combination of the B&B and residential component would be consistent with the Comprehensive Plan and the goals of the Downtown Development District Plan. The proposal would provide additional overnight accommodations for guests visiting Milford which should positively affect the local economy.

*There is sufficient area to screen the conditional use from adjacent different uses.*

Staff Response: The proposed use is separated from other adjacent uses by N. Walnut Street, N. Washington Street and NE Second Street. The adjoining property to the south is a single-family detached dwelling that has been converted into three apartment units. Additional uses along N. Walnut Street include first floor retail with apartment uses above. Screening is not possible along the road frontages and there appears to be no adverse impact to the adjoining property to the south since they are similar uses.

*The use will not detract from permitted uses in the district.*

Staff Response: The proposed use could positively affect permitted uses in the district by attracting downtown visitors. It is anticipated that guests of the B&B would utilize the businesses and services within walking distance of the property. Staff does not anticipate any adverse impacts to other permitted uses in the CBD.

*Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.*

Staff Response: The subject parcel is located within the C-2 Central Business District zoning category, and according to Chapter 230, does not require off-street parking. However, the applicant has proposed to utilize the existing three (3) car garage and off-street parking area to accommodate up to eight (8) vehicles. On-street and municipal parking lots could be utilized for additional guests or employees. Traffic control, screening and setbacks appear to be sufficient.

**III. AGENCY & DEPARTMENT COMMENTS:**

Enforcement and Inspection Division: Applicant will be required to apply for necessary permits and all building construction must be in accordance with Chapter 88 Building Construction. Applicant will be required to obtain approval or letter of no objection from the Delaware State Fire Marshal's Office.

Public Works Department: The applicant is responsible for any and all improvements required to provide adequate water, sanitary and electric service to the structure. Service requests should be coordinated through the Public Works Department.



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

[www.cityofmilford.com](http://www.cityofmilford.com)

## DATA SHEET FOR LANDS OF MICHAEL RIVERA

Planning Commission Public Hearing: January 17, 2017

City Council Public Hearing: February 27, 2017

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<b>Application Number / Name</b>	:	16-016 / Lands of Michael Rivera
<b>Applicant</b>	:	Michael Rivera & Denise Morris 119 N. Walnut Street Milford, DE 19963
<b>Owner</b>	:	Same
<b>Application Type</b>	:	Conditional Use
<b>Comprehensive Plan Designation</b>	:	Highway/Commercial
<b>Zoning District</b>	:	C-2 (Central Business District)
<b>Present Use</b>	:	Single Family Detached Dwelling
<b>Proposed Use</b>	:	Hotel/Bed and Breakfast with one (1) accessory apartment
<b>Area and Location</b>	:	0.22 +/- acres situated at the southeast corner of N. Walnut Street and NE Second Street. Rear of property abuts N. Washington Street.
<b>Property Identification Numbers</b>	:	MD-16-183.10-03-58.00-000

ENC: Staff Analysis Report  
Exhibit A - Location & Zoning Map  
Exhibit B – Aerial Map  
Exhibit C – Written Summary of Proposal

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: JANUARY 17, 2017

CITY COUNCIL PUBLIC HEARING: FEBRUARY 27, 2017

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, January 17, 2017 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, February 27, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2017-03**  
CODE OF THE CITY OF MILFORD  
PART II-GENERAL LEGISLATION  
CHAPTER 230-ZONING  
ARTICLE III- USE AND AREA REGULATIONS  
§230-16 – I-1 LIMITED INDUSTRIAL DISTRICT

WHEREAS, the City of Milford enacted a Zoning Code, Chapter 230, to protect the health, safety, morals and general welfare of its citizens and to protect and preserve places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, from time to time, City Council determines a need for amendments and additions to the Zoning Ordinance of the City of Milford; and

WHEREAS, City Council has determined light to moderate industrial manufacturing uses are compatible with general offices as well as professional offices of a low-profile, low-traffic category and thus the permitted uses in the OC-1 Office Complex Zoning District and the BP Business Park Zoning District should be permitted uses in the I-1 Limited Industrial Zoning District.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1.*

An Ordinance to Amend the Code of the City of Milford by Amending Chapter 230 entitled Zoning by modifying Article III-Use and Area Regulations, Subsection B, Permitted Uses, by amending item 1, as follows:

B. Permitted uses. Permitted uses of the I-1 District shall be as follows:

(1) All permitted uses of the OC-1 District **and BP District.**

*Section 2. Dates.*

Planning Commission Review & Public Hearing: January 17, 2017

City Council Introduction: February 13, 2017

City Council Public Hearing: February 27, 2017

Adoption: February 27, 2017

Effective: March 9, 2017

This ordinance shall take effect and be in force ten days after its adoption.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302-424-3712.

*Advertised: Beacon 12/28/16*



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

[www.cityofmilford.com](http://www.cityofmilford.com)

TO: Planning Commission

FROM: Rob Pierce, Coordinator of Planning & Economic Development Activities

DATE: December 21, 2016

RE: Ordinance 2017-03: Chapter 230 – I-1 (Limited Industrial)

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The proposed amendment to Chapter 230 I-1 (Limited Industrial) has been drafted to allow permitted uses within the BP (Business Park) zoning district within the I-1 (Limited Industrial) category. The I-1 (Limited Industrial) and BP (Business Park) categories have similar permitted uses and purpose statements that allow for light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments. In the hierarchy of industrial/business zoning categories, the I-1 (Limited Industrial) category is slightly less restrictive than the BP (Business Park) district, and BP (Business Park) requires additional design standards and screening requirements. The I-1 (Limited Industrial) category already allows permitted uses in OC-1 (Office Complex) and staff recommends adding BP (Business Park) permitted uses to the I-1 (Limited Industrial) district.

Staff is seeking a recommendation to move the draft ordinance forward for City Council approval.

[www.cityofmilford.com](http://www.cityofmilford.com)

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: JANUARY 17, 2017

CITY COUNCIL PUBLIC HEARING: FEBRUARY 27, 2017

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**ORDINANCE 2017-03**  
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CHAPTER 230-ZONING  
ARTICLE III- USE AND AREA REGULATIONS  
§230-16 – I-1 LIMITED INDUSTRIAL DISTRICT

WHEREAS, the City of Milford enacted a Zoning Code, Chapter 230, to protect the health, safety, morals and general welfare of its citizens and to protect, and preserve places and areas of historical, cultural or architectural importance and significance; and

WHEREAS, the from time to time, City Council has determined there exists a need for amendments and additions to the Zoning Ordinance of the City; and

WHEREAS, City Council has determined light to moderate industrial manufacturing uses are compatible with general and professional offices and office parks as well as professional offices of a low-profile, low-traffic category and thus the permitted uses in the OC-1 Office Complex Zoning District and the BP Business Park Zoning District should be permitted uses in the I-1 Limited Industrial Zoning District.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

*Section 1.*

An Ordinance to Amend the Code of the City of Milford by Amending Chapter 230 entitled Zoning by modifying Article III-Use and Area Regulations, Subsection B, Permitted Uses, by amending item 1, as follows:

- B. Permitted uses. Permitted uses of the I-1 District shall be as follows:  
(1) All permitted uses of the OC-1 District and BP District.

*Section 2. Dates.*

Planning Commission Review & Public Hearing: January 17, 2017

City Council Introduction: February 13, 2017

City Council Public Hearing: February 27, 2017

Adoption: February 27, 2017

Effective: March 9, 2017

This ordinance shall take effect and be in force ten days after its adoption.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302-424-3712.

*Advertised: Beacon 12/28/16*

## NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: JANUARY 17, 2017  
CITY COUNCIL PUBLIC HEARING: FEBRUARY 27, 2017

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A FINAL PUBLIC HEARING is scheduled on Monday, February 27, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

### **ORDINANCE 2017-05**

Mildred Pederson on behalf of Transatlantic Shipping Agency for a Conditional Use to allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use of .195+/- acres in a C2 (Central Business District) Zoning District. Property is located at the northeast corner of the SE Front Street and S Walnut Street intersection, 27 South Walnut Street, Milford, Delaware. Present Use: Commercial Retail; Proposed Use: Commercial Retail with Apartments. Tax Map 3-30-6.20-002.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on January 17, 2017; and

WHEREAS, Milford City Council will hold a Public Hearing on February 27, 2017 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use to allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

*Section 1.* Upon the adoption of this ordinance, Mildred Pederson on behalf of Transatlantic Shipping Agency is hereby granted a Conditional Use Permit to allow to allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

*Section 2.* Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

*Section 3.* Dates.

Planning Commission Review & Public Hearing: January 17, 2017

City Council Introduction: February 13, 2017

City Council Public Hearing: February 27, 2017

Adoption: February 27, 2017

Effective: March 9, 2017

This ordinance shall take effect and be in force ten days after its adoption.

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*Advertised: Beacon 12/28/16*



# Land Use Application Cover Sheet

File Name: Pedersen, Mildred Date Stamp  
 File Number: 16-00000018

**Instructions for Applicants:**

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted/processed if violations exist or if any fees are owed to the City.

**Specify Type of Land Use Application to be submitted (check all that apply):**

- Preliminary Site Plan
- Preliminary Major Subdivision
- Final Minor Subdivision
- Final Site Plan
- Final Major Subdivision
- Variance/Appeal
- Change of Zone
- Conditional Use
- Annexation

**Please Type or Print Legibly**

<b>Property Owner(s):</b> Mildred Pedersen   TSA Inc, DBA Josephine Kent Ltd. At Home			Phone:
Address: 300 Lakeview Ave			Cell: 302 236 1861
City: Milford	State: DE	Zip: 19963	Fax:
E-Mail: josephine@jk Ltd.com			
<b>Applicant Name and Company:</b> Milly Pedersen Josephine Kent Ltd.			Phone: 422 0270
Address: 27 South Walnut St			Cell: 302 236 1861
City: Milford	State: DE	Zip: 19963	Fax:
E-Mail:			
<b>Surveyor or Engineer:</b>			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Site Address: 27 S. Walnut St, Milford DE 19963			Zoning: C-2
Tax Map & Parcel Number(s): 3-30-6.20-002.00			Acreage:
I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.			
Signature of Property Owner(s): <u>M Pedersen</u>			Date: 12-9-16
Signature of Applicant(s): <u>M Pedersen</u>			Date: 12-9-16

**Office Use Only:**

- Current on Utilities
- Current on Taxes
- No Outstanding Violations



**Mildred Keir Pedersen  
300 Lakeview Ave.  
Milford, DE 19963**

December 9, 2016

Re: 27 South Walnut Street property

I would like to apply for conditional use (residential living) for the second floor of the 27 S. Walnut St. commercial building. The second floor has been a commercial office rental in the past. Downstairs is occupied by my business, Josephine Keir Ltd. At Home, a home furnishings, fine art gallery. As the downtown plan encourages residential living in the downtown, I hope this request can be expedited.

Thank you,

  
Milly Pedersen

*Josephine Keir Ltd. At Home*  
27 South Walnut  
Milford, DE 19963



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

[www.cityofmilford.com](http://www.cityofmilford.com)

## DATA SHEET FOR LANDS OF TRANSATLANTIC SHIPPING AGENCY, INC.

Planning Commission Public Hearing: January 17, 2017

City Council Public Hearing: February 27, 2017

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<b>Application Number / Name</b>	:	16-018 / Transatlantic Shipping Agency, Inc.
<b>Applicant</b>	:	Mildred Pedersen 27 South Walnut Street Milford, DE 19963
<b>Owner</b>	:	Transatlantic Shipping Agency, Inc. DBA Josephine Keir Ltd. At Home 300 Lakeview Avenue Milford, DE 19963
<b>Application Type</b>	:	Conditional Use
<b>Comprehensive Plan Designation</b>	:	Highway/Commercial
<b>Zoning District</b>	:	C-2 (Central Business District)
<b>Present Use</b>	:	Commercial Retail
<b>Proposed Use</b>	:	Commercial Retail with (1) apartment
<b>Area and Location</b>	:	0.195 +/- acres situated at 27 S. Walnut Street.
<b>Property Identification Numbers</b>	:	3-30-6.20-002.00

ENC: Staff Analysis Report  
Exhibit A - Location & Zoning Map  
Exhibit B – Aerial Map  
Exhibit C – Written Summary of Proposal



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

www.cityofmilford.com

**STAFF ANALYSIS REPORT  
December 15, 2016**

<b>Application Number / Name</b>	:	16-018 / Transatlantic Shipping Agency, Inc.
<b>Application Type</b>	:	Conditional Use
<b>Comprehensive Plan Designation</b>	:	Highway/Commercial
<b>Zoning District</b>	:	C-2 (Central Business District)
<b>Present Use</b>	:	Commercial Retail
<b>Proposed Use</b>	:	Commercial Retail with Apartment
<b>Property Identification Numbers</b>	:	3-30-6.20-002.00
<b>Area and Location</b>	:	0.195 +/- acres situated at 27 S. Walnut Street

**I. BACKGROUND INFORMATION:**

The applicant is proposing to renovate the second floor to the Josephine Keir Ltd. Building into a residential apartment. The apartment unit will take up the entire second floor and is anticipated to be occupied by the owner of the building and business. The property is located at the intersection of SE Front Street and S Walnut Street. The second floor has been occupied as commercial rental space in the past and the proposal would be deemed a change in use. Per Chapter 230-13(C)(10), an apartment unit in conjunction with a non-residential use (mixed-use) is a conditional use subject to City Council approval.

**II. STAFF ANALYSIS:**

Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for a Conditional Use:

- Conditional Use evaluation based on the following criteria provided in Chapter 230-48:

*The presence of adjoining similar uses.*

Staff Response: The Central Business District has several buildings with first floor commercial and residential uses above. The proposed use would be similar to several other properties along North and South Walnut Street, and is consistent with the character of the neighborhood.

*An adjoining district in which the use is permitted.*

Staff Response: The addition of a residential component above the existing commercial is consistent with the goals and objectives of the C-2 (Central Business District) zoning category.

*There is a need for the use in the area proposed as established by the Comprehensive Plan.*

Staff Response: The Comprehensive Plan promotes mixed-use development in the Central Business District. The combination of first floor commercial and residential uses would be consistent with the Comprehensive Plan and the goals of the Downtown Development District Plan. The proposal would provide additional housing options in the downtown area.

*There is sufficient area to screen the conditional use from adjacent different uses.*

Staff Response: The C-2 (Central Business District) zoning category does not have setback requirements for structures. The applicant's building is touching the building to the north.

*The use will not detract from permitted uses in the district.*

Staff Response: The proposal will improve the quality of the structure and introduce a residential component on the second floor. Staff does not anticipate any adverse impacts to other permitted uses in the CBD.

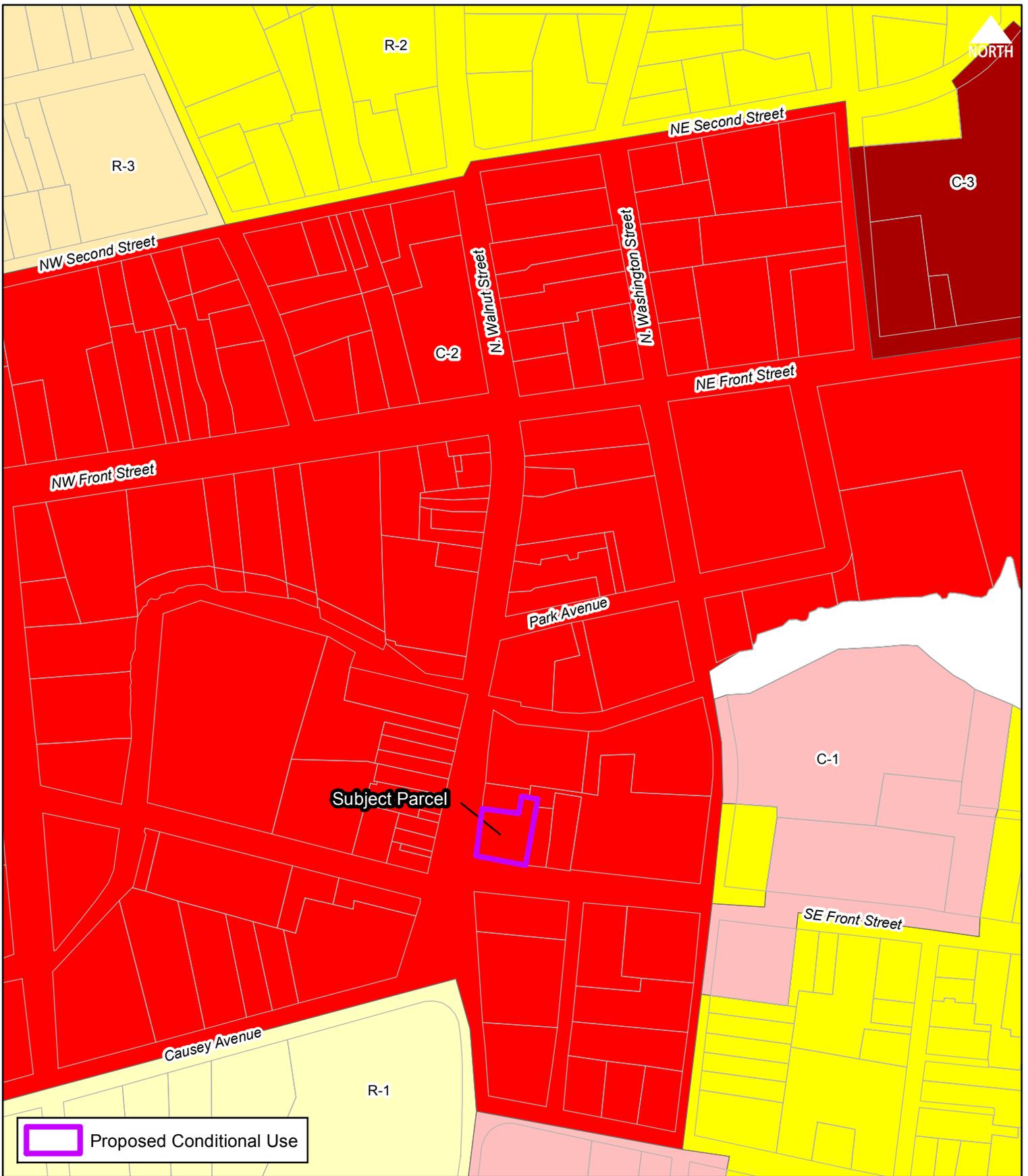
*Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.*

Staff Response: The subject parcel is located within the C-2 Central Business District zoning category, and according to Chapter 230, does not require off-street parking. On-street and municipal parking lots would be utilized by customers and residents of the proposed use. Traffic control, screening and setbacks do not appear to be an adverse impact on adjoining uses.

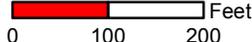
### **III. AGENCY & DEPARTMENT COMMENTS:**

Enforcement and Inspection Division: Applicant will be required to apply for necessary permits and all building construction must be in accordance with Chapter 88 Building Construction. Applicant will be required to obtain approval or letter of no objection from the Delaware State Fire Marshal's Office and State of Delaware Department of Health. In addition, the building construction will have to comply with Chapter 130 Floodplain Management.

Public Works Department: The applicant is responsible for any and all improvements required to provide adequate water, sanitary and electric service to the structure. Service requests should be coordinated through the Public Works Department.




Filepath: ConditionalUse\_Pedersen.mxd

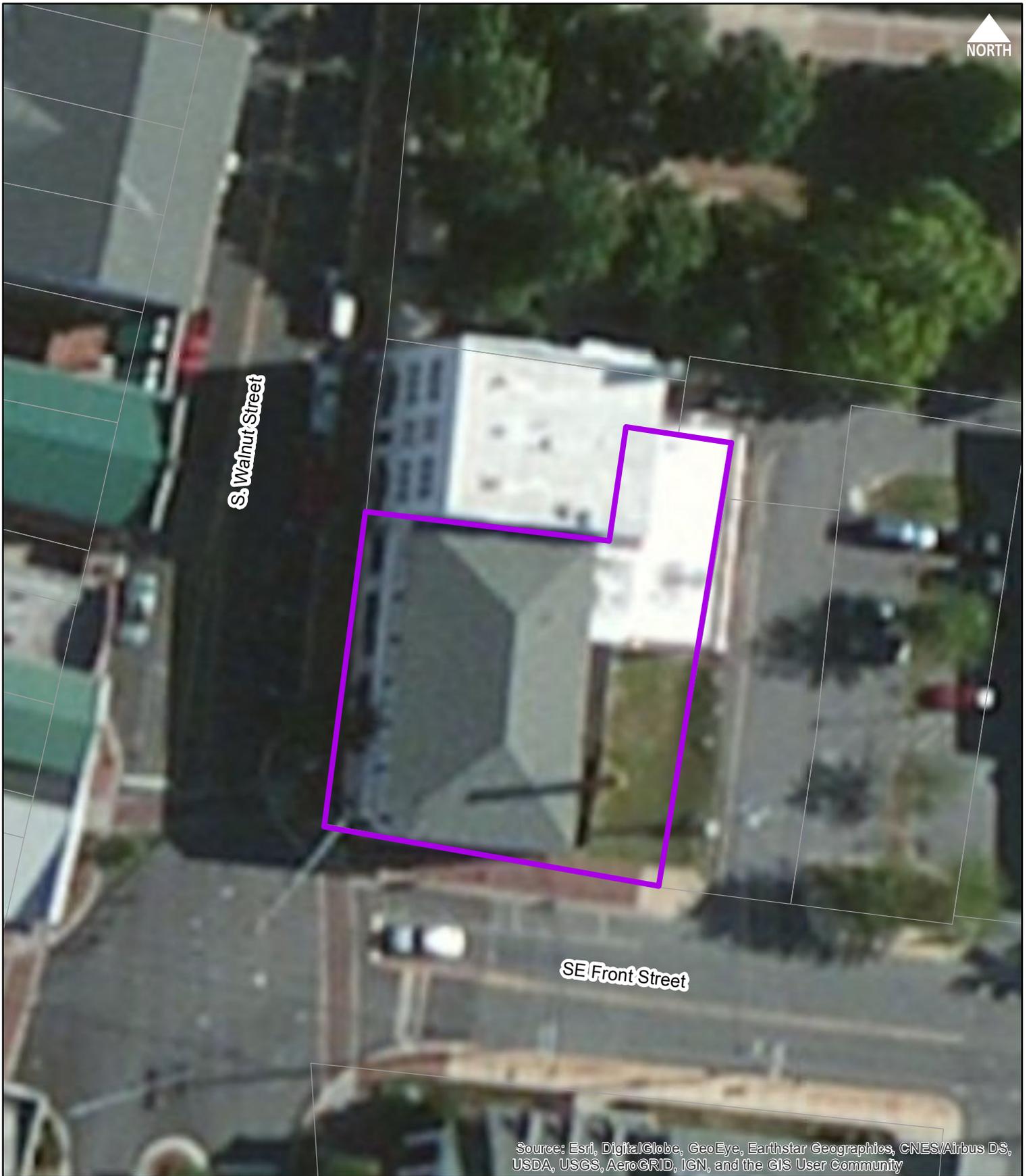
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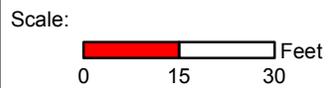
Drawn by: WRP Date: 12/15/16

Title:

**Conditional Use**  
**Lands of Transatlantic Shipping Agency, Inc.**  
**Location & Zoning Map**



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Drawn by: WRP Date: 12/15/16

Title:

**Proposed Conditional Use  
Lands of Transatlantic Shipping Agency, Inc.  
Site Plan**

Filepath: ConditionalUse\_Pedersen\_Site.mxd

**Mildred Keir Pedersen**  
**300 Lakeview Ave.**  
**Milford, DE 19963**

December 9, 2016

Re: 27 South Walnut Street property

I would like to apply for conditional use (residential living) for the second floor of the 27 S. Walnut St. commercial building. The second floor has been a commercial office rental in the past. Downstairs is occupied by my business, Josephine Keir Ltd. At Home, a home furnishings, fine art gallery. As the downtown plan encourages residential living in the downtown, I hope this request can be expedited.

Thank you,

Milly Pedersen



*Josephine Keir Ltd. At Home*  
27 South Walnut  
Milford, DE 19963

§ 230-13. - C-2 Central Business District.

In a C-2 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District. Specifically, the regulations are designed to encourage the development and opening of new businesses. This may be accomplished by providing an attractive and convenient shopping center or mall that is organized and developed as an integrated unit. The district regulations also recognize the unique circumstances that are peculiar to the downtown area.
- B. Permitted uses. Permitted uses for the C-2 District shall be as follows:
- (1) Those uses permitted in the C-1 District.
  - (2) General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.
  - (3) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.
  - (4) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.
  - (5) Financial institutions, loan companies and banks.
  - (6) Restaurants, excluding fast-food or franchised food service operated restaurants.
  - (7) Taverns and tap rooms.
  - (8) Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.
  - (9) Professional services and administrative activities, including such uses as offices of agents, brokers, physicians, dentists, attorneys, architects, engineers, musicians and artists and governmental offices serving the public.
  - (10) Libraries, museums, art galleries and public information centers.
  - (11) Churches and other places of worship.
  - (12) Fraternal, social service, union or civic organization.
  - (13) Tourist home, boardinghouse, rooming house or lodging house.
  - (14) Studio for artists, designers, photographers, musicians, sculptors and related uses.
  - (15) Commercial parking lot, public garage or multilevel parking garage and off-street parking.
  - (16) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.
  - (17) Publishing, printing and reproduction establishments.
  - (18) Repair and servicing as an accessory activity of any article for sale in the same establishment.
  - (19) Indoor storage facilities as an accessory use to any of the permitted uses in this district.

- (20) The outdoor display of merchandise, if done in a reasonable manner and if the display is kept neat and orderly as determined by the Code Official. Furthermore, the outdoor display may not interfere with the safe and efficient flow of pedestrian traffic.
- (21) Family day care, which shall involve a maximum of six full-time and two after-school children, as specified by state regulations.

**C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:**

- (1) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.
- (2) Laundromats and dry-cleaning establishments.
- (3) Undertakers.
- (4) Motels and hotels.
- (5) Instructional, business or trade stores.
- (6) Fast-food or franchised food service operated restaurants.
- (7) Day-care centers.
- (8) Small convenience grocery shops with gas pumps.
- (9) Community residential treatment program.

**(10) All dwellings other than single-family with a maximum density of 12 units per acre and in conjunction with nonresidential use.**

**D. Area regulations.**

- (1) Minimum lot area shall be 2,500 square feet for any permitted use, together with its accessory buildings, provided that parking and loading space are provided in accordance with Article VI of this chapter.
- (2) Minimum lot width shall be 50 feet.
- (3) Height of buildings shall not exceed 35 feet.
- (4) There shall be no required setback, rear yard or side yard.

**§ 230-20. - General provisions.**

**A. Establishment of off-street parking area. The establishment of any off-street parking area having a capacity of four or more automobiles shall be subject to the approval of the Code Official and further subject to the following requirements. It shall:**

- (1) Have a buffer strip at least five feet wide between it and any adjacent residential lot.
- (2) Be attractively landscaped and screened from neighboring residential lots.
- (3) Not extend into any required front yard areas, except for the driveways.
- (4) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.

**B. Parking space size. Parking space sizes shall be in accordance with § 230-21.**

**C. Parking spaces in driveways. Driveways shall be considered as constituting off-street parking space for one-family detached, semidetached or townhouse dwellings in residential districts, provided that sufficient space is available in such driveways to meet the requirements of this section.**

**D. Location of parking spaces. All parking spaces shall be set back 15 feet from any street line. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for**

auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.

- E. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.
- F. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking areas for downtown shoppers. The location of the municipal parking lots are:
  - (1) North Walnut Street and Northeast Front Street.
  - (2) Park Avenue and Northeast Front Street and Denney Row.
  - (3) Park Avenue and North Washington Street.
  - (4) Southeast Front Street between South Walnut Street and Church Street.
  - (5) Southeast Front Street and South Washington Street.
- G. Parking lot and garage maintenance. Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.
- H. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.
- I. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.
- J. Points of ingress and egress. When the parking garage buffer strip is adjacent to any public street upon which the lot has frontage, the fifteen-foot buffer strip which extends for the full frontage of the lot may be interrupted only at points of ingress and egress. Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than 25 feet and not more than 32 feet in width. No two accessways on the same lot shall be placed within 75 feet of each other.

§ 230-22. - District requirements.

- A. Residential districts.
  - (1) In any R-1, R-2 or R-3 District a landscape screen and/or fence or wall a minimum of six feet in height shall be planted and/or erected to separate any permitted nonresidential use from any existing residential use on a contiguous lot. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.
  - (2) In any R-3 District, for any lot developed for garden apartments or townhouses, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any contiguous lot developed as a single-family detached or semidetached residential dwelling on any contiguous lot zoned R-1 or R-2. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.
- B. Commercial districts. In any C-1, C-2 or C-3 District a fifteen-foot buffer area shall be provided within which a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any permitted use from any contiguous lot zoned R-1, R-2 or R-3 or any contiguous

lot developed or approved for development for any residential use. Such landscape screen may extend into the lot setback, side yard or rear yard.

- C. Institutional, Industrial and Office Building/Complex Districts: H-1, I-1, I-2, OB-1 and OC-1.<sup>4</sup> ¶
- (1) Each use established in these districts shall set aside at least 20 feet in width immediately adjacent to any street upon which the lot has frontage, and extending for the full frontage of the lot, for purposes of providing for proper site distance and buffering from the public road. Within such area, the owner shall establish and maintain a planting of grass and/or horticultural ground cover. Other landscape materials may be incorporated, provided that there is no obstruction to vision, other than a tree trunk, in the area between two and seven feet above ground level. No use shall be made of this buffer area other than for a single driveway to provide access to the use for each 100 feet of frontage upon a public road. Such driveway shall not exceed 32 feet in width.
  - (2) Parking areas may be located in any hard area but shall not be closer than 15 feet to any street line or property line.
- D. Limited Industrial District. At the boundary line between an I-1 District and any R-1, R-2 or R-3 District or any lot developed or approved for development for residential use, there shall be a fifty-foot buffer area which shall include a landscape screen and/or fence or wall a minimum of six feet in height. Such landscape screen may extend into the lot setback, side yard or rear yard.<sup>5</sup> ¶

#### ARTICLE VI - Signs

##### § 230-24. - Permitted and prohibited signs.

For the purpose of this article of this chapter, the regulations are hereby set forth as follows:

- A. Signs permitted without limitation in all zoning districts shall be as follows:
- (1) Authorized signs regulating traffic under state or city authority.
  - (2) Signs designating public transportation pickup points.
  - (3) Informational signs: those erected for safety or those installed to provide directional information and those erected for the identification of public rest areas, public parking areas, entrances or exits and loading or unloading zones (not to exceed 2 1/2 square feet in area and nonilluminated).
  - (4) Warning signs and no trespassing signs.
  - (5) Memorial plaques, corner stones and signs designating historical sites.
  - (6) Signs required to be posted by law.
  - (7) Duly authorized governmental signs, public notices and signs posted or maintained by governmental order, rule or regulation.
  - (8) Flags or emblems of governmental, educational or religious organizations.
  - (9) Address signs, not to exceed one for each principal building or premises, not to exceed 160 square feet in area. The signs shall show only numerical address designations of premises upon which they are affixed/maintained.
  - (10) Signs designating permanent subdivisions, not to exceed 20 square feet in area, with only two per each street frontage.
  - (11) Signs which are attached or are integral to fuel dispensing pumps or devices, to be no larger than the servicing device to which they are attached.
  - (12) Temporary sign for sale (realty, private owner, etc.), rental or lease of premises at location. Allowance shall be determined by the Code Official.
- B. Signs prohibited in all zoning districts shall be as follows:

- (1) Flashing signs.
- (2) Animated signs.
- (3) Signs producing noise or sounds.
- (4) Signs emitting visible smoke, vapor, particles or odor.
- (5) Signs/advertising materials which obstruct visibility of motorists or pedestrians at any location.
- (6) Signs which, by reason of wording, position, shape or color, may cause interference with or obstruction of view or may be confused with authorized traffic signage. The allowance shall be determined by the Code Official.
- (7) Signs attached to fire-fighting equipment, emergency egress doors, windows and like emergency purposes.
- (8) Signs causing radio, television or other communication interference because of lighting or control mechanism(s).
- (9) Flags (other than United States flags), banners, twirling/spinning, sandwich/A-type, sidewalk/curb signs (nonpermanent) and balloons or other gas-filled figures. Allowance shall be determined by the Code Official.
- (10) Signs attached to trees, fences, utility poles or any other means not designated by this article or that which is not approved by a City Code Official. Exceptions are public notices and public announcements (as previously stated).
- (11) Portable signs, fixed on movable stands or chassis, or those self-supported types not permanently embedded or any sign that allows ready transport from site to site.

§ 230-25. - Construction; violations and penalties.

- A. All signs permitted by this article shall be erected/placed in accordance with the zoning requirement set forth by this chapter (regarding setbacks, sizes and height limitations) and shall be constructed so as to withstand loadings imposed by wind or the direct result of the sign's weight or stresses that may be otherwise imposed. All signage applications shall be accompanied by scale drawings and shall meet the approval of the Plans Review Official.
- B. Any violations of city code(s)/ordinance(s) regarding the laws governing signs within the City of Milford shall be grounds for the removal of the sign in question, fines, imprisonment or all of the preceding. This shall be determined by the Code Official.

§ 230-26. - General standards.

The chart, found at the end of this chapter, shall determine the size and height requirements allowed within the designated zoning district. Additional requirements are as follows:

- A. Setback.
  - (1) Commercial/industrial districts: 10 feet from front right-of-way line.
  - (2) Noncommercial districts (nonresidential):
    - (a) Advertising: 10 feet from front right-of-way line.
    - (b) Nameplate, identification and instruction: five feet from right-of-way line.
- B. Sign standards chart (end of chapter).
- C. Guidelines for all zoning districts. The following are the general guidelines for signage in all zoning districts:
  - (1) Sidewalk or pedestrian areas are not to be obstructed in any way by signs of any type.

- (2) Variances for dimensional increases in area, height or coverage must be submitted for review and determination by the Board of Adjustment of the City of Milford. Violations of the requirements set forth in the attached chart shall be deemed as a violation of this chapter and will be subject to the penalties herein described.
- (3) All signs whose primary function it is to direct attention to the identity of the business, professional or industrial activity and which describes said nature of such operation shall be deemed a business sign. Such signs shall not exceed two in number on any one road frontage.

D. Guidelines for C-2 Zoning District. The following are the general guidelines for signage within the C-2 Downtown Commercial District:

- (1) Signs shall reflect simplicity, using graphics and minimum information.
- (2) Light-colored lettering should be used over dark matte background as the dominant motif.
- (3) Signs should have a singular theme.
- (4) A maximum of three colors may be used.
- (5) Signs should employ a style consistent with the age of the building.
- (6) Signs should fit into the size and proportions of the building.
- (7) Wall signage shall be placed directly above the storefront.
- (8) Wall signs should be made of natural materials, when feasible.
- (9) Awning signs shall be carefully mounted and add variety and color to the streetscape. All awning signage and the awning assembly shall be kept properly maintained and shall be repaired as needed.

E. Political signs.

- (1) Residential and Downtown Commercial Districts.
  - (a) Political signs shall not exceed 24 inches by 36 inches or six square feet.
  - (b) The maximum height of any political sign shall not exceed three feet.
  - (c) All political signs shall be removed within seven days after the election.
- (2) Other zoning districts.
  - (a) Political signs shall not exceed 48 inches by 60 inches or 20 square feet.
  - (b) The maximum height of any political sign shall be no more than five feet.
  - (c) All political signs shall be removed within seven days after the election.

F. EMB signs. The following are the guidelines for all EMB signage:

- (1) EMB signs are only permitted in the C-3 Zoning District.
- (2) Contain static messages for at least eight seconds before changing the message and shall not have animation on any part of the sign, nor shall such sign have varying light intensity during the display of any single message.
- (3) May not operate at brightness levels of more than 0.20 foot candles above ambient light levels as measured at a distance of 150 feet.
- (4) The owner of said EMB sign shall provide a certification by an independent contractor of the lumens showing compliance at time of building permit application.
- (5) Each sign shall have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.

- (6) Shall meet the same installation and permitting requirements and inspections as set out for all other signs.
- (7) The owner of said sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- (8) The owner of said sign shall provide to the City of Milford contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs. If, at any time the EMB display lights malfunction or are no longer working, the owner of said sign shall make repairs to the sign within 60 days or the sign will require removal.
- (9) Each sign located on a state maintained road must comply with all Delaware Department of Transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this [article].
- (10) All EMB signs shall have a height of no less than a minimum of two feet and no greater than a maximum of five feet. All EMB signs shall have a width of no greater than a maximum of 12 feet and shall be no larger than 32 square feet total.

**§ 230-48. - Criteria for evaluation.**

The following criteria shall be used as a guide in evaluating a proposed conditional use:

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

**§ 230-49. - Conditions for approval; expiration.**

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 230-48 and that such use will continue to do so.
- B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
- C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. See fee schedule.
- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.
- F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

## NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: FEBRUARY 21, 2017  
CITY COUNCIL PUBLIC HEARING: FEBRUARY 27, 2017

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, February 21, 2017 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, February 27, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

### **ORDINANCE 2017-06**

Larson Engineering on behalf of Milford Plaza Enterprises for a Conditional Use to allow a car repair shop and/or a service station on 21.40+/- acres in a C3 (Highway Commercial) Zoning District. Property is located at the northeast corner of the N DuPont Boulevard and NW Front Street intersection, 600 N DuPont Boulevard, Milford, Delaware. Present Use: Commercial Retail; Proposed Use: Commercial Retail with a car repair shop and/or a service station.  
Tax Map MD-16-183.09-01-04.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on February 21, 2017; and

WHEREAS, Milford City Council will hold a Public Hearing on February 27, 2017 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use to allow a car repair shop and/or a service station as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

*Section 1.* Upon the adoption of this ordinance, Larson Engineering on behalf of Milford Plaza Enterprises is hereby granted a Conditional Use Permit to allow a car repair shop and/or a service station, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

*Section 2.* Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

*Section 3.* Dates.

Planning Commission Review & Public Hearing: February 21, 2017

City Council Introduction: February 13, 2017

City Council Public Hearing: February 27, 2017

Adoption: February 27, 2017

Effective: March 9, 2017

This ordinance shall take effect and be in force ten days after its adoption.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302-424-3712.

*Advertised: Beacon 01/25/17*





For Staff Use ONLY	
Verified	Waived

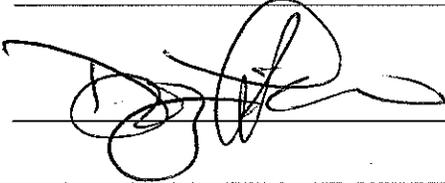
- 16. Proposed drive aisles, curbing, sidewalk and drive aisle and sidewalk width dimensions.
- 17. Preliminary entrance improvements.
- 18. Proposed parking spaces with spaces delineated and typical width and length dimensioned. Provide the number of spaces in each row.
- 19. Preliminary business sign location (where applicable)
- 20. Preliminary stormwater management area(s).
- 21. Open space.
- 22. Existing and proposed easements.
- V. A CD with all of the above documentation saved in pdf format.
- VI. Application fee.

**Note: Plans which are revised per City review comments and re-submitted for review will not be reviewed unless a comment response letter is submitted with the plans.**

I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Surveyor or Engineer:  \_\_\_\_\_ Date: 11/4/16

	FOR STAFF USE ONLY			
	DAC	Planning Commission	City Council	BOA
Owner			n/a	n/a
Contact				
Applicant				

REVISED: 02.2014



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

[www.cityofmilford.com](http://www.cityofmilford.com)

**STAFF RECOMMENDATION REPORT**

January 3, 2017

<b>Application Number / Name</b>	:	16-001 / Milford Plaza
<b>Present Comprehensive Plan Designation</b>	:	Highway Commercial
<b>Present Zoning District</b>	:	C-3 (Highway Commercial District)
<b>Present Use</b>	:	Shopping Center
<b>Proposed Use</b>	:	Shopping Center
<b>Property Identification Numbers</b>	:	MD-16-183.09-01-04.00-000
<b>Area and Location</b>	:	21.4 +/- acres located at the northeast corner of N. DuPont Boulevard (Route 113) and NW Front Street (Route 14) known as The Plaza at Milford Shopping Center.

**I. BACKGROUND INFORMATION:**

- The shopping center had recent Site Plan approvals in 2011 and 2013 for the expansion on the southern end of the shopping center and the addition of the Chick-Fil-A pad site.
- The proposed Site Plan includes the demolition of the existing Citizens Bank and Donut Connection Buildings and the construction of a new 2,475 square foot Valvoline instant oil change and an 8,000 square foot, four suite retail pad. The Valvoline instant oil change is considered a service station and car repair operation and is subject to a Conditional Use review per City Code.
- The proposed hours of operation are 7:00 am to 7:00 pm, Monday through Saturday and 9:00 am to 4:00 pm on Sunday. The use will employ 8-10 full and part-time employees. A maximum of 6 employees would be onsite at any one time. The building will have motor oils and lubricant contained within the building. All waste oil, used oil filters and oily water are collected and recycled by a licensed hazardous waste hauler. A spill prevention, control and counter measures plan is developed for each service center. Each center is equipped with a spill kit, which can be used to contain and stop the flow of material in the unlikely event of a spill.
- The applicant proposes to reconfigure the entrance along N. DuPont Boulevard / Route 113 to alleviate current traffic flow issues.

- The Site Plan includes the relocation of handicap parking spaces throughout the site in order to meet current ADA requirements.
- The Site Plan includes the installation of the shared use path along with proper grading, top soiling and seeding of the abandoned entrance on NW Front Street / Route 14.

## II. STAFF RECOMMENDATION:

Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for Preliminary Site Plan and Conditional Use approval:

- Conditional Use evaluation based on the following criteria provided in Chapter 230-48:

*The presence of adjoining similar uses.*

Staff Response: The proposed use is surrounded by other commercial land uses including a shopping center, drug store and gas station. In addition, there are a few residential dwellings located along the south side of NW Front Street southeast of the proposed use. Also, the Carlisle Fire Company occupies the property due east of the subject parcel.

*An adjoining district in which the use is permitted.*

Staff Response: Service Stations or Car Repair operations are not permitted by-right in other zoning districts.

*There is a need for the use in the area proposed as established by the Comprehensive Plan.*

Staff Response: The Comprehensive Plan does not specifically mention the need for service stations or car repair operations, but this is the case for many other uses as well.

*There is sufficient area to screen the conditional use from adjacent different uses.*

Staff Response: The proposed use is located along NW Front Street which serves as a buffer between the proposed use and other non-commercial uses.

*The use will not detract from permitted uses in the district.*

Staff Response: The structure will be designed and constructed to compliment other existing and proposed buildings within the shopping center and should not detract from the appearance of adjacent permitted uses. The proposed use will be subject to Chapter 157 Noise which states “unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 10:00 p.m. and 7:00 a.m. which is plainly audible at a distance of five feet from any residential property” shall be declared a violation of said ordinance.

*Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.*

Staff Response: Staff does not anticipate adverse impacts to neighboring parcels. The proposed site is located at a busy intersection in a commercial shopping center surrounded by primarily commercial

uses. The residential properties in the immediate vicinity are identified as commercial land use in the 2008 Comprehensive Plan.

- Additional evaluation based on Chapter 230-14.C(10) which states “service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:”

*All facilities shall be located and all services shall be conducted on the lot.*

Applicant Response: Use complies with this requirement.

Staff Response: All facilities and services are shown on the attached plans to be conducted on the lot.

*All repair work shall be conducted within an entirely enclosed building.*

Applicant Response: The building will have four service bays that will be used to meet this requirement.

Staff Response: Repair work will be conducted within the proposed 4-bay service building.

*No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.*

Applicant Response: The use has a 30’ setback requirement; therefore, complying with this requirement.

Staff Response: This equipment will be placed farther than 20 feet from the property line or any street.

*No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.*

Applicant Response: The site complies with this requirement.

Staff Response: The proposed service station/car repair facility is not located within 500 feet of any school, hospital, church or public recreation building.

*No service station shall be located within 800 feet of another service station on the same side of the street within the same block.*

Applicant Response: The site complies with this requirement.

Staff Response: There are no other service stations within 800 feet of the proposed site on the same side of the street on the same block.

*Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.*

Applicant Response: The use is isolated to an outpad on Route 14. Sidewalks are proposed throughout the shopping center with connections to this outpad, so it does not interfere with pedestrian traffic.

Staff Response: The proposed use will not interfere with pedestrian movements in conjunction with the shopping center use or proposed retail building.

- The City does not have a specific parking rationale for a service station / car repair operation. The applicant has proposed 4 parking spaces per bay, which would total a required amount of 16 spaces. For comparison, Kent County requires 1 parking space per 500 square feet of floor area, or a minimum of 10. Based on the square footage of 2,475, the proposed use would require the minimum of 10 parking spaces. The number of spaces proposed exceeds the County's requirement. Sussex County requires 1 per 500 square feet of floor area, plus 1 per employee during peak period of employment. The applicant states that a maximum of 6 employees will be onsite at one-time, which means a total of 8 spaces would be required. Again, the proposal meets the County's requirement.
- The Preliminary Site Plan has been reviewed for conformance with Chapter 230 Zoning and no additional waivers or variances are being sought as part of the application. The applicant will be required to submit for Final Approval and meet the requirements of Chapter 230 Zoning, except as noted by the parking variance approval below.
- On March 10, 2016, the City of Milford Board of Adjustment granted a reduction in the total number of parking spaces required, allowing the applicant to only provide 877 parking spaces for the entire shopping center for the proposed uses.
- The City will require the construction of the shared use path along NW Front Street and Route 113 prior to issuance of any certificate of occupancy for new construction. Installation shall be coordinated with and approved by DelDOT and the City.
- The following comments must be addressed prior to final site plan approval:
  1. Final Site Plan approval will require approvals or no objection letters from DelDOT, State Fire Marshal's Office and Kent Conservation District.
  2. Applicant must obtain final approval of engineering plans from the Public Works Department.
  3. Address additional department and agency comments outlined in Section III.

### **III. AGENCY COMMENTS:**

- **Office of State Planning Coordination**  
Contact: David Edgell – 302-739-3090
- **DelDOT Planning, Development Coordination**  
Contact: Joshua J. Schwartz – 302-760-2768  
See attached for comments.
- **Delaware Health and Social Services – Division of Public Health**  
Contact: William J. Milliken, Jr. – 302-741-8646  
No comments provided.
- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**  
Contact: Bryan Ashby – 302-739-9946  
No comments provided.

- **Kent Conservation District**  
Contact: David C. Cahill – 302-741-2600 ext. 3  
See attached comments.
- **Delaware State Fire Marshal’s Office**  
Contact: Duane T. Fox – 302-856-5298  
See attached comments.
- **Carlisle Fire Company**  
See Fire Marshal comments.
- **City Engineer**  
Contact: Randy Duplechain, P.E. (Davis, Bowen & Friedel, Inc.) - 302-424-1441  
See attached comments.
- **City of Milford Public Works Department**  
Contact: Mark Whitfield – 302-422-1110
- **City of Milford Parks and Recreation Department**  
No comments provided.
- **City of Milford Police Department**  
No comments provided.
- **City of Milford Building Inspector**  
Contact: Donald Williams – 302-424-3712
- **Milford School District**  
No comments provided.



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

[www.cityofmilford.com](http://www.cityofmilford.com)

## DATA SHEET FOR MILFORD PLAZA

Development Advisory Committee: January 18, 2017

Planning Commission Meeting: February 21, 2017

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<b>Application Number / Name</b>	:	16-001 / Milford Plaza
<b>Applicant</b>	:	Milford Plaza Enterprises, LLC 201 East Delaware Avenue Newark, DE 19711
<b>Owner</b>	:	Same
<b>Application Type</b>	:	<u><b>REVISED</b></u> Preliminary Site Plan & Conditional Use
<b>Present Comprehensive Plan Designation</b>	:	Highway Commercial
<b>Present Zoning District</b>	:	C-3 (Highway Commercial District)
<b>Present Use</b>	:	Shopping Center
<b>Proposed Use</b>	:	Shopping Center
<b>Area and Location</b>	:	21.4 +/- acres located at the northeast corner of N. DuPont Boulevard (Route 113) and NW Front Street (Route 14) known as The Plaza at Milford Shopping Center.
<b>Property Identification Numbers</b>	:	MD-16-183.09-01-04.00-000

ENC: Staff Recommendation Report  
Exhibit A - Location & Zoning Map  
Exhibit B - Preliminary Site Plan

City of Milford  
Planning & Zoning Department

**COMMENT SHEET**

Date of Review: January 19, 2016

Reviewing Agency: Delaware Department of Transportation

Individual Reviewer: Joshua J. Schwartz

Reviewer's Phone #: 302-760-2768

RE: Milford Plaza

*The reasons and conditions applied to this project and their sources are itemized below:*

**Comment:**

1. Right-Of-Way shall be evaluated for the State Maintained Roads when plans are submitted to the Delaware Department of Transportation..



**CITY OF MILFORD  
DEVELOPMENT ADVISORY COMMITTEE**  
February 2016

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**PROJECT NAME:** Milford Plaza

**PROJECT#** 16-001

**REVIEWING AGENCY:** *Kent Conservation District*

**CONTACT PERSON:** *David C. Cahill*

**PHONE #:** 741-2600 ext.3

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THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source: 2014 Delaware Sediment and Stormwater Regulations

**CITY AND STATE CODE REQUIREMENTS:**

1. As the disturbance for this site will exceed 5,000 square feet, a detailed sediment and stormwater management plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to our office. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.
2. The following notes must appear on the record plan:
  - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
  - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
  - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.

**ADVISORY COMMENTS TO THE APPLICANT:**

1. A Green Technologies (bio infiltration) facility exists on the site. If the engineer can show that the facility is sized to except the additional drainage that would satisfy the storm water requirements for the project.
2. The engineer must submit a report with accompanying calculations and an erosion and sediment control plan for approval. See our web site [WWW.KENTCD.ORG](http://WWW.KENTCD.ORG) for forms and fee schedules.

City of Milford, Delaware  
Development Advisory Committee

Comment Sheet

\*\*\*\*\*



DATE OF REVIEW: January 11, 2016

REVIEWING AGENCY: **Delaware State Fire Marshal's Office, Kent Office**

INDIVIDUAL REVIEWERS: **Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services**  
**John A. Reedy, CFI, Sr. Fire Protection Specialist**  
**Jefferson L. Cerri, CFPE, CFI, Sr. Fire Protection Specialist**

AGENCY PHONE NUMBERS: **302-739-4394, Fax: 302-739-3696**

RE: MILFORD PLAZA SHOPPING CTR. (16-001)

*The reasons and conditions applied to this project and their sources are itemized below:*

\*\*\*\*\*

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 sqft aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access

roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from South Dupont Hwy or NW Front St. must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website:

[www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

***THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE***



PLANNING & ZONING DEPARTMENT  
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

www.cityofmilford.com

December 30, 2016

Doug Liberman  
Larson Engineering Group, Inc.  
910 South Chapel Street, Suite 200  
Newark, DE 19713

RE: The Plaza at Milford – Revised Preliminary Site Plan – Phase II – Review Comments #1

Mr. Liberman,

The City of Milford Planning Department has reviewed the Revised Preliminary Site Plan dated November 23, 2015 and the following comments must be addressed prior to placing the item on the next available Planning Commission agenda;

DWG/PAGE NO.	COMMENT NO.	PROJECT REVIEW COMMENTS	APPLICANT RESPONSE
<b>Preliminary Plan</b>			
Sheet TS-1	1	Modify the City Approval block to match the others.	<i>block revised</i>
	2	Data Column: Provide reference to the parking space variance approval from the City Board of Adjustment.	<i>note added</i>
	3	Add Sheet LS-1 to the Sheet Index.	<i>Sheet added to index</i>
Sheet SD-1	4	New Site Area: At the northern extents to the limits of disturbance, west of the main drive aisle serving Chik-fil-A, show the demo of curbing being removed for the islands at the end of the parking row that are being removed for the dual one-lane traffic pattern.	<i>demo of curbing added</i>
	5	For the large area of parking that is labeled "existing pavement to be removed", will the contractor mill and overlay?	<i>We are working with the contractor on the budget to determine this</i>
	6	Show the removal of the old entrance and placement of topsoil and seed as directed by DeIDOT.	<i>in progress</i>
Sheet SD-2	7	Check the widths of the ADA accessible parking spaces and provide a typical dimension.	<i>dimensions added</i>
		Label the distance between each new sign and the property line.	<i>dimension added</i>
	8	Per comment number 4 above on sheet SD-1, do not show the	<i>acknowledged</i>

		curbing demolished nor the parking spaces being removed in the one lane drive aisle.	
	9	Show the proposed pedestrian crosswalk at the Route 113 entrance and the Route 14 entrance.	Cross walk added
	10	At the four-way intersection when entering from Route 113, There appears to be two stop bars on both the north and south approaches, please clarify.	correct - East bound traffic entering the center will have right-of-way. Stop bar added for westbound traffic
	11	At the three-way intersection when entering from Route 113 adjacent to the shopping center, the stop bar on the south approach appears to be too far from the intersection. Adjust or provide rationale.	stop bar moved
General	12	Per Chapter 230 of the City Code, the proposed Valvoline Oil Change facility will require a conditional use approval. Please complete the attached conditional use application and submit with the revised plans.	Acknowledged
	13	The City will require DeIDOT, State Fire Marshall and Kent Conservation District approvals prior to Final Site Plan approval	Acknowledged
	14	The City will require completion of the sidewalk and multi modal path along NW Front Street and Route 113 prior to the issuance of any certificate of occupancy for new construction. Installation shall be coordinated with and approved by DeIDOT.	Acknowledged
	15	Final Site Plan shall comply with City Code, including Chapter 230 Zoning. Other than the approved parking variance, no other variances or waivers have been requested.	Acknowledged
	16	Final Site Plan and design drawings shall comply with City Standard Construction Specifications.	Acknowledged
	17	Address the attached comments from Davis, Bowen & Friedel related to site engineering and utilities.	Acknowledged
	18	Include responses to these comments with the re-submission.	Acknowledged

Please revise and resubmit for review. Feel free to contact me at 302-424-3712 ext. 311 should you have any questions regarding this letter.

Sincerely,

*William R. Pierce II*

Rob Pierce  
Coordinator of Planning &  
Economic Development Activities

cc: Angela Tsionas, Milford Plaza Enterprises, LLC, 201 East Delaware Avenue, Newark, DE 19711

**CITY OF MILFORD PLAN REVIEW**

DAVIS, BOWEN & FRIEDEL, INC. Project Review Comments	Submittal Phase:	<u>Preliminary</u>	Project No.:	_____
	Date Submitted:	<u>11-04-16</u>	Project Title:	<u>The Plaza at Milford – Phase 2</u>
	Submittal No.:	<u>2</u>	Project A/E:	<u>Larson Engineering Group</u>
	DBF Job No.:	<u>052B003</u>		
	Date Returned:	<u>12-29-16</u>		

Distribution: P & Z  Town Mgr \_\_\_\_\_ DPW \_\_\_\_\_ Town Engineer  Other \_\_\_\_\_

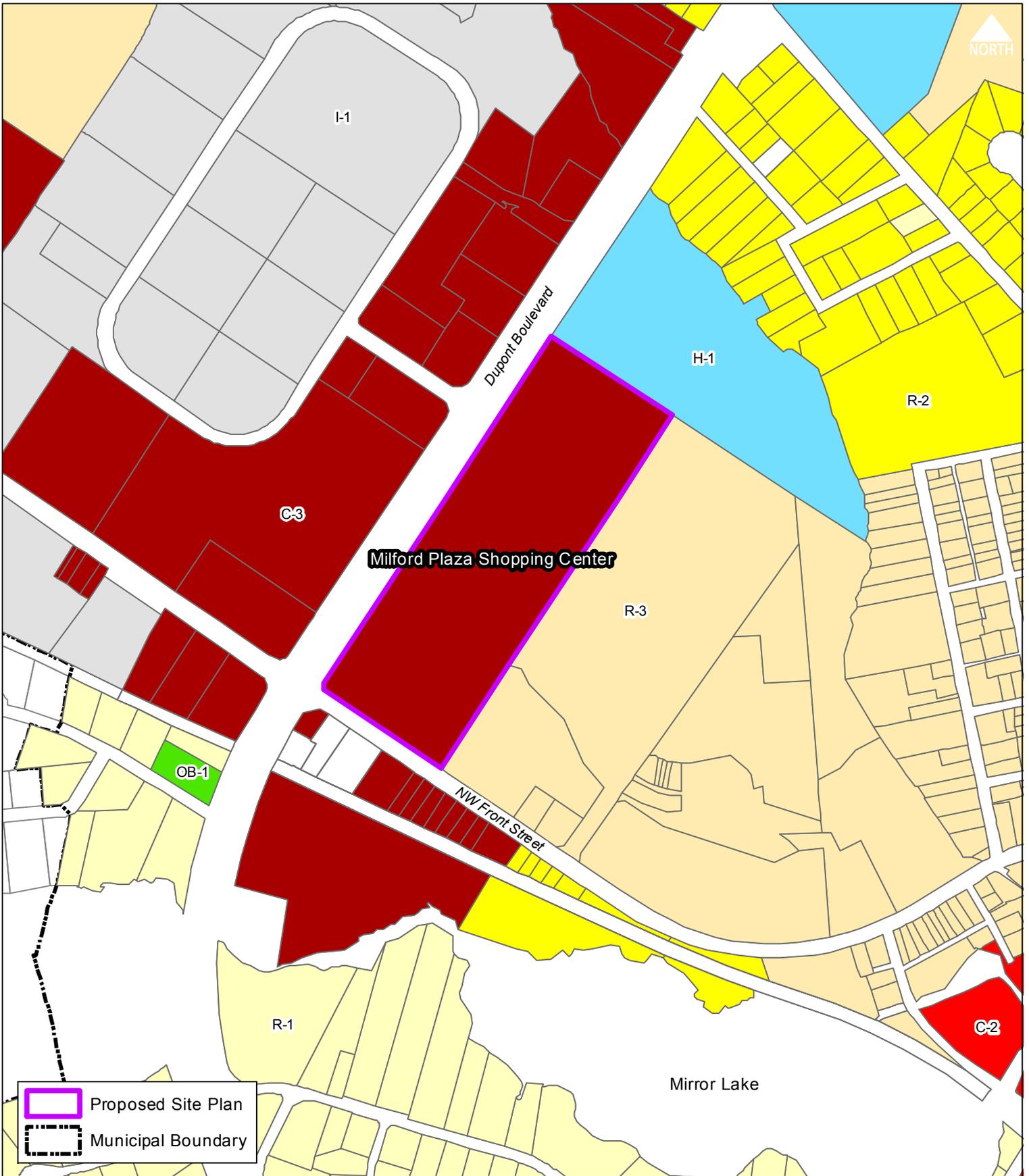
Name of Reviewer: Scott Adkisson Office: Milford, DE  
302-424-1441

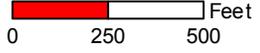
Documents Reviewed: Revised Preliminary Construction Plans

DWG/PAGE NO.	COMMENT NO.	PROJECT REVIEW COMMENTS	APPLICANT RESPONSE
<p>These plans were reviewed primarily for the revision that removed what was a proposed bank site and replaced it with a proposed vehicle oil change establishment. With respect to this change, our greatest concern is the number of parking spaces being proposed for this new use. Please see review comment 1 for sheet SD-2. In our opinion, this is the only review comment that would place preliminary plan approval of the project in jeopardy. We would have no objection to the remainder of the review comments below being addressed on the final site construction plan submission.</p>			
Sheet OS-1	1	Why are there two (2) westbound drive aisle lanes separated by a median shown in the northwest corner of the area of Phase 1 that includes the retail/restaurant? In our opinion, this does not make any sense; and, 8 parking spaces are being abandoned as a result. What purpose does it serve? Both lanes discharge to a two (2) lane two (2) way drive aisle. Will they race one another to see who gets to enter the southbound drive aisle first? Provide justification for the configuration and the reduction in the number of parking spaces.	<i>This is the remote drive thru for the bank within the 800 sq ft building and it must remain</i>
	2	There is a very awkward and potentially dangerous traffic pattern at the north center of the northerly Phase 1 improvements area. The	

		<p>northerly-most drive aisle that runs east/west, between the two (2) main north/south running drive aisles that serve the shopping center should not be configured to allow vehicles traveling west to exit to the westerly main shopping center drive aisle. There is a drive aisle that serves this function just to the south. If a vehicle heading west is waiting at the stop sign to make a left, and there are one or more vehicles headed south in the main drive aisle, the former vehicle is pointing directly into them. In addition, once the vehicle headed west does get out, there is insufficient room for it to get properly aligned in the southbound lane to stop at the stop sign in the southbound lane. In our opinion, the west end of this drive aisle needs to be blocked off with a curbed landscape island to prohibit these situations. Although this awkward situation is a problem that currently exists, this is the perfect time to rectify the situation.</p>	<p>We will add signage to address the issue</p>
Sheet SD-2	1	<p>Very few parking spaces are being provided for the Valvoline site. The applicant needs to provide the City with the number of employees who will be working on the largest shift; and, provide the justification for the number of proposed parking spaces being shown. The data column on sheet TS-1 notes a parking space criteria of 4 parking spaces per bay for 4 bays, which would require 16 parking spaces. Where did this parking criteria come from; and, where are the missing 8 parking spaces? We realize that there are existing parking spaces located to the north, on the north side of the entrance to the shopping center coming into the site from the east; however, these spaces were provided for uses which already exist.</p>	<p>Parking rationale revised to 1 space / 500 sq ft. per COM staff. Adequate parking exists for the use</p>
	2	<p>See review comments 1 &amp; 2 for sheet OS-1.</p>	<p>Acknowledged.</p>
	3	<p>Very few existing and no proposed utilities are shown on any sheet provided. The applicant must provide a plan that shows these items.</p>	<p>Utilities will be addressed on final plans</p>

Reviewer Signature: Scott Adkisson

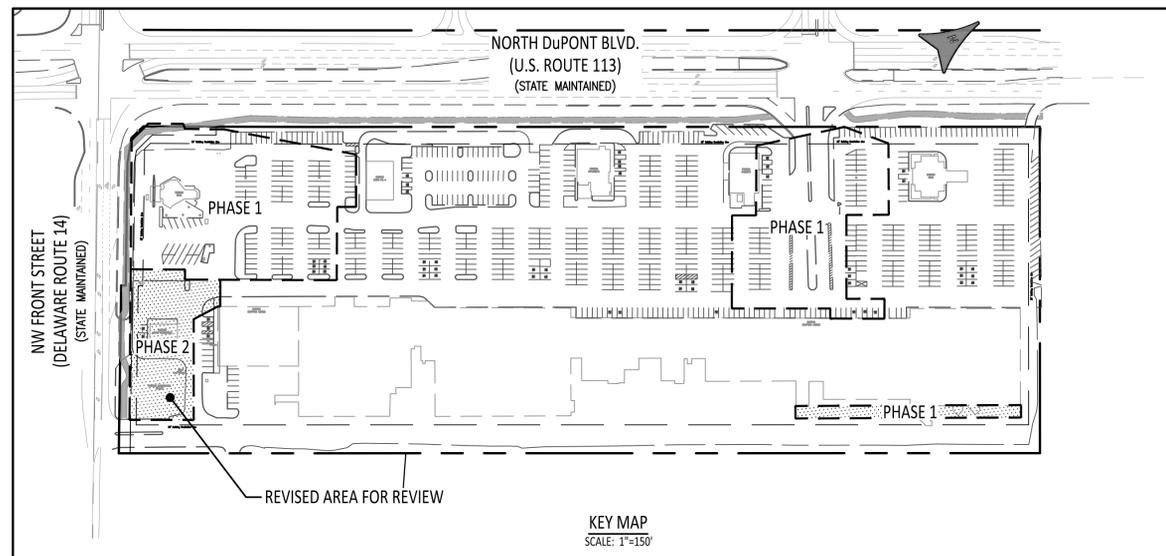
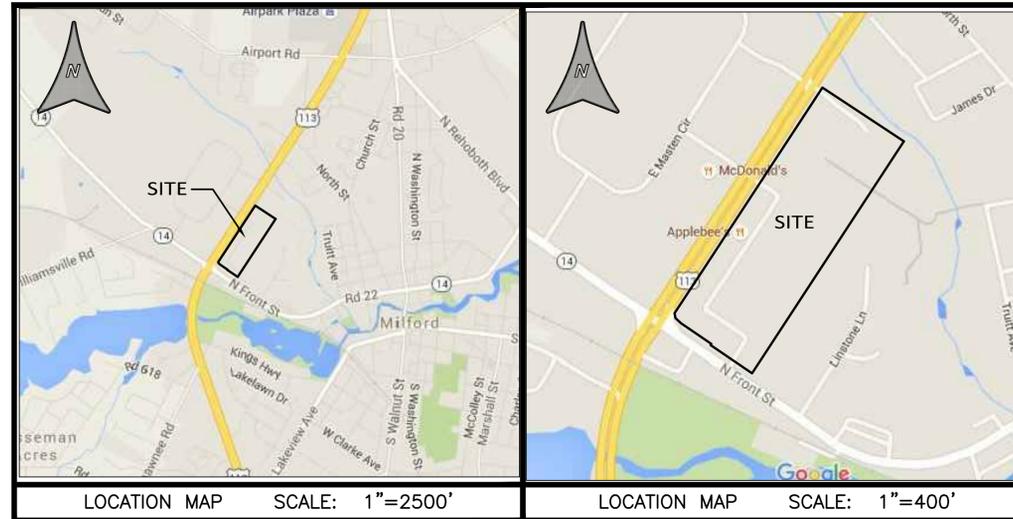


	Scale: 	Title:  <b>Preliminary Site Plan          Milford Plaza Shopping Center          Location &amp; Zoning Map</b>
	Drawn by: WRP      Date: 10/30/15	
Filepath: PreliminarySitePlan_MilfordPlazaShoppingCenter.mxd		

# REVISED PRELIMINARY PLANS FOR THE PLAZA AT MILFORD - PHASE 2 CITY OF MILFORD, KENT COUNTY, DELAWARE

## GENERAL NOTES:

- The boundary information shown on these drawings is based on a survey performed by Landmark JCM Science & Engineering, on May 11, 2012, and recorded in the Kent County recorder of Deeds Office, Plat Book 117, Page 79.
- A topographic survey was performed by Cantera Land Surveying Services, LLC on November 11, 2015.
- Survey datum based upon GPS data provided by Mountain Consulting, Inc.  
Horizontal: Delaware State Plane Grid  
Vertical: NAVD88
- Existing utilities are shown in accordance with the best available information. Completeness or correctness thereof is not guaranteed. It shall be the Contractor's responsibility to contact the utility companies involved in order to secure the most accurate information available as to utility location and elevation. No construction around or adjacent to utilities shall begin without notifying their owner's at least 48 hours in advance. The contractor shall take the necessary precautions to protect the existing utilities and maintain uninterrupted service and any damage done to them due to his/her negligence shall be immediately and completely repaired at the contractor's expense. Prior to construction the contractor shall contact Miss Utility of Delaware for location of utilities, (see note 26).
- All materials shall be installed in accordance with the manufacturer's recommendations. Materials and workmanship shall meet the requirements of the City of Milford standard specifications for installation of utility construction and subdivision pavement design, and all applicable agencies having jurisdiction over the proposed improvements.
- Use only suitable and approved granular material for back filling trenches.
- The contractor shall determine the location of all right-of-way lines property lines to his own satisfaction. Any disturbed areas beyond the Right-of-Way or easement lines shall be restored immediately to their original condition.
- All valve closures and cut-ins shall be coordinated with the City. City officials will carry out all necessary valve closures. Contractor shall coordinate isolation of existing water mains with the City and notify affected residents at least 48 hours prior to cut-in.
- Pipeline detection tape shall be color coded, appropriately labeled, and installed 18 inches below the ground surface and directly above all proposed water main, sewer main, sewer laterals and water services.
- Conductive tracer wire shall be installed with all non-metallic water pipe and services; and along all sewer laterals and forcemains. Wire shall be secured to the pipe and shall be secured to the pipe and shall be securely bonded together at all wire joints with approved watertight connectors. Tracer wire shall be accessible at all valve boxes, meter pits, cleanouts and air release valves.
- Prior to isolation and cut-in procedures, contractor shall excavate, locate and observe function of all existing valves to assist in the system isolation.
- Shop drawings for any item(s) which will eventually be taken over by the City shall be submitted to the City for review and approval prior to the installation of the item(s).
- All sanitary sewer mains and forcemains shall have a minimum cover of 36 inches and all water mains shall have minimum cover of 42 inches as measured from the top of pipe to proposed grade. Sewer laterals shall have a minimum diameter of six (6) inches and have a minimum cover of 36 inches.
- There shall be a minimum horizontal separation between water mains and sanitary sewer mains and forcemains of 10 feet, as measured from edge of pipe to edge of pipe. There shall be a minimum vertical separation of 18 inches between water mains and sanitary sewer mains or forcemains at crossings. One full length of water pipe shall be located so that both joints will be as far from the sewer as possible at crossings.
- There shall be a minimum vertical separation of 12 inches between any storm drain pipe and any water main. If 12 inches cannot be maintained, a minimum of six (6) inches is required and provisions shall be made acceptable to the City of Milford for properly encasing the pipe in concrete.
- The site is not located in the 100 year flood plain per FIRM map panel number 10001C0037J dated January 6, 2005.
- All roadways to be swept free of sediment on a daily basis.
- The contractor shall remove and immediately replace, relocate, reset or reconstruct all obstructions in the work area, including but not limited to, mailboxes, signs, landscaping, lighting, planters, curbs, driveways, parking areas, gutters, fences, or other natural or man-made obstructions. Traffic control regulatory, warning and informational signs shall remain functional and visible to the appropriate lanes of traffic at all times, with their relocation kept to a minimum distance. The cost shall be included in the items bid.
- It is the contractor's responsibility to insure that paving is installed to the elevations shown and that no ponding of water will occur after paving is complete.
- The storm drainage system has been designed using the criteria of the State of Delaware Department of Transportation Standards and Regulations for Subdivision Streets and State Highway Access, latest edition.
- All fire lines, fire hydrants, exits, and standpipes will be marked in accordance with the State Fire prevention regulations.
- Delaware regulations prohibit the burial of construction demolition debris, including trees and stumps on construction sites. Any solid waste found during the excavation for structures and utility lines on and off site must be removed and properly discarded. Any remedial action required is the responsibility of the owner.
- Drawings do not include necessary components for construction safety. All construction must be done in compliance with Occupational Safety and Health Act of 1972, as amended and all rules and regulations thereto appurtenant.
- Contractor shall grade, topsoil, seed and mulch all disturbed areas of construction, including pipe installation or ditch construction. Erosion control matting shall be provided on all slopes greater than 3:1.
- A professional surveyor licensed in the State of Delaware shall be responsible for permanently re-establishing any property markers or monuments disturbed during construction. A survey and metes and bounds that includes the re-established marker(s) or monument(s) shall be presented to the property owner for comparison with the original plat, for verification.
- Miss Utility shall be notified three (3) consecutive working days prior to excavation, at 1-800-282-8555.
- The Owner of Milford Plaza shall be responsible for short term maintenance and necessary repair of all stormwater and storm sewer systems, shown on the plan during construction.
- The Owner of Milford Plaza shall be responsible for long term maintenance of all stormwater management and storm sewer systems after final acceptance by the City.
- The owner of Milford Plaza shall be responsible for the permanent maintenance of all utility improvements shown on these drawings. However, the City retains the right to inspect the utilities as it finds necessary.
- Sewer and water capacity are not guaranteed until building permits are issued, all fees are paid, and suitable utilities are in place for proper conveyance, treatment, and disposal.
- Preliminary approval from Planning Commission shall be VOID after one (1) year, unless an extension is requested by the Owner and approved for good cause by the Planning Commission prior to the date of expiration.
- The applicant is responsible to ensure that all City and/or agency construction permit applications have been completed, submitted, and all applicable fees have been paid prior to commencing construction. The City shall not be held responsible for an anticipated construction start date that is not met due to the applicant or his/her contractor not having met the construction permitting requirements.
- As a condition of the approval of the construction drawings and prior to the start of construction, the applicant may be required to enter into a formal public works agreement with the City.
- The contractor shall notify the City a minimum of two weeks prior to the start of construction and schedule a pre-construction meeting. The site contractor and the Owner, or his/her representative shall be in attendance. City of Milford (302)422-6616.



## SHEET INDEX

- TS-1 TITLE SHEET
- OS-1 OVERALL SITE PLAN
- SD-1 EXISTING CONDITION & DEMOLITION PLAN
- SD-2 SITE PLAN
- SD-3 DETAIL SHEET
- LS-1 LANDSCAPE PLAN

## DATA COLUMN

PLAN PURPOSE: SHOW REVISED LAYOUT THAT REMOVED BANK OUT PAD AND REPLACED IT WITH A 2,475 SQ. FT. "VALVULINE INSTANT OIL CHANGE" PAD, SHOWN AS PHASE 2 WITHIN THIS PLAN SET.

TAX PARCEL NUMBER: MD-16-183.09-01-04.00-000

OWNER/DEVELOPER: MILFORD PLAZA ENTERPRISES, LLC  
201 E. DELAWARE AVE.  
NEWARK, DE 19711  
PHONE: 302-369-8895

SITE AREA: 21.439± Acs.

DATUM: HORIZONTAL - DE STATE PLANE NAD 83  
VERTICAL - NAVD 88

BENCHMARK: HUB AND TACK, LATITUDE 38°54'55.669" LONGITUDE 75°26'29.735"  
ELEV.=29.39

EXISTING ZONING: C3 COMMERCIAL  
PROPOSED ZONING: C3 COMMERCIAL

THE SITE IS NOT LOCATED IN A SOURCE WATER PROTECTION AREA.

USE: EXISTING - SHOPPING CENTER  
PROPOSED - SHOPPING CENTER

RESTRICTIONS:  
LOT SIZE: 1 ACRE MIN.  
LOT WIDTH: 170 FT. MIN.  
IMPERVIOUS: 80% MAX PERMITTED - EXISTING 93%, PROPOSED 91%  
FRONT YARD SETBACK: 30 FT. MIN.  
SIDE YARD SETBACK: 20 FT. MIN., 50 FT. COMBINED TOTAL  
REAR YARD SETBACK: 50 FT. MIN.  
BUILDING HEIGHT: THREE STORES OR 35 FT. MAX. - EXISTING 28 FT.

PARKING: EXISTING:  
BANK RATIONALLE: 1 PER 200 SF PLUS 1 FOR EACH EMPLOYEE  
RESTAURANT PARKING RATIONALLE: 1 PER 3 SEATS PLUS 1 PER 2 EMPLOYEES  
RETAIL PARKING RATIONALLE: 1 PER 200 SF OF SALES AREA PLUS 1 PER 2 EMPLOYEES

RETAIL PARKING METHODOLOGY: 70% OF TOTAL SQUARE FOOTAGE IS SALES FLOOR SPACE  
1 EMPLOYEE PER 1500 SF

EXIST. APPLEBEES: 144 SEATS/3 + 15 EMPLOYEES/2 = 56  
EXIST. CIB: 3,320 SF/200 + 6 EMPLOYEES = 23  
EXIST. CITIZENS BANK: 1,985 SF/200 + 5 EMPLOYEES = 15  
EXIST. HARGREAVES: 74 SEATS/3 + 8 EMPLOYEES/2 = 29  
EXIST. DONUT CONNECTION: 14 SEATS/3 + 5 EMPLOYEES/2 = 8  
EXIST. RETAIL STRIP (193,355 SF X 0.70)/200 + 129 EMPLOYEES/2 = 742  
EXIST. CHECK-FILL-A: 4,200 SF/200 + 6 EMPLOYEES/2 = 24

EXISTING PARKING REQUIRED: 897 SPACES  
EXISTING PARKING PROVIDED: 853 SPACES

PROPOSED RETAIL: (8000 SF X 0.70)/200 + 6 EMPLOYEES = 34  
PROPOSED VALVULINE: 4 PER BAY (4 BAYS X 4) = 16

PROPOSED PARKING REQUIRED: 50 SPACES  
PROPOSED PARKING PROVIDED: 87 SPACES

TOTAL PARKING REQUIRED: 924 SPACES  
TOTAL PARKING PROVIDED FOR SHOPPING CENTER: 877 SPACES

PROPOSED EDU'S: 8000 Sq. Ft. RETAIL @ 0.10 GPD = 800 GPD/300 = 2.67 EDU (ESTIMATED AS FIXTURE COUNT IS NOT AVAILABLE YET)

CITIZEN'S BANK WILL BE RELOCATED ON-SITE THEREFORE NO NEW EDU'S WILL BE NEEDED FOR THIS EXPANSION.

CITY OF MILFORD WILL DO AN INSPECTION OF THE DONUT CONNECTION AND CITIZEN'S BANK BUILDINGS TO DETERMINE EXISTING FIXTURE COUNT TO BE CREDITED TOWARD PROJECT.

EDU CALCULATION WILL BE PROVIDED WITH THE SUBMISSION OF THE FINAL SITE CONSTRUCTION PLANS. A FLOOR PLAN OR PLANS SHALL BE PROVIDED TO VERIFY FIXTURE COUNT. ANY CREDIT FOR EXISTING EDU ASSIGNMENT SHALL BE CONFIRMED WITH THE CITY.

WATER SUPPLY: CITY OF MILFORD  
SEWER SUPPLY: CITY OF MILFORD  
ELECTRIC SUPPLY: CITY OF MILFORD

## OWNER'S CERTIFICATION

I, the undersigned, hereby certify that I am the owner's representative of the property described and shown hereon, that the plans were made at the owner's direction and that to the best of my knowledge and belief all land clearing, construction and development shall be done pursuant to the approved plans in accordance with applicable laws and regulations.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Representative  
Owner: Milford Plaza Enterprises, LLC  
201 E. Delaware Avenue  
Newark, DE 19711  
Phone: 302-369-8895

## ENGINEER'S CERTIFICATION

I, George H. Larson, Jr. PE, hereby certify that I am a Registered Engineer, Land Surveyor, or Architect in the State of Delaware, that the information shown hereon has been prepared under my supervision and to the best of my knowledge and belief represents good engineering, surveying, and/or architectural practices as required by the applicable laws of the State of Delaware.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
George H. Larson Jr. Engineer

## CITY ENGINEER APPROVAL

Construction Improvements plan have been reviewed and are found to be in general conformance with the City of Milford Construction Standards and Specifications for water, sewer and streets. The owner and his Engineer and/or Surveyor assume all responsibility for design and accuracy of information shown hereon.

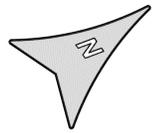
Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Randy Duplechain, P.E.

## CITY OF MILFORD APPROVAL

City Manager: \_\_\_\_\_ Date: \_\_\_\_\_

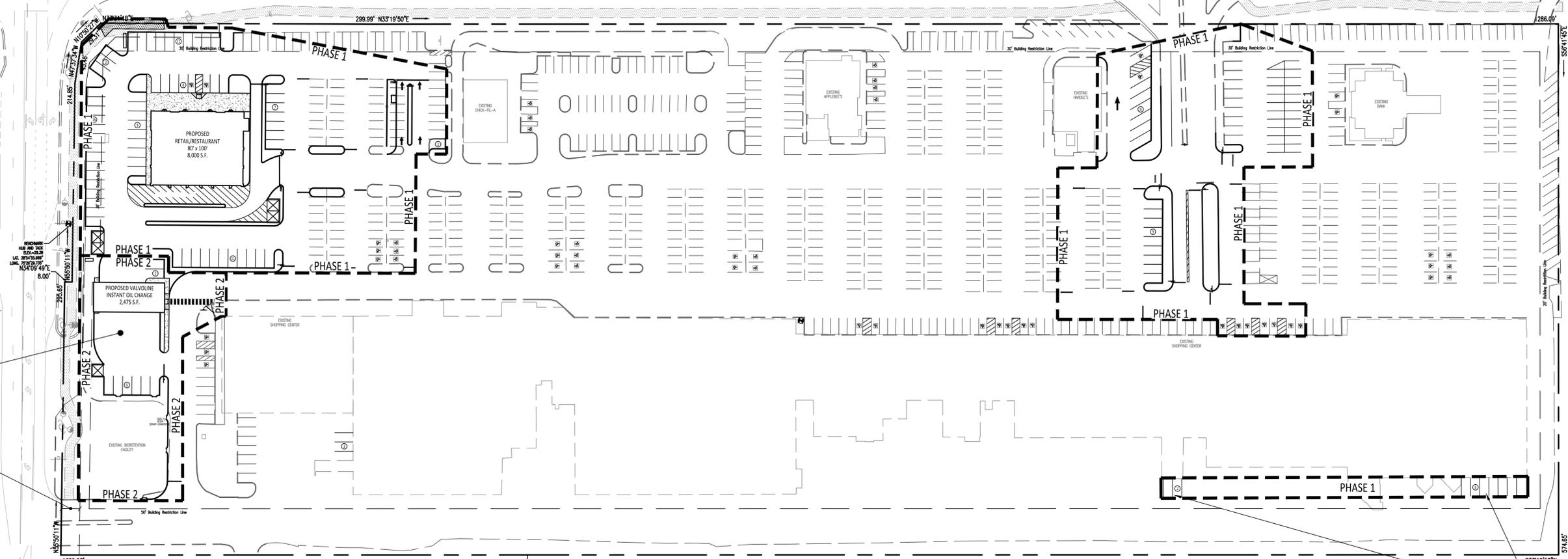
DATE 11/23/15	SCALE AS NOTED	TITLE SHEET  FOR <b>THE PLAZA AT MILFORD</b>  CITY OF MILFORD, KENT COUNTY, DELAWARE PREPARED FOR: TSIONAS MANAGEMENT
JOB NO. 15-027	DRAWN BY BDLenthoff	
APPLICATION NO. ----	DESIGNED BY D.Liberman	
APPROVED BY GHLarson	CHECKED BY D.Liberman	
DATE 12/30/15	REVISION Per City of Milford Comments	 <b>LARSON ENGINEERING GROUP INC.</b> CIVIL ENGINEERING & LAND PLANNING 910 SOUTH CHAPEL STREET • SUITE 200 NEWARK, DE 19713 Phone: (302) 731-7434 Fax: (302) 731-8211
DATE 1/19/16	REVISION Per City of Milford Comments	
DATE	SEAL	SHEET NO. - TS-1

CADD FILE - Prelim-TitleSheet.rvt



NORTH DuPONT BOULEVARD  
(U.S. ROUTE 113)  
(170' WIDE RIGHT-OF-WAY)

NORTH FRONT STREET  
(DELAWARE ROUTE 14)  
(RIGHT-OF-WAY WIDTH VARIES)



REVISED AREA FOR REVIEW

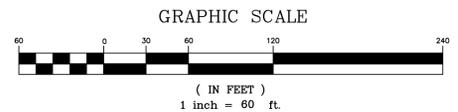
20' PERMANENT EASEMENT PER PLAT BOOK 117, PAGE 79.

lands n.o.f.  
CARLISLE FIRE CO., INC.  
TAX PARCEL NO.: MD-16-183,09-01-05.00-000  
ZONED: R-3

lands n.o.f.  
SILVER LAKE ESTATES, L.P.  
TAX PARCEL NO.: MD-16-183,09-01-07.01-000  
ZONED: R-3

lands n.o.f.  
STATE OF DELAWARE YOUTH  
SERVICE COMMISSION  
TAX PARCEL NO.: MD-16-183,05-01-07.00-000  
ZONED: H1

STRIPE AN ADDITIONAL 8 (10'x20') PARKING STALLS



DATE	SCALE
11/23/15	1"=60'
JOB NO.	DRAWN BY
15-027	YATuroczy
APPLICATION NO.	DESIGNED BY
----	DJLiberman
APPROVED BY:	CHECKED BY:
GH Larson	DJLiberman

DATE	REVISION

OVERALL SITE PLAN

FOR

**THE PLAZA AT MILFORD**

CITY OF MILFORD, KENT COUNTY, DELAWARE

PREPARED FOR: TSIONAS MANAGEMENT

**LARSON**  
ENGINEERING GROUP INC.

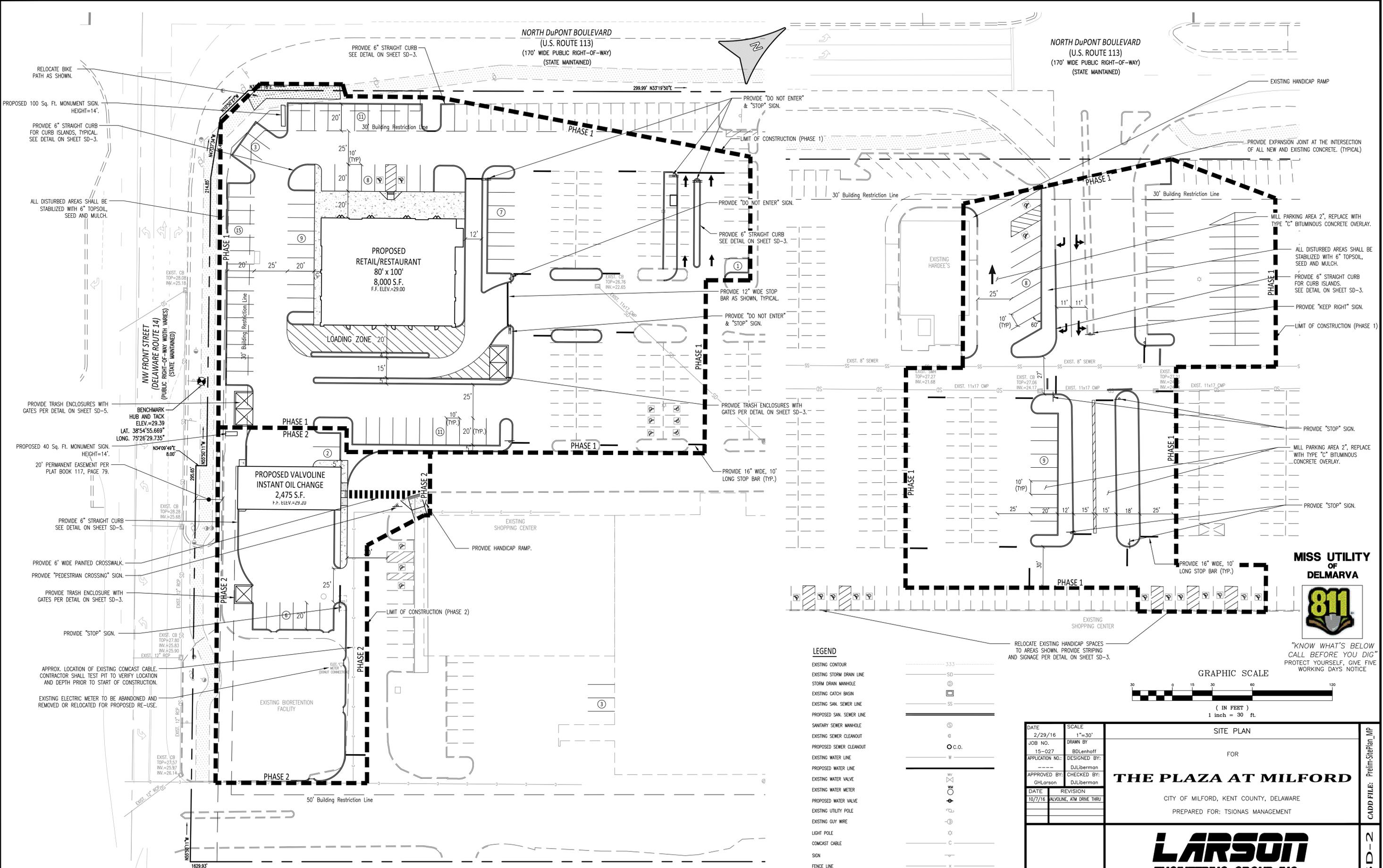
CIVIL ENGINEERING & LAND PLANNING

910 SOUTH CHAPEL STREET • SUITE 200  
NEWARK, DE 19713  
Phone: (302) 731-7434  
Fax: (302) 731-8211

CADD FILE — Prelim-OverallSitePlan\_MP

SHEET NO. — OS-1





RELOCATE BIKE PATH AS SHOWN.

PROPOSED 100 Sq. Ft. MONUMENT SIGN. HEIGHT=14'.  
PROVIDE 6" STRAIGHT CURB FOR CURB ISLANDS, TYPICAL. SEE DETAIL ON SHEET SD-3.

ALL DISTURBED AREAS SHALL BE STABILIZED WITH 6" TOPSOIL, SEED AND MULCH.

PROVIDE TRASH ENCLOSURES WITH GATES PER DETAIL ON SHEET SD-5.

PROPOSED 40 Sq. Ft. MONUMENT SIGN. HEIGHT=14'.  
20' PERMANENT EASEMENT PER PLAT BOOK 117, PAGE 79.

PROVIDE 6" STRAIGHT CURB SEE DETAIL ON SHEET SD-5.

PROVIDE 6' WIDE PAINTED CROSSWALK.  
PROVIDE "PEDESTRIAN CROSSING" SIGN.

PROVIDE TRASH ENCLOSURE WITH GATES PER DETAIL ON SHEET SD-3.

PROVIDE "STOP" SIGN.

APPROX. LOCATION OF EXISTING COMCAST CABLE. CONTRACTOR SHALL TEST PIT TO VERIFY LOCATION AND DEPTH PRIOR TO START OF CONSTRUCTION.

EXISTING ELECTRIC METER TO BE ABANDONED AND REMOVED OR RELOCATED FOR PROPOSED RE-USE.

BENCHMARK HUB AND TACK  
ELEV.=29.39  
LAT. 38°54'55.669"  
LONG. 75°26'29.735"

NORTH DuPONT BOULEVARD  
(U.S. ROUTE 113)  
(170' WIDE PUBLIC RIGHT-OF-WAY)  
(STATE MAINTAINED)

NORTH DuPONT BOULEVARD  
(U.S. ROUTE 113)  
(170' WIDE PUBLIC RIGHT-OF-WAY)  
(STATE MAINTAINED)

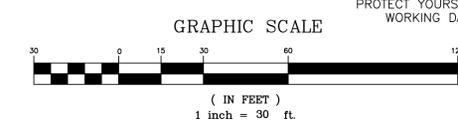
PROPOSED RETAIL/RESTAURANT  
80' x 100'  
8,000 S.F.  
F.F. ELEV.=29.00

PROPOSED VALVOLINE  
INSTANT OIL CHANGE  
2,475 S.F.  
F.F. ELEV.=29.20

EXISTING HARDEE'S

**LEGEND**

EXISTING CONTOUR	---
EXISTING STORM DRAIN LINE	SD
STORM DRAIN MANHOLE	⊙
EXISTING CATCH BASIN	⊠
EXISTING SAN. SEWER LINE	SS
PROPOSED SAN. SEWER LINE	⊙
SANITARY SEWER MANHOLE	⊙
EXISTING SEWER CLEANOUT	⊙
PROPOSED SEWER CLEANOUT	⊙
EXISTING WATER LINE	W
PROPOSED WATER LINE	W
EXISTING WATER VALVE	⊙
EXISTING WATER METER	⊙
PROPOSED WATER VALVE	⊙
EXISTING UTILITY POLE	⊙
EXISTING GUY WIRE	⊙
LIGHT POLE	⊙
COMCAST CABLE	C
SIGN	+
FENCE LINE	x
BOLLARD	o
EXISTING CURBING	---
PROPOSED CURBING	---
SHARED USE PATH	---



DATE	2/29/16	SCALE	1"=30'
JOB NO.	15-027	DRAWN BY	BDLenhoff
APPLICATION NO.		DESIGNED BY	DJLiberman
APPROVED BY:	GH Larson	CHECKED BY:	DJLiberman
DATE	10/7/16	REVISION	VALVOLINE, ATM DRIVE THRU
DATE		SEAL	

**SITE PLAN**

FOR

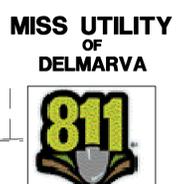
**THE PLAZA AT MILFORD**

CITY OF MILFORD, KENT COUNTY, DELAWARE

PREPARED FOR: TSONAS MANAGEMENT

**LARSON**  
ENGINEERING GROUP INC.  
CIVIL ENGINEERING & LAND PLANNING

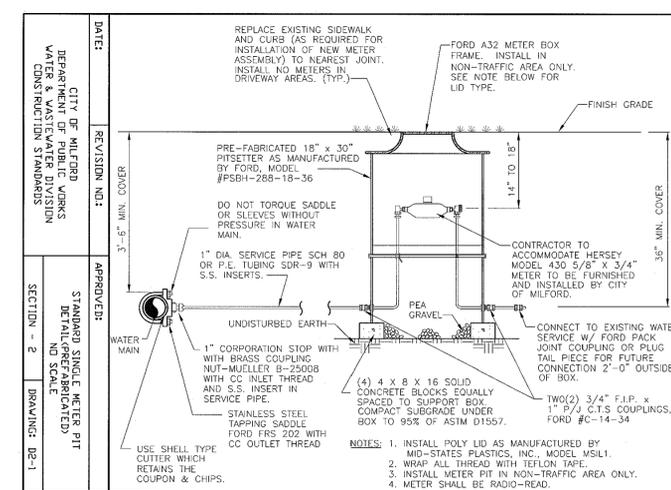
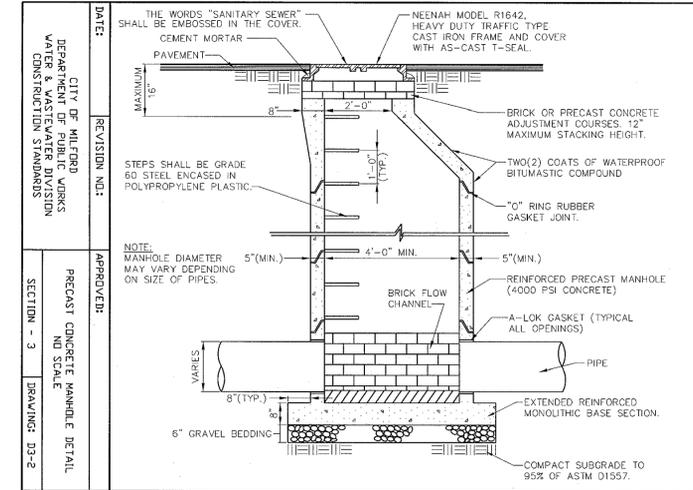
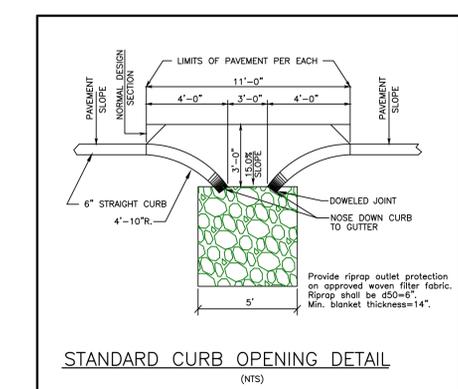
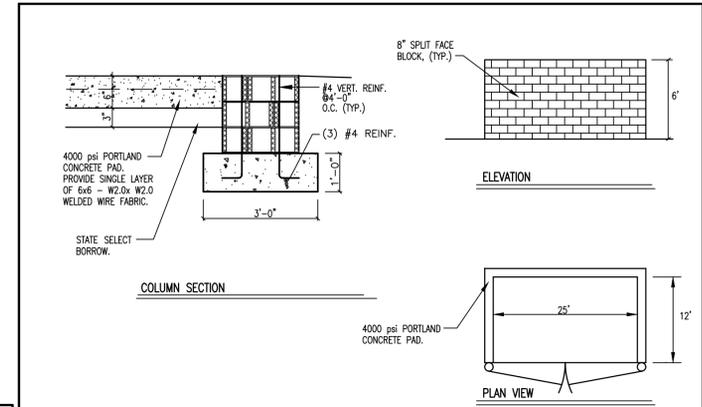
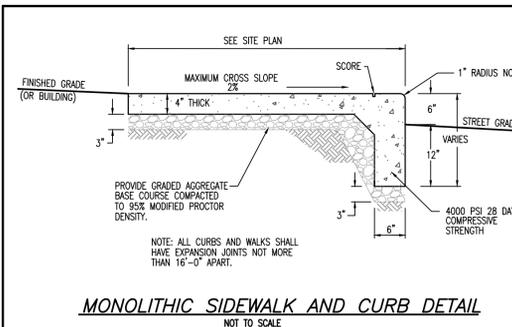
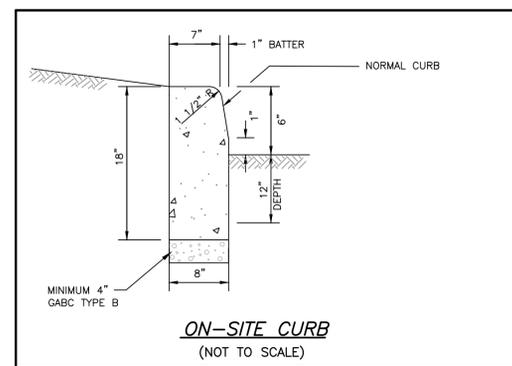
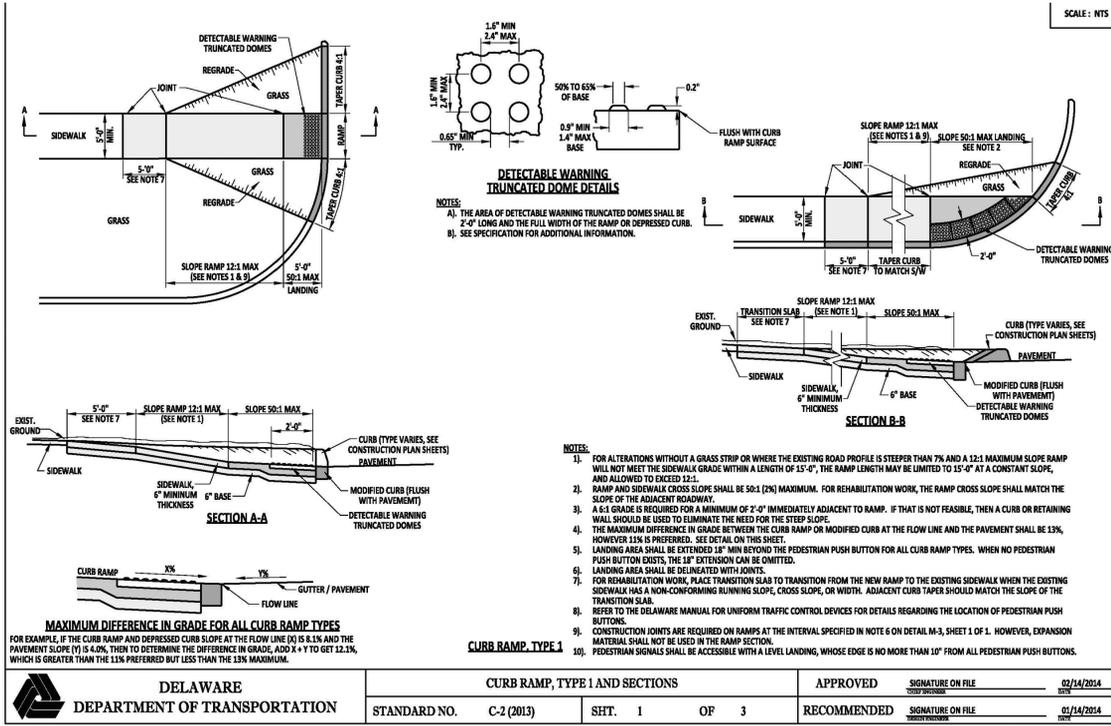
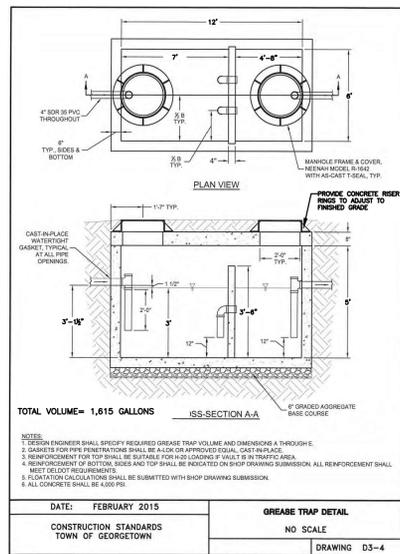
910 SOUTH CHAPEL STREET • SUITE 200  
NEWARK, DE 19713  
Phone: (302) 731-7434  
Fax: (302) 731-8211



"KNOW WHAT'S BELOW  
CALL BEFORE YOU DIG"  
PROTECT YOURSELF, GIVE FIVE  
WORKING DAYS NOTICE

lands n.o.f.  
CARLISLE FIRE CO., INC.  
TAX PARCEL NO: MD-16-183.09-01-05.00-000  
ZONED: R-3

SHEET NO.: SD-2 CADD FILE: Prelim-SitePlan.rvt

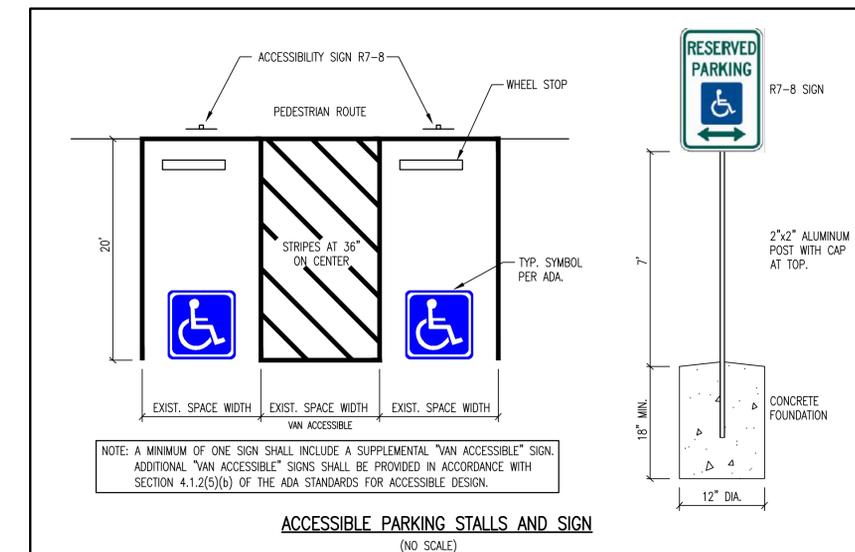
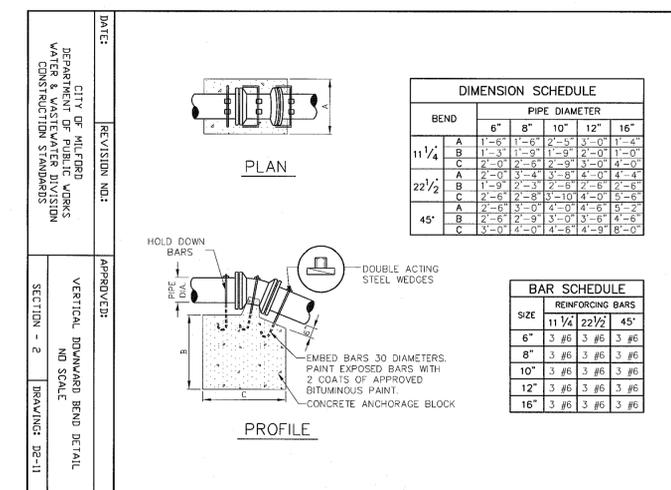
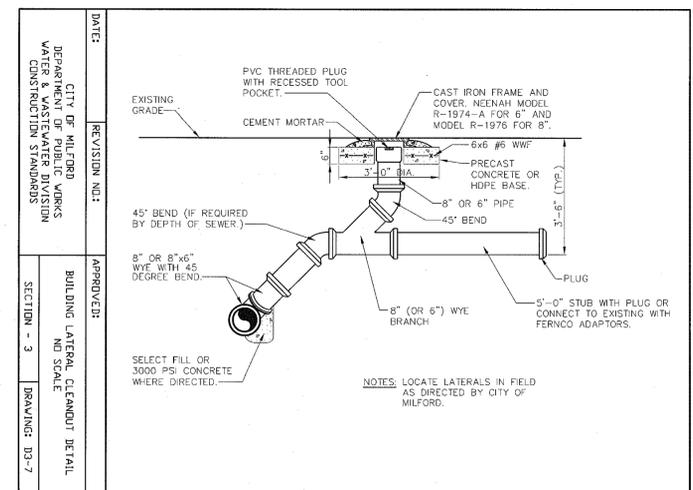


**Kor-N-Seal I 106/406 Series Pipe-to-Manhole Connector**

Notes:  
1. Use stainless steel wedge connector.  
2. Use connector with the smallest nominal hole size (opening in manhole possible).  
3. Use 108 series (8-inch long bolt).

PIPE O.D. RANGE	MODEL NUMBER	NOMINAL HOLE SIZE
1.50 - 4.80	S106-TM	7"
3.50 - 4.50	S106-TW	7"
4.20 - 6.40	S106-SM	8"
1.50 - 4.80	S106-SM	8"
5.10 - 5.90	S106-SW	8"
6.00 - 6.75	S406-L0W	10"
7.50 - 8.20	S406-L0W	10"
6.00 - 6.75	S406-L5SW	10 1/2"
7.50 - 8.20	S406-L5SW	10 1/2"
6.00 - 7.00	S406-L18W	11"
7.50 - 9.00	S406-L18W	11"
3.50 - 6.90	S106-L2M	12"
6.00 - 7.00	S406-L2SW	12"
6.25 - 7.50	S406-L2SW	12"
7.00 - 9.00	S406-L2SW	12"
9.00 - 10.50	S406-L2T	12"
5.75 - 7.00	S106-L2BT	12"
7.00 - 8.50	S106-L2AT	12"
8.25 - 9.75	S106-L2T	12"
9.50 - 11.25	S106-L4AT	14"
9.50 - 11.25	S106-L6BT	16"
11.25 - 13.00	S106-L6AT	16"
13.00 - 14.20	S106-L6W	16"
14.00 - 15.50	S106-L20AT	20"
15.50 - 17.00	S106-L20AT	20"
17.00 - 18.15	S106-L20W	20"

Refer to Recommended Installation Instructions.



**DETAIL SHEET**

DATE: 5/18/16 SCALE: AS NOTED  
JOB NO: 15-027 DRAWN BY: YATuroczy  
APPLICATION NO: DESIGNED BY: D.Julberman  
APPROVED BY: GHLarson CHECKED BY: D.Julberman

**THE PLAZA AT MILFORD**

CITY OF MILFORD, KENT COUNTY, DELAWARE  
PREPARED FOR: TSIONAS MANAGEMENT

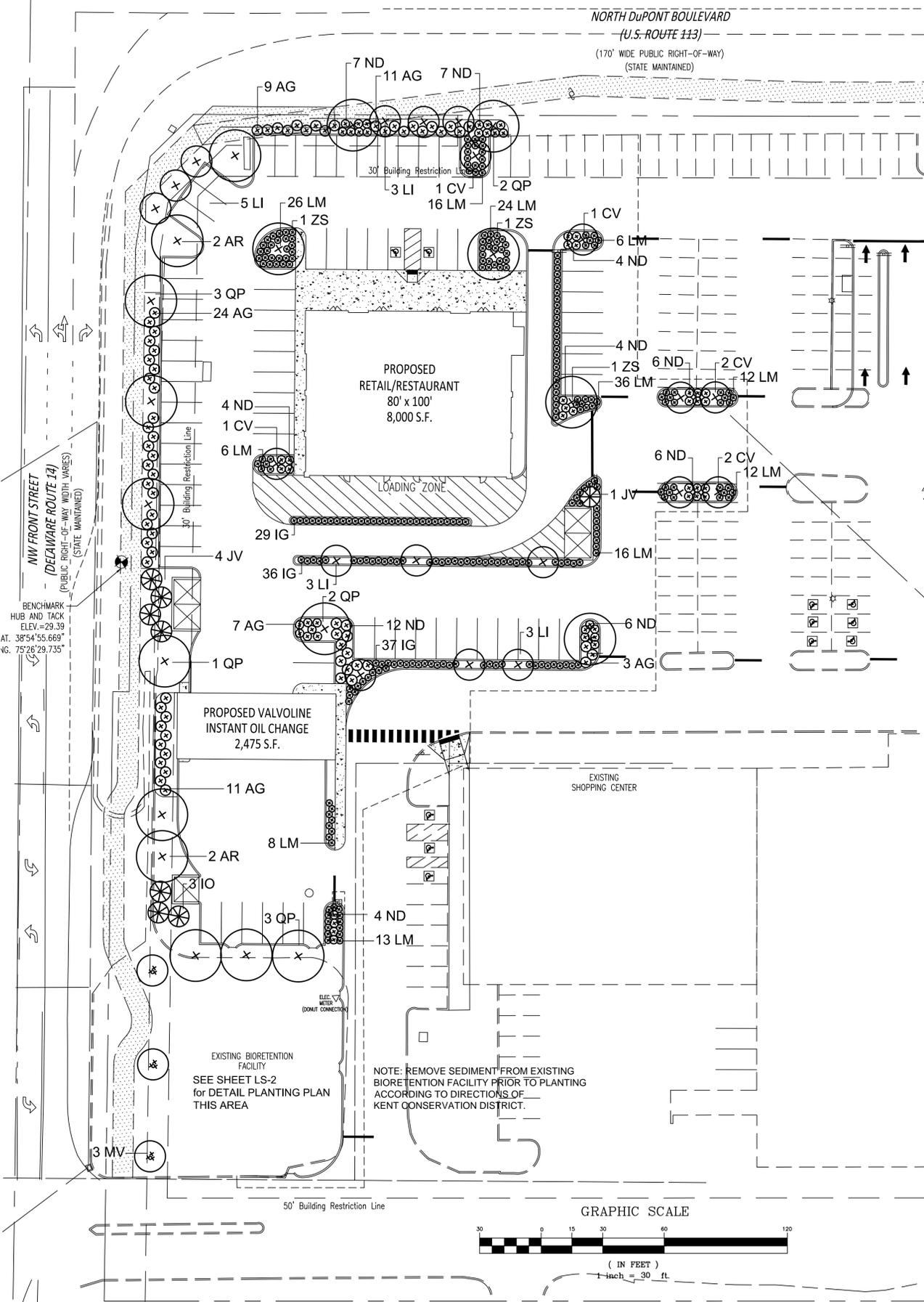
**LARSON ENGINEERING GROUP INC.**  
CIVIL ENGINEERING & LAND PLANNING

910 SOUTH CHAPEL STREET • SUITE 200  
NEWARK, DE 19713  
Phone: (302) 731-7434  
Fax: (302) 731-9211



Trelleborg Pipe Seals Milford, Inc.  
P.O. Box 301, 250 Elm Street, Milford, New Hampshire 03055 USA.  
Tel: 800-626-2180 603-673-8680 Fax: 603-673-7271 www.trelleborg.com/npc

CADD FILE - SD-3 SHEET NO. - SD-3

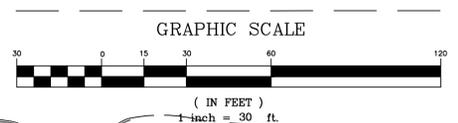


NW FRONT STREET  
(DELAWARE ROUTE 14)  
(PUBLIC RIGHT-OF-WAY WIDTH VARIES)  
(STATE MAINTAINED)

BENCHMARK  
HUB AND TACK  
ELEV. = 29.39  
AT. 38°54'55.669"  
NG. 75°26'29.735"

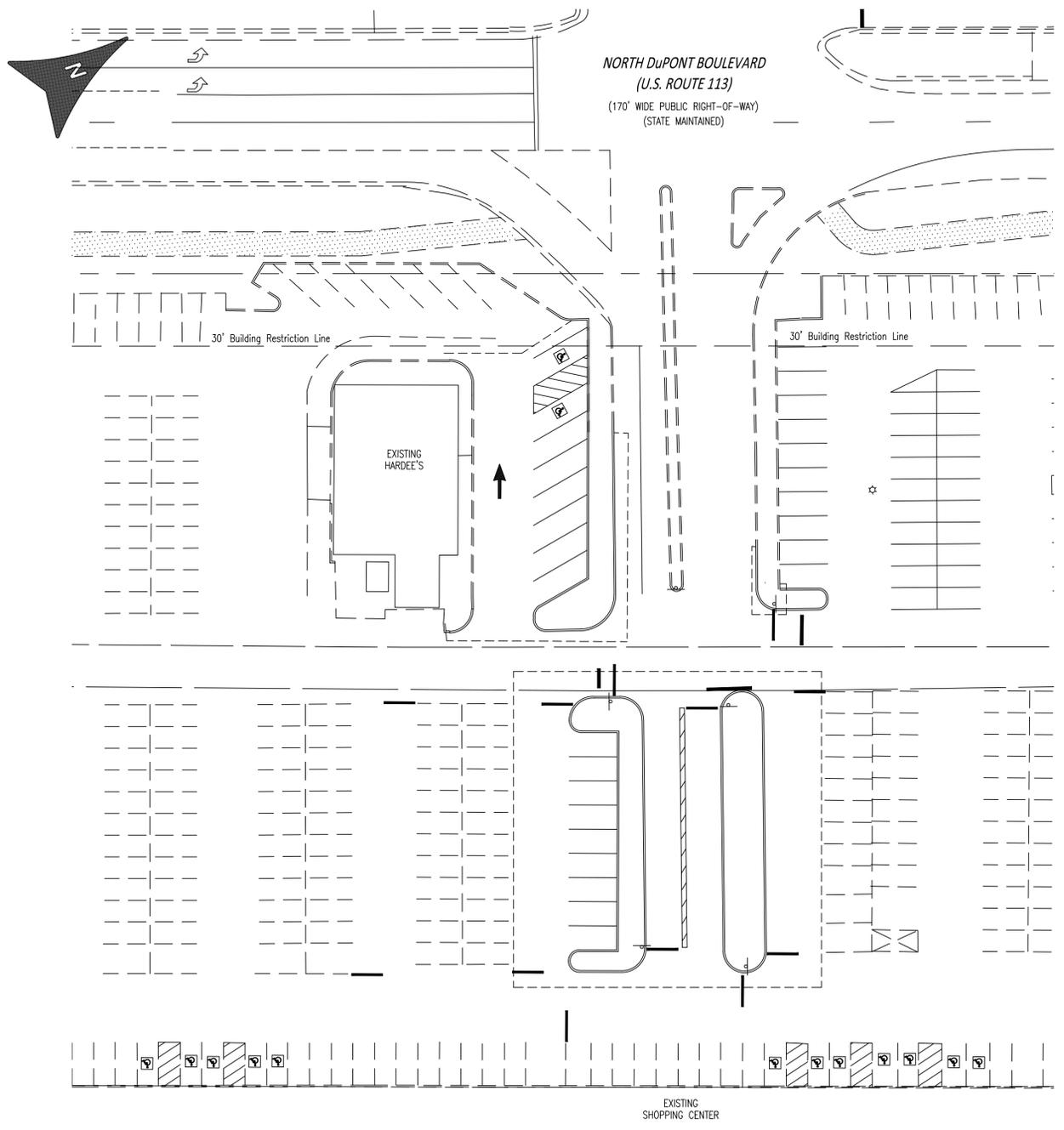
EXISTING BIORETENTION FACILITY  
SEE SHEET LS-2  
for DETAIL PLANTING PLAN  
THIS AREA

NOTE: REMOVE SEDIMENT FROM EXISTING  
BIORETENTION FACILITY PRIOR TO PLANTING  
ACCORDING TO DIRECTIONS OF  
KENT CONSERVATION DISTRICT.



SITE LANDSCAPE PLAN: Scale 1" = 30'-0"

lands n.o.f.  
CARLISLE FIRE CO., INC.  
TAX PARCEL NO: MD-16-183.09-01-05.00-000  
ZONED: R-3



RT. 113 ENTRANCE PLAN: Scale 1" = 30'-0"

STATEMENT OF ACCURACY  
I, MATTHEW SPONG, HEREBY STATE THAT I AM A REGISTERED LANDSCAPE ARCHITECT IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD LANDSCAPE ARCHITECTURAL PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DATE \_\_\_\_\_ MATTHEW T. SPONG #126-E

SITE LANDSCAPE PLAN	
FOR	
<b>THE PLAZA AT MILFORD</b>	
CITY OF MILFORD, KENT COUNTY, DELAWARE	
PREPARED FOR: TSIONAS MANAGEMENT	
DATE: 11/30/2015	SEAL
SCALE: 1"=30'	
PROJECT #: 2015-16	
COMMISSION #: 1513	
DRAWN BY: PS	
DESIGNED BY: PS	
CHECKED BY: MTS	
APPROVED BY:	
<b>LANDSCAPE ARCHITECTURAL SERVICES, L.L.C.</b> LAND, SITE & PARK PLANNING • WETLANDS SCIENCES Matthew T. Spong, R.L.A., A.S.L.A. P.O. Box 293 Dover, Delaware 19903 Trisha Sawicki, A.S.L.A. Phone: 302-284-4578 Fax: 302-284-0301 Chad D. Carter, Assoc. A.S.L.A. Email: lasmail@las-llc.net Web: las-llc.net	
REVISIONS: 12-31-2015 revised site plan and bioretention basin 10-17-2016 revised site plan and bioretention basin	
LANDSCAPE ARCHITECTURAL SERVICES, L.L.C. IS NOT RESPONSIBLE FOR ANY MODIFICATION MADE TO THIS PLAN AND/OR CAD FILE WITHOUT ITS WRITTEN AUTHORIZATION.	

SHEET NO.: LS-1



January 31, 2017

Mr. Rob Pierce  
Town of Milford  
201 South Walnut Street  
Milford, DE 19963

**RE: THE PLAZA AT MILFORD – CONDITIONAL USE APPLICATION**

Dear Rob:

This letter is to serve as a summary of the proposed conditional use of a Valvoline Instant Oil Change shop at the south end of the shopping center. We have included the following for your review:

1. Land Use Application Cover Sheet
2. Legal Description of the Property
3. 14 Copies of the Plan
4. Landscape Plan

#### SUMMARY

This Conditional Use Application is for a 2,475 sq. ft. Valvoline Instant Oil Change building located on the south end of the site. The building will be adjacent to North Front Street. Access to the site will be through the existing entrances on Route 14 and Route 113.

The Valvoline Instant Oil Change facility will have four bays for car and truck (noncommercial) oil changes. The hours of operation are 7:00 am to 7:00 pm, Monday – Saturday and 9:00 am to 4:00 pm on Sunday. The use will employ 8-10 full and part-time employees. A maximum of 6 employees would be onsite at any one time.

The building will have motor oils and lubricant contained within the building. Delivery of the bulk fluids will connect to fixtures on the outside of the building. All waste oil, used oil filters and oily water are collected and recycled by a licensed hazardous waste hauler.

A Spill Prevention, Control and Counter Measures Plan is developed for each service center. Each service center is equipped with a Spill Kit, which can be used to contain and stop the flow of material in the unlikely event of a spill.

#### ZONING

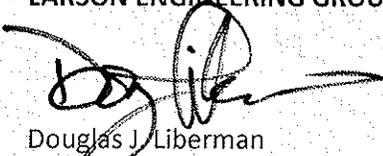
The facility is considered as a Service Station, so it must meet the following special requirements:

- a) All facilities shall be located and all services shall be conducted on the lot. – Use complies with this requirement.
- b) All repair work shall be conducted within an entirely enclosed building. – The building will have four service bays that will be used to meet this requirement.
- c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet. – The use has a 30' setback requirement; therefore, complying with this requirement.
- d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building. – The site complies with this requirement.
- e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block. – The site complies with this requirement.
- f) Any such use shall be permitted only where it is determined that it will no materially interfere with the main pedestrian movement in conjunction with a compact retail area. – The use is isolated to an outpad on Route 14. Sidewalks are proposed throughout the shopping center with connections to this outpad, so it does not interfere with pedestrian traffic.

Please review the enclosed information and call me if you have any questions.

Sincerely,

**LARSON ENGINEERING GROUP, INC.**



Douglas J. Liberman  
Vice President

§ 230-14. - C-3 Highway Commercial District.

In a C-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.
- B. Permitted uses. Permitted uses for the C-3 District shall be as follows:
  - (1) Those uses permitted in the C-2 District.
  - (2) Warehouses.
  - (3) Large retail outlets.
  - (4) Indoor storage accessory building.
  - (5) Fast-food restaurants and drive-in restaurants.
  - (6) Supermarkets.
  - (7) Truck and trailer rentals.
  - (8) Roadside produce market.
  - (9) Memorial stone shop.
  - (10) Outdoor commercial recreational facilities, not motorized vehicles.
  - (11) Swimming club.
  - (12) Indoor facility for amusement or assembly.
  - (13) Bus station.
- C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:
  - (1) Motels or hotels with a minimum lot size of three acres.
  - (2) Commercial greenhouse.
  - (3) Wholesale establishment.
  - (4) Newspaper publishing or printing establishment.
  - (5) Contractors', craftsmen's or general service shops, including welding and similar shops.
  - (6) Laboratory, testing and research.
  - (7) Car repair shops.
  - (8) Used car lots.
  - (9) Telephone central office or television cable central office.
  - (10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:
    - (a) All facilities shall be located and all services shall be conducted on the lot.
    - (b) All repair work shall be conducted within an entirely enclosed building.
    - (c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.

(d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.

(e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.

(f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.

(11) Shopping center, subject to site plan review and the following site requirements:

(a) The total shall not be less than one acre.

(b) The site must be served by public water, sewer and electricity.

(c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.

(d) Traffic and parking.

[1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.

[2] Access to state highways shall be controlled by the State Department of Transportation.

[3] The minimum distance between accessways and a residential district shall be 50 feet.

[4] Spacing of accessway.

[a] From adjoining property: 50 feet.

[b] From minor intersections: 50 feet.

[c] From major intersections: 100 to 150 feet.

[5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.

[6] Parking lots shall be attractively landscaped as shown on the general site plan.

(e) Setback.

[1] From street right-of-way: 15 feet.

[2] From nonresidential districts: 15 feet.

[3] From residential districts: 100 feet.

(f) Buffering and landscaping.

[1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.

[2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.

(12) Day-care centers, with site plan required.

(13) Car wash, all types (staffed, automatic, self-service, etc.).

(14) Convenience stores with gas pumps.

(15) Community residential treatment program.

(16) All dwellings other than single-family with a maximum density of 12 units per acre.

(17) Business, commercial or industrial uses that do not adversely affect neighboring properties.

(18) Billboard, subject to the following:

- (a) Shall be constructed and maintained in accordance with the Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions.

D. Area regulations.

- (1) Minimum lot area shall be one acre.
- (2) Maximum lot coverage shall be 80%.
- (3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.
- (4) Height of buildings shall not exceed three stories or 35 feet.
- (5) Minimum building setback shall be 30 feet.
- (6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.
- (7) Minimum rear yard shall be 50 feet.
- (8) Parking shall comply with the requirements provided in Article IV of this chapter.
- (9) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (10) Signs shall comply with the requirements provided in Article VI of this chapter.

§ 230-20. - General provisions.

- A. Establishment of off-street parking area. The establishment of any off-street parking area having a capacity of four or more automobiles shall be subject to the approval of the Code Official and further subject to the following requirements. It shall:
  - (1) Have a buffer strip at least five feet wide between it and any adjacent residential lot.
  - (2) Be attractively landscaped and screened from neighboring residential lots.
  - (3) Not extend into any required front yard areas, except for the driveways.
  - (4) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.
- B. Parking space size. Parking space sizes shall be in accordance with § 230-21.
- C. Parking spaces in driveways. Driveways shall be considered as constituting off-street parking space for one-family detached, semidetached or townhouse dwellings in residential districts, provided that sufficient space is available in such driveways to meet the requirements of this section.
- D. Location of parking spaces. All parking spaces shall be set back 15 feet from any street line. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.
- E. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.
- F. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking areas for downtown shoppers. The location of the municipal parking lots are:
  - (1) North Walnut Street and Northeast Front Street.

- (2) Park Avenue and Northeast Front Street and Denney Row.
  - (3) Park Avenue and North Washington Street.
  - (4) Southeast Front Street between South Walnut Street and Church Street.
  - (5) Southeast Front Street and South Washington Street.
- G. Parking lot and garage maintenance. Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.
- H. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.
- I. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.
- J. Points of ingress and egress. When the parking garage buffer strip is adjacent to any public street upon which the lot has frontage, the fifteen-foot buffer strip which extends for the full frontage of the lot may be interrupted only at points of ingress and egress. Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than 25 feet and not more than 32 feet in width. No two accessways on the same lot shall be placed within 75 feet of each other.

**§ 230-21. - Parking and loading standards.**

A. Design standards (general).

- (1) Parking spaces and aisle ways shall be designed in accordance with the following dimensional standards:

Parking Angle	Stall Width (feet)	Aisle Way to Curb (feet)	Aisle Way Width
90°	9	18	As required by State Fire Marshal
60°	9	20	As required by State Fire Marshal
45°	9	18	As required by State Fire Marshal
Parallel	10	20	As required by State Fire Marshal

- (2) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).

(3) All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.

(4) Exceptions to the design standards shall be permitted as follows.

B. Use standards. All uses permitted in this chapter shall be subject to the following minimum off-street parking requirements in addition to any special requirements as indicated in each zoning district.

Types and Uses	Required Off-Street Parking Spaces
Retail stores and shops, all types, supermarkets, retail food stores and undertakers	1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees
New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions	4 per salesperson, plus 1 per per 2 employees during the period of greatest employment
Personal service establishments, laundromats and dry cleaning	1 per 200 square feet of gross floor area
Banks and other financial institutions	1 per 200 square feet of gross floor area, plus 1 for each employee
Business, governmental and professional offices	1 per 100 square feet of gross floor area
Medical and dental offices or clinics <b>[Amended 7-14-1997]</b>	From 1 per 100 square feet gross floor space for medical and dental offices or clinics to 1 per 150 square feet of gross floor area for medical and dental offices or clinics
Hospitals	1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment
Sanatorium or nursing home	1 for every 4 beds
Churches and other places of worship	1 per 5 seats

Indoor and commercial outdoor recreation	1 for each 150 square feet of gross floor, building or ground area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility
Restaurants, taverns and similar uses	1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment
Dwelling, one-family detached, semidetached or mobile home	2 1/2 per dwelling unit
Dwelling, townhouse, garden apartment or multifamily dwelling	2 1/2 per dwelling unit
Rooming and boarding house or converted unit	1 per rented unit
Museum, art gallery and similar use	1 per 4 seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 for each 2 employees on the shift of greatest employment
Public library	1 per 400 square feet of gross floor area for public use, plus 1 per 2 employees on the shift of greatest employment
Fire station	25
Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center	1 per 4 fixed seats in the largest assembly room area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 per 150 square feet of gross floor area, whichever is applicable to the facility
Social club and fraternal, social service, union and civic organization building	1 per adult attendant, plus 1 per 100 square feet gross floor area devoted to such uses
Public or private school	3 per room used for administrative offices, plus 1 per room used for class instruction, plus 1 for each 5 seats in the auditorium and other places of assembly or facility available to the public

Industrial, manufacturing or wholesaling establishment	1 per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales
Hotel and motel	1 for each guest room plus 1 for each 3 employees

- (1) Reduction in the required number of off street parking spaces in the case of developments such as shopping centers or other commercial developments required to provide more than 50 off-street parking space.

The developer must set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this Ordinance, but, upon the request of the developer, if agreed by the City of Milford, the developer may be permitted to set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this chapter but not be required to construct more than 80% of the required parking spaces. In the event the developer is permitted to construct fewer than the required parking spaces, the remainder of the parking area set aside must be kept free of all construction and be planted and maintained as a grassy area and designated as Future Parking Space. The City of Milford may require construction of the remaining parking spaces at any time by the then owner of the premises upon giving the owner not less than six months' advance written notice. In the event of the granting of the waiver herein described, the fact of the grant as well as the requirement that the owner maintain the space set aside as a level grass area and that the City of Milford has reserved the right to require construction of the remaining parking spaces upon six months' notice to the owner of the site must be reflected in a note appearing on the subdivision or site development plans recorded.

C. Loading spaces.

- (1) No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following requirements:
- (a) For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on the gross floor area devoted to such use shall be as follows:
    - [1] Five thousand to 7,999 square feet of floor area: one berth.
    - [2] Eight thousand to 19,999 square feet of floor area: two berths.
    - [3] Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of floor area: one additional berth.
  - (b) For hotels and motels, the number of berths based on the gross floor area devoted to such uses shall be as follows:
    - [1] Eight thousand to 20,000 square feet of floor area: one berth.
    - [2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.
  - (c) Each manufacturing, office research and industrial establishment with a total of 3,500 square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.
- (2) Loading spaces shall not be allowed in any front yard of any property.

ARTICLE V - Landscape Screening

§ 230-22. - District requirements.

- A. Residential districts.
- (1) In any R-1, R-2 or R-3 District a landscape screen and/or fence or wall a minimum of six feet in height shall be planted and/or erected to separate any permitted nonresidential use from any existing residential use on a contiguous lot. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.
  - (2) In any R-3 District, for any lot developed for garden apartments or townhouses, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any contiguous lot developed as a single-family detached or semidetached residential dwelling on any contiguous lot zoned R-1 or R-2. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.
- B. Commercial districts. In any C-1, C-2 or C-3 District a fifteen-foot buffer area shall be provided within which a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any permitted use from any contiguous lot zoned R-1, R-2 or R-3 or any contiguous lot developed or approved for development for any residential use. Such landscape screen may extend into the lot setback, side yard or rear yard.
- C. Institutional, Industrial and Office Building/Complex Districts: H-1, I-1, I-2, OB-1 and OC-1.<sup>4</sup> ¶
- (1) Each use established in these districts shall set aside at least 20 feet in width immediately adjacent to any street upon which the lot has frontage, and extending for the full frontage of the lot, for purposes of providing for proper site distance and buffering from the public road. Within such area, the owner shall establish and maintain a planting of grass and/or horticultural ground cover. Other landscape materials may be incorporated, provided that there is no obstruction to vision, other than a tree trunk, in the area between two and seven feet above ground level. No use shall be made of this buffer area other than for a single driveway to provide access to the use for each 100 feet of frontage upon a public road. Such driveway shall not exceed 32 feet in width.
  - (2) Parking areas may be located in any hard area but shall not be closer than 15 feet to any street line or property line.
- D. Limited Industrial District. At the boundary line between an I-1 District and any R-1, R-2 or R-3 District or any lot developed or approved for development for residential use, there shall be a fifty-foot buffer area which shall include a landscape screen and/or fence or wall a minimum of six feet in height. Such landscape screen may extend into the lot setback, side yard or rear yard.<sup>5</sup> ¶

§ 230-23. - Maintenance.

It shall be the responsibility of the property owner of record or his delegated representative(s) to properly maintain and care for any landscape plan planted or erected.

ARTICLE IX - Conditional Uses

§ 230-46. - Purpose.

- A. The intent of the conditional use is to maintain a measure of control over uses that have an impact on the entire community. Generally, conditional uses may be desirable in certain locations for the general convenience and welfare. They must use the property in a manner that assures neither an adverse impact upon adjoining properties nor the creation of a public nuisance. In short, because of the nature of the use, it requires sound planning judgment on its location and site arrangement.
- B. Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this chapter, provided that the City Council shall find that the application is in

accordance with the provisions of this chapter after duly advertised hearings held in accordance with the provisions of Article XII.

§ 230-47. - Application and approval procedures.

- A. The application for a conditional use shall first be made with the Code Official, who shall then forward the materials to the Planning Commission.
- B. The Planning Commission shall study such information and make recommendations to the City Council within 60 days of the Code Official's referral to the Commission after holding a public hearing.
- C. The Council shall then act within 60 days of the receipt of the Commission's recommendation to either approve with conditions or deny such use after holding a public hearing. The Council's decision shall be based on the determination that the location of the use is appropriate, it is not in conflict with the Comprehensive Plan and it is consistent with the purpose and intent of this chapter.

§ 230-48. - Criteria for evaluation.

The following criteria shall be used as a guide in evaluating a proposed conditional use:

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

§ 230-49. - Conditions for approval; expiration.

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 230-48 and that such use will continue to do so.
- B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
- C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. See fee schedule.
- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.
- F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

ARTICLE X - Site Plan Review

§ 230-50. - Purpose.

The site plan review has a twofold purpose. It is to assure that the large-scale developments are in accord with the Comprehensive Plan and that such developments comply with the regulations of this chapter. Site plans are required to assure good arrangement and appearance of new development; ensure harmony with

existing structures; assure consistency with the City's adopted building and design standards, the Comprehensive Plan, and the City's Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design; to provide an understanding of the impacts of proposed development on public facilities and services and ensure the availability and adequacy of the same; and to otherwise meet the purposes of this chapter.

§ 230-51. - Guidelines.

Guidelines for determining what site plans shall be reviewed by the Planning Commission shall be as follows:

- A. Automatic determination of review. Certain types of developments, due to the nature of their impact on the entire community, shall automatically have their site plans reviewed by the Planning Commission, including the following:
  - (1) Residential:
    - (a) Townhouses.
    - (b) Garden apartments.
    - (c) Planned unit developments.
    - (d) Mobile home parks.
  - (2) Commercial: shopping centers.
  - (3) Institutional: hospitals.
  - (4) Industrial: all industrial developments.
- B. Discretionary determination of a review. The Code Official shall have discretion in determining what proposed developments other than those enumerated above shall have their site plans reviewed by the Planning Commission. When making such a decision, the Code Official shall consider but not be limited to the following factors:
  - (1) If the traffic flow will be greatly altered. Flow includes:
    - (a) Pattern.
    - (b) Volume.
    - (c) Hazard involved.
    - (d) Time involved.
  - (2) If parking on a large scale is required.
  - (3) If public utilities or works must be expanded to accommodate the development.
  - (4) If there is a change in the existing land use pattern.
  - (5) If there are incompatible uses within the proposed development or in relation to the abutting districts.
  - (6) If there may be difficulty in meeting existing performance standards.

§ 230-52. - Review procedure.

**A. Preliminary approval.**

- (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the City Planner, along with the appropriate fees, as specified in § 230-57.

- (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. Upon confirmation by the City Planner that all DAC issues have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.
  - (3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.
  - (4) Preliminary approval from the Planning Commission shall be void after one year, unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.
- B. Final approval.
- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in § 230-57.
  - (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed consistent with the preliminary plan, if applicable, and in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.
  - (3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.
  - (4) Prior to receiving final site plan approval, the City Engineer shall provide a copy of the signed subdivision agreement to the City Planner.
  - (5) Within 90 days of final approval from Planning Commission, the applicant shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Three sets will be returned to the applicant.
  - (6) Upon recordation of the plat, the applicant shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.
  - (7) Failure to record the plat within 90 days of Planning Commission approval will result in the approval being voided.
- C. The site plan review by the Planning Commission shall be limited to those proposed developments enumerated by this chapter and to those proposed developments that require a site plan review as determined by the City Planner. No other site plans shall be considered by the Planning Commission for review.

§ 230-52.1. - Site plan expiration.

If construction of approved buildings and improvements is not substantially undertaken within one year of final site plan approval, the site plan approval shall be void. The applicant may, however, request and the Planning Commission may grant a one-year extension for good cause.

## NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: FEBRUARY 21, 2017  
CITY COUNCIL PUBLIC HEARING: FEBRUARY 27, 2017

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, February 21, 2017 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, February 27, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

### **ORDINANCE 2017-06**

Larson Engineering on behalf of Milford Plaza Enterprises for a Conditional Use to allow a car repair shop and/or a service station on 21.40+/- acres in a C3 (Highway Commercial) Zoning District. Property is located at the northeast corner of the N DuPont Boulevard and NW Front Street intersection, 600 N DuPont Boulevard, Milford, Delaware. Present Use: Commercial Retail; Proposed Use: Commercial Retail with a car repair shop and/or a service station. Tax Map MD-16-183.09-01-04.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on February 21, 2017; and

WHEREAS, Milford City Council will hold a Public Hearing on February 27, 2017 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use to allow a car repair shop and/or a service station as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

*Section 1.* Upon the adoption of this ordinance, Larson Engineering on behalf of Milford Plaza Enterprises is hereby granted a Conditional Use Permit to allow a car repair shop and/or a service station, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

*Section 2.* Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

*Section 3. Dates.*

Planning Commission Review & Public Hearing: February 21, 2017

City Council Introduction: February 13, 2017

City Council Public Hearing: February 27, 2017

Adoption: February 27, 2017

Effective: March 9, 2017

This ordinance shall take effect and be in force ten days after its adoption.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302-424-3712.

*Advertised: Beacon 01/25/17*

THE MILFORD ROTARY CLUB PROUDLY PRESENTS

# FLAGS FOR HEROES 2017

***Sponsor a Flag for \$50.00***



Be a part of the Third Annual Flags for Heroes sponsored by The Milford Rotary Club to honor our Veterans, Active Military, First Responders, and all others you consider a Hero. Flags with the Hero's name will be displayed May 22 through June 3, 2017 in Milford Bicentennial Park.

---

I would like to become a Flag sponsor

Number of Flags: \_\_\_\_\_

Total cost: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Name of Hero: \_\_\_\_\_

(One Hero per Flag)

Rotarian: \_\_\_\_\_

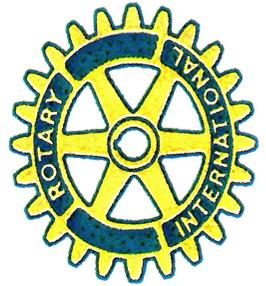
Make checks payable to: The Milford Rotary Club Educational Foundation, P.O. Box 10, Milford, DE 19963-0010. One check may be written for multiple flag sponsorships at \$50.00 per flag. Your contribution is tax deductible. Proceeds go to support Rotary's community programs and scholarships.

# MILFORD ROTARY CLUB

## Flags for Heroes

### Memorial Day 2017

#### Individual Sponsorship



The proceeds from Flags for Heroes have been used for many purposes including:

- Purchase dictionaries for all third graders in the Milford School District
- Support the Milford High School Music programs
- Send students to Rotary Youth Leadership Academy
- Send campers to Easter Seals Camp Fairlee Manor
- Assist Milford Community Food Pantry
- Assist Milford Parks & Recreation Department
- Contribute to Rotary Polio Plus to eradicate polio worldwide
- Provide scholarships to graduating seniors residing in greater Milford
- Contributions to other service club events, local non-profit organizations and to those in need



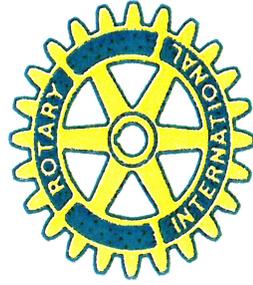
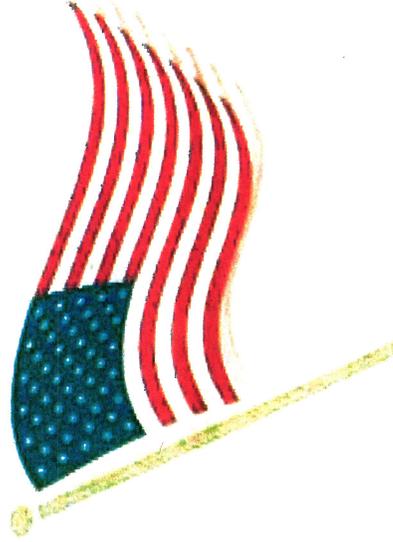
Each American-made flag will be displayed in Milford's Bicentennial Park between May 22-June 3, 2017, with a plaque identifying the donor and the Hero. The public will be invited to view the flags and pay respect to those honored. If you have questions, contact:  
Gary Downes (302) 745-7697  
Wright Parker (302) 745-4923  
David Rutt (302) 424-2240

# MILFORD ROTARY CLUB

## Flags for Heroes

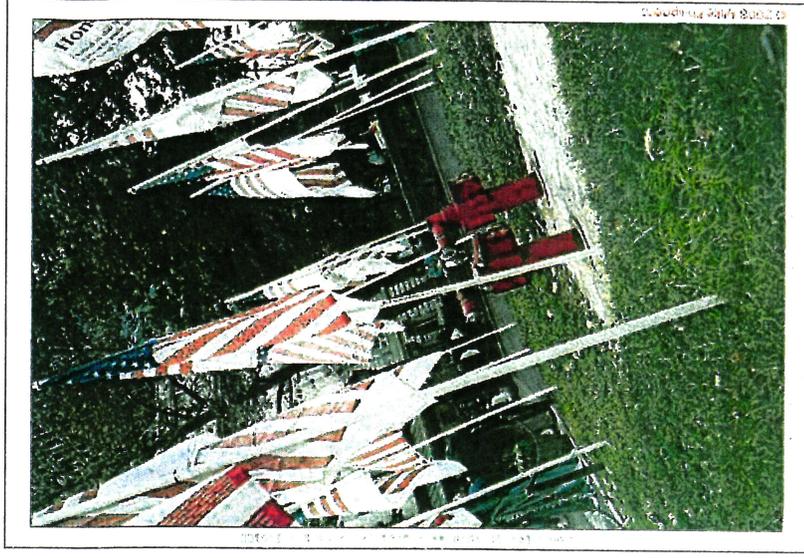
### Memorial Day 2017

### Corporate & Foundation Sponsorship



The proceeds from Flags for Heroes have been used for many purposes including:

- Purchase dictionaries for all third graders in the Milford School District
- Support the Milford High School Music programs
- Send students to Rotary Youth Leadership Academy
- Send campers to Easter Seals Camp Fairlee Manor
- Assist Milford Community Food Pantry
- Assist Milford Parks & Recreation Department
- Contribute to Rotary Polio Plus to eradicate polio worldwide
- Provide scholarships to graduating seniors residing in greater Milford
- Contributions to other service club events, local non-profit organizations and to those in need



Each American-made flag will be displayed in Milford's Bicentennial Park between May 22-June 3, 2017, with a plaque identifying the donor and the Hero. The public will be invited to view the flags and pay respect to those honored. If you have questions, contact:  
Gary Downes (302) 745-7697  
Wright Parker (302) 745-4923  
David Rutt (302) 424-2240

**CORPORATE & FOUNDATION SPONSORSHIP**

**STARS AND STIPES LEVEL**

**\$5000**

1. 100 Flags
2. Banner at site naming your company on field of honor.
3. 100 names of heroes listed
4. Company named in ad in paper.
5. Dinner with Rotary honoring you.

**OLD GLORY LEVEL**

**\$2500**

1. 50 Flags
2. Banner at site naming your company on field of honor.
3. 50 names of heroes listed.
4. Company named in ad in paper.
5. Dinner with Rotary honoring you.

**GRAND OLD FLAG**

**\$1000**

1. 25 Flags
2. Banner at site naming your company on field of honor.
3. 50 names of heroes listed.
4. Company named in ad in paper.
5. Dinner with Rotary honoring you.

**RED LEVEL**

**\$500**

1. 10 Flags
2. Heroes named

**WHITE LEVEL**

**\$250**

1. 5 Flags
2. Heroes named

**BLUE LEVEL**

**\$150**

1. 3 Flags
2. Heroes named

---

I would like to become a Corporate/Foundation sponsor

Sponsorship Level: \_\_\_\_\_

Total cost: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Attach names of Heroes or designate by May 8 to assure plaques:

[One Hero per Flag]

Rotarian: \_\_\_\_\_

Make checks payable to: The Milford Rotary Club Educational Foundation, P.O. Box 10, Milford, DE 19963-0010. One check may be written for multiple corporate sponsorships. Your contribution is tax deductible. Proceeds go to support Rotary's community programs and scholarships.

# BUDGET RESET

GOVERNOR CARNEY



**SHARE YOUR IDEAS**

**visit: [www.de.gov/budgetreset](http://www.de.gov/budgetreset)**

**email: [budgetreset@state.de.us](mailto:budgetreset@state.de.us)**

DELAWARE  
**BUDGET RESET**

**Expected  
Revenue**

**\$3,941,700,000**

**Expected  
Expenses**

**\$4,291,727,700**

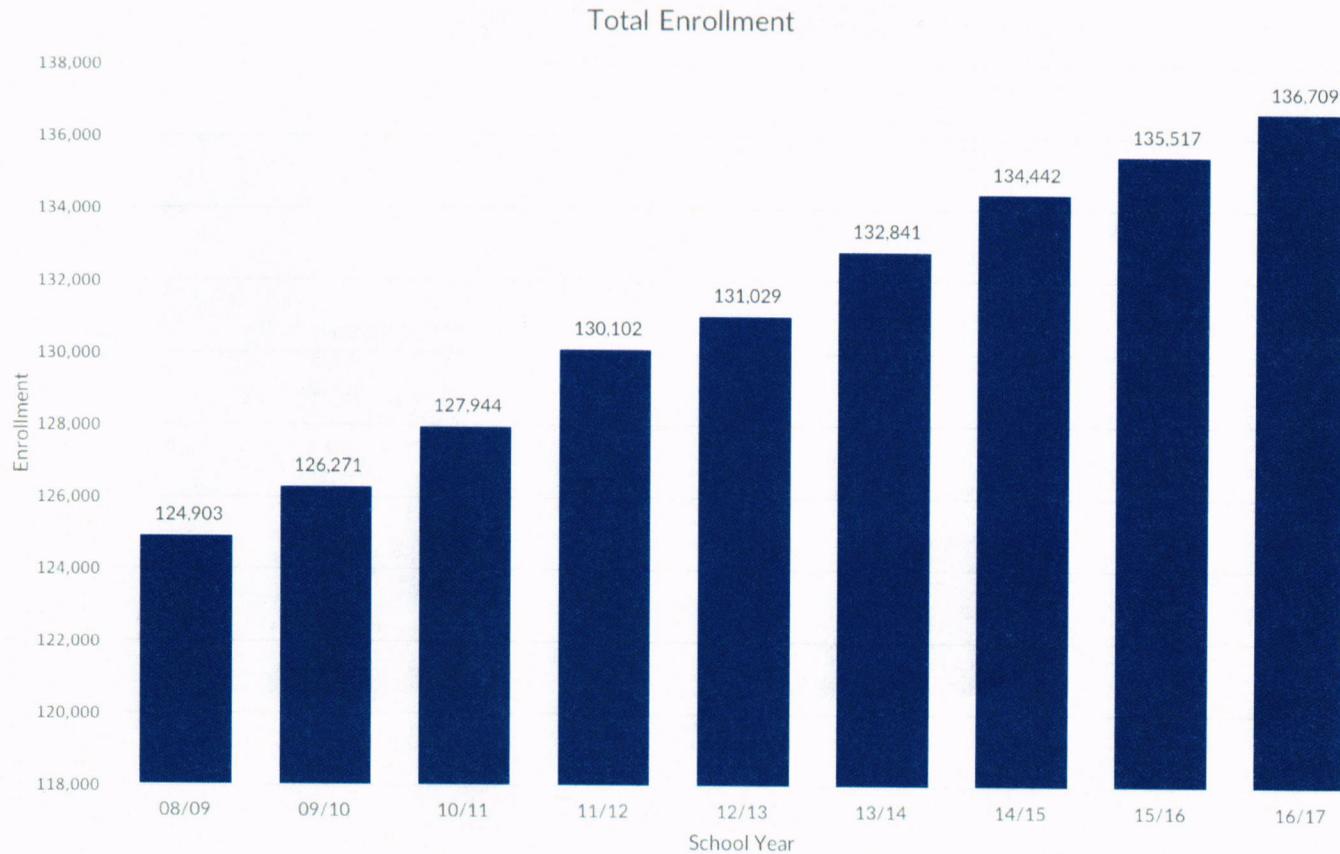
**Budget  
Shortfall**

**\$350,027,700**



# WHAT'S DRIVING GROWTH? EDUCATION

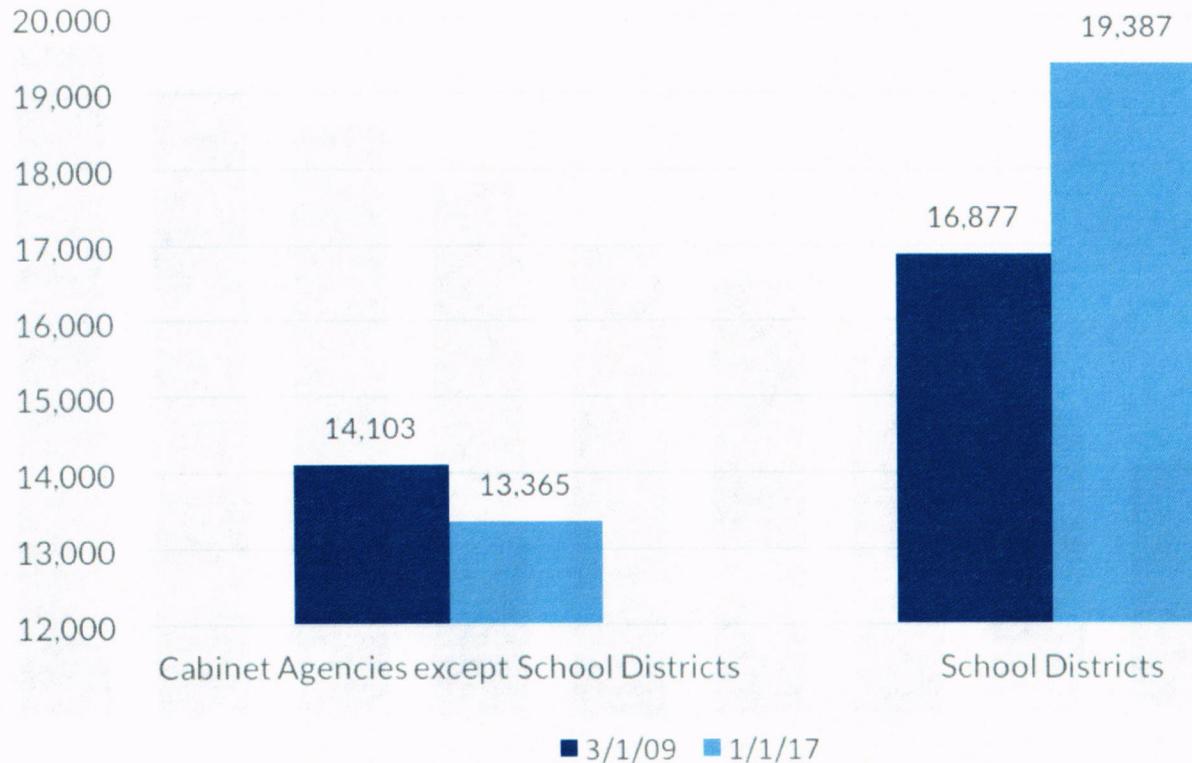
## STUDENT ENROLLMENT



# WHAT'S DRIVING GROWTH? EDUCATION

Executive branch employment is down since 2009, but school district personnel has steadily grown with student enrollment, driving up costs.

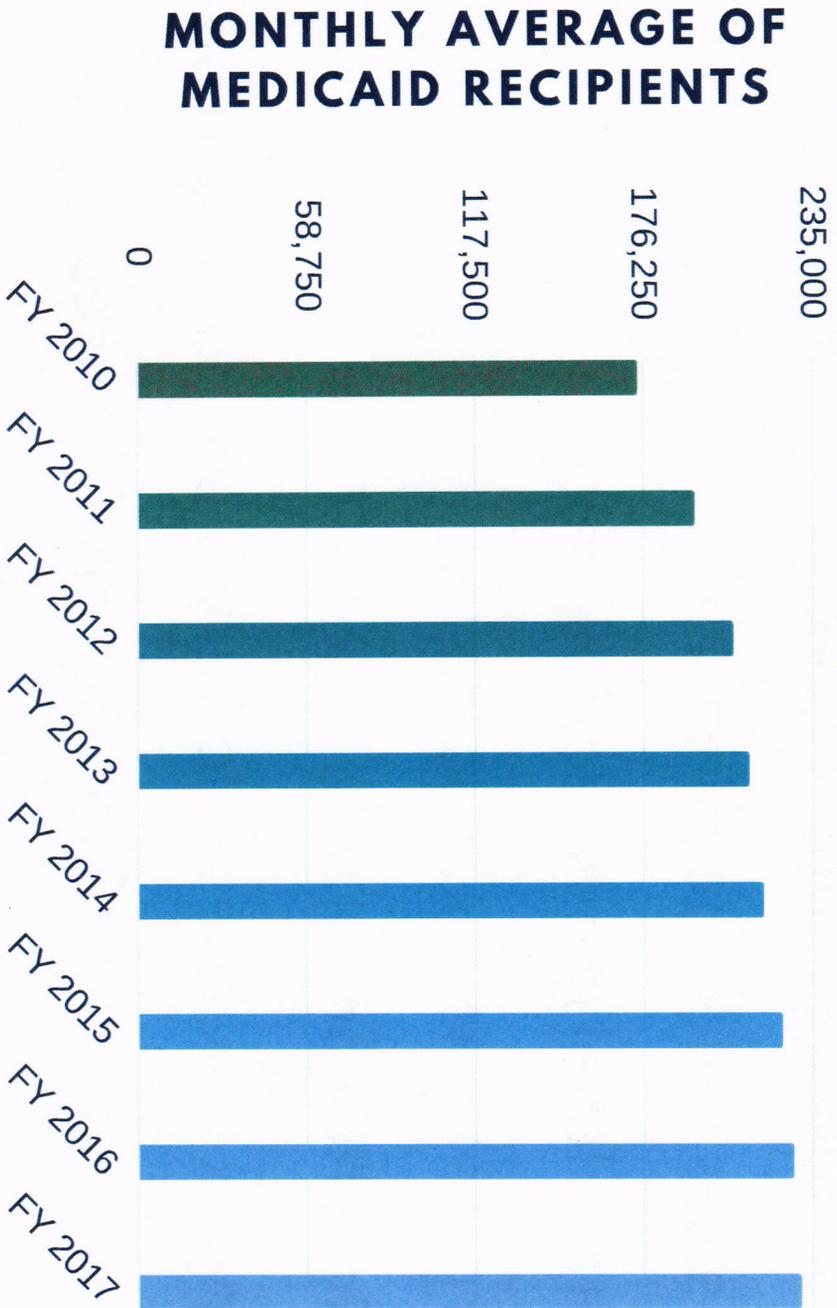
## EMPLOYEE COUNT



\*Non-Cabinet Agencies except School Districts went from 3,710 to 3,862

WHAT'S DRIVING GROWTH?

# MEDICAID

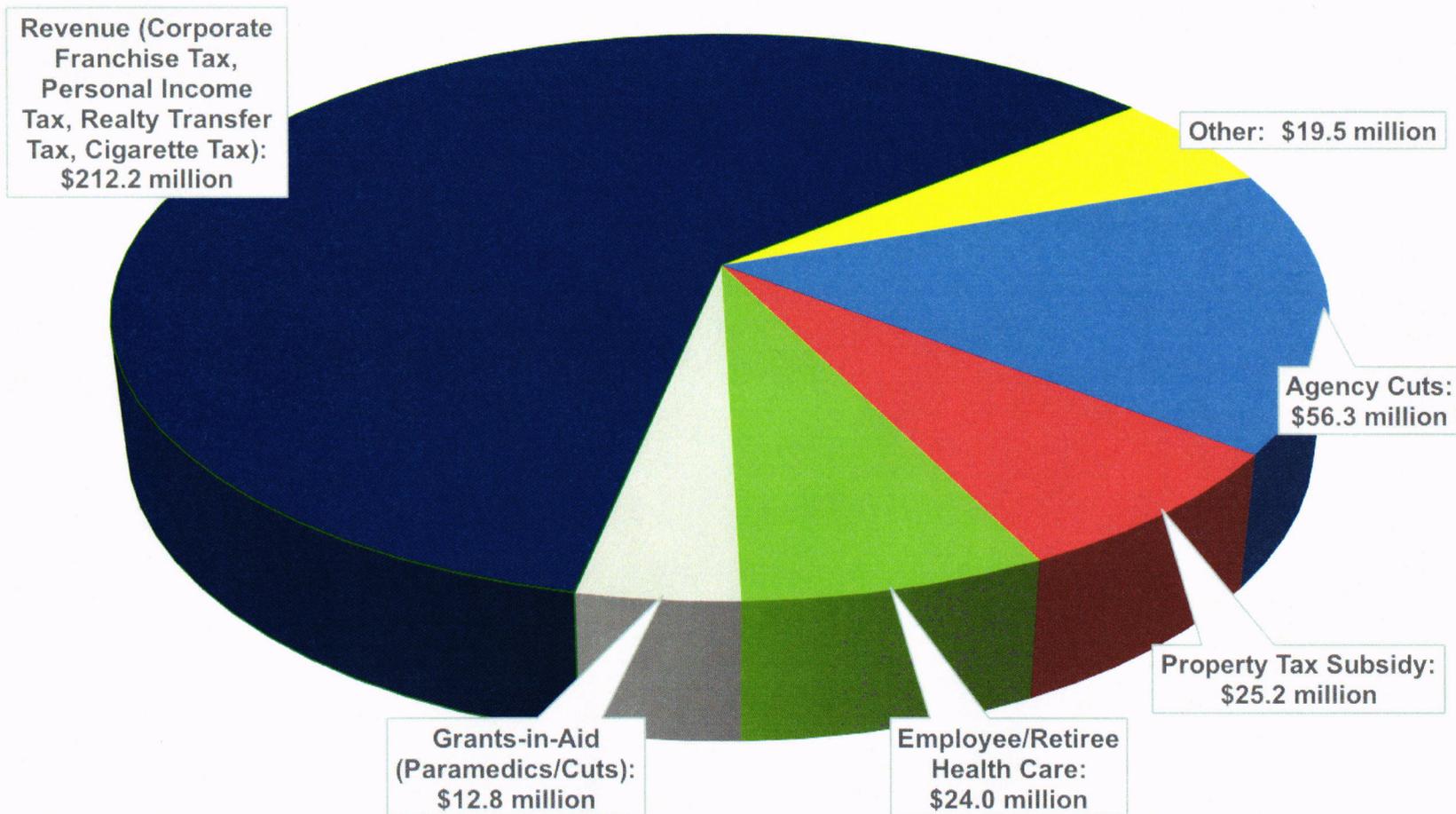


# DELAWARE'S UNIQUE REVENUE PORTFOLIO

- No statewide property tax
- No sales tax (no local share)
  - State level gross receipts tax
- Corporations' legal home
  - Reliance on related taxes & fees
- Non-tax revenues -- lottery & abandoned property
- Personal Income Tax with preferences
- Volatile Corporate Income Tax

# SOLVING THE BUDGET SHORTFALL

## GOVERNOR MARKELL'S PROPOSAL





PLANNING & ZONING DEPARTMENT  
P 302.424.8396 F: 302.424.3558

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

[www.cityofmilford.com](http://www.cityofmilford.com)

February 23, 2017

### **City of Milford Property Maintenance Campaign**

The City of Milford Enforcement & Inspection Department will be actively inspecting property exteriors in the upcoming months for compliance with the property maintenance code as defined in Chapter 174 of the City Code. Things like flaking paint, rotting wood, abandoned vehicles, parking on grass (or other unimproved surface), broken windows, high grass, weeds, rubbish and garbage, dilapidated accessory buildings, no posted addresses, indoor furniture outside, and structural defects are some of the issues that will result in violation notices from the City.

The City would like the community's help in identifying and reporting code violation concerns. The public can report a code enforcement violation using an online form found on our website at [www.cityofmilford.com](http://www.cityofmilford.com), the click on "How Do I..." and select "Report a Code Enforcement Violation" or use this short link to go directly to the form: [www.cityofmilford.com/report](http://www.cityofmilford.com/report). Smartphone users may also use the same link to the form to easily report the problem(s) and upload a picture too. Residents may also call Lendon Dennis in the Enforcement and Inspection Department at 302-424-8396 to make a report. Properties found in violation of the City's Property Maintenance Code will be given a period of time to remedy the issue before being assessed City fines.

Owner-occupied, income-eligible homes that are in need of repair may be eligible for State or Federal assistance through local grant and loan programs. For more information, contact Lendon Dennis at 302-424-8396.

Properties located within the City's Downtown Development District (DDD) may qualify for City permit fee waivers, tax abatements and/or State grants to aid in rehabilitation of residential and commercial structures. Both owner-occupied and rental properties may qualify for these incentives. For more information regarding the DDD program, contact Rob Pierce in the Planning & Zoning Department at 302-424-8396.

CITY HALL  
201 S Walnut Street  
Milford, DE 19963  
www.CityofMilford.com



THE CITY of

*Milford*  
DELAWARE

OFFICE of the CITY MANAGER  
O 302.424.3712 x304  
F 302.424.3559  
enorenberg@milford-de.gov



Eric Norenberg, ICMA-CM  
CITY MANAGER

RIVER TOWN • ART TOWN • HOME TOWN

CITY HALL  
201 S Walnut Street  
Milford, DE 19963  
www.CityofMilford.com

O 302.424.3712 x304  
C 302.424.3712  
F 302.424.3559  
enorenberg@milford-de.gov



201 S Walnut Street | Milford, DE 19963 | www.CityofMilford.com

RIVER TOWN • ART TOWN • HOME TOWN

12" x 24"  
100 qty.



Layout: TD

Revision Date: 02-24-17

*This artwork is the property  
of Reidler Decal Corporation  
and may not be reproduced  
without written permission.*

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Scale: 1/4

**Reidler Decal Corporation**

1.800.628.7770 • Fax: 570.429.1528 • reidlerdecal.com





**DELAWARE LEAGUE OF LOCAL GOVERNMENTS  
MONTHLY DINNER MEETING  
THE DUNCAN CENTER  
500 W. LOOCKERMAN STREET, 5<sup>TH</sup> FLOOR, DOVER**

\*\*\*\*\*

**THURSDAY, MARCH 23, 2017**

REGISTRATION/SOCIAL HOUR: 5:30 P.M. - 6:15 P.M.

DINNER: 6:30 P.M. – 7:15 P.M.

PROGRAM: 7:15 P.M.

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**PROGRAM:**

The League is pleased to welcome Dr. Harry L. Williams as keynote speaker in March. Dr. Williams is the 10<sup>th</sup> President of Delaware State University, appointed in 2010 following his service to DSU as Provost and Vice President of Academic Affairs. Previous to this, he worked in positions of Academic and Student Affairs at the University of North Carolina. Dr. Williams’ primary goal is to lead the University to become the No. 1 Historically Black University in the Country. He is well on his way, setting records in student enrollment and receiving the 2015 1890 University of the Year Award from the Association of Public and Land-Grant Universities.

Dr. Williams will address the positive impacts of Delaware State University’s programs, alumni, students, and faculty in our communities.

**Next Meeting: Thursday, April 27, 2017**

\*\*\*\*\*

**WE MUST HAVE YOUR RESERVATIONS NO LATER THAN MARCH 17, 2017**

Mail To/Make Payable to: Delaware League of Local Governments • P.O. Box 484 • Dover, DE 19903-0484  
Phone: 302-678-0991 • Email: [cfluft@udel.edu](mailto:cfluft@udel.edu)

\_\_\_\_\_ will have \_\_\_\_\_ attendees  
(Municipality/County/Agency)

PLEASE LIST THE NAMES OF THOSE ATTENDING

<u>Name</u>	<u>Title</u>
_____	& _____
_____	& _____
_____	& _____
_____	& _____
_____	& _____
_____	& _____

- ( ) Check enclosed for ( ) dinners @ \$30 each
- ( ) Payment will be made at the door
- ( ) Check mailed for ( ) dinners @ \$30 each

**Surface Water Matching Planning Grant  
to  
City of Milford  
for a  
Preliminary Design of a  
Mispillion River Bank Stabilization and Wetland Restoration Project  
and a  
Feasibility Study to Remove Goat Island Causeway**

THIS GRANT AGREEMENT (“Agreement”) is made as of DECEMBER 6, 20 15 (“Effective Date”) by and between The State of Delaware, Delaware Department of Natural Resources, **Division of Watershed Stewardship** (“Grantor”), and the **City of Milford** (“Grantee”).

**W I T N E S S E T H :**

WHEREAS, Grantor is charged with administering and granting funds for the Water Infrastructure Advisory Council from the Non-Federal Administrative Account (NFAA) for Surface Water Planning Projects, pursuant to *Title 29 Del. C. § 8011* (“Water Infrastructure Advisory Council”).

WHEREAS, Grantee has made an application dated August 21, 2015 (“Application”) to Grantor for a Grant under the Surface Water Matching Planning Grant (SWMPG) Program, in an amount not to exceed Fifty Thousand Dollars (\$50,000). The Grant funds shall be used by Grantee to carry out the Preliminary Design of a Mispillion RiverBank Stabilization and Wetland Restoration Project and a Feasibility Study to Remove Goat Island Causeway (“SWMPG Project”), as more completely described herein.

WHEREAS, Grantor, with consultation from the Water Infrastructure Advisory Council (“WIAC”), has (i) considered the Application under the criteria for the SWMPG Program, and (ii) resolved to Grant Fifty Thousand Dollars (\$50,000) to the Grantee in accordance with the terms and conditions of this Agreement and Attachments hereto.

NOW THEREFORE, in consideration of the mutual promises contained herein and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Obligation(s) of Grantee.

- (a) Grantee shall use the Grant Funds to carry out the Surface Water Matching Planning Grant Project, herein described and in the Application and Attachments hereto as Appendix A:

Project Description:

The City of Milford will conduct a planning study to investigate and provide preliminary design for the use of living shoreline techniques to stabilize portions of the Mispillion River and provide natural water quality treatment through the implementation of constructed wetlands, vegetative buffers, and/or other innovative techniques along 1,500 LF of river bank. Investigate the feasibility of removing the existing Goat Island causeway which would enhance recreational activities along the Mispillion Riverwalk (the City maintains a Kayak launch in close proximity to project site). Incorporate an educational component through the use of signs and placards detailing the nutrient reduction and stabilization methods implemented along with other outreach regarding TMDLs and water quality improvement standards at an estimated cost of One Hundred Thousand Dollars (\$100,000).

A detailed scope of work is as follows:

- Hire an environmental engineering consultant to determine the feasibility of bank stabilization, flow restoration, and best management practices in water quality improvement for the targeted areas shown on the application exhibit. The City would like to utilize living shorelines to provide bank stabilization and water quality improvement benefits in the two shoreline areas depicted on the attached exhibit – an area east of the causeway, and area west of the causeway that together total 1,500 LF. The Study would determine the feasibility of utilizing innovative water quality improvement techniques along these areas, including but not limited to vegetative buffers, constructed wetlands and possibly the use of bivalve shellfish (freshwater mussels) to filter out nutrients and sediment.
- The City intends to partner with the Partnership for the Delaware Estuary to conduct site characterization, planning, and conceptual design, and provide guidance through the planning/design process (and the implementation phase) for using plant and bio-based living shorelines.
- The project site includes two (2) existing stormwater outfalls which discharge into the river with minimal quantity and quality treatment. The feasibility study would determine if these outfalls could be retrofitted to provide

better water treatment by constructing wetlands, bioswales or other BMPs.

- The project includes assessing the feasibility and alternatives for removing the existing causeway connecting Goat Island to the mainland. The City maintains a small boat launch within the project area, and removing the causeway would enhance recreation by allowing the public to navigate completely around the island. Restoring flow could also improve ecological conditions in the area east of the causeway. The feasibility study would assess both positive and negative impacts of alternatives for removing the causeway and/or restoring flow, and determine what costs and permits would be required.
  - The project area parallels the existing Mispillion Riverwalk and Goat Island trail which would provide an opportunity to educate the public and other visitors on water quality improvement methods and TMDLs. This area could provide an outdoor classroom for students of all ages, and provide recreation and ecotourism opportunities.
  - The end product will be a feasibility study, preliminary engineering design, and cost estimate for construction produced by the environmental engineering consultant with input and conceptual plans from the Partnership for the Delaware Estuary.
- (b) Any conflict or inconsistency between the provisions of the following documents shall be resolved by giving precedence to such documents in the following order: (a) this Agreement (including any amendments or modifications thereto); (b) Grantor's Grant Application Instructions; and (c) Grantee's Application for grant funds. The aforementioned documents are specifically incorporated into this Agreement and made a part hereof.
- (c) Grantee shall appoint a "Project Manager" or "Contact Person" who will oversee the completion of the Surface Water Matching Planning Grant Project and serve as a person of contact for Grantee in communications with Grantor. Grantee will notify Grantor of changes to the "Project Manager" or "Contact Person" within a reasonable time not to exceed thirty (30) days.
- (d) Grantee shall undertake to conduct and complete the Project in a professional and competent manner. Grantee shall take reasonable efforts to assure that the Project is in conformance with all pertinent federal, state, and local statutes, codes, ordinances, resolutions and other applicable regulations. Grantee shall solely bear the costs of permits and other relevant costs required in the performance of the Project.

- (e) Grantee shall provide the required matching funds in the amount of Fifty Thousand Dollars (\$50,000) toward the cost of development of the project as described in Appendix A.
- (f) Grantee shall keep accurate records of the expenditures of the grant funds. Appropriate internal control procedures should be established by the Grantee.
- (g) Grantee request for reimbursement of eligible expenses may be made as the work progresses, but not more frequently than one reimbursement request per month.
- (h) All documentation supporting the claim for reimbursement must be kept readily available for examination by the State. The financial records, including all documents to support entries on the accounting records and to substantiate charges for each project, shall be included as part of the required documentation. All such records shall be retained and available for inspection for a period of three years after final payment.

2. Obligations of Grantor; Disbursement & Limitation of Grant Funds.

- (a) Grantor shall serve as administrator of the Grant Funds under this Agreement. Grantor shall furnish Grant Funds to Grantee on a reimbursable basis. Upon incurring eligible expenses, Grantee shall complete and submit to Grantor a "Surface Water Matching Planning Grant Reimbursement Request Form," ("Reimbursement Request Form") attached hereto.
- (b) Grantor shall reimburse Grantee within thirty (30) days of receipt of Grantee's Reimbursement Request. If Grantor disputes a portion of a Reimbursement Request, Grantor agrees to pay the undisputed portion of the Reimbursement Request within thirty (30) days of receipt and to provide Grantee a detailed statement of Grantor's position on the disputed portion of the Reimbursement Request within thirty (30) days of receipt.
- (c) Grantor shall not be obligated to reimburse Project costs incurred by Grantee on a date before a Purchase Order allocating the Grant Funds has been approved by the Delaware Department of Finance. Grantor shall notify Grantee within a reasonable time not to exceed fourteen (14) days of when the Purchase Order has been approved. Grantee shall be solely responsible for all costs and expenses incurred before a Purchase Order allocating the Grant Funds is approved. Grantor's total liability that may become due under this Agreement is limited to the total maximum expenditure(s) authorized in Grantor's Purchase Order.
- (d) Grantor's obligation to reimburse Grantee will not exceed the total amount of Grant Funds (\$50,000) awarded to Grantee from the NFAA and authorized in the Purchase Order. Grantee is solely responsible for any and all costs or expenses incurred in excess of the Grant Funds awarded. Grantor is in no way liable for any such excess costs, fees or expenses.
- (e) Grantee shall submit its Final Reimbursement Request Form for all remaining "Eligible Project Costs," along with its "Final Project Report," within the grant

timeframe. Any awarded Grant Funds remaining after Grantor has made its final reimbursement to Grantee shall be returned to the Non-Federal Administrative Account.

- (f) Grantor reserves the right to withhold disbursement of Grant Funds if Grantor determines, in its sole discretion, that Grantee's performance or completion of the Project is in violation of any federal, state, or local law or rule; or creates a risk to the public health, safety or environment.
  - (g) Grantor is a sovereign entity, and shall not be liable for the payment of federal, state and local sales, use and excise taxes, including any interest and penalties from any related deficiency, which may become due and payable as a consequence of this Agreement.
3. Term. This Agreement shall commence upon the execution of this Agreement by the parties, including the issuance of a Purchase Order allocating the Grant Funds, and shall continue until Grantor provides Grantee its final disbursement of Grant Funds due on Grantee's Final Reimbursement Request Form; or for One (1) year from the date on the Purchase Order, whichever occurs first. The parties may agree, by writing, to extend this Agreement for a mutually agreeable term to be specified in the writing.
  4. Independent Status. It is understood that Grantee is an independent entity, and is not an agent or employee of Grantor. Grantee shall complete the Project in its own manner and method. Grantee shall be solely responsible for, and shall indemnify, defend and save Grantor harmless from all matters relating to the payment of its employees, including compliance with social security, withholding and all other wages, salaries, benefits, taxes, exactions, and regulations of any nature whatsoever.
  5. Modifications. Grantee shall provide written notice to Grantor within a reasonable time not to exceed Thirty (30) days of planned changes or modifications which impact the scope, purpose, objectives, or nature of the Project for which the Grant Funds were awarded. If Grantor determines that the changes or modifications are of such significance as to no longer qualify the Project for Grant Funds, Grantor may terminate this Agreement in its discretion.
  6. Assignment. Any attempt by Grantee to assign or otherwise transfer any interest in this Agreement without the prior written consent of Grantor shall be void.
  7. Termination.
    - (a) Grantor may, by written notice to Grantee, terminate this Agreement if it is found that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by Grantee or any agent or representative of Grantee to any officer or employee of the State of Delaware or Grantor with a view toward securing a contract or securing favorable treatment with respect to the awarding of Grant Funds or making of any determinations with respect to the performance of this Agreement.

- (b) If sufficient funds are not appropriated by the Delaware General Assembly, or other appropriate federal or state agency, to sustain in whole or in part Grantor's performance under this Agreement; or if such appropriation is reduced such that the amount of the appropriation is insufficient to sustain said performance; this Agreement shall be null and void at the insistence of Grantor. Funds cannot be recalled or otherwise taken back once disbursed to Grantee.
  - (c) Grantee acknowledges that Grantor has an obligation to ensure that public funds are not used to subsidize private discrimination. Grantee recognizes that if it refuses to hire or do business with an individual or company due to reasons of race, color, gender, ethnicity, disability, national origin, age, or any other protected status, Grantor may declare Grantee in breach of this Agreement, terminate this Agreement, and designate Grantee as non-responsible.
  - (d) Grantee warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, or a percentage, brokerage or contingent fee. For breach or violation of this warranty, Grantor shall have the right to terminate this Agreement.
8. Indemnification. Grantee shall indemnify and hold harmless Grantor, the State of Delaware, its agents and employees, from any and all liability, suits, actions or claims, together with all reasonable costs and expenses (including attorneys' fees) directly arising out of (A) the negligence or other wrongful conduct of Grantee, its agents or employees, or (B) Grantee's breach of any material provision of this Agreement not cured after due notice and opportunity to cure, provided as to (A) or (B) that (i) Grantee shall have been notified promptly in writing by Grantor of any notice of such claim; and (ii) Grantee shall have the sole control of the defense of any action on such claim and all negotiations for its settlement or compromise.
9. Insurance.
- (a) Grantee shall maintain the following insurance during the term of this Agreement or any extension thereto:
    - 1. Worker's Compensation and Employer's Liability Insurance in accordance with applicable law, and
    - 2. Comprehensive General Liability - \$1,000,000.00 per occurrence/\$3,000,000 general aggregate, and
    - 3. Medical/Professional Liability - \$1,000,000.00 per occurrence/\$3,000,000 general aggregate; or
    - 4. Miscellaneous Errors and Omissions - \$1,000,000.00 per occurrence/\$3,000,000 general aggregate, or
    - 5. Product Liability - \$1,000,000.00 per occurrence/\$3,000,000 general aggregate, and

6. If required to transport state employees, Automotive Liability Insurance covering all automotive units used in the work with limits of not less than \$100,000 each person and \$300,000 each accident as to bodily injury and \$25,000 as to property damage to others.
  - (b) Grantee shall provide Forty-Five (45) days written notice of cancellation or material change of any policies.
  - (c) Before any activity in furtherance of this Agreement is undertaken by Grantee, the Certificate of Insurance and/or copies of the insurance policies, referencing the Agreement Number stated herein, shall be filed with the State. The certificate holder is as follows: DNREC, Division of Watershed Stewardship.
  - (d) In no event shall the State of Delaware be named as an additional insured on any policy required under this Agreement.
10. Notices. All notices, reports or other written communication required or permitted herein shall be given in writing to the addresses set forth below:

If to Grantor:

Delaware Department of Natural Resources & Environmental Control  
Division of Watershed Stewardship  
Attn: Jim Sullivan  
89 Kings Highway  
Dover, DE 19901  
Phone: 302-739-9921

If to Grantee:

City of Milford  
Rob Pierce  
Coordinator of Planning and Economic Activities  
201 S. Walnut Street  
Milford, DE 19963  
Phone: 302-424-3712 ext. 311

11. Force Majeure. Neither party shall be liable for any delays or failures in performance due to circumstances beyond its reasonable control.
12. Entire Agreement; No Oral Modification. This Agreement constitutes the entire agreement pertaining to the subject matter hereof between Grantor and Grantee. Neither this Agreement nor any Appendix may be modified or amended except by the mutual written agreement of the parties. The provisions of this Agreement supersede all prior oral and written applications, quotations, communications, agreements and understandings of the parties with respect to the subject matter of this Agreement. No

waiver of any provision of this Agreement shall be effective unless it is in writing and signed by the party against which it is sought to be enforced.

13. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Delaware, except where Federal Law has precedence. Grantee consents to jurisdiction and venue in the State of Delaware.
14. Severability. If any term or provision of this Agreement shall be held illegal, invalid or unenforceable by a Court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Agreement. Such term or provision held invalid shall be deemed modified to the extent necessary in the Court's opinion to render such term or provision enforceable, and the rights and obligations of the parties shall be construed and enforced accordingly, preserving to the fullest permissible extent the intent and agreements of the parties herein set forth.
15. Captions. The captions in this Agreement are inserted only for the purpose of convenient reference and shall not be construed to define, limit or prescribe the scope or intent of this Agreement or any part thereof.
16. Surviving Clauses. The following clauses survive the termination of this Agreement: Section 8 "Indemnification;" Section 13 "Governing Law."
17. Miscellaneous Provisions.
  - (a) The rights and remedies of Grantor provided for in this Agreement are in addition to any other rights and remedies provided by law. Grantor and the State of Delaware do not waive its sovereign immunity by entering into this contract and fully retain all immunities and defenses provided by law with regard to any action based on this Agreement.
  - (b) Grantee will not use the State of Delaware's name or the Great Seal of the State of Delaware, either expressly or impliedly, in any of its advertising or soliciting materials without the State of Delaware's express written consent.
  - (c) Grantee certifies that the information reported herein is true, accurate and complete to the best of Grantee's knowledge based upon reasonable diligence of individuals with material knowledge of the Project. Grantee understands that these representations are made in support of claims for government funds.

[This section left intentionally blank, signatures follow]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed as of the date and year first above written.

**GRANTOR  
STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL**

Witness: Stephanie M. Bower Name: David Small  
Date: 12/6/15 Title: Secretary  
Date: 12/6/15

**GRANTEE  
CITY OF MILFORD**

Witness: Jessica L. Hudson Name: BRYAN W. SHUPPE  
Date: 11/10/2015 Title: MAYOR  
Date: 11/10/2015

February 13, 2017

City of Milford  
201 South Walnut Street  
Milford, Delaware 19963

*Michael R. Wigley, AIA, LEED AP  
Randy B. Duplechain, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA  
Jason P. Loar, P.E.  
Ring W. Lardner, P.E.*

Attention: Mr. Rob Pierce  
Planning & Economic Activities Coordinator

Re: Mispillion River Living Shoreline  
Additional Professional Engineering Services-Design  
City of Milford  
Sussex/Kent County, Delaware  
DBF# 052A178

Dear Rob:

The City has completed the initial stages of the Mispillion River Living Shoreline project by completion of the 2016 Mispillion River Living Shoreline Conceptual Designs as prepared by the Partnership for the Delaware Estuary (PDE). Davis, Bowen & Friedel, Inc., (DBF) was involved with the conceptual designs which included providing survey services along with additional consulting in regards to the report. We understand that the City is ready to complete the design and submit for permits in regards to taking the next step in making this project reality. Therefore, DBF is pleased to present this letter proposal to provide additional professional engineering services by completing the design and preparation of construction bid documents which will include the removal of the causeway at Goat Island.

A description of our proposed scope of services and associated fees for each portion of the work is as follows:

**A. Survey/Field Investigation**

While limited survey has been previously completed, additional survey will be needed. We will perform a bathymetric survey along the Mispillion River shoreline at the two project areas which will supplement the previous survey completed in May 2016. The field survey will also include additional transects across Mispillion River continuing onto the river's western shoreline and embankment. The data will be compiled and combined with the previous survey and will be developed at a scale and accuracy necessary to provide base maps required for the design and permitting of the project. DBF will also perform sub-surface investigations using our in-house personnel. We will probe the bottom within the footprint of the proposed shoreline improvements to determine the general type and firmness of sub-surface material found.

**B. Wetland & Environmental Investigations**

We will collaborate with Environmental Resources Inc, to perform an environmental survey identifying existing wetland areas and other features that will aide in the design of the living shorelines. A brief Environmental Analysis report will be developed for preparation of permit procurement.

**C. Preliminary Design Including Hydrology & Hydraulic Analysis**

We will develop a preliminary design for the two living shoreline areas. The design will incorporate features identified in the environmental survey and the recommendations provided in the 2016 Mispillion River Living Shoreline Conceptual Designs as produced by PDE. We will review the conceptual design provided by PDE and provide our opinion for the best design approach, or composite thereof, considering the site conditions. Using the survey data collected, we will prepare a scaled layout of our recommended plan for review and approval by the City.

**D. Final Design**

Upon receiving comments and approval from the City, DBF will proceed with the final design of the living shorelines. The final design will include construction drawings and technical specifications. All drawings will provide sufficient detail for review, approval, bidding, and construction relating to the proposed shoreline improvements. These drawings will include a site plan sheet with vicinity map, a sediment and erosion control plan sheet with standard details and notes, and a detail sheet including typical cross sections of the proposed improvements.

**E. Excluded Services**

Excluded from our above scope of services is work associated with the following. If required, this work can be performed on a unit price basis or under a separate proposal to the City of Milford

- Permitting
- Geotechnical Investigations
- Easement Acquisition Services and/or Coordination and Preparation of Easement Plats
- Stormwater Management Design and Permitting
- Construction Administration Services
- Construction Survey Services
- Construction (RPR) Inspection Services
- As-Built Surveys or Plan Preparation
- Application and Permit Fees
- Additional Geotechnical Services
- Financial Administration Services

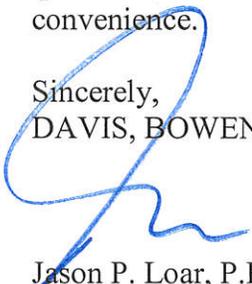
- Reimbursable Expenses

We propose to complete the proposed scope of services as described above for an estimate fee of \$28,775. Hourly or estimated fees, additional services, and direct or reimbursable expenses will be provided on an hourly and unit price basis and invoiced for work completed during the previous month in accordance with the enclosed Schedule of Rates No. 46. We will not exceed the estimated fees without first notifying you and receiving written authorization to continue. Please refer to the attached schedule of rates for other terms and conditions.

Should you find this proposal acceptable, please execute below and return one (1) copy to us and retain one (1) copy for your files. Receipt of the signed copy will be considered our authorization to proceed.

On behalf of Davis, Bowen & Friedel, Inc., we are fully committed to provide a product that will meet or exceed your expectations. We look forward to completing this project with you and appreciate the opportunity to be of continued service to the City of Milford. Should you have any questions, comments, concerns, or would like to discuss this further please give me a call at your convenience.

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Jason P. Loar, P.E.  
Principal

Enclosures

P:\MILFORD\052A178 2016 Mispillion River Scaping Project\Letters\Mispillion River Living Shoreline Design.docx

**ACCEPTED BY:**

---

**Signature**

**Date**

---

**Printed Name**

**DAVIS, BOWEN & FRIEDEL, INC. ("DBF")**  
**SCHEDULE OF RATES AND GENERAL CONDITIONS**  
 SCHEDULE NO. 46  
 Effective June 1, 2015

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
Principal	\$170.00
Senior Architect	\$150.00
Architect	\$120.00
Senior Landscape Architect	\$150.00
Landscape Architect	\$120.00
Senior Engineer	\$150.00
Engineer	\$120.00
Construction Administrator	\$120.00
Senior Traffic Engineer	\$150.00
Traffic Engineer	\$120.00
Geologist	\$120.00
GIS Specialist	\$110.00
Senior Surveyor	\$150.00
Associate Surveyor	\$120.00
Surveyor	\$115.00
Senior Designer	\$115.00
Computer Graphics Designer	\$100.00
Designer	\$105.00
CADD I	\$95.00
CADD II	\$85.00
Computer Administrator	\$100.00
2 Man Field Crew	\$140.00
3 Man Field Crew	\$175.00
GPS Unit (1 man)	\$110.00
GPS Unit (2 man Crew)	\$150.00
GPS Unit (3 man Crew)	\$200.00
Resident Project Representative	\$80.00
Water/Wastewater Operator	\$120.00
Clerical	\$60.00
Travel	\$0.50
Direct Expense	Cost + 10%
Prints (In-house Reproduction)	\$2.50/sheet

GENERAL CONDITIONS

**INVOICES & PAYMENT**

Invoices are sent monthly or sooner if project is complete. Payment Terms: Net 30 days of invoice date. Any invoice not paid within 30 days shall bear interest at 1.0% per month (12% annually). If required to engage legal counsel to collect an overdue invoice, DBF shall be entitled to recover also its costs of collection, including counsel fees and expenses. DBF reserves the right to adjust its schedule of rates annually. Any such adjustments will be effective within 30 days after written notification to the client.

**TERMINATION OF CONTRACT**

Client may terminate this agreement upon seven days' prior written notice to DBF for convenience or cause. DBF may terminate this Agreement for cause upon seven days' prior written notice to client. Failure of client to pay invoices when due shall be cause for immediate suspension and ultimate termination of services, at DBF's sole discretion. This agreement may be terminated by either party for any reason with 30 days advance notice.

**LIMITATION OF LIABILITY**

Client agrees to limit DBF's liability related to any errors or omissions to a sum that shall not exceed the total professional fee for the project.

**INDEMNIFICATION**

Client and DBF each agree to indemnify and hold the other harmless, and their respective officers, employees, agents and representatives, from and against liability for all claims, losses, damages and expenses, including reasonable attorney's fees caused by the other's negligence. To the extent such claims, losses, damages or expenses are caused by the joint or concurrent negligence of client and DBF, the same shall be borne by each party in proportion to its negligence. This shall in no way affect the limitation of DBF's liability expressed in the preceding paragraph.

**FORCE MAJEURE**

Neither party shall be deemed in default of this Agreement to the extent that any delay or failure in the performance of its obligations results from any cause beyond its reasonable control and without its negligence.

**CONSTRUCTION PHASE SERVICES**

If this Agreement provides for any construction phase services by DBF, it is understood that the contractor, not DBF, is solely responsible for the construction of the project, and that DBF shall not be responsible for the acts or omissions of any contractor, subcontractor or material supplier; for safety precautions, programs or enforcement; or for construction means, methods, techniques, sequences and procedures employed by the contractor, its subcontractors or suppliers.

**OWNERSHIP OF DOCUMENTS**

All documents prepared or furnished by DBF pursuant to this Agreement, including electronic media, are instruments of DBF's professional service, and DBF shall retain an ownership and property interest therein. DBF grants client, during the period of DBF's service, a license to use such documents for the purpose of constructing, occupying and maintaining the project. Reuse or modification of any such documents by client or client's agents, without DBF's written permission, shall be at client's sole risk; and client agrees to indemnify and hold DBF harmless from all claims, damages and expenses, including attorneys' fees, arising out of such reuse by client or by others acting through or with the consent of client.

**USE OF ELECTRONIC MEDIA**

Copies of documents that may be relied upon by client are limited to the printed copies (also known as hard copies) that are signed or sealed by DBF. Files in electronic media format or text, data, graphic or other types that are furnished by DBF to client are only for convenience of client. Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk. When transferring documents in electronic media format, DBF makes no representations as to long-term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems, computer hardware or of a protocol differing from those in use by DBF during the period of this agreement.

**SUCCESSORS & ASSIGNS**

The client and DBF bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. Neither party shall assign, sublet or transfer any interest in this Agreement without the written consent of the other.

**MISCELLANEOUS PROVISIONS**

Unless otherwise specified, this Agreement shall be governed by laws of the State in which the work is performed, and the courts of such State shall have exclusive jurisdiction over any disputes hereunder. Terms in this Agreement shall have the same meaning as those in AIA Document A201, General Conditions of the Contract for Construction, current as of the date of this Agreement. If this schedule is incorporated or referenced in an agreement with client, the terms of this schedule shall prevail in the event of any conflict with the terms of such agreement.

**REIMBURSABLE EXPENSES**

Other expenses known as direct expenses incurred in the interest of the project (including travel, toll communications, postage, delivery, photographs, subcontract engineering, testing or other consultants, renderings, models, etc.) will be billed monthly at DBF's actual cost plus ten percent.

February 13, 2017

City of Milford  
201 South Walnut Street  
Milford, Delaware 19963

*Michael R. Wigley, AIA, LEED AP  
Randy B. Duplechain, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA  
Jason P. Loar, P.E.  
Ring W. Lardner, P.E.*

Attention: Mr. Rob Pierce  
Planning & Economic Activities Coordinator

Re: Mispillion River Living Shoreline  
Additional Professional Engineering Services-Permitting  
City of Milford  
Sussex/Kent County, Delaware  
DBF# 052A178

Dear Rob:

The City has completed the initial stages of the Mispillion River Living Shoreline project by completion of the 2016 Mispillion River Living Shoreline Conceptual Designs as prepared by the Partnership for the Delaware Estuary. Davis, Bowen & Friedel, Inc., (DBF) was involved with the conceptual designs and will be completing the final design. Due to the complexity of the project, permitting through the U.S. Army Corps of Engineers (USACE) and the Delaware Department of Natural Resource (DNREC) will be required.

DBF is pleased to present this letter proposal to provide additional professional engineering services by providing services which will include submittal of the required USACE and DNREC permit application packages. With the assistance of Environmental Resources, Inc., will prepare the permit applications necessary to process and obtain the USACE and the DNREC approvals. We will submit these application papers and schematic 8-1/2"x11" drawings to you for your review and signature. Upon their return, we will handle the necessary processing with each regulatory agency. Due to the time required to process the environmental permits, we recommend that these applications be submitted at the earliest time possible. We will keep you informed of the progress of the processing with copies of all correspondence and will consult with you in the event changes or modifications are required to the original submission. During the processing of the permits, we will respond to issues and concerns raised by the regulatory agencies and will expedite the application as necessary.

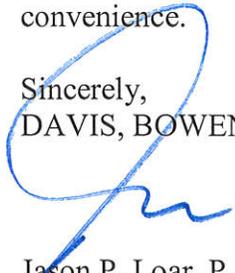
We propose to complete the proposed scope of services as described above for an estimate fee of \$15,000. Hourly or estimated fees, additional services, and direct or reimbursable expenses will be provided on an hourly and unit price basis and invoiced for work completed during the previous month in accordance with the enclosed Schedule of Rates No. 46. We will not exceed the estimated fees without first notifying you and receiving written authorization to continue. Please refer to the attached schedule of rates for other terms and conditions.

Letter: Rob Pierce  
February 13, 2017  
Page 2

Should you find this proposal acceptable, please execute below and return one (1) copy to us and retain one (1) copy for your files. Receipt of the signed copy will be considered our authorization to proceed.

On behalf of Davis, Bowen & Friedel, Inc., we are fully committed to provide a product that will meet or exceed your expectations. We look forward to completing this project with you and appreciate the opportunity to be of continued service to the City of Milford. Should you have any questions, comments, concerns, or would like to discuss this further please give me a call at your convenience.

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Jason P. Loar, P.E.  
Principal

Enclosures

P:\MILFORD\052A178 2016 Mispillion River Scaping Project\Letters\Mispillion River Living Shoreline Permitting.docx

**ACCEPTED BY:**

---

**Signature**

**Date**

---

**Printed Name**

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PUBLIC WORKS DEPARTMENT  
180 Vickers Drive  
Milford, DE 19963  
www.CityofMilford.com



PUBLIC WORKS DEPARTMENT  
O 302.422.1110  
F 302.422.1119  
PW@milford-de.gov

To: Eric Norenberg, City Manager  
From: Mark A. Whitfield, Public Works Director  
Subject: Budgetary Transfer  
Date: February 24, 2017

Due to on-going union negotiations and Unfair Labor Practice filings from the IBEW LU 126 and the City of Milford, staff recommends Council authorize the transfer of \$100,000 from Electric Reserves to the Electric Division's Legal Service Operation Budget Line Item (Account 205-5050-432-30-20). The budgeted amount of \$20,000 has been expended, and the transfer is needed to cover both current and projected on-going expenses.



ELECTRIC DEPARTMENT  
(302) 422-1110 FAX (302) 422-1117

180 VICKERS DRIVE  
MILFORD, DE 19963

[www.cityofmilford.com](http://www.cityofmilford.com)

TO: Mark Whitfield, Public Works Director  
CC: Rick Carmean, Electric Superintendent  
FROM: Jennifer Anderson, Electric Operations Manager  
DATE: February 14, 2017  
RE: **BUDGET TRANSFER REQUEST**

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It has come to my attention that the Electric Department's Legal Services Line Item (205-5050-432-30-20-\$20,000) has been depleted due to on-going union negotiations and Unfair Labor Practice filings from the IBEW LU 126 and the City of Milford.

We respectfully request a transfer of \$100,000.00 from Reserves to the Legal Services line item (205-5050-432-30-20) to cover current and projected invoices for attorney fees associated with the on-going negotiations between the City of Milford and IBEW Local 126.

Please feel free to contact me if you have any questions.

Thank you.



OFFICE OF THE CITY MANAGER  
 ERIC NORENBURG, ICMA-CM  
 302.424.3712, FAX 302.424.3558

201 SOUTH WALNUT STREET  
 MILFORD, DE 19963  
 www.cityofmilford.com

February 23, 2017

TO: Mayor and City Council  
 FROM: Eric Norenberg  
 Jeff Portmann  
 SUBJECT: Early Bond Buy Back – Series 2011 / Appropriation

**Purpose and Background**

As a continuation of our review of outstanding debt, the Finance Director has reviewed the interest rates, upcoming payments and options for early payoff / buy back of the City of Milford 2011 Series B Bonds. We are now eligible, following a 30-day notice, to buy back these bonds and save the upcoming interest. The outstanding principle and interest is shown below.

2011 Series B Bonds	Outstanding Principal 4/1/17	Interest Thru 4/1/17	Total Funds Needed 4/1/17	Reserve Fund
General Fund	\$63,238.50	\$474.29	\$63,712.79	General
Water	\$679,477.50	\$5,096.08	\$684,573.58	Water
Sewer	\$292,284.00	\$2,192.13	\$294,476.13	Sewer
	<b>\$1,035,000.00</b>	<b>\$7,762.50</b>	<b>\$1,042,762.50</b>	

Principle and interest amounts would have been budgeted over the next four years. By paying the bonds back early we can save over \$70,000 in interest across the three funds and end annual principal payments impacting future budgets. In particular, this step will help the water and sewer budgets by providing flexibility for use in upcoming capital projects over the next four years.

**Recommendation**

It is recommended that City Council authorize the authorize the Early Bond Buy Back and with the following motion that includes the necessary appropriation:

“I move that the City Manager and Finance Director be authorized to execute an early bond buy back for Series B 2011 that funds be appropriated from the respective Reserve Funds as shown on the memo to complete the repayment.”

<b>City of Milford Series B Bonds of 2011</b>	<b>Outstanding Principal 4/1/17</b>	<b>Interest Thru 4/1/17</b>	<b>Total Funds Needed 4/1/17</b>
General Fund	\$63,238.50	\$474.29	\$63,712.79 From General Fund Reserves
Water	\$679,477.50	\$5,096.08	\$684,573.58 From Water Fund Reserves
Sewer	<u>\$292,284.00</u>	<u>\$2,192.13</u>	<u>\$294,476.13</u> From Sewer Fund Reserves
	<b>\$1,035,000.00</b>	<b>\$7,762.50</b>	<b>\$1,042,762.50</b>

These amounts would have been budgeted over the next four years. By paying the bonds back early we save over \$70,000 in interest and remove \$1,035,000 from future budgets. This will help the water and sewer budgets by providing them more funds to be used over the next four years and reducing the need for a rate increase.

CITY OF MILFORD (DELAWARE)  
 SERIES B OF 2011  
 REFUNDS THE SERIES OF 2002

SETTLE 6/30/2011  
 DATED 6/30/2011

	1	2	3	4	5	6	7	8	9	10	11
Date	Principal	Coupon	Yield to Call	Yield to Maturity	Interest	Semi-Annual Debt Service	Annual Debt Service	Existing Debt Service	Savings	P/V Savings	
1/1/2012	545,000	2,000	0.550		43,791.94	588,791.94	588,791.94	692,590.00	103,798.06	102,891.80	
7/1/2012					38,100.00	38,100.00					
1/1/2013	685,000	2,000	0.750		38,100.00	723,100.00	761,200.00	774,100.00	12,900.00	12,770.62	
7/1/2013					31,250.00	31,250.00					
1/1/2014	690,000	2,000	0.900		31,250.00	721,250.00	762,500.00	768,025.00	13,525.00	13,108.81	
7/1/2014					24,350.00	24,350.00					
1/1/2015	290,000	2,000	1.200		24,350.00	314,350.00	338,700.00	351,420.00	12,720.00	12,080.35	
7/1/2015					21,450.00	21,450.00					
Fy 16 1/1/2016	240,000	2,000	1.400		21,450.00	261,450.00	282,900.00	300,832.50	17,932.50	16,670.89	
7/1/2016					19,050.00	19,050.00					
Fy 17 1/1/2017	235,000	3,000	1.700		19,050.00	254,050.00	273,100.00	296,432.50	23,332.50	21,270.16	
7/1/2017					15,525.00	15,525.00					
Fy 18 1/1/2018	250,000	3,000	2.000	2.141	15,525.00	265,525.00	281,050.00	301,712.50	20,662.50	18,608.24	
7/1/2018					11,775.00	11,775.00					
Fy 19 1/1/2019	255,000	3,000	2.400	2.547	11,775.00	266,775.00	278,650.00	301,130.00	22,580.00	19,858.68	
7/1/2019					7,950.00	7,950.00					
Fy 20 1/1/2020	260,000	3,000	2.600	2.730	7,950.00	267,950.00	276,900.00	299,867.50	23,967.50	20,697.94	
7/1/2020					4,050.00	4,050.00					
Fy 21 1/1/2021	270,000	3,000	2.750	2.847	4,050.00	274,050.00	278,100.00	302,905.00	24,805.00	21,034.20	
7/1/2021											
TOTALS	3,720,000				380,791.94	4,110,791.94	4,110,791.94	4,387,015.00	276,223.06	258,891.68	

Fy 16  
 Fy 17  
 Fy 18  
 Fy 19  
 Fy 20  
 Fy 21

\$ 1,035,000

70,837.50

Savings as a % of Refunded Per	7.33%	6.87%
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## **RESOLUTION**

WHEREAS, the City Council of the City of Milford, Delaware (“City Council”) has been advised that the City of Milford can achieve present value debt service savings by refunding the City’s outstanding General Obligation Refunding Bonds, Series of 2002 (the “Refunding Program”).

NOW, THEREFORE, BE IT RESOLVED, and it is resolved that the City Council of the City of Milford does hereby propose the borrowing of an amount of money not exceeding \$3,975,000 to be utilized for the Refunding Program described above, and to pay certain costs associated with the issuance of its General Obligation Bonds, Series B of 2011 (the “2011B Bonds”). The average rate of interest on the 2011B Bonds shall not exceed 5.00%. The 2011B Bonds shall be secured by the full faith and credit of the City. The 2011B Bonds shall be paid or funded by available revenues of the City. The City is authorized to use a portion of the proceeds of the 2011B Bonds to pay costs associated with the issuance of the 2011B Bonds. A public hearing upon this resolution and final authorization for the borrowing is scheduled in the Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware, on May 23, 2011 at 7:00 p.m. with final authorization for the borrowing expected at the regular monthly meeting to follow on the same date.

ADOPTED: May 9, 2011



To: Eric Norenberg, City Manager  
From: Mark A. Whitfield, Public Works Director  
Subject: Southeast Water Tower and Treatment Facility  
Date: February 27, 2017

On February 16, the Department began receiving various complaints regarding water quality from citizens being served by the southeast water tower and treatment facility. The area was concentrated primarily on Hearthstone, Shawnee Acres and Meadows at Shawnee. The complaints ranged from chlorine odor to discolored water (brown and yellow). Based on these complaints, the Department shut down the facility on Friday February 17, and supplied water from other city sources.

Since that time, the Department, in concert with Delaware's Office of Drinking Water, has been testing water to determine what happened. It appears that a combination of abnormally high air temperatures, high levels of iron and manganese, and slightly high introduction of chlorine caused the problems. Regulating the chlorine at the southeast facility has been difficult, due to the very low usage water from the tower. As an example, water at Washington Street tower and NE 10<sup>th</sup> Street tower has a turnover rate of at least twice per day. Southeast tower turnover is about twice per month. In short, the Department continues to monitor and change chlorination and fluoridation levels based on the time water is stored. Chlorine dissipates as water sits within the tower, so higher usage makes regulating the chlorine levels much easier. Low usage make the regulation very difficult.

Additionally, the yellow discoloration comes from hydrogen sulfide mixing with chlorine in the water. Brown water is caused by high iron and manganese in the water mixing with the chlorine. High iron levels, mixed with chlorine and high temperatures, will cause the iron to separate, making the water brown.

The Department worked closely with the Office of Drinking Water, and they concluded that in no time was the water delivered to customers "unsafe". Chlorine levels were at 2.2 ppm, and EPA requires that the levels be below 4.0. While the iron, manganese and hydrogen sulfide is undesirable, the water was safe to drink. That said, the delivery of the discolored water is not acceptable from both the customer's point of view, and the Department's.

After leaving the water sit idle at the facility for a week, which allowed the iron particles to settle out, crews flushed the waterlines and tower on Friday February 24 until clear water was running.

Of the two wells at southeast, we suspect high iron and manganese in Well #16. In order to dilute the chlorine level, the Department ran Well #15 over the weekend of February 25 & 26, without adding chlorine. As of today, the chlorine level was 1.22 ppm and water in the tank and lines were clear. The Department plans to turn the facility back on for public use on Tuesday or Wednesday this week.

Presently, the Department is awaiting test results on both wells with regards to iron, manganese and hydrogen sulfide. We have been in contact with both the design professional as well as the

manufacturer of the chlorinator, to ensure the Department is operating the facility correctly. Once we have determined the cause of both the discoloration and elevated chlorine levels, we will make corrections to the plant operations. Additionally, the Department continues to investigate ways create greater turnover of water at the southeast site by redirecting water in the system. That said, the redirecting of water may cause rust and silt within the lines to loosen and disperse into the water, thereby once again creating discolored water.

Most of the low usage of the southeast tower will be eliminated once the new Bayhealth Hospital comes on line. Until then, the Department will continue to make alterations and corrections at the southeast facility to avoid the problems experience over the past two weeks.

Cc: Steve Ellingsworth, Water Treatment Operator