

City of Milford



CITY COUNCIL AGENDA

Monday, May 13, 2019

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

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Delaware Operator of the Year/Steve Ellingsworth
Proclamation 2019-07/National Kids to Parks Day
Proclamation 2019-11/Public Works Week

Monthly Police Report

Monthly City Manager Report

Monthly City Finance Report

Committee & Ward Reports

Communication & Correspondence

Unfinished Business

Authorization/Addendum/Chief of Police Contract
Appointment/Planning Commission
Appointment/Parks & Recreation Advisory Board

New Business

Bid Award/Public Works Facility Renovation Project
Authorization/Amendment/Milford Ponds Development Agreement
Introduction/Ordinance 2019-11/Chapter 230-Zoning Code/Amends §230-18 OC-1 District
Introduction/Ordinance 2019-14/Conditional Use/Windward Communities LLC-Commercial on behalf of
Property Owners Janet R. Swain, Gilbert C. & Irene D. Simpson and Jesse & Joyce Webb

Introduction/Ordinance 2019-15/Change of Zone/Larry M. & Linda H. Pfeiffer on behalf of Pfeiffer Enterprises
Introduction/Ordinance 2019-16/Conditional Use/Mavis Discount Tires/Shawnee Farm LLC on behalf of Applicant LC Management
Introduction/Ordinance 2019-17/Change of Zone/Growmark FS
Introduction/Ordinance 2019-18/Chapter 67/Volunteer Fire Companies
Introduction/Ordinance 2019-19/Chapter 26/Enhancement Funds*

EXECUTIVE SESSION

Motion to Recess into Executive Session
Pursuant to 29 Del. C. §10004(b)(9) Personnel Matter

Return to Open Session
Evaluations-Goal Setting

Adjournment

All items on the Council Meeting Agenda are subject to a potential vote.

**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.**

© Public Comment, up to three minutes per person, will be accepted.

032719 040419 041719 041819 042419 042519 050319 050619
050819 Workshop Removed
050919 *Added by CC-Required by Ord 2018-18; Item Removed
051319 *Item Amended



For Immediate Release

Contact: Jason Burlew
(302) 259-6100
jburlew@dtcc.edu

**Ellingsworth and Timmons named
Water and Wastewater Professionals of the Year**
Dotterer honored as On-Site Professional of the Year

The City of Milford's Water and Sewer Facilities Supervisor Steve Ellingsworth was named the 2018 Water Professional of the Year, and Perdue's Supervisor of Wastewater Operations Frankie Timmons, of Bishopville, Md., was named 2018 Wastewater Professional of the Year at the Annual Water and Wastewater Professionals Award Ceremony on May 9 at Delaware Technical Community College's Owens Campus in Georgetown.

The awards are presented to water operators, wastewater operators, and on-site professionals who have demonstrated outstanding technical excellence and an exemplary work ethic while contributing to the high level of water quality in Delaware.

The Department of Natural Resources & Environmental Control's (DNREC) Brian Dotterer, of Greenwood, was named On-Site Professional of the Year. The Allen J. Williams Lifetime Achievement Award was presented to Dawn Dryden, of Harrington, an administrative specialist and coordinator for DNREC's Division of Water and Groundwater Discharges Section, and John G. (Jack) Hayes, of Marydel, a program manager for DNREC's Division of Water and Groundwater Discharges Section.

In addition, members of the South Coastal Wastewater Operations Team were honored with the Water/Wastewater Professionals Team Award.

The guest speaker for the ceremony was Zach Lowenstein, an environmental scientist with the Office of Wastewater Management at the Environmental Protection Agency.

The Operator of the Year Ceremony is sponsored by Delaware Technical Community College; the Delaware Rural Water Association; Division of Public Health, Office of Drinking Water; Department of Natural Resources & Environmental Control, Division of Water Resources; Delaware On-Site Wastewater Recycling Association, and the Water and Wastewater Operators Association, Eastern Shore Chapter.

Photos:

2018 Water Operator of the Year Steve Ellingsworth, right, of the City of Milford, poses with fellow nominee Brandon Slater, of the Town of Blades.

2018 Wastewater Operator of the Year Frankie Timmons, center, of Perdue, poses with fellow nominees Brian Blackburn, left, of the New Castle Public Works Department, and Michael Vonville, right, of Tidewater Utilities Inc.

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Delaware Tech -- the First State's only community college -- offers academic, technical, continuing education, corporate and community training comprising more than 100 associate degree, diploma and certificate programs. The College is accredited by the Middle States Commission on Higher Education. Delaware Tech has four campuses across Delaware in Georgetown, Dover, Stanton and Wilmington. Visit www.dtcc.edu to learn more about all of our programs.



MILFORD CITY COUNCIL
MINUTES OF MEETING
March 25, 2019

The City Council of the City of Milford met in Workshop Session on Monday, March 25, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:31 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Christopher Mergner, Mike Boyle, Lisa Ingram Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Eric Norenberg, Police Captain Gary Bailey and Deputy City Clerk Christine Crouch

COUNSEL: Solicitor David Rutt, Esquire

Southeast Milford Transportation Improvement District Plan

City Planning Director Rob Pierce recalled that in 2011, the Southeast Master Plan was adopted which required a Transportation Improvement District (TID). The Master Plan was incorporated into the recently adopted 2018 Comprehensive Plan.

Since that time, the City has been working with DelDOT to establish the TID. Tonight, they will discuss the TID and what is needed to move forward.

He introduced DelDOT Principal Planner Sarah Coakley, who establishes and coordinates TID across the State and will be Milford's primary contact for this project.

Ms. Coakley stated that ordinarily when a development is planned, in addition to the local government, DelDOT reviews them. If there will be an increase of more than 500 vehicle trips per day or 50 vehicle trips during the peak hours, a traffic impact study is required. The TID will replace traffic studies and a more comprehensive way of handling this.

She provided the following information:

A TID is a geographic area defined for the purpose of securing required improvements to transportation facilities in that area. It is a place where land use and transportation is planned in advance and the development is consistent with that planning by paying a readily determined fee in lieu of conducting a Traffic Impact Study.

The purpose is to better provide the transportation improvements needed to support land development in locations identified as appropriate for development in local Comprehensive Plans.

Benefits of the TID:

- *Comprehensive Infrastructure Planning
- *TID Projects Advance Faster in DelDOT's Six-Year Capital Transportation Plan
- *TID Fees Stay Within the TID Area
- *Equitable Treatment of Competing Developers
- *Known Costs for Developers and Fees are Proportionate to Development Size
- *Expedited Development Reviews

*Characteristics of a Good TID:

- *Located in State Strategies Level 1, 2 or 3 areas
- *Locations identified for planned growth in Comprehensive Plans

- *Several parcels likely to be proposed for development or re-development
- *Not too big, not too small (proposed Southeast Milford is in middle with nine square miles)
- *Natural boundaries (rivers, streams, parcel lines) and not roads, wherever possible

A TID starts with an agreement between DelDOT and the City.

The first step is to complete the Master Plan which Milford has already done. In order to model the traffic generated by the Master Plan, it is converted into parcel-specific land use forecast of the number of dwelling units or square footage for non-residential development expected.

Once agreed, DelDOT models it based on future traffic impacts.

DelDOT will then come back with a list of transportation needs and improvements. DelDOT would then create cost estimates and concept plans of the improvements. A fee structure would then be jointly developed to charge the developer(s) to contribute toward the improvements.

Once fee schedule is established, the City can advocate for those projects to be added to DelDOT's capital plan.

She and Mr. Pierce have reached out to Sussex County to partner because there are some parcels that are outside the City because it follows the boundary of the southeast neighborhood plan. Though not presently interested, they are hoping they will eventually join in. However, they want to wait until the Henlopen TID is finalized which should occur sometime in the next six months.

The agreement is between must include the boundaries, the target horizon year, which is the buildout year and rolls and responsibilities. One of the next steps would be to develop service standards for the roads in order to identify the needed facilities.

The agreement is then modified throughout the process and updated to include the list of transportation improvements and cost estimates, concept plans and infrastructure fee program.

Ms. Coakley then presented a map showing the boundaries of the Southeast Milford TID. Development applications that are within the red boundary and within the City of Milford would be required to contribute toward the TID. Also referenced were segments and intersections that will be evaluated by DelDOT against the service standards to bring them up to their functional classification.

She confirmed that in a TID all developments. Presently anything that does not generate at least 50 peak hour/500 per day trips, is not required to do a Traffic Impact Study. However, they would pay into the TID.

DelDOT has already compiled a detailed existing conditions report. Based on Milford's future land use plan, traffic will be forecasted in the TID and identify locations that need improvement, provide a concept plan and cost estimates for the improvements.

The land use forecast and traffic forecast, and any improvements, are combined in the land use and transportation plan for the TID. That will require City review and approval.

Once there is an agreement on the needed improvements, DelDOT would identify a set of specific, buildable projects, develop cost estimates for projects and update as needed which is typically annually, based on inflation.

That is then submitted as the TID-CTP for City review and approval. DelDOT would then grant priority of those projects of the overall statewide program.

Part of the function of a TID is to make sure that development is consistent with the Land Use and Transportation Plan

A development not consistent with the plan would be required to do a traffic impact study. The manner and extent of participation be documented on record subdivision or land development plan. DelDOT would also assist Milford with review and approval of rights-of-way, design, and/or construction by developments in lieu of TID fee payments.

DelDOT would then help determine the value of rights-of-way dedications and review and approve bids received for developer to ensure they are meeting the state permit laws.

DelDOT will develop the infrastructure/fee program which determines what is charged per housing unit for per square footage for not residential, which the City will approve after the list of improvements has been finalized.

DelDOT will continue to monitor traffic volumes and report to the City annually.

She explained that the horizon or target year has to be at least 20 years out which is either 2040 or 2045. Council could change that horizon to 2040 if desired.

The City of Milford would need to re-evaluate TID boundaries, horizon year, service standards, and Land Use Plan when updating the Comprehensive Plan. They will provide DelDOT with a parcel-level land use forecast, which has already been provided.

The City would then review and approve the Land Use and Transportation Plan, the TID Capital Transportation Program and the Infrastructure Fee Program.

They would also recommend which the TID-CTP projects to be included in DelDOT's CTP.

The City would assist DelDOT with determinations of development that are consistent with the Land Use and Transportation Plan and require development participation and pay towards it. The City would need to establish an account for the TID payments and collect fees prior to issuing building permits. Those fees would be held in a TID-only account to be used for transportation permits.

The City would also audit developer payments to contractors for developer design/construction in lieu of fee

The City can also make requests of DelDOT for information in the monitoring reports.

The City would also publicize and host TID-related public meetings, at minimum, for approvals of Land Use Transportation Plans, TID-CTP and Infrastructure Fee Program.

Ms. Coakley emphasized this is an informational session only; she will need to come back for an actual public meeting and ask Council to vote on the agreement at that time.

The service standards include a level of service which is a measure of intersection control delay in terms of the average total vehicle delay of all movements through an intersection. Ms. Coakley explained the various levels of service for both signalized and unsignalized intersections (see corresponding Council packet).

She noted that C & D levels are what is typically adopted as a level of standard. Overall for weekday mornings and evening peak hours, they are propping level D. Specific approaches may be E or even F.

In the agreement, the level of service is aspirational or what they will aspire to in identifying the transportation improvements.

The City will be presented with the information and will decide what is acceptable or whether more funds need to be spent to make all the approaches at least a D or better.

Other acceptable standard traffic procedures were discussed including turn lane lengths and queues. The 95th percentile is the worst back up in the turn lane should not exceed the available turning lane lengths.

Through movements should not queue through adjacent intersections.

All at-grade intersections of one or more State-maintained roads with other State-maintained Roads will be analyzed along with rail lines, city-maintained streets and Commercial or institutional driveways served by traffic signals

Currently there two locations in the TID that do not have a level of service C or better--US 113 and Fitzgerald Road/Johnson Road and State Route 1 and Sharps Road.

The service standards would also include geometric standards and would assume the use of posted speed limits.

DelDOT has been asked to consider potential reduction of speed limits on the following roadways, which will require updated traffic counts and a speed study:

- *Cedar Creek Road, from Cedar Creek north, to 35 mph
- *Wilkins Road/Cedar Neck Road, from SR1 overpass to Elks Lodge Road stop sign, to 35 mph
- * Elks Lodge Road, from Wilkins Road to Marshall Street, to 35 mph

DelDOT Functional Classification Map, design standards, and Complete Streets Policy are assumed including the minimum lane widths for State-maintained Roads.

DelDOT's Development Coordination Manual applies to any access on State-maintained roads.

Any subdivision streets in the TID will be built to City standards and either for municipal or private maintenance.

Crash data, the Delaware Manual on Uniform Traffic Control Devices, and other criteria as adopted by DelDOT, will be used for intersection control evaluation and design.

Roundabouts shall be considered first as a means of intersection control, along with safety, capacity, and rights-of-way/property impacts.

The transit that current exists will remain and the Master Plan will be reviewed to potentially identify different transit facilities.

Aesthetic standards will be considered with the possible exception of Scenic Byways, which includes Cedar Creek Road/Route 1, Southeast Front Street and Cedar Beach Road. The Byway Master Plans will be considered instead.

The drainage issues on Wilkins Road between Elks Lodge Road and Cedar Creek Road will also be examined.

The City's Bicycle and Pedestrian Master Plan should be referenced when making design decisions related to bike and pedestrian facilities. Existing and proposed pedestrian crossing treatments (at intersections and/or mid-block) will be evaluated and designed using national and local research.

Pedestrian and Bicycle paths have been recommended at the following locations:

Shared use path extended along south side of Wilkins Road from Bayhealth property to Elks Lodge Road

*Shared use path along Elks Lodge Road from Wilkins Road to Marshall Street

*Shared use path along Cedar Neck Road and Bucks Road for any new development, connecting Cedar Creek Road and Route 36

*Existing bike lane in shoulder of northbound Cedar Creek Road/South Rehoboth Blvd. that ends abruptly at the SR1 flyover to South Rehoboth Blvd

She will return for the public meeting and ask any questions and ask for approval of the TID agreement.

When asked for comparison TID's, Ms. Coakley stated this will be one of the easier ones to implement because the City's Master Plan is very solid. As soon as they can get an agreement signed, they are ready to proceed after which they be back in approximately six months with a list of recommendations.

She stated that Southern New Castle County and Westown have been in implementation for five and ten years respectively. Eastown is just starting in Middletown and only a few months ahead of Milford. Henlopen has not yet signed the agreement though the future traffic analysis was completed and the concept plans and estimates are currently underway.

Mr. Pierce reiterated that the TID agreement will be on the agenda which will start the process. After that they will return in approximately six months with the finding. She will then return with the proposed improvements and then with the fee schedule.

Ms. Coakley said she hopes to wrap this up with the fee schedule by the end of 2019.

There being no further business, the Workshop concluded at 7:08 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

DRAFT

MILFORD CITY COUNCIL
MINUTES OF MEETING
March 25, 2019

Milford City Council held a Public Hearing on Monday, March 25, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Christopher Mergner, Mike Boyle, Lisa Ingram Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

Mayor Campbell called the Public Hearing to order at 7:28 p.m.

ORDINANCE 2019-09

Shawnee Farm LLC for a Conditional Use to allow a Planned Unit Development to be known as Cypress Hall (Residential) consisting of 546 dwelling units (162 single-family detached units, 96 townhouse units and 288 multi-family units) on 91.69 +/- acres in an R3 zone. Property is located on the west side of Route 113 approximately 3,100 feet south of the Shawnee Road intersection, Milford, Delaware.

Present Use: Vacant/Proposed Use: Residential Subdivision.

Tax Parcels 1-30-3.00-261.01, 1-30-3.00-562.00 thru 659.00

ORDINANCE 2019-10

Shawnee Farm LLC for an Amended Preliminary Major Subdivision (Phase I Only) to be known as "Cypress Hall" (Residential) consisting of 384 dwelling units (96 townhouse units and 288 multi-family units) on 41.47 +/- acres in an R3 zone. Property is located on the west side of Route 113 approximately 3,100 feet south of the Shawnee Road intersection, Milford, Delaware.

Tax Parcels 1-30-3.00-261.01, 1-30-3.00-562.00 thru 659.00

Planning Director Rob Pierce explained that both of these public hearings will be combined as both involve the Cypress Hall Residential Proposed Subdivision south of Redners Market at Cypress Hall Commercial Shopping Center.

Mr. Pierce referenced the map and reviewed the information in the ordinance.

He stated that City Council granted Final Major Subdivision for Cypress Hall-Phase I on June 22, 2009. The current record plan is still recorded with the Sussex County Recorder of Deeds. It consists of 96 townhouses and 288 garden apartments, for a total of 384 total units.

A copy of the public hearing minutes and the current record drawings are included in the packet for review.

The applicant proposes to revise the site plan for the project by reducing the number of parking spaces required from 2.5 spaces per unit to 2 spaces per unit and increasing the number of units per building from 12 to 24. Instead of applying for a variance from the Board of Adjustment, the applicant is seeking permission to deviate from Chapter 230 through the Planned Unit Development review process, which is the more appropriate avenue for this type of request.

An analysis of the PUD request is outlined in Section II of the staff report. There are specific criteria in the City ordinance that needs to be evaluated for Planned Unit Developments, which is included in the Council packet.

In addition, the deviations from the Zoning Code and the Subdivision Code are specifically listed in a table and is also listed in Section 2 of the staff report.

The proposed development would include a clubhouse and pool within the multi-family area as a recreational amenity and the applicant is seeking conditional use approval for the planned unit development with those specific requests and

deviations. They are also seeking major subdivision approval for Phase I and the Planning Commission is in the process of reviewing the preliminary site plan for the apartment area, pending any approved changes to the design standard.

The PUD regulations allow off street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation to be determined by the Planning Commission. The maximum height shall not exceed 48 feet/four stories (Section 230-48.1).

The applicant is seeking to deviate from those sections of the zoning code as noted. They are also requesting the reduction of the paving width for single family detached area from 25 feet to 22 feet in width, reduce the paving width for townhouse and apartment areas from 30 feet to 28 feet in width.

For single family detached lots, the applicant is requesting one of the road frontages to be considered a side yard versus the two front-yard setbacks.

Representatives from Milford Grain were at the previous Planning Commission public hearing and those representatives are in attendance this evening to provide comments.

The Planning Commission recommended approval of the Conditional Use/PUD and the Preliminary Major Subdivision with a favorable vote of 5-0 at their March 19, 2019 meeting, with the following conditions:

A 50-foot wooded buffer be provided along the southern boundary line shared with the Delaware Solid Waste Authority property, to remain open space.

They agreed to allow the single-family detached lots, use one of the road frontages as a five-yard setback, an increase in the number of units per building from 12 to 24.

Mr. Pierce stated they did not approve of the reduction in the parking requirement nor did they allow the reduction in the paving width for both the apartment area and the single-family detached area.

In addition, the Planning Commission deferred review of the multi-family site plan until a determination was made by City Council for those design criteria related to the PUD and will be addressed at their April meeting.

When asked about the Planning Commission's deferral of their recommendation, Mr. Pierce explained the application was submitted on March 19th and they made recommendations for the PUD under the specific criteria mentioned. The Commission deferred approval of the site plan (only) pending Council's action based mainly on the parking reduction, shown on the site plan, of 2.5 to 2 parking spaces.

He reiterated that they also denied the two reductions in paving widths.

When asked by Councilman James the reason why the Planning Commission did not recommend the reduction in the parking spaces of 2.5 to 2, Mr. Pierce explained their comment was they felt they should meet the parking requirement in the ordinance.

He further clarified the developer is proposing to combine the buildings to make the community more cost effective and reduce the impervious coverage and the amount of parking required. The number of units does not change.

According to the Planning Director, the City zoning code requires 12 units per building under a by right site plan. However, the planned unit development process allows City Council to change that number. This is a three-story structure which is below the maximum four-story.

Councilman Boyle confirmed the project has been on the books for ten years.

Councilman James stated that in 2009, the current record plan consisted of 96 and 288 for a total of 384 total units; Mr. Pierce confirmed that is correct noting that is the townhouse area and the apartment area. As part of the overall PUD master plan concept, they are proposing to add 162 single family units.

Councilman James asked for confirmation the single-family homes were not part of the original plan, Mr. Pierce stated that was submitted at the time, but they did not move forward with the record plan approval. He also pointed out they would only be seeking record plan approval for the townhouse and apartment area preliminary approval this evening. They will not be moving forward with the single-family plan at this time. However, they did provide a master plan of the entire site.

Davis, Bowen and Friedel Principal and Professional Engineer Ring Lardner of 1 Park Avenue, Milford, was representing the applicant.

Mr. Lardner also requested, as Mr. Pierce had implied, that both public hearings be combined for the Conditional Use and Preliminary Major Subdivision, as the testimony will be the same so he understands the votes will be done separately.

He also stated that he would like to include Mr. Pierce's presentation as part of my testimony, as he has covered the zoning designation and comprehensive plan designation and he does not want to duplicate that information.

Bill Krapf, a representative of the owner/developer, is also in attendance.

Mr. Lardner recalled when they first submitted the application on April 18, 2018. Some changes were made through the process, for internal purposes, primarily focusing on the apartment area which he will provide more detail. In addition, the plan includes a few revisions to address some staff comments since October 2018.

He provided the following summary:

In July 2007, DBF's office submitted a preliminary plan for 546 total units to be located on 86.56 acres of land more or less. The units consisted of 162 single family units, 96 townhouses and 288 garden apartments. That preliminary plan is virtually the exact same as the PUD before Council this evening. The only difference is the plan added about five acres of land on the north side for a stormwater management.

After the 2007 submission, the original owner decided not to move forward with the single-family subdivision portion. That is the reason that only the townhouse and apartments went through the approval process. And on June 22, 2009, Phase 1 was approved by City Council that consisted of 96 townhouse units and 288 garden apartments.

On September 21, 2009, Phase 1 was recorded in the Kent County Recorder of Deeds in Plot Book 236, Page 89.

In regards to the Planned Unit Development, the Planning and Zoning Commission recommended approval with eight deviations recommended. Mr. Pierce had mentioned five which was the result of some of them being combined for various reasons and mainly the street width which was a common recommendation that applies throughout the project.

He said he will talk about each housing type separately, as well as any respective conditions.

The townhouses are located in the north central portion of the project. The proposed number of units is 96 townhouse units which is consistent with the recorded plat. The only change is that the right-of-way for Price Drive, Willis Drive, Zoar Avenue and Kirsten Drive, was increased from 50 feet to 60 feet.

The only deviation being requested for the townhouses is a street width reduction from 30 feet to 28 feet. The Planning Commission did recommend approval of this deviation. He will discuss the road deviation in more detail, after he talks about the housing types, as a result of the plan that shows the various sections and will be easier to review.

The single-family homes are located in the southern half of the project. The proposed number of units is 162. There are no changes to this area from the preliminary plan. Some deviations are being request in the single-family area.

The first is a pavement reduction from 25 feet to 22 feet. The code states the pavement width is measured between face of curb to face of curb or edge of road to edge of road where curb is not present. The single-family streets use suburban roll curb which does not have a true, defined basic curb. When measuring from the flow line to flow line, the pavement

width is actually 24 feet. An odd number pavement width does not make sense and one of the items he has annotated for Rob when he has some free time, to start preparing draft amendments to be fixed and this is one of the areas in the code that he has asked to be considered. That deviation was not recommended though he asks Council to grant the deviation as the 24 feet from flow line to flow line, is consistent with the State Fire Marshal Regulations. In addition, with the roll curb a vehicle is actually able to ride the entire length. With that in mind, that width is extended to 26 feet.

The second deviation is to allow one the yards of the corner lots to be considered a side yard and the other a front yard and only applies to six or so lots. This deviation was recommended by the Planning and Zoning Commission.

The third deviation is to reduce the pavement from 30 feet to 28 feet for a portion of the streets. This deviation was also recommended by the Planning and Zoning Commission.

Lastly, he wants to talk about the recommendation of the City Planner and Planning Commission for a 50 buffer along the houses abutting the Milford Transfer Station. The preliminary plan was submitted and approved in 2007/2008, at which time the transfer station was constructed and in operation, did not have this buffer.

Based on Google Earth, sometime between March 2007 and August 2009, the transfer station was expanded to its current configuration. On March 4, 2019, a map was submitted for inclusion in the Council packet to be part of this presentation. This provides a picture of the site of the transfer station today, which is approximately 15 feet to 20 feet away from the property line. In lieu of that buffer, they are asking to allow a self-imposed 20-foot landscape screen between the property, which in essence provides a 30 to 35-foot buffer between the transfer station and the open area. The reason they do not want to create the open space and a path is because homeowners do not want individuals walking behind their houses and second, if a tree fell or similar incident occurred in that open space, the HOA would not have access because the entire area is wooded.

Also, the buffer only benefits those adjacent to the transfer station but the whole single-family community would be made responsible for its maintenance through their HOA fees. Finally, the potential lot purchaser would know that the parcel is located adjacent to the transfer station and would take more responsibility for that landscaped area behind the houses than the HOA probably would. For these reasons, they ask Council not require the 50-foot buffer but to allow a 20-foot landscape screen be placed on the individual lots for those most affected by the location.

When asked how many houses would be impacted, Mr. Lardner stated ten homes, which is less than 10% of the entire community.

Councilman Boyle referenced the side yard setback and asked if the property on the side of the house is common ground; Mr. Lardner confirmed it is part of the individual lot. It was confirmed it is property line to property line and there is no easement because everything will fit within the right-of-way.

Mr. Lardner clarified there is a 50-foot right-of-way, and off that right-of-way, is an eight-foot side yard, or eight-foot strip of grass than cannot be built upon, but owned by the homeowners and is not part of an easement.

The apartments are located in the northwestern portion of the project and will consist of twelve 24-unit buildings for a total of 288 units. In this area, three deviations are being requested.

The first is that the number of units per building be increased from 12 to 24. This involves combining of the buildings and does not increase the number of units, but allows for efficiency within the construction and operation of the units, which saves money for the residents through a lower rent. This deviation was recommended by the Planning Commission.

The second deviation is the paving width leading to the apartments to be reduced from 30 feet to 28 feet.

The last deviation is a request for a reduction in the number of parking spaces from 2.5 spaces per unit to 1.95 spaces per unit excluding the 55 garages that will be on a for-rent basis for interested occupants.

Mr. Lardner has presented the case on several different occasions that the parking rationale for apartments or multi-family communities is too high. He reported that his client recently completed a parking study for this same request in another jurisdiction and is included in the Council packet.

The projects were located in New Castle County and of a comparative size and nearly 100% occupied. The study revealed that only 1.67 spaces per unit was required. The study found that 1.44 spaces per unit would meet the residents' needs. The parking counts were taken during the highest usage after 11:00 pm on weeknights and Saturday mornings and also during low usage or mid-day during the week. The developer owns or manages nearly 5,000 quality apartments and is extremely concerned about parking and routinely re-evaluates to ensure the parking needs are met.

So much so, Mr. Lardner went through eight different exercises to ensure that in front of every building, they parked at 1.75 spaces in front of their buildings because they knew it was required. They moved parking and drew boxes to verify how in tune they are with this site. It took eight attempts to finally get it right for the developer to say it is right and to submit.

He further stated that the parking study he submitted for those sites, allowed parking at 1.67 spaces, though they only needed 1.44. As a result of the code requiring 2.5 spaces, though only 1.5 is needed and approval is being requested to meet in the middle and request for 2 spaces, which still provides plenty of overflow parking.

There are some vacancies and not everyone works at nighttime and there are spaces at night. There are some vacancies during the daytime when deliveries are made and repairs are made, because that is when most people are away at work. As a result, there is always parking available.

Furthermore, installing the additional parking spaces adds additional impervious area that requires additional maintenance and stormwater management which will affect the rents of the residents. The Planning and Zoning Commission recommended denial of this deviation and they are requesting Council to grant the deviation based on the owner's documented needs for parking and the desire to reduce impervious area.

Mr. Lardner confirmed there is approximately 40 feet between the apartment buildings. The ordinance's minimum number is 30 feet, but they exceed that number.

Mr. Lardner reported that the townhouse section has alleys to the rear of the yards. That will be primarily be used for trash services. This is not a deviation.

Various road sections were then referenced. The code states the face of curb has to be 30 feet. They show 28 feet of pavement with the theory that from face of curb to face of curb is where the other foot comes in play. Curbing has changed over time so to clean the record, Mr. Lardner felt it would be beneficial to ask for the deviation and allow for 28 foot of pavement and the face of curb to face of curb is going to be nearly 30 feet.

He emphasized this is the same street structure that is currently approved in Phase One. All they are asking to do is document this as part of the PUD to legitimize the cross sections. The true deviation is in the single-family residences.

He referred to a drawing where the face of curb is more defined and the area where there is no face of curb and is just a rolled curb that can be driven on. He said there is a flow line in the middle of the curb which is about one foot off edge of pavement. As a result, when you add 11 foot of travel lane and one foot of curbing, that provides 12 feet or 24 feet though the code states 25 feet. However, back of the curb to the back of the curb is 26 feet. Asking for the 24 feet makes it somewhat easier to understand, flow line to flow line, and the pavement width is 22 feet. That has been accepted and adopted by both DelDOT and the State Fire Marshal.

The pool and pool house amenity are for the apartment residents only. In addition, there is an unorganized. open play area and some other picnic benches to be used by the townhouses and single-family residents.

Construction documents were previously prepared for Phase 1 and are approved by the City and remain valid. A pre-construction meeting was held and construction had commenced, but has since stopped for various reasons, within the townhouse area. The erosion and sediment control plans remain valid and the entrance plans were approved in 2018.

He thanked Council for their time in reviewing the request.

Solicitor Rutt asked for clarification as Mr. Lardner had stated the Planning Commission had recommended a reduction from 30 to 28 feet. He said that is not correct and the motion did not include that.

Mr. Rutt stated the motion was to approve the conditional use for the PUD with the following conditions:

- *maintain the 2.5 parking spaces
- *increase units in the buildings from 12 to 24
- *not permit the reduction from 25 feet to 22 feet
- *require the wooded buffer on the south side of the parcel to 50 feet
- *accept the one corner as a side yard

He reiterated the 30 feet to 28 feet was not mentioned in the motion.

Mr. Lardner said he stands corrected and thought it was because that is exactly what is on the recorded plan and is approved today.

Mr. Rutt said if Mr. Lardner wants that tonight, it essentially acted as a denial; Mr. Lardner agreed and said that is the reason he mentioned it and he thanked Mr. Rutt for the correction, though he thought it was approved and he apologizes.

Mr. Lardner reiterated they are asking for the reduction from 30 feet to 28 feet, which involves the same cross section on the recorded plan. The deviation for the PUD purposes is only carrying over what has been approved by City Council almost ten years ago.

When asked the breakdown of the apartments in relation to bedroom numbers, Mr. Lardner shared there are 60 units with one bedroom, 180 units are two bedroom and 48 units are three bedrooms. He said they actually have a parking space for each planned bedroom and above. If the City went to a per bedroom account, which he has done in other projects including the Cascades project, this plan meets that with extra parking on top of that.

He also noted that Sussex County allows two spaces per unit and actually start allowing a decrease after the first 75 units and an additional decrease after 200 units. Mr. Lardner does not believe he is asking for something out of the ordinary, but in this case, it is different in the City of Milford and a part of the code that he is anxious to work with Mr. Pierce to update the parking requirements.

Mr. Lardner noted that representatives from Milford Grain are in attendance and he did talk to them last week after he heard their comments. He did share with the developer the concern about the noise, dust, etc. created by the granary and plans to notify potential buyers. In addition, the buyers will understand they are buying next to the transfer station which will be on their plan and visible from the aerial.

There being no further questions, Mayor Campbell opened the floor for public comment. The floor was then closed.

Solicitor Rutt then explained the procedural status on this application.

He stated that under section 230-58(d) of the zoning code states that if the planning commission recommends an unfavorable or denial, City Council will need a 3/4 or six favorable votes.

The recommendation of the Planning Commission was mixed. Some of the requests recommended approval, some conditions the applicant wanted recommended denial. To be clean, Mr. Rutt recommends that on the points of denial, City Council vote on them individually.

The 2.5 to 2.0 parking space reduction and a reduction in street width from 25 to 22 feet and another street from 30 to 28 were recommended for denial by the Planning Commission.

The Planning Commission did recommend approval of combining the apartment units which increased the units from 12 to 24, approved one yard on the corner lot as a side yard setback and the wooded buffer on the south side of the parcel to 50 feet.

Mr. Rutt said Council has the right to accept the recommendation of the Planning Commission which means the parking spaces and the street widths remain as required in the code, along with the other conditions that were approved, or accept the conditions that were in the affirmative and then vote on each individual conditions that was recommended for denial.

With Mr. Rutt's comments, City Council felt the public comment should be re-opened.

Mayor Campbell then reopened the floor to public comment.

Nina Pletcher of South Walnut Street stated she is concerned if Council deviates from the City Code already in place that sets a precedence and this will not be the last time this conversation takes place. The other thing she is concerned about is the public service with the trash trucks, noting the City has new, larger trash trucks which she thinks are great. But she wonders if they will fit in the confined, smaller areas because the last thing the City needs is a complaint that someone's car gets hit. The drivers do their best to avoid issues, but with all due respect, there is not need to make their jobs any more complicated than they already are.

Jennifer Contravo of 207 South Walnut Street stated that when they ask to change it from 2.5 to 2, that would essentially mean all those spaces have 2 spaces available to them no matter how many drivers are then or when they are not. If everyone were to have those secured two spaces, what happens when there are other trash trucks and other people coming in. Nobody is probably ever there all at one time, but they still should be allotted that ability to have that and how far would the walking distance be if they didn't if someone else is in their space because she does not know how it is designated to secure that. She knows in some towns the resident has certain and these are yours. But when come in and wherever you go, what happens to those spaces and what if there is the open community for the playground and there is a pool and what if someone has more people coming to the pool and there are more drivers. She said who is the tenant that do not get their spaces and how far they have to walk.

Sam Passwaters of 319 Columbia Street said he may be wrong but as he noticed that print, the asphalt has several lays of maybe stone, etc. of support under the curbing and it does not show that. If he is asking to have trucks drive on that curbing, that needs to be addressed.

Carl King Jr. stated he is representing Milford Grain and he wants it made perfectly clear that the dust, noise and odor created by the granary is uncontrollable. They harvest over a million bushels every year. Vehicles are in and out and it causes dust and the hours of operation most of the time are daylight, but they do load out and do work many hours late at night and very early in the morning. All of that needs to be taken into consideration, especially where the apartments are planned toward the back of the granary. He feels that they need to understand that when they are living there, there will be dust, noise and odor and thought its not a health issue, or to that severity, but there is noise, dust and odor associated with that facility.

City Manager Norenberg referenced the question about the large trucks traveling through the development and noted there is a representative of Carlisle Fire Company and Public Works who may want to comment on the lane width issue.

Carlisle Fire Company President Kevin Donovan stated the only concern he has if they allow on-street parking in those alleys, that further reduces the width of the road. He agrees their trucks are getting bigger and bigger and harder to maneuver. There is a ladder truck and when it is set up it increases from eight feet wide to about fourteen feet wide. His only concern is the impact of the on-street parking. If that is not allowed, it is not a big deal to reduce the size of the road. If on-street parking is permitted, he would recommend keeping it the same width.

Councilman Boyle asked if the fire company has the appropriate equipment to handle a 48-foot high building. Mr. Donovan stated yes they have a ladder truck that expands to 110 feet. Based on the setback from the curb to the unit on how far they can reach though they can reach up to 110 feet.

Councilman James asked that other than in the alleys and on-street parking, there is no concern about the ladder truck, which he believes would be the largest vehicle in maneuvering in this development. Mr. Donovan said as long as there is no on-street parking, especially when their trucks made a turn, there is a risk of running into a vehicle. It will depend on how and where people park their cars.

Public Works Director Mark Whitfield said from a public services side, when this subdivision was first brought forward in the late 2000's, the City had another means of collecting refuse. With the new automated side loaders, collecting trash on a 20-foot alley is somewhat impractical. His crews would need to use alternate trucks in order to collect from those alleys.

He also echoes the fire company president's sentiments with regard to on street parking. As long as there is no on-street parking, his vehicles do not have a problem with maneuvering that width of street. However, if there is on-street parking, that is an issue.

There being no further comments, Mayor Campbell closed the public comment session.

Councilman Boyle stated he has lived in apartment complexes and has lived in PUD's and have lived in a HOA. He currently lives in an HOA where a lot of the things that are being requested can come back and haunt the homeowner. These are the kind of things that ten years ago got this City in a lot of trouble that we are experiencing now. He said things have changed in ten year and the plan has apparently been tweaked a little bit. He noted that the transfer station is closer and there is a problem with the grain elevator and he does not think a line of trees is not going to help much.

He has to answer the question about parking and knows that on-street parking cannot be controlled no matter what the documents say. People are going to park in the street. He approached the fire department a couple of years ago trying to resolve it when he was president of the HOA. He emphasized that a 22-foot-wide paved area does not work and is not wide enough to extend the equipment that may be needed. Some may be the physical layout but driveways and parking spaces make it almost impractical to park without blocking someone.

His other concern is reducing the parking from 2.5 spaces to 2. He noted that Newark is not like Milford. There is no public transportation and nothing is walkable so everyone needs a car. A family with one child who is a teenager results in three cars. A family with two teenagers may have four vehicles. People share apartments because they can't afford one alone, which means multiple drivers.

He has been in communities where only two spaces were allocated versus 2.5 and in his opinion, it makes a big difference and is often a fight among neighbors to park.

In Milford, it is a necessity to have a car.

Councilman Boyle is willing to accept the recommendations of the Planning Commission as they are responsible for doing that work for the City. Councilman Culotta stated that based on the apartments and the number of bedrooms, if one parking space is assigned per bedroom, he feels that is enough plus some. Councilmember Peel said that is assuming it is a nuclear family which she does not feel is realistic and this will involve a mom, dad and child. She feels there may be several generations of a family and roommates living together.

Councilmember Culotta feels that more than one person to a room is not very common.

Councilmember Boyle pointed out that a two-bedroom apartment with one teenager is three cars. Councilmember Culotta asked where does the teenager sleep; Councilmember Boyle said mom and dad sleep in one room and the teenager sleeps in the second room. Councilmember Culotta said apartments are used by people starting their careers and people in their retirement years. That is possible, but not as much.

Councilmember Boyle said our loyalty and our allegiance has to be with who is going to live in these developments and they will be our citizens. We are going to make their lives miserable before they even move in, or at least complicated. This needs to be considered long term and its not the developer and not the engineering firm or the builder. It will be the people who reside there who will be Milfordians and this Council needs to look out for them.

Councilmember Culotta said to the point about the granary and the transfer facility, he understands that could impact smell and cause dust. When he lived in the DC area, he was near the Dulles Airport and when a home was bought in that area, the buyer signed a waiver stating they know they live next to an airport and that person cannot complain about planes in the middle of the night. He asked if that is up to the developer or the apartment community and how can they be protected ten years from now when the odor really starts to bother them. At least they can be told they know that when they signed the lease.

Councilmember Peel said as long as they do, but she ventures to guess there are a lot of people retiring here that have never smelled cow or chicken manure and simply did not realize they would encounter it because they were quite a distance away.

Councilmember Culotta feels that if it is documented in their agreement, at least they have the opportunity to respond to it.

Councilmember James recalls this site plan from long ago when he was on the Planning Commission and recalled a lot of discussion about the granary. He asked if there were any buffer requirements on the granary side. Mr. Lardner responded by stating that there is a requirement for a 100-foot buffer on the granary side, which is shown on the plan. The buildings are approximately 150 to 200 feet away from the property line and the granary sits a little further back from that. They already meet the 100-foot buffer.

As far as the transfer station, no buffer was required and those lot lines went right to the property line and no landscape screening either. And that is how the preliminary plan was submitted and approved. It never went for recordation for the single-family homes next to the transfer station.

In the landscaped areas, some trees will be planted in those areas.

When discussing the need for potential property owners to sign a document stating they are aware of the potential problems as a result of the granary or the transfer station, Councilman Culotta said that should not be a requirement of the City. He would also like to protect the developer from any possible issues in the future and is willing to address that though he does not feel that should fall under the City.

Solicitor Rutt stated that is clause that would need to go into the lease or into the HOA documents. Councilman Culotta agreed that is not a City issue.

Councilmember Boyle said at the same time, we have the setback requirements and the buffers, and he would try to mitigate that. Councilmember Culotta said the development meets the minimums on the granary side and the transfer station. He also pointed out the transfer station is container in their building.

Councilmember Wilson stated that when Mr. Lardner spoke about the trend in parking requirements and asked if Mr. Pierce has noticed that in the requests that are coming through. Historically, the City has had requests to reduce our parking requirements on different projects, including Hearthstone Manor in the past, according to Mr. Pierce. There have been some Board of Adjustment variances that have been submitted or site plans approved previously and then reapproved. But in terms of a full analyzation or what an engineering or parking study would show, he has not looked into that. He has not done any research to review the requirements of other municipalities and counties. He does agree the counties do base their parking on bedrooms, may have a minimum standard for apartment units and then increase it with three or four bedrooms.

Councilmember Wilson suggests perhaps this may need to be considered in the future, if their engineer has done the legwork and has determined that our code may be a little more restrictive than needed.

Mr. Pierce said he next section of the code he plans to review is off-street parking requirements once the sign ordinance is amended.

Councilmember Mergner recommended driving through some of the newer neighborhoods including Orchard Hill, Meadows at Shawnee and Hearthstone, if a car is parked on the street, it is very difficult to pass. In his opinion, the

streets are too close and it is a dangerous situation. Residents cannot walk in the street without the risk of being hit by a car. The ordinance in general may need to be reviewed.

Councilmember Peel agreed adding that she thinks of her children riding a bike on that street where the car is parked in the street and how they would navigate that.

Councilmember James said there appears to be two different issues—street widths and parking spaces. He is hearing that at a minimum, a parking space should be assigned for each bedroom 'plus'. He asked how many parking spaces are there per bedroom and would help in this conversation.

Councilman Boyle said he did a rough calculation and he came up with 564 parking spaces required to meet two per unit and the total they are proposing is 576 or a difference of 12. Councilman Culotta said that does not include the 55 rental garages so that is another 55 spaces. Mr. Lardner pointed out there is also clubhouse spaces that were intentionally removed that could always be used as overflow parking.

Mr. Lardner said some of these reductions were applied at Cascades noting that when you ride by there during the day, it is empty. When you ride through Milford Commons, it is empty. The apartment complexes are not full because they generally house families that are just starting out and could be singles. The goal in this community would to go from apartments to townhouses to single families and maybe inverse and go back as you get older.

He also stressed that if an apartment owner does not meet the client's parking needs, people will not rent them. And if they clearly have a historical record of being 100% rented out at 1.44 spaces per unit, they must be doing a pretty good job. From that standpoint, they know those needs best.

Mr. Lardner understand City Council's position in that they have to look out for the greater good of everyone. However, apartments are different from condos and condos are different than townhouses and townhouses are different from single family homes. Each has the potential for different parking rationale. Condos are owned, apartments are rented and some long-term lease them and some are short term leases. If parking is that great a concern, it is permissible in commercial settings, to earmark the land and set aside what can't be developed on which provides the extra parking. If the homeowner finds out he needs it, that is already set aside.

They are not asking to increase density, but knowing his parking needs, a builder does not want to just pave something because the code says it has to be paved. Now it has to be paved, striped, insured and plow the snow. All those things come into play. It gives the owner the opportunity to know their tenants needs.

If it that much of a concern to Council, he has no problem earmarking the site plan the location of the additional half spaces and it won't be developed. It will stay in grass in perpetuity because they know the developer will not need to pave it or need the parking.

When asked about a berm, Mr. Lardner explained that a berm will not help with the granary and trees will be the best separator when it comes to noise and dust.

With respect to the granary and considering they have been there all these years, they tried to move the structures away as far as they could and then try to be in harmony together.

Councilmember Wilson said she still has concerns with the street width reduction of 30 to 28 feet.

Mr. Lardner said if it makes everyone uneasy, don't approve it. He said they already met it because the face of curb to face of curb is 30 foot. He was just trying to clean some of the language up. A pipe free curb and gutter has an eight-inch wide face. He then discussed the various types of curbing adding that he wanted to clean the record up.

Mr. Rutt then added that he has the Sussex County Parking Code that states for multi-family dwellings, two spaces per dwelling unit, plus one-half space for each bedroom over three bedrooms, for a maximum of three spaces, for one-bedroom efficiency unit, requires one and a half spaces per unit.

Councilman Culotta pointed out there are not apartments with more than three bedrooms.

Councilmember James moved to adopt Ordinance 2019-09, to allow a Conditional Use for a Planned Use Development with the following approved conditions:

- increase units in the buildings from 12 to 24
- require a wooded buffer on the south side of feet adjacent to the Delaware Solid Waste Transfer Station;
- allow one of the two front yards be considered a side yard on corner lots

Motion seconded by Councilmember Peel. Motion carried by the following unanimous roll call vote:

Mergner-votes based on the discussion and motion that was made.

Boyle-votes yes in accordance with the motion.

Peel-votes yes in accordance with the motion and the recommendation of the Planning Commission.

Culotta-votes yes based on the Planning Commission recommendation.

Brooks-votes yes based on the Planning Commission recommendation.

Morrow- votes yes based on the Planning Commission recommendation.

James-votes yes based on the recommendation of the Planning Commission.

Wilson-votes yes for the same reasons stated by other Councilmembers.

Mr. Rutt reminded Council that the following conditions will need a super majority of Council to reverse the denial recommendation by the Planning Commission.

Councilmember Wilson moved to approve the reduction of parking spaces per unit from 2.5 to 2 spaces, seconded by Councilmember Culotta.

Motion carried by the following 6-2 roll call vote:

Mergner-votes yes.

Boyle-votes no.

Peel-votes no.

Culotta-votes yes.

Brooks-votes yes.

Morrow-votes yes.

James-votes yes because he feels that provides adequate parking for the parking.

Wilson-votes yes.

Councilmember Wilson moved to accept the recommendation by the Planning Commission to deny the reduction of street width and that it remain at 30 feet, seconded by Councilmember James.

Motion carried by the following unanimous roll call vote:

Mergner-votes yes to keep it at 30 feet and not deviate from the requirement.

Boyle-votes yes based on the Planning Commission recommendation on the condition.

Peel-votes yes to keep the width at 30 feet.

Culotta-votes yes because of the comments by the developer that it is not a life or death situation.

Brooks-votes yes based on the Planning Commission recommendation.

Morrow- votes yes based on the Planning Commission recommendation.

James-votes yes based on the comments from the developer and dialogue from other Councilmembers.

Wilson-votes yes ditto what Councilmember Peel stated.

Councilmember Boyle moved to reject the request to reduce the street width from 25 feet to 22 feet in the single-family detached unit area, seconded by Councilmember James.

Motion carried by the following unanimous roll call vote:

Mergner-votes yes and agrees with Councilmember Boyle's comments.

Boyle-votes yes to reject the request for the reduction.

Peel-votes yes to keep the width to keep in compliance with the Planning Commission's recommendation to deny the request.

Culotta-votes yes based on the Planning Commission recommendation.

Brooks-votes yes based on the Planning Commission recommendation.

Morrow-votes yes based on the Planning Commission recommendation.

James-votes yes based on the recommendation of the Planning Commission.

Wilson- votes yes based on the recommendation of the Planning Commission.

Councilmember Wilson moved to adopt Ordinance 2019-10, approving the Phase I Amended Preliminary Major Subdivision in accordance with the conditions imposed by Council in the PUD, seconded by Councilmember Peel. Motion carried by the following roll call vote:

Mergner-votes yes.

Boyle-votes yes.

Peel-votes yes.

Culotta-votes yes.

Brooks-votes yes.

Morrow-votes yes.

James-votes yes with the conditions approved by City Council.

Wilson- votes yes.

There being no further business, Mayor Campbell adjourned the meeting at 8:51 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
March 25, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, March 25, 2019.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Mike Boyle, Lisa Ingram Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Christopher Mergner

CALL TO ORDER

Mayor Campbell called the Council Meeting to order prior to the Public Hearing at 7:12 p.m. to recognize the Jefferson Award Recipients.

The Council Meeting resumed at 8:51 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance as led by Boy Scout Troop 1116, followed the invocation was given by Councilmember Wilson.

RECOGNITION

Jefferson Awards/Lead360 Local Project Presentation

Madeline Milligan announced that the former Jefferson Awards for Public Service, created in 1972, has been rebranded 'Multiplying Good'. That name now encompasses a lot more than simply give out awards. They provide students with the tools and the knowledge to go out and create and impact by educating them on what they can be doing in their community with greater skills. They wanted a name that reflected that and did not only relate to awards. However, the Jefferson Awards are still their main recognition platform and what will be presented tonight.

She spoke about the Lead 360 program and its two phases and how the top project is selected and replicated in various activations.

She provided related information which can be found in the presentation included in the corresponding Council packet.

The following groups were recognized:

Phase II-
Buckets of Love
4H Foundation of Delaware
Milford Central Academy & Jobs for Delaware Graduates

The top three winners, in order, were:

Sammi Mitchell and MOT Charter were the top winners in Phase II
Charter School of Wilmington
Bank of America

Phase I:
Boy Scouts Troop 116-Records Rescue

Girl Scouts of the Chesapeake Bay Troop 352-Interact to Impact
Jessica Donovan-Be Safe Milford Food Pantry
Milford High School Jobs for Delaware Graduates Program-Raised Garden Beds
W.T. Chipman Middle School-Chat and Chew Lunch with Veterans and Holiday Toy Drive

Mayor's Top Project Selection:
Harrington Sunshine 4-H Club-Veterans Care Packets & Monthly Nursing Home Visits

Ms. Milligan invited those present to the Delaware Salute to Service at which time all the Mayor's Top Projects will be recognized. In addition, the next year's phase 2 project will be selected.

Proclamation 2019-06/National Service Day

Proclamation 2019-06/National Service Day-April 2, 2019

Mayor Campbell presented the following proclamation to National Service Expert Nancy Greene and National Service Member Melissa Stevenson Enck:

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and WHEREAS, the City of Milford is increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century, to fighting the opioid epidemic, to responding to natural disasters, to supporting veterans and military families; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, including Sussex County, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social wellbeing; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public private partnership that invests in community solutions and leverages nonfederal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with local leaders nationwide to engage citizens, improve lives, and strengthen communities; and join with the National League of Cities, the National Association of Counties, Cities of Service, and local leaders across the country for National Service Recognition Day on April 2, 2019.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, do hereby proclaim April 2, 2019, as National Service Recognition Day in the City of Milford and encourage all residents to recognize the positive impact of national service in our community, to thank those who serve; and to find ways to give back to their communities need.

ICMA Fellow Evan Miller

Mr. Norenberg announced that Mr. Miller will be moving on to the next step of his career in Milford to accept a position with the City of Rehoboth Beach. He recalled that Mr. Miller, was hired by the City as an International City/County Management Association (ICMA) Local Government Management Fellow. His fellowship was a shared position with the City of Rehoboth Beach that began in June 2019.

The City Manager provided a long list of accomplishments that can be attributed to Mr. Miller's expertise.

Mr. Miller then spoke stating that he is honored to have worked for the City of Milford and the staff who have been very helpful the past two years.

He will be starting with the City of Rehoboth Beach as their Project Coordinator, continuing to do a lot of the duties he currently does such as grant administration, policy implementation, capital improvement plan, budgets, assisting the Parks and Recreation Department with the transition to new software.

Mr. Evan thanked everyone for providing the opportunity to work here.

Mr. Norenberg announced that Mr. Miller is currently assisting with his replacement whom the City of Milford will share with the City of Lewes.

COMMUNICATION & CORRESPONDENCE

Included in packet.

UNFINISHED BUSINESS

Authorization/Downtown Development District Boundary/Expansion

Planning and Economic Development Director Pierce recalled at the last meeting Council discussed the proposed expansion of the Downtown Development District (DDD) area from 170 acres to 185 acres. Two options were proposed. Council asked him to provide some additional statistics based on code violations, building permits, rental licenses and vacant land. He has included that information in the Council packet.

Maps/exhibits of the area were presented showing properties since 2017 with code violations, parcels that received the building permits for construction, vacant land available for new construction and finally a map showing registered rental properties.

Also received were some written requests from property owners to be included in the DDD.

Two are on North Street, where the property owner is interested in constructing new single-family homes. The same owner constructed two new homes on Marshall Street as part of the DDD program.

Another request was from Mobius Investments, who owns several properties including the old firehouse and some of the state buildings. They are requesting the Gods Way facility be incorporated into the DDD to redevelop it as mixed use.

The First Presbyterian Church on South Walnut has also submitted a request to be included in the DDD area for some refurbishments to their church building.

A request was received from the property owner on Southeast Second Street which is outside of the proposed DDD area and involves an existing unit that needs some renovation work. That is owned by the same gentleman interested in building the two homes on North Street.

He also referenced the two options discussed at the previous meeting.

Option one includes land adjacent to the northwest portion of the District and includes parcels north of NW Fifth Street between Truitt Avenue and North Street. Within this area, there are 91 tax parcels containing approximately 19 vacant lots. This area has had 12 building permits issued since 2017, 32 properties with code violations since 2017 and contains 16 registered rental properties. This area contains two vacant properties that requested to be considered for the DDD expansion for the construction of new residential dwellings.

Option two includes land along South Washington Street between Southeast Second Street and Ball Park Lane, including those lots north of the Little League fields and Parks & Recreation administrative building. Within this area, there are

76 tax parcels containing approximately 4 vacant lots. This area has had 16 building permits issued since 2017, 41 properties with code violations since 2017 and contains 7 registered rental properties.

Based on the information analyzed, staff recommends moving forward with Option 1 in terms of opportunities for new construction and the need of the community.

Councilmember Culotta thanked Mr. Pierce for all the work he has done. If he had to pick one, it would be the area where he lives.

Councilman James recalled that his recommendation was based on the facts presented to Council at that time and with the additional information presented this evening, the pros of option one clearly outweighs the pros for option two.

Councilman Culotta said he has had a lot of feedback from his constituents asking questions about the DDD. His recommendation is to send it back to the committee level to take public comments so those constituents have a say in how this is handled. He is basing this on the large number of calls and feedback he has received and those residents would like to have a say in how this is decided.

Councilmember Wilson confirmed that those constituents are not basing their concerns on what is being presented to Council, but other areas in the community. Councilman Culotta said that is correct and because he represents the people that have these concerns, they want input on where to extend the DDD.

Mr. Norenberg said that normally this would go to the Community and Economic Development and based on that schedule, their next meeting would be in May. He asked if there is a deadline that needs to be met and if so, a special meeting may need to be scheduled.

Mr. Pierce explained the expansion request typically occurs with the annual review of the DDD and is based on related statistics and information with the Office of State Planning which is due by June 1st. He explained that would only provide him the guidance and it would not be adopted until after the Cabinet Committee for State Planning approved it. It would then be adopted by City Council.

He explained this opportunity is the result of an increase in acreage for all population ranges for existing municipal DDDs. This could be a one-time possibility to increase the area by fifteen acres. If this does not proceed, he thinks it may be done a little later though he was attempting to get out in front to give Milford the most opportunity to take advantage of the increase.

Mr. Pierce clarified he does not know if there will be a future expansion, though he knows they are planning to add two more municipalities to the program that currently has eight participating. However, the same total of funds will be used so each town will receive less funding.

Councilman James stated that Council has had the time to absorb the information considering the previous discussions even after Mr. Pierce as asked to provide additional information.

He further stated that if he was making his recommendation on his constituents in his ward, he would have informed those concerned persons to attend the meeting on March 25th to hear the conversation.

Councilman James feels that after all the work that has been, he feels it is the duty of Council to make a motion tonight. Dragging it out does not appear beneficial to him.

Councilmember Wilson agrees adding that this information was not on individual wards, but instead based on facts. She said that Mr. Pierce looked at the City as a whole and made a decision based on those statistics. It should not be about wards and instead Council needs to consider the Planner's recommendation and move forward.

Councilmember Culotta agrees with his fellow Councilmembers and if this is decided by our City Planner, there has not had any public input from constituents.

Councilman James disagreed stating that the decision is not being made by the City Planner and instead made by Council through a motion and a vote.

Mr. Pierce then responded by saying that he would like to take a sliver of the river out, and when he asked the State of Delaware, they informed him he could not remove the river. However, he could ask to remove a small area to get the other written request to include the church.

It was confirmed items like this are typically made by Council and public comment is not normally taken.

Councilman Boyle asked if the boundary is flexible based on information and after going through the proper channels and asked if the flood plain can be removed; Mr. Pierce explained that there must be serious justification for removing properties or change the area in the DDD area. That is due to the investments and decisions being made by property owners based on the DDD.

He clarified there is an avenue to remove areas from the DDD, but it must be based on a significant reason.

Councilman Boyle asked if there would be any interest in building in the floodplain. Mr. Pierce said that is the reason for the mixed-use property, shown on exhibit B in the packet, was not included. It could be expanded in that area but a lot of land is being eaten up on large chunks of land that are primarily in the floodplain. Councilman Boyle said he was considering the properties on Front Street that are in the floodplain.

Mr. Pierce considered removing certain areas because of that, but they discouraged that and prohibit enclaves and the reason they did not pull out some of the park areas and the river to allow more opportunity for other property owners.

When asked about the Gods Way site, Mr. Pierce explained they want to redevelop the site into a mixed-use project that would include apartments with commercial uses or all residential use. The owner also has other properties available for redevelopment that are still vacant, including the old firehouse.

Councilwoman Peel asked about two properties on North Street and Mr. Pierce confirmed that Joe Wiley had gone through the minor subdivision process previously, and he is interested in new housing options there.

The Planning Director stated that if our plan is to increase home ownership in the downtown area, option one provides more options for new housing. Infill development should be encouraged by the municipality versus sprawling out into the communities due to utilities being available and services within walking distance.

Councilman James moved to recommend to the State of Delaware Office of Planning with option one, seconded by Councilmember Peel. Motion carried.

NEW BUSINESS

Authorization/AT&T Water Tower Lease

Deferred until April 8, 2019 Council meeting.

Bid Award/Shawnee Acres Pump Station Replacement

Public Works Director Mark Whitfield reported that bids were opened for this project. This pump station also serves as the receiving station for the new Southeast Regional Pump Station, which serves the new Bayhealth Hospital. It is under capacity and there have been numerous maintenance issues over the past several years, due to the type and size of the pump currently used.

The project will be funded through a USDA Loan/Grant. The award must also be approved by the USDA. The project budget for the construction project was \$1,432,925.

The low bidder was Kuhn Construction Company of Hockessin, DE, in the amount of \$1,398,750 with funding through the USDA Loan/Grant, which is his recommendation.

Councilmember Wilson moved to award the Shawnee Acres Pump Station Kuhn Construction Company of Hockessin, DE, in the amount of \$1,398,750 with funding through the USDA Loan/Grant, seconded by Councilman James. Motion carried.

Bid Award/Sidewalk Replacement Project

Mr. Whitfield recalled that when this was bid last year, the City only received one bid which was extremely high. They talked to various contractors to ask why they did not bid and most indicated they had no idea what the quantity was going to be.

He explained the new bid provided various ranges based on the quantity of sidewalks repaired. The more sidewalks completed under the contract, the less expensive the square foot price. Additionally, separate prices for 4” thick sidewalk and 6” thick sidewalk (at driveways) were obtained.

Bids for the project were opened on March 14 and of the two bids received, one bidder failed to submit a bid surety, and therefore was disqualified.

Based on the lowest responsible bid, the replacement of sidewalks under the City’s responsibility would be as follows:

	<u>at \$17.95/sf</u>	<u>at \$15.70/sf</u>	<u>at \$13.55/sf</u>	<u>at \$12.95/sf</u>
Water	\$37,246	\$32,577	\$28,116	\$26,871
Electric	\$16,155	\$14,130	\$12,195	\$11,655
Sewer	\$ 897	\$ 785	\$ 678	\$ 648
Streets	\$29,617	\$25,905	\$22,358	\$21,368

Costs to property owners for a single sidewalk block (approximately 25 sf) would be as follows:

<u>Price</u>	<u>Cost for 1 block</u>
\$17.95/sf	\$448.75
\$15.70/sf	\$392.50
\$13.55/sf	\$338.75
\$12.95/sf	\$323.75

When this information is provided to the property owners, they will be provided with the range which can be used for comparison purposes.

As part of this project, 3,500 square feet is the amount of sidewalk the City is responsible where water meter pits, utility poles, street signs, hydrants, street tree roots, and sewer cleanouts, have caused damage. The range the City will be responsible for will range from \$60,000 to \$83,000, depending on the total quantity.

He recommends City Council award the Sidewalk Replacement Project-Year 1 to Diamond Materials of Newport, Delaware, at a not-to-exceed price of \$660,537.50. This price covers all sidewalks that need repairs and is the maximum price as a result.

Councilman James referenced the language in the code that states ‘in regard to all sidewalks within, adjacent to or parallel to an owner’s property line though it may be partially in a City right-of-way or easement is considered he property owner’s responsibility’.

He asked if a portion of the sidewalk is not within the legal boundary line, what happens because section of the code he read states the sidewalk is their responsibility though technically they are city-owned.

Mr. Whitfield said his understanding is the property owner owns to the center of the street. The City owns a right-of-way and the thought is the property owner is responsible for anything within your property including the right-of-way in front of your property and deferred to the solicitor.

Mr. Rutt said in a perfect world that is correct. When reviewing deeds in the City of Milford of which many go back to the 1700's and early 1800's, the land dimensions have changed and some of the property lines do not go to the curb. Some go out into the street. Therefore, they do fluctuate. There is a presumption that if there is a city sidewalk in front of you, the property owner is responsible for the maintenance and care because it benefits your property.

He agrees that the property line may fall in the sidewalk, behind the sidewalk or on the other side of the sidewalk.

Councilman James said using himself as an example, he owns some of each and he has properties with the marker in the sidewalk. He also has a property marker that is several feet away from the sidewalk. He has heard from many residents from throughout the City who complain about their sidewalk not being part of their property. He understands the presumption, but does not know how to explain that to the citizens.

Councilman Culotta said he also understands that the code says the homeowner is responsible. But to take that code and send a letter out to everyone saying the City is going to start enforcing this and the property owner will be responsible. He said we have not notified them that there may be public money available if they qualify for it. But we have gone so far as to send letters stating the property owner will get another letter directing them but this letter is only preparing them.

Councilman Culotta said that was not decided by him or any elected official. It may have been before he came along, but he thinks this is two parts. He feels we need to start about the City sidewalks and the financing that is needed. And then Council needs to talk about the homeowners and how that will be handled and not go by what the code says. He recalled when Councilman Brooks stated the code can be changed by Council at any time.

Councilman Culotta said he does not like how it started, how it was communicated and the level of negative feedback from as Councilman James alluded to, not just from his ward but all wards.

The other problem is there is only bid again despite the reason the other contractor was disqualified.

Councilman Culotta appreciates what the City is trying to do by getting a better per square foot cost. The contractors are bidding even though they have no idea what they may be adding it is somewhat of an expensive amount for a sidewalk repair.

Councilman Brooks said he asked Council and the City Manager about concerns over an inch drop and an inch and a half here and if the code needs to be changed. Basically, he was told and he thinks Council was also told, it was going to be put in the hands of the Public Works Committee and after it was reviewed, it would be brought back to Council. He said no one every got back to him and asked Doug if that is correct.

Councilman Morrow believes the Public Works Committee last met in August during which time they asked for more information related to total number of sidewalk slabs. His point at that meeting was to figure out the assistance package before letters were sent out. He feels Council should have answers before the questions are asked. The first question his constituents ask if where the homeowner can get financial help and what is the cost if the City handles it, though that has been presented tonight.

Councilman Culotta asked if Council ever decided this is an issue they don't want to take with residents.

Councilman Mergner recalled at one time, the plan was to do a savings plan, but that was denied by some Councilmembers. He feels that savings plan could have been used to pay for these types of repairs. Councilmember Peel agreed that was included in the budget two years ago. She said that was because the Councilmembers were in disagreement about the way the code was written and who was going to be fiscally responsible.

She continued by recalling that there was a discussion about going away from what the code says to start a savings program and they began discussions about who would be funded initially.

Councilman James agrees the code needs to be addressed because the City Manager and the Director of Public Works says they are doing what the code says. Council agreed they are doing the work based on an ordinance that Council approved at some point. However, he does not like the code.

Councilman Brooks said he asked and he was told they would get back with him.

Councilman Morrow also pointed out there are some areas that do not have sidewalks and that was a problem.

Councilman Culotta said if he asks someone in the Mayor's neighborhood if they feel the sidewalks need to be fixed in Milford, they are going to say yes. If he asks people in his neighborhood, they might say but not want to pay for it.

When asked how the proposed savings fund was going to be funded, Councilman Mergner recalled that money was going to be put aside each year for the project.

Councilman Morrow said Council gave it back to management to review what funding was available.

Mr. Norenberg recalled at one point, and based on the complaints he had heard about the conditions of Milford's sidewalks for many years, the Finance Director proposed putting money in the budget each year to do some in an attempt to start getting the sidewalks repaired. However, that did not go anywhere.

He recalled that last year, City Planner Pierce put together a plan and applied for CDBG funds. That was denied even though it involved a low-income area with extremely damaged sidewalks, gaps or no sidewalks. Other than CDBG, he is unaware of any other funding available unless many years ago there was some streetscape money available for the downtown area.

The City Manager pointed out that they are trying to adhere to the code which is very similar to other municipal codes that put the sidewalk responsibility on the property owners and sets standards of criteria related to trip hazard or other safety issues. The last time this was discussed was last October and there have been numerous conversations in the Public Works Committee and several times by Council over the past two years.

He thinks it would be helpful if each individual Councilperson would provide direction about specific concerns about the code and whether it is the ownership responsibility, the standards or is there a problem with the trip hazard.

The City Manager recalled sending an email, though this was prior to Councilman James being on Council, with information about health benefits and property value benefits that are the result of having sidewalks. When in a walkable area, sidewalks become an amenity and is part of the price of a house when it is purchased. He will forward the email to Councilman James.

It could also be a negative if someone were to sell a house that had sidewalks in front that were in very poor condition. Either way, some concrete feedback is needed so that Council and staff can stop spinning on this.

It was also noted that most cities in Delaware are struggling with this as well with most having similar codes, other than Wilmington.

Councilman Culotta said that Georgetown announced they are putting a fund together to improve sidewalks. Councilman Mergner said that was the attempt in Milford a couple years ago.

Councilman Culotta appreciates what the City Manager is saying, but the choice to enforce it in a shotgun approach to everyone that needs to repair their sidewalks, as opposed to looking at the worst offenders first. He also recommended taking care of the City's first and then the City can go to the homeowners and inform them there is a need to improve sidewalks or if buying a new home, the sidewalks need to be included as part of the condition.

Councilmember Peel pointed out that was done and recalled the project to prioritize the severity.

Public Works Director said the priority was set to look at streets that service the downtown areas as well as streets that service the schools where students talk. That was the direction as first priority.

Mr. Rutt read from the code:

In all instances, property owners shall be responsible for maintaining, repairing, or replacing sidewalks and for keeping sidewalks in good repair, in safe condition and free of vegetation and shall not permit hazards to either pedestrian or vehicular traffic to exist. All sidewalks within, adjacent to, or approximately parallel to an owner's property line, although it may be situated partially or wholly in a City right-of-way or easement, shall be considered the property owner's responsibility.

Councilman James and Wilson felt there is a problem with the language if you are not the owner of the land the sidewalk is on. He recalled working on the sidewalk ordinance and when a developer built, a sidewalk fee needed to be paid, or sidewalks had to be installed, etc. He believes the code was in place though they wrestled with the property.

He is concerned about a property owner who is aware their property stops before the sidewalk and now receives a letter from the City saying they are responsible and they need to pay to have fixed.

Councilman Boyle said we first need to decide if we want to proceed with repairing the sidewalks, and in what order, and how to handle properties where the sidewalks are not part of their property. If it is half on, perhaps the City can pay half and the property owner pays half. Everyone knows there are exceptions and perhaps they need to be considered individually.

He said that everywhere he lived he had a sidewalk and there were never questions about the responsibility being his.

Councilman Culotta feels the code needs to be reviewed and make changes if needed. He appreciates the sidewalk repair project and it will slow that down. He does not think the entire Council will agree to tell a homeowner they need to fix their sidewalk and if not, the City will handle and bill them.

In lieu of a committee meeting, Councilman Morrow preferred having a workshop where all eight Councilmember were in attendance. Otherwise, it could involve multiple meetings.

Councilmember Peel said because we have done these steps that are being recommended such as the eight Councilmember talking about it and the inventory and priority has been done, consider what information is needed. Council left this before knowing that winter was coming and this will provide another delay. In thinking about that, Council needs to ask for the exact information so that we can be prepared.

Mayor said where he lived the homeowner was responsible and if it did not get fixed, the City would pay for it with no interest.

All those items need to be addressed.

It was agreed that a workshop needs to be scheduled. Mr. Norenberg said he will need to talk to the City Clerk this week because there are a number of workshops already scheduled, in addition to the regular committee meetings. He again asked for each Councilmember to make a list of those specific concerns in the code and get that to either him, the Solicitor or the City Clerk so it can be pulled together and all of us better prepared.

Councilmember Peel moved to defer action on the Sidewalk Project, seconded by Councilman James. Motion carried.

EXECUTIVE SESSION

Councilmember Boyle moved to go into Executive Session reference the below statutes, seconded by Councilmember Peel:

Pursuant to 29 Del. C. §10004(b)(9) Personnel Matter

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:54 p.m. for the purpose permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 10:38 p.m.

Employee Evaluation

Councilmember Wilson moved to approve the City Manager's contract for one year with a 3% increase, including the cost of living, seconded by Councilmember Peel. Motion carried by the following roll call vote of 5 to 3:

Yes:

Mergner, Boyle, Peel, James, Wilson

No:

Culotta, Brooks, Morrow

ADJOURNMENT

There being no further business, Councilmember Wilson moved to adjourn the Council Meeting, seconded by Councilmember James. Motion carried.

The Council Meeting adjourned at 10:50 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

Attachment:

Jefferson Awards/Multiplying Good/Lead 360 Program Presentation

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 8, 2019

A Meeting of the City of Milford Finance and Public Works Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, April 8, 2019.

PRESIDING: Committee Member Lisa Peel

IN ATTENDANCE: Mayor Arthur Campbell

Committee/Councilmembers Michael Boyle & Jason James

City Manager Eric Norenberg and City Clerk Terri Hudson

ABSENT: Chairperson Douglas Morrow

CALL TO ORDER

Committee Member Peel called the Committee Meeting to order at 5:32 p.m.

Public Works Director Mark Whitfield, City Accountant Suzannah Frederick and HR Manager Jamesha Eaddy were also in attendance.

UNFINISHED BUSINESS

City Manager Norenberg said that some staff changes are underway with our Customer Service and Public Works operations and an update will be provided to the Committee.

Update/Customer Service

Ms. Frederick discussed the staffing recommendations at the Customer Service Department and provided a brief overview. The Customer Service Department moved to the old PNC Building in 2015. Prior to that they were a billing department and calculated bills, set up services and processed payments. Since the move, the ease of access downtown has increased foot traffic, the 1,800 rental properties in Milford that continually rotate occupancy and the increase in development and construction has impacted staff's workload.

As of 2015, all solid waste calls and work orders were transferred from Public Works over to Customer Service, as did utility complaints. DEMEC advised them that utility billing has also become much more complex and will continue in complexity over the next few years.

The Customer Service Department is also now responsible for the processing of the \$4 million annual and quarterly tax assessments. Those were all jobs previously done by other departments prior to 2015.

Over this period of time, the level of staffing has remained the same. Over the past winter, the Customer Service Department was reviewed by a private consultant and also by DEMEC's benchmarking consultant. Feedback from both confirmed there were some trouble areas in addition to the lack of staff required to handle the volume of calls and foot traffic. An effort to correct the deficiencies found during those reviews are already being implemented. Internal controls and operational procedures are being created. Monthly staff meetings are being held and employees are being provided with training and resources needed to provide good quality customer service.

To show how Milford has grown, the real estate transfer tax in 2009 was \$260,000; this past year it had increased to just under \$1 million or an increase of \$740,000. Those numbers are actually lower than they what they should be because Milford continues to exempt first time homebuyers and the seller in those transactions.

In 2009, there were approximately 6,500 electric accounts and to date, there are just under 7,500 electric accounts which results in 1,000 new accounts in ten years. Of those 1,000 accounts, 500 were created in the past two years.

Customer Service now processes the interim bills quarterly based on a contracted assessor hired by the City (Tyler Technologies). In fiscal year 2017, there was \$25,000 billed through interim tax bills and in 2018, \$88,000 was billed. In the first half of this fiscal year, more than \$88,000 was billed.

In October, interim tax bills totaled \$66,000 and the average bill was \$59.00 due to most transactions involving land only parcels. In January, the average tax bill was \$635 covering 35 accounts and most were the results of new developments.

She also reported that total units completed are 1,059 (which align with the number of new electric accounts). There are more than 1,500 units being built and the number of in-progress units recorded are 2,939 (Hearthstone, Milford Ponds, Simpsons Crossing, Cypress Hall, Wickersham, Mispillion Landing).

Councilmember Peel asked if that is based on reclassifying positions or based on job specifications, Ms. Frederick explained that anyone they hire will be brought in and taught utility billing. There is a need to understand utilities to be able to do this job. They are looking for people that are mathematically inclined that can understand the complexity of the utility billings.

Three years ago, prior to the rate study, the bills were flat rates. Today, there are different rates for various classifications, based on usages, solar, time of use. They are currently addressing programming issues that will help, but in the meantime, there is a need for a person to handle the actual billing portion.

She noted that the HR Paypoint Study two to three years ago, gave everyone in Customer Service new titles. The Customer Service Clerks have not been trained on all those items they need to know, so they do not understand the utility rates or how to do the work orders. As a result, that continues to fall on the Utility Clerks to understand that side of the software.

She has also compared our staff with other municipal utilities. In Seaford, they have 1/3 of the utility accounts Milford does and only one apartment building being constructed and do not have the expected growth Milford does, though they have the same structure of customer service staff, cashiering, tax and utility billing as Milford. As a result, they have a total of six employees in their billing department as Milford does.

As a result, she is asking for two full-time employees in Customer Service, estimated at an annual cost of \$72,500 which includes salary and benefits per employee.

Because Ms. Frederick has been spending a great deal of time at Customer Service over the last six months, there is a need at the Finance Department to hire backfill for her position. She expects implementation to take at least one year and recommends a full or part-time position in Finance to help with the backlog in accounting and to make sure the end of the year is completed successfully.

She confirmed having a part-time employee would be sufficient, but if it came down to a full-time position, they could make that work as well.

Ms. Frederick also noted that Mr. Portmann is planning to reduce his hours to three days a week which would will balance the finances and the new position not exceeding what is currently budgeted.

It was confirmed that currently, hiring takes 45 to 90 days with advertising and interviewing. The last position became open on June 1st and the candidate did not start until October 22nd. Because of the time frame, she is asking for authorization to advertise in hopes of having the new employee start in the middle of May at the earliest.

She also noted that there could be some additional expenses as two more workstations will be needed at Customer Service to accommodate the two new employees. However, that can wait until the new fiscal year.

She emphasized that her staff has taken on the property tax program and has moved one former Customer Service employee to software support 100%.

Funding will be out of the enterprise accounts.

Mr. Norenberg agreed adding that there have been a lot of additional work at Finance, including a recent DelDOT audit that required a lot of Mr. Portmann and Ms. Frederick's time.

When the finance position was described as part-time or full-time, it was agreed to advertise both ways because the past two times positions have been added in those two departments, there has been a struggle to get quality applicants that understand municipal government accounting. He is hoping we get lucky and find a part-timer, though we may find a really good candidate that is only interested in a full-time position.

The intent is to increase the applicant pool and find the best possible applicant.

Ms. Frederick reiterated that that two Customer Service positions will be paid from the enterprise funds; the finance position would come out of the general fund and added to the next fiscal year budget.

Councilman Boyle pointed out that Customer Service is probably not the only department that is hitting critical mass on staffing. He feels a citywide audit should be considered.

Ms. Frederick pointed out that we recently hired five new officers, two new dispatchers and two employees were added to the Code and Planning Departments last year. The number of staff members in Customer Service has not changed in more than ten years though the services have increased.

Mr. Norenberg added that Public Works is also in dire need of additional employees which the Committee will hear later this evening. As they go through the budget process, there may be some needs elsewhere. He has asked each department to tie in their needs to fulfilling the goals of the Strategic Plan.

Councilman James referenced the \$75,000 salary and benefit and asked the percentage of benefits; Ms. Frederick said that is the total costs associated with a \$40,000 a year position. She also noted there is a paygrade and range and based on the experience of the applicant, it could be higher though \$40,000 was at the higher end.

Councilman James then asked about the age of the software and whether it works well with the smart meters and other programs. Ms. Frederick said the software for the AMI meters is new, but the citywide software was purchased in 2005. That is another item that is being evaluated and are actually meeting with vendors to review similar, but more user-friendly and cost-efficient programs.

She confirmed that the AMI software has put an additional burden on the Customer Service staff.

Councilman James agreed it is difficult to find good finance employees and they have had to pay a premium to pay some related positions to gain someone with experience.

He understands the transition currently underway, but asked the level of ability they are hoping to hire; she said it depends on the applicants. During the last recruitment, there were three applicants and only one showed up. She would prefer someone with at least five years of experience in basic accounting. She noted that both the Payroll Manager and her would be above the new employee and they would handle the projects the new employee was unable to do.

Councilman James feels the finance information presented to Council is inadequate for Council to make informed decisions. His desire would be to have someone that could provide projections, funding sources and use of funds, and a free cash flow type statement. In that manner, Council could better understand what is available because the number he sees on the paper is not available.

He pointed out that if the City is going to be sound, there is a need to do its financial work properly. As we continue to grow, Council will be doing the citizens a disservice by not making fully informed decisions.

Ms. Frederick and Mr. Norenberg both pointed out they have been working on that. Mr. Norenberg agreed there is a need to hire someone who is able to produce those reports and the analysis, but also improved software is required. That is one of the biggest limitations when hiring a new employee, particularly when data is needed and customization is needed. That is the reason the City is looking at alternatives software and what other cities are using appears to be much less expensive than what we are paying now even with the many limitations.

Just two weeks ago, they learned that the additional software can now be used to support the main software and can be used to upload all the demand reports in Excel. However, there are more enhancements in the new software though it will take a year as the implementation alone takes nine to twelve months after a decision is made and funding is approved.

Councilman James understands what is involved and hopes to see the request in the new budget.

Ms. Frederick emphasized that all the money that comes into the City goes through Customer Service. Between utilities and taxes, it is imperative written procedures are in place as well.

Councilman James applauded the Finance and Customer Service on the work that has been done considering the amount of growth the departments are dealing with. Ms. Frederick commended Customer Service Supervisors Vicky Love and Julie Eisenbrey who were in attendance, along with a couple other employees who have been working a lot of additional time to get these things accomplished.

Acting Chair Ingram, Councilman Boyle and Councilman James all agreed they are in favor of bringing the request for two additional employees to City Council.

Cost of Service Studies Update

Mr. Norenberg reported that he and Ms. Frederick recently attended training regarding Cost of Service Studies and met with the consultant handling Milford's project.

Ms. Frederick explained that UFS is in need of a lot of data as they continue to compile that information for them.

Capital Improvement Plan Update

Ms. Frederick updated the Committee on the five-year plan noting that we are under budget \$40,000 with numerous items already purchased. She also reminded the Committee that once purchases are approved, each has a three-year life. Regardless of which of the three years the purchase is planned in, Council still approves any project or item over \$50,000.

She then reviewed by department, current items in the CIP:

Electric Department:

Traffic Light Head Refurbishment and GIS Mapping for Smart Meters delayed until FY2020.

Substation Work completed (Del One and Two).

Riverwalk Light Pole Power Coat Retrofit underway and will be complete this spring.

Air brakes on order.

Water Department:

One vehicle being discussed this evening.

Two items not yet purchased.

Tenth Street Water Treatment Facility Test Well delayed until FY2020.

Protection Upgrades/Caulk and Tenth Street Towers expected to be completed this year.

Altitude Valve/Caulk should be completed this year.

Citywide Valve and Hydrant Improvement Project planned for spring.

Sewer Department:

One vehicle being discussed this evening.
Inflow and Infiltration Project ongoing into FY2020
Truitt Avenue Pump Station Groundwater Investigation ongoing into FY2020.

Street Department:

Most items purchased early this fiscal year.
West Street Curb and Sidewalk Project did not receive CDBG funding; Project on hold.
Northeast Front Street Parking Lot Enhancement (Arena's PL) is underway and should be complete in the spring.

City Hall:

Parking Lot Improvements on hold until receipt of Basement Water Project Report.

Public Works:

HVAC Upgrades in process.
Facility Locker Room Renovations being bid; work will be ongoing into FY2020.
Citywide LED Lighting Upgrade on hold until State Contract pricing is announced.

Parks and Recreation:

Riverwalk Pedestrian Bridge Decking and Painting on hold due to unanticipated structural issues and receipt of additional state funding.
Armory Renovations pending receipt of proposals.
Southeast Basketball Court Budget exceeds anticipated funding; project being re-evaluated.
One vehicle to be received this week.
Purchase of Tractor, Loader and Mower under review to evaluate best and most cost-effective options.

It was confirmed the City Hall basement is still being evaluated and will be included in the FY2020 capital plan. The EDIS proposal is still pending the outcome.

Ms. Frederick anticipates approved items to come in at budget with the exception of the Parks Pedestrian Bridge project.

NEW BUSINESS

Proposed Public Works Vehicle Replacement Report

Mr. Whitfield informed the Committee they anticipated replacing three trucks. However, the 1987 vehicle was not included in the plan by error. However, he is asking to purchase two replacement trucks--one dump truck with a snow plow and salt spreader and one hook truck with a dump body, forestry body and flatbed body. The dump truck will replace a 1995 Chevrolet dump truck with a snowplow. The hook truck will replace three different trucks--a 1987 Chevrolet dump truck, a 1990 International flatbed and a 1986 GMC bucket truck with a forestry body.

He explained the dump truck is used for various purposes from hauling materials to snow/ice removal. The truck will be equipped with a snowplow with an aluminum bed and tailgate salt spreader. The aluminum bed is much more durable and is what DeIDOT purchases when buying new dump trucks.

In the past, the City used a d-body that slides into the bed of the truck. With this type of salt spreader, the regular tailgate is removed and a different tailgate installed. The only difference is the bed must be raised to direct the salt to the spreader.

The hook truck will allow numerous body configurations with a single truck. A dump body will be used for deicing, as well as hauling. The forestry body will be used for collecting and hauling wood chips from brush/tree trimming operations by both the Street and Electric Divisions. The flat bed body with electric lift gate will be used for

transporting and delivering refuse carts and collecting bulk items in the Solid Waste Division, as well as for hauling pipe and other materials for the Water, Sewer and Electric Divisions.

Funding for the truck purchases was included in the 2019 Capital Budget with \$176,000 from being paid from the Water Division and \$220,000 from the Sewer Division.

When questioned by Councilman James, Mr. Whitfield reported that replacing the three trucks would have cost approximately \$377,000 and the purchase of the one hook truck is \$204,000, resulting in a savings of \$173,000. There are also other body options that can be purchased for the truck in the future, including leaf collection.

To repair the twenty-four-year-old dump truck would cost around \$100,000. That is a piece of equipment that is not used a lot, though when it is needed, it is typically as the result of an urgent situation. The old truck is also unsafe, as was pointed out by Councilmember Peel.

Councilmember Peel agrees that buying a new \$140,000 replacement vehicle is a much wiser purchase.

The committee agreed to proceed with the purchase of the International Dump Truck with the snowplow and salt spreader for \$147,838.62 and the purchase of one hook truck with a dump body, forestry body, and flatbed body for \$204,267.07 through NJPA Contracts.

Public Works Staff Update

Mr. Whitfield said his staff has also been stretched thin at public works with the amount of development that is occurring.

As a result, he is requesting consideration to add two positions in the Public Works Department. One is an Engineering Aid position. Currently, there is one vacant Engineering Aid position and he is requesting to add an additional one. The second Engineering Aid would complete the Miss Utility locates. Presently, there are two full-time employees handling these duties. One is a First Class Lineman who makes \$85,000 a year and the other is an Equipment Operator making about \$58,000 a year. One marks electric lines and the other marks water and sewer lines.

He can hire an Engineering Tech that would have the ability to do both Miss Utility locates, but also handle inspections for water and sewer lines. In addition, they would handle CAD (computer aid design) drawings and drafting. They would have the ability to put projects together and inspect City projects that are under construction.

The City had a fulltime locator until 2014. At that time, the City was doing approximate 1,400 to 1,500 utility locates and last year, there were over 3,000 locates.

Mr. Whitfield believes it would be much more efficient to have this done by one employee instead of two. That would free time up for the First Class Lineman to do troubleshooting on individual lines and allow the Equipment Operator to handle the work that has not been able to be accomplished such as pothole patching and crack sealing and other maintenance type work that is needed throughout the City.

The previous Engineering Technician who retired in February, had a wage and benefit cost of about \$106,000 per year. The total costs of these two Engineering Techs will be closed to what had been paid for the former employee or approximately \$110,000.

He has already interviewed candidates for this position because of the current opening that occurred as a result of the retirement and is prepared to fill the two vacancies.

It was confirmed the positions were properly posted and advertised. Mr. Whitfield confirmed that he advertised for the Engineering Tech and two suitable candidates were found.

Mr. Whitfield confirmed the Administrative Assistant will assist in the workloads. Right now, he has supervisors that are doing administrative assistant work. The Electric Operations Manager informed Mr. Whitfield that she spends approximately 25% of her time answering the phones, writing letters and responding to customer work orders. Because of that, she does not have the time to be in the field to do the work she was hired to do.

The Solid Waste/Facilities Supervisor estimates she spends approximately 50% of her time doing administrative assistant work. She spends a lot of time on the phone with different issues and those duties should be handled by an administrative assistant. The things that Customer Service are unable to handle are transferred to the Public Works Department to handle which increases her workload.

Last week, they had 46 work orders to deliver trash containers, which means there were 46 new customers that came on in one week. Those number provide the volume of increased work the past two years.

The Water/Wastewater Facilities Supervisor estimates that approximately 30% of his time and the City Engineer estimates 15% of his time is spent doing administrative assistant work. Because that comes out to more than 100%, there is a need to hire an Administrative Assistant. He prefers adding the positions at the lower end to help the supervisors get the best efficiency out of them.

When asked about overtime, Mr. Whitfield said there has been some money spent on overtime but not a tremendous amount. However, he has hired a temp that sometimes works 10 to 15 hours a week to assist with the workload.

He emphasized that with the two new positions, there will be no money needed in this year's budget. This is the result of a number of savings in the salary and wages line item with very minimal impact to the next fiscal year's budget.

Councilmember Peel pointed out that Mr. Whitfield did consider outsourcing the locate duties, but it was not as cost effective as having in house locator. He said a vendor had provided a proposal of \$101,000 based on the 3,000 locates. He confirmed that the cost of an Engineering Tech and their equipment and a vehicle will be below \$100,000.

He confirmed that two techs could be hired for \$110,00.

When asked about the Electric Superintendent, Mr. Whitfield confirmed he is planning to fill that position, in addition to adding these two new positions. He explained that all current vacancies will still be filled.

Councilmember Wilson asked the difference in the duties of the Electric Superintendent and the Electric Department's Manager and asked if some of those duties the Manager is handling would be assumed by the Superintendent once he is hired; Mr. Whitfield explained that those positions already existed and one did a lot of operational planning and looked at the technical aspects of the system and so forth, and the other only handled the day-to-day operations.

He also confirmed that the City Engineer position would still be filled.

Council asked how many new positions will be added; Councilmember Peel explained that one of the positions existed and that person retired. At the time they interviewed candidates, they found two liable candidates. At this point, Mr. Whitfield is asking to add one more Tech and add an Administrative Assistant.

Councilmember Wilson confirmed there is also a part-time Administrative Assistant at Public Works.

When asked who is doing the tech work now, Mr. Whitfield explained that some is being contracted out through a consulting engineering firms and some of those duties have been handled by Mr. Whitfield and existing staff.

Councilmember Wilson asked that in addition to these three positions being filled, there is also a part-time Administrative Assistant that was hired through an agency. He confirmed the temp, hired through an agency, only works 15 to 20 hours a week.

Councilman James pointed out that when using a temp, there is a premium paid to the agency, in addition to the temp's salary.

When asked how many positions in Public Works, he said roughly 35. Mr. Whitfield said he is only aware of the City Engineer position that has been added in the past three years since he was hired.

Councilmember Wilson said there must have been a number of title changes with more employees now in supervisory/management positions versus what it was previously. She is aware of some of those changes that were made. Mr. Whitfield said since he was hired three years ago, Public Works has the same number of employees though a lot of titles have changed.

Councilmember Peel asked if in regard to compensation and actual work being done, are there different duties or just different job titles; Mr. Whitfield said it is a mix. Some have more responsibility and some have received increases in pay though some only had title changes.

Councilmember Peel confirmed that was a result of the pay study that was done. Mr. Norenberg explained the reason the study was done in 2016-2017 is because so many requests were coming in from the Public Works Department and he was receiving complaints that a study had not been done and there was a need for reclassifications and pay increases. Then the Electric Department unionized which created some additional pay increases and job descriptions were updated, along with a few title changes to make them more current and more relevant. There have been several retirements that occurred during that time as well, similar to the recent retirement that opened the door for two entry-level positions for the cost of one employee that had been here for many years.

Councilmember Peel said that makes sense, but questioned the new Administrative Assistant request, noting that Mr. Whitfield mentioned there is a lot of overflow from the work that is happening in Customer Service and asked for clarification. She asked if there is a need to add new positions at Customer Service, to alleviate the problem at Public Works and eliminate the need for the Administrative Assistant at Public Works.

Mr. Whitfield explained the overflow from the Customer Service Department involves items that need to be answered by Public Works and are beyond the scope of the Customer Service staffs' knowledge. That staff transfers those requests to his Public Works staff. That typically generates a work order or a special request. They receive requests for bulk pickup which is a big one and requires one of his employees to personally contact the customer and to go out and look at the situation.

Mayor Campbell confirmed that the current part-time Administrative Assistant puts in twenty hours a week; Mr. Whitfield explained that presently there is a part-time temp working between 15 and 20 hours a week and that position would become full-time.

The Mayor asked if there is enough work to fill the other 20 to 25 hours a week; Mr. Whitfield feels there is more than enough work and they she will be extremely busy.

Councilman James feels the work that will be done through the additional twenty hours will end the burden on the employee handling those duties now. If that employee is no longer handling those duties, what will that employee do that is making sure those duties are getting done; Mr. Whitfield stated there are things not getting done. First of all, some of the response time is not acceptable in getting back to contractors who are in the field and need a supervisor to get direction. In some cases, it takes anywhere from four to six days before someone from Public Works can respond. A contractor has deadlines and that is not acceptable in Mr. Whitfield's opinion.

Mayor Campbell asked if the Administrative Assistant will be helping the Engineering Technician; Mr. Whitfield explained the Administrative Assistant will be helping the City Engineer, the Solid Waste/Facilities Supervisor, the Electric Operations Supervisor and the Water/Wastewater Supervisor.

Mr. Norenberg pointed out the Solid Waste/Facilities Supervisor was out counting lightbulbs that were out. That is something the Technician or Administrative Assistant could do. There are still a number of recommendations that need

to be implemented as a result of a facilities audit study performed by the University of Delaware. Getting out there and verifying the lightbulbs need to be replaced is one piece of that puzzle. That is in addition to several other projects that require quotes and follow up in order to be accomplished. Those details can be handled by an Administrative Assistant to ensure our buildings are more energy efficient and safer and will allow the other employees to catch up with the workload, which never ends for them.

Mr. Whitfield confirmed there are also an Equipment Operator and a Groundsman vacancy.

Councilman James asked the reason for these vacancies and added the amount of development occurring is incredible and the services being requested of the City to deal with those developments is overwhelming. Councilmember Peel agreed adding that she feels that is the case Citywide as was noted in the Customer Service Department, as well as the increasing requests at the Police Department that resulted in five new officers and two dispatchers. She agrees that everyone is stretched and is impacted by this development which can also affect morale.

HR Manager Jamesha Eaddy was present and agreed with the Public Works Director that we are stretched thin, but as we get more bodies, we are able to get a lot more done in comparison to what the City is restricted to doing now. It will also help with cross training and job knowledge because there are a lot of employees that are retirement-eligible and allow those vacancies to be filled more quickly. When those vacancies become open, promotions can be handled internally without a need to recruit externally, which is very time consuming, and because right now, the market is really low and unemployment is low. Right now, the City is losing employees or applicants when someone else is offering a dollar or two dollars more.

She said if this will allow the opportunity to cross train internally and project the positions that will be retiring and get people trained, which will be valuable for the morale in the City.

Mr. Norenberg said that one of the vacancies that Mr. Whitfield referenced is an equipment operator who was promoted internally. There are employees looking for crossing training and getting certifications so they are ready for those opportunities that come open.

Councilman Boyle referenced the workload increase and stated that we know we are going to need more employees to handle the business of the City and asked if there is any thing being done to project out where we are, in terms of numbers and skill level. Mr. Norenberg said we have not started talking about that though he believes that Ms. Eaddy has already been looking at that. He said during the last study, it was more about the position titles and compensation for the employees that were unpaid. He agrees that even though certain departments have identified their needs, the growth is impacting every area differently. For example, Parks and Recreation is experiencing increased demands as well as the City Clerk's Office. He agrees there is a need to review that across the board.

Councilmember Wilson said she was thinking about the City Clerk and is aware of the number of hours they are having to work and was comparing that to all the new assistants and part-time help in other departments. She feels that other departments need to be strongly considered when weighing personnel needs.

Councilman James agrees there is a need to be forward looking and to plan and measure constantly. His statements are the same when talking about growth and boom and all the projections of population and dwelling units. There is a lot of planning that is needed and instead of satisfying current deficiencies, which is nothing compared to what is coming our way, he recommends it be done collectively in order to get there and accomplish it correctly.

Councilman Boyle agrees and added there is a need to determine where this money will come from. These needs should have been on the radar a year ago.

Councilmember Peel agrees that this needs to be talked about during the budget hearings and suggested projecting these needs out for several years.

Councilmember Wilson agrees and recalled when the economy fell through the ground, and the City was suddenly at a standstill. Moving in this direction is great, but there is a need to be proactive by reviewing every department to make sure they have the best support possible.

Merit Pay

HR Manager Eaddy referred to the memo for a proposal to implement a merit increase program to reward successful exceptional performance for our employees:

Purpose

The purpose of this memorandum is to review a proposal to implement a merit increase program to reward successful/exceptional performance.

Background and Discussion

The Performance Appraisal & Professional Development Plan was revised in December 2018. The new format provides the employee and supervisor an opportunity to assess performance in the following areas:

- *Open and Honest Communication*
- *Work Quality and Job Knowledge*
- *Customer Service and Commitment to Excellence*
- *Safety*
- *Respect for Diversity and Equity*
- *Attendance and Reliability*

In addition, goals are aligned with the strategic plan and the professional development plan gives employees an opportunity to list specific goals/activities that they would like to complete in the next 12 months that will enhance their job performance.

2018 Wage Increases: Milford

- *Non-Union Employees: 1.5% COLA*
- *Union Employees (Electric Division): 1.5% contractual increase*
- *Union Employees (Teamsters): 1.5% step increase, 2.50% wage adjustment=4% contractual increase*

Project Updates:

- SE Second Street*
- Mispillion, Marshall, McColley Street*
- Lead Service Line Replacement Project Grant Award*
- Street Resurfacing Project*

She has revised the performance appraisal in December 2018 with a new appraisal as follows:

Performance Rating Scale

BELOW EXPECTATIONS (BE)

- *Performance unsatisfactory*
- *Did not fully meet established standards or objectives, and often required close supervision and corrective action*
- *Showed limited knowledge, skills and ability to meet job responsibilities*

MEETS EXPECTATIONS (ME)

- *Generally met and occasionally exceeded established standards or objectives*
- *Performed reliably and required only normal supervision and/or follow up*
- *Possessed and fully utilized knowledge, skills and ability to meet the responsibilities of the position held*

EXCEEDS EXPECTATIONS (EE)

- *Frequently exceeded established standards or objectives*
- *Often demonstrated initiative and creativity*
- *Mastered and carried out all phases of job responsibilities with minimum supervision*
- *Consistently performed at a high level*
- Consistently performed at a high level*

As has been discussed previously, this allows employees the opportunity to rate themselves in the categories of open and honest communication, work quality, job knowledge, customer service and commitment to excellence, safety, respect for diversity and equity, attendance and reliability.

There is another section that relates to the goals of the strategic plan and an opportunity for a professional development plan. In that area, an employee would indicate any training, certification and conferences they have interest in.

She referred to the chart showing the wage increases for City Employees to be as follows:

2018:

Non-union employees - 1.5% COLA

IBEW (electric) employees - 1.5% contractual increase

Teamsters (police) employees (sergeants and below) - 4% increase

2019:

COLA increase for non-union employees - undetermined (determination during budget hearings)

IBEW (electric employees - 1.5% increase (based upon a successful performance evaluation).

Teamsters (police) employees, (sergeants and below) 4.25% increase

An additional chart compares salaries to other municipalities and increases received.

At this time, Ms. Eaddy stated that the City of Milford does not have a program that rewards non-union employees for performance. One of the comments from the previous HR Pay Study stated it was widely accepted that our existing system is not motivating because employees have no way of impact in pay if it is an across-the-board increase for all staff. It was expressed that this type of pay increases is expected for all employees and employees would like the ability to recognize excellent performance for those performing above expectations and feel discouraged when their peers get the same increase.

Their proposal includes a 1.5% increase for meets expectations and exceeds expectations to be awarded on the anniversary date, which she feels is a simpler approach to budgeting and will provide statistics in terms of how many employees were at meet expectations and how many were below.

In addition, Ms. Eaddy informed the Committee they have invested a lot in their employees and to piggyback on an earlier conversation, recruitment has been very tough and they want to retain the quality employees they have and ensure they are rewarded based upon their performance.

The fiscal impact of the 1.5% merit increase is about \$54,000. With the COLA of 1.5% is \$60,000.

Mayor Campbell said there are two unions in the City—the IBEW and the Teamsters, and asked the impact they will have over the next three years based on their contracts. Ms. Eaddy explained that the IBEW and Teamsters, receive a contractual 1.5% increase. Right now, non-union employees have no guaranteed increase based upon performance.

She confirmed the merit increase will not apply to the union employees. The City Manager added there is no merit increase for any union employees except what the IBEW has in their contract. It does state they have to be successfully performing to receive their next step increase which is automatic. However, that is not a merit increase though an employee needs to be adequately performing their duties.

In addition, the Teamsters 4.25% increase for the police officers is automatic and unrelated to merit or performance.

Councilmember Wilson thought the City had a merit system in the past. Mr. Norenberg and Ms. Eaddy both stated no.

Councilmember Wilson asked for clarification and for an employee to get an increase, their supervisor will have to decide if they are worthy of the increase, outside of the COLA. Mr. Norenberg stated that everyone received the COLA. Ms. Eaddy agreed pointing out the City has nothing outside the COLA.

Councilmember Morrow explained that employees will receive a COLA and their review will determine the increase. Councilmember Wilson recalled that employees with a good review in the past received an additional increase. Councilmember James stated that would be considered a merit increase.

Ms. Eaddy said there is no policy and the prior performance review did not allow the employee to make any comments. The supervisor rated them one through five based on safety, reliability and attendance. It was then signed and placed in their file. It was not accompanied with any change to the salary.

Councilmember Wilson recalled that when an employee was reviewed, she remembered varying percentages of increases. She is aware of employees that received those increases and assumed that a merit system was in place.

Mr. Norenberg said that was the observation of the study done by HR Paypoint as Ms. Eaddy referenced. When Mr. Norenberg arrived, employees were receiving the same COLA increase across the board on July 1st and there were no merit adjustments.

Councilmember Wilson recalled Council providing a three or similar percentage across the board, which was different each year. Mr. Norenberg stated that has not been done for a long time because of the economy.

Councilmember Morrow agreed it had been done in the past.

Mr. Norenberg said he and Ms. Eaddy are asking that this be budgeted next year so that money is available for merit increases as well as special reward and recognition for employees or teams go above and beyond. That is the two-part recommendation they are making. If the Committee supports this, it will be something included in the budget process.

Councilmember Peel confirmed that they are being asked to implement two major shifts at one time and asked where is the implementation of the performance appraisal, has that been executed and how many people have been trained before this goes full scale and tied to an employee's pay.

Ms. Eaddy explained they have started the performance appraisal process. Currently, she has completed hers and Parks and Recreation has completed his. Other employees are already working on them as well. She said they are not finished yet and there is still an employee's section to fill out because it is much more time consuming than before because of that need to access their performance. Right now, the supervisors are giving the employees thirty days and they are filling them out. Then it will go back to the supervisor for comment, then back to the department director for review.

She stated that one thing she was given when she was hired and after talking with various employees, they want the ability to provide feedback of being able to get something different and outside of their peers. For example, there are some employees in Public Works who are doing above and beyond, securing their water license and certification, which makes them more valuable to other departments. This is a way to recognize them for their performance. There may be something prior that was awarded, but over the past year since she was hired, they only received a COLA increase, and nothing else, unless the employee was promoted into a different position that required another paygrade.

Councilmember Peel feels the merit-based pay is an important step. She wants to make sure we are implementing it so that everyone fully understands the implications of their performance appraisal and that all employees understand how they are being evaluated and how it will be tied to the pay, which becomes higher stakes.

Ms. Eaddy said she is working on a training plan and wants to have a separate session with the employees, and a separate session with supervisors, in terms of rating them, based upon the job functions versus how you think they are doing. She understands that bias can play in it and she wants them rated based upon the way the job should be done versus the way the supervisor wants the job done.

She wants to encourage employees to put everything they are doing down so the supervisor can recognize it. The section with the professional development plan will show the goals for licenses, certifications, etc. In that manner, when a position becomes open, succession planning will allow that person to qualify for the openings.

Councilmember Peel asked if Ms. Eaddy is confident that the employees will have the training needed to implement this new policy without bias; Ms. Eaddy said yes adding that our employees have been asking for this and have discussed this need for quite a while. They will now see there is an opportunity for this to happen.

She also believes that the majority of our employees will be at meets or exceeds those expectations which will motivate them to get something more than a COLA by working harder. In addition, it will show that the City values those employees who work hard and taking steps to retain those good employees.

Councilmember Peel pointed out there is an adverse effect to this when someone does not have the self-awareness to realize their peers are out performing them and when they see them receive an increase, can create morale issues. She asked that the training include how the more ineffective employees react to prevent any surprises at appraisal time.

She agrees with the concept as she has discussed in the past but encourages biweekly sessions with their employees to prevent those surprises at the time of an annual review. This should be continuous conversations where opportunities to improve can be discussed and the employee can provide feedback.

Councilman James agrees the merit-based increase that is tied to job performance is important. He also hopes it will create what he hopes to be a 'friendly' competition among employees. He emphasized the need for job performance discussions between evaluations and recommends they be held on a semi-annual basis at minimum.

He recommends that careful documentation is available to back the reason either in favor of or to deny the increase.

Councilman Boyle confirmed the form is narrative, which could become an administrative burden of the supervisors to give the attention it needs. He said checkboxes and simple statements may want to be considered instead. He also recommends quarterly review or longer periods, and not monthly, mainly because of the time this will take the supervisor away from their other duties.

A simple form confirming the employee is on track may be more appropriate in his opinion. He feels the form presented covers the bases, but does not believe it will be as thorough because of the time it is going to require.

Councilmember Peel agrees with Councilman Boyle stating that bullet points with a meets/does not/exceeds type scale will be more appropriate.

Project Updates:
SE Second Street
Mispillion, Marshall, McColley Street
Lead Service Line Replacement Project Grant Award
Street Resurfacing Project

Due to the long meeting time and the scheduled start of the Council Meeting, Mr. Norenberg asked Council to read the packet memo regarding the above four projects and to contact him with comments or questions.

Councilmember Peel adjourned the Committee meeting at 7:09 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 8, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, April 8, 2019.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Christopher Mergner, Mike Boyle, Lisa Ingram Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:15 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance, followed the invocation was given by Councilmember Wilson.

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the March 11, 2019 Committee and Council Meetings. Motion to approve made by Councilmember Brooks, seconded by Councilmember Morrow. Motion carried.

RECOGNITION

Miss Sussex County's Outstanding Teen 2019/Kristen Greenly

Mayor Campbell introduced Kristen Greenly, newly crowned Sussex County Outstanding Teen. Ms. Greenly stated she was born and raised in Milford and is presently a junior at Milford High School. She competes for Miss Delaware's Outstanding Teen on May 19, 2019 at Wesley College.

Chief Brown then introduced Officers John Badger and Marlon Ramos who graduated from the Delaware State Police Academy on February 14, 2019 and are currently in the Field Training program.

He then surprised Corporal Miles J. Kosiorowski with the first Quarter of the Year award. Corporal Kosiorowski was hired in February 2014, is a member of the motorcycle unit and is active in the field training program.

On February 25th while on patrol, Corporal Kosiorowski witnessed smoke coming from a residence, spoke with the family who was on the front porch with the exception of their teenage son. He then entered the residence to search the residence though fortunately no one was inside.

Chief Brown then had photos taken.

MONTHLY POLICE REPORT

Police Committee Chairperson Wilson presented the monthly Police Report on behalf of Chief Brown.

Councilman Morrow moved to accept the monthly report, seconded by Councilman Brooks. Motion carried.

Councilman James commended the police noting that he walks the Bicentennial Walkway frequently and recently has noticed a substantial clean up of the park and has even witnessed officers patrolling that area which has resulted in a much safer area. Chief Brown credited other police departments for their help in accomplishing that.

City Manager Norenberg reported that he had asked Chief Brown if his officer would report burned out streetlights that needed to be replaced. After that request, they came up with a list of over thirty of which half have been replaced and the remaining are being converted to LED.

He thanked the officers for taking the extra effort to handle those duties.

Councilmember Boyle moved to accept the monthly police report, seconded by Councilmember Mergner. Motion carried.

MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced his monthly report.

He also reported that Planner Director Rob Pierce hosted a meeting earlier about the State-designated Opportunity Zone in northern Milford. The room was packed with attendees from all over the State of Delaware with many interested in learning more about the program aimed to promote new investments into economically-distressed communities.

Councilmember Wilson moved to accept the monthly City Manager report, seconded by Councilmember Boyle. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through the eighth month of Fiscal Year 2018-2019 with 67% of the year having passed, 70% of revenues have been received and 60% of the operating budget expended.

He noted that the building permit and planning and zoning fees have well exceeded what was budgeted which he feels is a sign of things to come.

Councilmember Morrow moved to accept the February 2019 Finance Report, seconded by Councilmember Brooks. Motion carried.

COMMITTEE & WARD REPORTS

Northeast Tenth Street

Councilman Brooks reported there is a big pothole on Northeast Tenth Street that needs to be repaired.

Church and North Street Intersection

Councilmember Wilson also reported a large pothole that she had previously reported to the City Manager.

She also noted she had removed a large tree branch that way laying in the roadway and had broken off from a tree in the cemetery and asked that City staff check on it.

Parks and Recreation-Sponsored Community Clean-up Day

Councilman James commended those volunteers that assisted with the cleanup in the Fourth Ward, and in particular to Brad Dennehy and the Parks and Recreation staff and City Manager Eric Norenberg.

He said they will continue cleanup Northwest Second Street, Truitt Avenue and West Street beginning at 9 o'clock this coming Saturday.

Councilman James also offered to assist with any other cleanup projects in their wards, adding that it was a mission of his to make Milford a much more presentable town when he chose to run for Council.

Mr. Norenberg said Perdue Farms also participated and commended their initiative "Clean Streams" and volunteer in other towns they have facilities.

It was noted that there is no longer a spring or fall clean up and instead residents have the option for two bulk ups a year which can be scheduled at their convenience.

Councilmember Wilson moved to accept the City Manager report, seconded by Councilmember James. Motion carried.

COMMUNICATION & CORRESPONDENCE

None to report.

UNFINISHED BUSINESS

Funding Source Authorization/Cemetery Equipment Loan

City Council approved a loan for Milford Cemetery to purchase equipment to aid with mowing and maintenance. Solicitor Rutt also composed a promissory note that has since been official signed. Unfortunately, the source of funding was not included in the motion.

Councilman James moved to authorize the funding for the cemetery loan for equipment purchase, as described in the promissory note, be paid from and reimbursed to General Fund Reserves, seconded by Councilwoman Wilson. Motion carried.

NEW BUSINESS

Introduction/Ordinance 2019-08/Zoning Code/Chapter 230/Article IV/ Off-Street Parking and Loading

City Manager Norenberg introduced the following ordinance:

ORDINANCE 2019-08
Chapter 230

The City of Milford hereby ordains:

SECTION 1.

That Article IV-Off Street Parking and Loading, Section 230.21(b), currently reads as follows:

<p>Medical and dental offices or clinics [Amended 7-14-1997]</p>	<p>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</p>
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SECTION 2.

That Article IV-Off Street Parking and Loading, Section 230.21(b) shall be modified where language deleted is shown stricken as follows:

Medical and dental offices or clinics [Amended 7-14-1997]	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
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SECTION 2. Dates.

City Council Introduction: April 8, 2019

Planning Commission Review: April 16, 2019

City Council Review/Public Hearing: April 22, 2019

Introduction/Ordinance 2019-12 Zoning Code/Chapter 230/§230-11 R-3/ Garden Apartment and Townhouse District

City Manager Norenberg introduced the following ordinance:

The City of Milford hereby ordains:

Section 1. Section 230-11(C) of the Zoning Code of the City of Milford is hereby amended by inserting language shown as italicized and underlined and removing language indicated by strikethrough.

§ 230-11. - R-3 Garden Apartment and Townhouse District.

In an R-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

C. Conditional uses subject to special regulations. *All uses specified as conditional uses in the R-2 District and subject to its area regulations, and the* The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions of Article IX of this chapter:

Section 2. Dates.

Council Introduction April 8, 2019

Planning Commission Public Hearing April 16, 2019

City Council Public Hearing April 22, 2019

Contract Award/Public Works Vehicles Truck S-4/Sewer Division

Truck S-9/Street Division

Truck S-5/Water Division

Public Works Director Mark Whitfield referenced the following memo:

The Public Works Department requests the Finance and Public Works Committee, and City Council, consider a recommendation to purchase two (2) replacement trucks: one dump truck with snow plow and salt spreader; and one hook truck with dump body, forestry body and flatbed body.

The dump truck will replace S-5, a 1995 Chevrolet dump truck with s snowplow. The hook truck will replace three different trucks with a single truck with multiple bodies. The trucks being replaced are S-4, a 1987 Chevrolet dump truck; SE-9, a 1990 International flatbed and E-105, a 1986 GMC bucket truck with forestry body.

The dump truck is used for various purposes but primarily for snow and ice removal. It will be equipped with a snowplow, an aluminum dump body and a tailgate salt spreader. The truck being replaced has had numerous maintenance issues including rusted brake lines, rusted out oil pan, rusted hinge pins as well as rusted frame rails. For reliability purposes, the replacement of the truck is imperative.

The hook truck will allow the Department numerous body configurations with a single truck. If all three trucks were purchased it would cost approximately \$377,000. In lieu, Mr. Whitfield is requesting an International Dump Truck with snowplow and salt spreader for \$147,838.62 and the purchase of one hook truck that can swap bodies and utilized various times of the year for \$204,267.07.

The forestry body is used for hauling wood chips from brush/tree trimming operations and the flat bed body with electric lift gate will be used for transporting refuse carts and collecting bulk items, as well as hauling pipe and other materials. The dump body will be used for hauling various materials

Funding for the truck purchases was included in the 2019 Capital Budget as follows:

S-5	Water Division	\$176,000
S-4	Sanitary Sewer Division	\$220,000

Mr. Whitfield reported this was reviewed by the Finance and Public Works Committee prior to the Council meeting.

It was confirmed that any purchase over \$50,000 must be authorized by City Council.

Councilman James pointed out the overall savings considering the cost of three vehicles which results in a savings of 170,000. In addition, replacing a 1995 vehicle that will need a minimum of \$100,000 in repairs with a new \$148,000 truck results in a collective savings of \$130,000. Councilman Mergner also pointed out there will be an insurance savings by having less vehicles. In addition, there will lesser costs associated with maintenance savings and the benefit of being able to use one flatbed truck to deliver several trash containers at one point.

Councilmember Peel moved to award the contract for the purchase of the International Dump Truck with snowplow and salt spreader for \$147,838.62 through the NJPA Contract #081716-NAV, and the purchase of one hook truck with a dump body, forestry body, and flatbed body for \$204,267.07 through NJPA Contract #081718-NAV, per the National Joint Purchasing Alliance as approved by the State of Delaware, with funding of \$147,838.62 from Water Capital Account 202-2020-432-70-42 and \$202,267.07 from the Sewer Capital Account 203-3030-432-70-42, seconded by Councilmember Mergner. Motion carried.

Staff Changes/Customer Service Office

City Accountant Suzannah Frederick asked Council consideration to hire two additional full-time staff at Customer Service.

At the Finance and Public Works Committee meeting earlier this evening, she discussed the growth over the past ten years. Real estate transfer tax in 2009 was 260,000 and was almost \$1 million the past three years. Customer service has also taken on the property tax duties. Interim tax bill duties have also increased and in 2007, the quarterly tax assessments totaled \$25,416. Last year, that increased to \$87,861 and in the first half of this year, it has exceeded \$88,000.

Councilman Morrow and Councilman Brooks both agreed it sounds like the City can pass on some tax reductions this year.

Of the developments in progress, Ms. Frederick reported there are 2,600 residential units planned, of which 1,059 have been completed. The remaining 1,500 units planned will involve additional staff time to set up and manage each utility and tax account.

She noted that 2,939 units have been recorded and are on the books.

Councilwoman Peel said it was discussed in the earlier committee meeting and was endorsed by its members.

As a result, she is requesting two additional positions for a total of \$145,000 to include salaries and benefits to be funded out the enterprise funds as is the norm for Customer Service.

Because of the time Ms. Frederick puts in at Customer Service and the Finance Director's impending retirement, they are hoping to backfill her position at the Finance Department and advertise for the position with a July 1st start date. The funding should be included in the next fiscal year though she does not expect it to exceed the current Finance Department's budget because of the change in structure.

However, there is a need to hire now due to the length of time it takes to hire a new employee.

Ms. Frederick clarified they wish to proceed with the two new customer service positions and hired as soon as possible. The third position is the accountant position at the Finance Department which have a start date of July 1st.

Two private consultants were hired to evaluate the needs of the Customer Service Department. Both identified the same weaknesses in the department that the City Manager, Finance Director and Ms. Frederick had already discussed.

She pointed out that up until 2015, it was known as the Billing Department and now it is Customer Service. With the relocation to the old PNC Bank, foot traffic has increased and the additional calls as a result of the additional customer accounts, has taken its toll.

She referenced all the permitting that goes along with a new house, the settlement paperwork, utility account set up and maintenance, staff is inundated with more work.

When asked if any employees have left, Ms. Frederick explained the customer service/supervisor/IT Specialist has been moved into a full time Software Support position. But that department has taken on the staff duties that used to be handled by a tax assessor and then by the City Clerk's Office. It was then moved to the Customer Service Department two and a half years ago. There have never been more employees hired as a result of the new duties, and instead staff was being handed the additional work.

Three staff members that know the utility billing and tax information are working a great deal of overtime which is a concern to her. She recalled Council authorizing an additional appropriation to cover those expenses, and that has been used. Besides the number of hours being put in, it is having a financial impact on their budget as well.

When asked the timeline, Mr. Norenberg pointed out the accountant position will depend on the caliber of the candidate. He feels it can probably be filled on July 1st though the process needs to be started based on the recruitment and selection timeline.

However, the positions in the Customer Service Department is much more critical. In addition, there is a long learning curve with the software and billing practices. Starting as soon as possible, that could involve a late May or early June start date.

As a result of our Spanish and Creole population growing, Councilwoman Wilson asked to consider hiring a bilingual candidate.

Councilwoman Peel moved to authorize hiring of two additional full-time Customer Service employees, as has been discussed, at an annual cost of \$145,000 for salaries and benefits, to be paid from the Enterprise Funds, seconded by Councilman Mergner. Motion carried.

Councilwoman Peel moved to begin the recruitment process by posting the need to fill the Accounting position in the Finance Department beginning on July 1, 2019, and associated costs and funding to be identified during the budget process, seconded by Councilman Mergner. Motion carried.

Staff Changes/Public Works Department

Public Works Director Whitfield said he is also experiencing some growing pains in terms of staff needs. Presently, the Public Works Department has a need to fill five positions. Those include the Electric Superintendent, City Engineer, Engineering Technician, Equipment Operator, and Electric Groundsman Technician.

He is also recommending the following positions be added to the Public Work Department:

Engineering Technician. Up until November 2014, the City employed a Utility Locator to handle all the Miss Utility locates that come in. Since that time and during the downturn, the City had been using a First Class Lineman to handle electric locates and an Equipment Operator to handle the water and sewer locates.

During the time the City had a full-time Utility Location in 2014, roughly 1300 locates were being done. Last year, more than 3,000 locates were needed and is taking up about 80% of the Equipment Operator and First Class Lineman's time.

He believes it would be more prudent to hire an additional engineering tech to handle those job duties and to do utility locates as well as other inspection work. There is no monies needed at this time because the salary of the Engineering Tech that retired back in December was at the high end of the scale. As a result, two Engineering Technicians can be hired to fill the one vacant position, as well as the new position at no additional costs.

He is also recommending hiring an Administrative Assistant to help the clerical needs of the Electric Operations Manager, Solid Waste/Facilities Supervisor, City Engineer, and Water/Wastewater Facilities Supervisor. When asked to estimate how much time each of those staff members spent during administrative assistant type work, it would be prudent to hire a full-time administrative to assist those four employees and allow them to do more supervisory work and be responsive to the needs of the citizens and contractors.

The wage and benefit cost of the position will be roughly \$47,000. There is sufficient funding available due to the five vacant positions to cover those costs for an Administrative Assistant and would be added to next year's budget.

When asked why there are so many vacancies in the Public Works Department, Mr. Whitfield said a number were retirees, two have gotten new jobs and one was the result of a promotion.

Councilman Morrow said from an HR perspective, it would seem like there is a need to fill the vacant positions before it is determined that additional positions are needed. He said the Electric Superintendent already had an Administrative Assistant; Mr. Whitfield said it does not.

Councilman Morrow said he thought there was an Administrative Assistant there; Mr. Whitfield said they only have one Administrative Assistant for the entire department. Councilwoman Wilson asked which positions the Administrative Assistant is support staff for and whether it was Electric, Streets, and Sewer Departments. Mr. Whitfield said also Water, Engineering and Public Works.

Councilman Brooks had heard that Rick Carmean had an employee he was training to take his position when he left. City Manager Norenberg explained there are employees though he does not believe they were prepared for Mr. Carmean's retirement nor are they ready to fill the level needed for the superintendent in terms of an electrical engineering expert to do the work that is needed today.

Though there are some skilled in their positions, the challenge is finding someone with the electrical and technical background.

The City Manager also informed Council that they interviewed for the vacant position so Mr. Whitfield is asking permission to fill two positions.

Councilwoman Peel confirmed this was discussed by the Finance and Public Works Committee and there seemed to be no objectives.

Councilman James agreed adding that the Engineering Technician needs were straightforward. In regard to the Administrative Assistant position, Mr. Whitfield explained there are some individuals have to do some administrative assistant duties because their current Administrative Assistant is only part-time through a temp service. He has concerns with that due to the premium costs that come with temp labor in addition to the salary. As a result, there is a mark-up to the salary and it is always cheaper to hire our own employee. However, if a full-time person is hired, it would take the burden off the other managers so they could handle the duties that are not currently being accomplished.

He agrees that an Administrative Assistant can be hired at a much lower cost so that these higher paid employees are able to do those duties they are tasked to do.

Councilman Morrow asked what occurs if after we hire six people two weeks from now, what is the overall budget impact in the next fiscal year. Mr. Whitfield said the only increase will be the \$47,000 for an Administrative Assistant position. That would be paid by four departments within the Public Works Department.

Mr. Whitfield confirmed he does not currently need additional money, but will going forward.

Councilman Boyle moved to authorize to hire two Engineering Technicians at no additional funding this fiscal year and the cost of approximately \$110,000 in wages and benefits for next fiscal year will spread over the Electric, Water and Sewer Budgets and authorize an Administrative Assistant be hired at the Public Works Department with the associated \$47,000 wage and benefit costs to be spread over the Electric, Water, Sewer and Solid Waste Budgets, seconded by Councilman James. Motion carried.

EXECUTIVE SESSION

Councilmember Boyle moved to go into Executive Session reference the below statutes, seconded by Councilmember Mergner:

Pursuant to 29 Del. C. §10004(b)(4) Pending or Potential Litigation
Pursuant to 29 Del. C. §10004(b)(9) Personnel Matters

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:10 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 8:48 p.m.

Previous and Pending Lawsuits

No action taken. Informational only.

Council Appointees Evaluations/Recommendations

Chief Brown:

Councilmember Wilson made a motion to accept the information discussed and provide a 5% increase for Chief Brown, seconded by Councilman James. Motion carried.

City Manager Norenberg:

Councilmember Wilson moved that "in accordance with the City Manager's employment agreement dated November 23, 2015, as amended, the City Manager shall for fiscal year 2019-2020 receive the same COLA increase approved for

all non-union employees, plus a merit increase, which combined, shall not exceed 3% of his current salary.” Motion seconded by Councilmember James. Motion carried.

When asked about the second amendment, Solicitor Rutt read the following:

Upon commencing employment, the City Manager shall be credited with 80 hours sick leave and 160 vacation leave. The City Manager shall then accrue sick leave and vacation leave in accordance with other non-collective bargaining City Employees, except however, the City Manager may accrue up to 360 vacation hours.

Mr. Rutt said what it should say is ‘the City Manager shall then accrue sick leave in accordance with other non-collective bargaining City Employees, and shall receive 160 hours of vacation per year.’

Councilmember Wilson moved to amend the City Manager’s contract to accrue sick leave in accordance with other non-collective bargaining City Employees, and receive 160 hours of vacation per year.’

Adjournment

There being no further business, Councilmember Peel moved to adjourn, seconded by Councilmember Mergner. Motion carried.

The Council meeting was adjourned at 8:53 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

DRAFT

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 22, 2019

A Meeting of the City of Milford Police Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, April 22, 2019.

PRESIDING: Acting Chairperson Lisa Peel

IN ATTENDANCE: Mayor Arthur Campbell

Committee Members:

Councilmembers Michael Boyle and Jason James

Councilmembers Todd Culotta

City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson

ABSENT: Chairperson Katrina Wilson

CALLED TO ORDER

In the absence of Chairperson Wilson, Acting Chairperson Peel called the Committee Meeting to order at 5:32 p.m.

UNFINISHED BUSINES

Update/Replacement Milford Police Station

City Manager Norenberg said he and Chief Brown want to keep the Committee informed of the work as it progresses, in addition to a few topics that feedback is needed. As a result, several items will be covered.

Mr. Norenberg noted that the packet included in the Council Packet is not what is being presented and asked the Committee members to refer to the version on the screen.

Chief Brown had nothing to add.

Associate Principal Brenden Frederick of Becker Morgan Group said they have been working and shared some information and received some updated information this morning regarding layouts. Also in attendance is Civil Engineer Jonathan Falkowski also of Becker Morgan.

Mr. Frederick explained that part of the process of what they have undertaken is looking at the project from a site perspective how the site fits in with the police functions. They understand that the police do not need the entire site and must determine what the natural components of the site dictate and what the police needs for safety, security and setbacks.

The footage provides direct access from the existing police department and provides clear access to Route 113 and will be used as one of the primary access points. The other access point will be from Northeast Fourth Street which is more residential in nature.

They have met with the staff at the police department and discussed their program needs, independent of the Redstone report due to the length of time that has passed since that was created. They then took their wish list, along with their space needs analysis, and compared that to the Redstone report. They have a couple items that overlapped and some things in the Redstone report that were no longer needed and several items were added.

They refined that information to get to a final building block diagram drawing shown by various groups including holding, patrol, detectives and record/paperwork areas. Also referenced were the command/administration, public entry and community room.

He noted that the public interface will be located in the front of the building with convenient access to the dispatch/front desk and holding areas were referenced.

A line depicted the public domain and the private, secured space that will be used by the police.

Mr. Frederick also pointed out other areas, including the communal break/kitchenette, the building systems area (mechanical, electrical, teledata, etc.), evidence, main staff entrance, staff locker and workout rooms.

The various areas were intermingled to come up with a block diagram that was presented this evening.

Mr. Frederick said there is a great deal of work that is will needed and the design will continue to be refined. He explained that they had a long discussion today about one office being located off a corridor versus the exterior wall.

They will then refine the plan into the small scale and the type of desks that will be needed.

Mr. Falkowski the reviewed the drawing (unintelligible).

Mr. Frederick discussed the video/internet viewing room and the need for access to Facebook, Instagram where two separate rooms are needed for officers to review internet-based crimes. It could also be used as a flex office should an administrator need it for some other purpose.

The community room is set up for 100 patrons. In addition, that will require additional storage and a vestibule, which is an HVAC/ventilation requirement and security function. Separate public restrooms and facilities will also be provided for the community room appropriate for the number of persons the room can serve and a waiting area for the public.

A men's restroom, women's restroom and a family restroom will also be available for the public's use.

The public waiting area will be designed with seating and there has been discussions about a vending operation available for people waiting. There will also be access to the community room on the right for public events.

Security measures were also discussed including a UL ballistics rating that separate the private functions from the public areas.

There was some confusion over the drawings included in the packet and what was being shown. The original first floor plan in the packet was more detailed and answered a number of questions being asked.

Mr. Frederick agreed pointing out specifics from toilets to front desks, though they will be much more defined once they start adding equipment and the workstations.

He then discussed several building code and CALEA requirements planned for the new facility and additional details of the design. Inaudible due to speaker not using microphone.

Mr. Frederick provided a rundown of officers entering the building in various situations.

In addition to the two primary entrances, one for staff and a separate one for the public, there will be secondary egress entrances that will be used based on security needs.

Mr. Norenberg reminded Council that this is still very preliminary and there are some other matters that he and Chief Brown need input.

Mr. Frederick confirmed that what is being shown tonight is very preliminary, but is a result of the information received from the police staff, which created individual spaces to things that resemble a floor plan with doors, etc.

He again referenced the primary occupancy areas that entail the command area, large detective area, offices surrounding the perimeter and the patrol areas. On the backside is the evidence area and the mechanical room previously discussed as being kept on the exterior for easy access.

They continue to refine the drawing as more suggestions are made, though often it is changed once staff sees it on paper. In some cases, it is something similar to moving one office to the other side. They will continue to develop the plan and look for more opportunities to develop the layout.

When asked for questions, Councilman Boyle asked if the location of the building as shown on the aerial is the permanent location.

Mr. Frederick said it will be easier to show with the updated version (not included in the packet). He said they will discuss the methodology of how they arrived to that location and how they progressed forward. It was agreed that perhaps they may be moving too far ahead because of other issues that could impact the use of the site.

Mr. Frederick agreed adding that he spent six hours one day with his staff discussing the foyer though he welcomes the comments and prefers to focus on the big things.

Councilman James concurred the plan will change daily and the important thing is to include everything needed. The experts can then figure out the arrangements. Mr. Frederick said they have met a lot of headway over the past three weeks.

Acting Chair asked Mr. Frederick to discuss the items that need the Committee's input.

Mr. Frederick said the first item was the building location though it will be left on the site currently shown for now. He said they discussed whether putting the building on the front half or the back half and considered the merits of both possibilities. It quickly became evident having the police station in the front is better because of primary road access

The next consideration was the connection of the police site to the future potential park and the community and having the police station as being prominent to give the view and presence in the front.

Mr. Frederick then explained that the plan changed as a result of the conversations this morning. Initially they planned to simply add the building to the schematic site plan and located it in the corner. In the charette discussions they talked about utilizing the existing entrance off A1 and use the circulatory path. However, due to a number of limitations on the site, there is more potential to bring the private parking away from the public view. The new plan provides a 25-meter standoff and also consider future development. This facility will be built for today or in the near term, but a very common need is evidence storage and that will need to be expanded in the future and this will provide that ability.

There is also a corridor that will allow the other end should community programs continue to grow. In addition, if the departments needed to expand, there is an ability to expand from the office areas.

Mr. Frederick emphasized they are not building for that, but want to make sure they work smarter and not harder and preparations are made for a likely expansion.

He told the Committee to expect the drawing to change three days from now as they work through the site perimeters.

PE Falkowski again pointed out the plan is much different than what was included in the packet. The original location was more to the south, though it has since been pulled away from the woods line along the south boundary to provide additional space for future expansion.

He explained there is a required 25 meter or 82 feet buffer from the public to the building depicted by a yellow-dash line on the drawing, which he believes is a federal requirement.

Mr. Frederick pointed out that though that distance is difficult to achieve in an urban setting, the risk can be mitigated by separating the potential by separating access ways for vehicles and softly through regrading and berms. They have also used bollards or large stones as can be seen in cities like Washington DC. Turning the building helps which creates a lot less to control and provides a better efficiency for the building layout. It also provides for views from the community room out onto the river and across what is a potential park area.

Councilman James confirmed that the berm was included in the current drawing. Mr. Falkowski noted that it pulls it out even further away from the south property line which would allow additional expansion and the 82-foot buffer would remain.

Councilman James stated that it is a good concept but the tilting is not required because it has already been accommodated. Mr. Falkowski explained that when it was not tilted, if the building was expanded to the south, the buffer would end up in the road.

Mr. Frederick then talked about the grade differential which is not ideal for a building footprint though it can accomplish with vehicular access.

Councilman James expressed concern about the entrance and asked if we would lose the A1 building. Mr. Frederick reported that the entrance would go through the A1 building.

Councilman James recalled Chief Brown discussing the use of the A1 building for storage and other uses by the police. He asked if losing that storage space is a concern.

Chief Brown stated that the main reason to purchase the A1 building was to use the property as an entrance. In the meantime, the building was going to be used for storage to allow them to spread out and have more room. However, he always intended to remove the building once the new facility was built.

Councilman James confirmed the building was only intended to be temporary; Chief Brown stated yes that always the intent.

The status of another building was also questioned and Mr. Frederick said depending on the grading, it may not have to depending on its use. Right now, it is not a problem but that would need to be a decision of the City. Chief Brown stated he is fine with it and it is up to Council to do whatever they wish.

Mr. Falkowski referred to the wetlands and the buffer that would need to be included in the site plan. He then pointed to various areas of the site plan showing circulation, security gates, patrol parking and Sally port. They have also included a fueling station that would allow an above fueling storage tank for onsite gas pumps.

Mr. Frederick then asked for feedback about what the Committee thought the residual lands could be used for.

Councilman Boyle stated that though no one wants to talk about it, a lot of that will depend on the outcome of the findings of this building. He can foresee that becoming a municipal center, in addition to the police station. If that were to occur, he would think the municipal center should be closer to Front Street where people can easily access and view it to provide customer service and city hall functions.

If that were to occur, he would think the police station should be moved to the top of the site while retaining high visibility.

Mr. Norenberg confirmed that the information on the status of City Hall should be received within the next couple of weeks after which a decision can be made. During the charettes earlier mentioned, they did discuss selected municipal offices and Chief discussed using the community room, not just for police training and community uses, but also as a City Council chambers. The offices that relate to that room would need to be located somewhere on that parcel of land.

When discussing the floodplain areas surrounding Front Street, Mr. Frederick explained that will absolutely be considered and because the current police department in the floodplain, this will be further away. Mr. Falkowski stated that runs close and through the wooded area and is mapped as an elevation 9. He confirmed that Front Street has portions in the floodplain and the site is higher and actually in the 20 range.

Mr. Frederick confirmed that consensus of Council is to keep the residual lands potential use as municipal buildings if and when it is needed.

Discussion followed regarding the problems associated with the older buildings housing City Hall staff and Customer service staff.

Mr. Frederick then asked for input regarding architectural design types. In discussing the plans, it was agreed that engagement of the community would be paramount. The inner working of the police department should remain semi-private. But public input on the building's appearance and its connection to downtown are discussions this C

He then presented several architectural examples, including City Hall, classical/historical downtown styles, colonial or more traditional/modern designs.

In addition, various police facilities with varying styles were also presented.

Council agreed that before a final decision on architectural design could be made, costs need to be considered based on building material needs and so forth. A thorough cost estimate will be done and is determined by a number of factors, including the total square footage of the facility.

Mr. Frederick said the last question is for Council to provide a time line for when they want to start scheduling the public interaction meetings.

Mr. Norenberg said that right now, there is a need to get some public input, but not about voting yes or gaining support so that final decisions can be made as to aesthetics, materials, design, etc. They want the public to feel like they have been able to provide input and made part of the process.

Councilwoman Peel agrees but emphasized that the public is going to ask about the costs. The plan needs to be in place so all questions can be answered. She suggests we move with caution as we start gathering input because that will be the comments that come up.

She reported that Milford School District is doing the same thing for their upcoming referendum and most of the questions and comments involve costs.

Councilwoman Peel pointed out that the financial portion has not yet been decided and where this committee left off at the last meeting.

It was agreed the school referendum and the police referendum should not occur at the same time. The school has a slight advantage with the cost of the new school at \$54 million of which the state pays 70 plus percent. The balance will be around \$14 to \$15 million.

Councilman James agreed that the police asking for another \$15 to \$18 million will be difficult.

Councilwoman Peel understands that we will not know the exact amount, but there is a need to determine whether the City will pursue this through a referendum or if there are other financial sources.

It was agreed that most people will like what is being built and understand the need, but it is going to come down to what it is going to cost those property owners.

Councilman James is aware of different funding sources, as well as restrictions depending on the amount of money that is borrowing. He understands a referendum will be needed and whether property taxes will need to be increased. But all of that information needs to be accurate and provided.

If we are unable to answer those questions, the residents are going to lose the excitement of the new building.

Councilwoman Peel agreed said this is the exact point we were at that Mr. Frederick attended last time. Unfortunately, we still do not have that information, so it will be difficult to provide those dates.

Mr. Norenberg stated that he and Chief Brown are working on some behind the scene options to bring the total number of the project down significantly. They will continue to work on that and continue to work with Becker Morgan Group in order to get to that point.

Mr. Norenberg agreed that is needed and he does not want to put a number out that has the potential to be too high or too low which could end up disastrous in the long run.

Councilman James asked if it is possible for the Finance Department to do some financial forecasting if the project is x amount of dollars; Mr. Norenberg said he and the Finance Director have discussed those scenarios and is starting to work on how to accomplish certain budgets. In addition, we are estimating the property tax impact of the new homes being built though not all of that money can be used for the police facility and instead will be needed across the board.

Mr. Norenberg hopes to provide the City Hall findings at the next meeting and possibly discuss both topics at the same time, knowing the police department is the most crucial.

It was agreed that options for funding need to be presented so that the Committee has a better understanding before we move forward.

Mr. Frederick said he will continue to work with Mr. Norenberg and the police staff. If anyone has any questions after the meeting, they can be provided to the City Manager and he will get those answers.

He also pointed out that as far as the number goes, they work with RY Johnson who are actively completely DSP Troop 7. That provides a real time comparative that is cost per square foot that can be used. He anticipates that the new Troop 7 and the new Milford Police Department will be very similar. As far as the funding, he will wait to hear from the City.

He is here to help and anxious to hear back

NEW BUSINESS

Discussion/Business License

City Manager Norenberg explained that Chief Brown wanted to make a case for the reason there is a need for a business license discussion again.

He put in the packet the draft ordinance and associated meeting discussions as a reminder and to update new Councilmembers.

Chief Brown said he wants to talk about why the City should have a business license from a police standpoint.

One of the most important ones is tracking false alarms. He referenced the false alarm code where fines are issues beginning with a third occurrence. Those occurrences are tracked by address and whenever a business moves out and a new one moves in, there is no change in their system. His staff then sends out a bill to a business that just moved in even though their records show there have been more than three alarms based on the address.

If a business license was required, the police could be sent the updated information and simplify the system.

The police department also maintain emergency contacts for all businesses. Most businesses don't realize the police keep that information until an incident occurs, typically after hours. Most often the contact information is not on file. That information could also be required when the business license is applied for, which would make it much easier for the police in these situations. Many times, the police do not know the name or what type of business is in a certain location.

For these reasons, he recommends having a business license.

When asked why the business license was voted down, Councilwoman Peel said because of the fee.

The Committee believed the fee was \$100. Councilman James said he has done business in a lot of towns and most require business licenses and some are as low as \$25 to \$50.

Mr. Norenberg also recalled there was a lot of discussion about brick and mortar businesses and home-based businesses being exempt. In addition, there were a few realtors with concerns because they were required to obtain licenses in other Delaware towns to list a home, for example.

Mr. Norenberg asked if this is an item that the Committee would like to reconsider or if there is no interest, considering what Chief Brown is requesting. The proposal could be updated based on other towns policies, fees, etc.

He also reported there is a proposed state bill that would exempt realtors from purchasing any municipal business licenses.

Chief Brown said he is asking this apply to brick and mortar businesses only.

Councilmember Peel recalled the language was ambiguous and recalled there was a room full of business people and there were questions about who would be impacted by the business license. Cleaning up the language and looking at the actual fee structure might help. She referenced the language that states the fee would be 'set by City Council each year' though she remembers the fee being explicit because that was that was a point of contention and the reason it was voted down.

Mr. Norenberg advised the contractor fee is a \$100 and there may have been an initial comparison made.

He recommends we engage the entire community and all affected individuals and organization if we agree to proceed.

Councilman James agrees adding that it not become a revenue generator but instead cover the cost to administer the service. To Chief Brown's point, this serves a greater purpose which is a very important argument. He would like to see it on a future agenda.

Councilmember Peel believes that looking at it as a public safety registry rather than a fee being imposed on businesses seems more appropriate. She also cautions about adding any language that seems less than business friendly and referenced the explicit language about penalties, when you pay and late fees, included in the previous ordinance. If it is about that money, that language is correct; if not, it needs to be changed.

Mr. Norenberg thanked the Committee for the feedback.

Public Crime Mapping Application Demonstration

Chief Brown said that some of the Councilmembers have seen this. It is something that every police department has statewide though its about each town deciding whether it is public. He needs guidance from the Police Committee on whether they want this done.

He has yet to get a firm price but Smyrna is paying \$600 annually which is a town comparable to Milford. It could then be linked to the City site.

Councilman James said when this was previously discussed, he could not think of a reason why not. Chief Brown agreed stating it is transparent. Councilmember Peel said it is going to the press anyway and people can view it and make their own decisions anyway.

Mr. Norenberg stated that one of the things that prompted this discussion is there are other sources providing out of date analysis of Milford's crime statistics. This will provide more accurate and current information and provide hard facts and figures versus inaccuracies.

As a result, the City Manager will include this in the police budget as they prepare to launch the program.

ADJOURNMENT

Councilman Boyle moved to adjourn, seconded by Councilman James. Motion carried.

The Police Committee meeting adjourned at 6:59 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

DRAFT

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 27, 2019

A Meeting of the City of Milford Board of Elections was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Saturday, April 27, 2019.

PRESIDING: Inspector Karen Boone

IN ATTENDANCE: Board Members Joanne Leuthauser & Katrina White

STAFF: City Clerk/Recorder Terri Hudson

Board Member/Inspector Karen Boone called the Election Certification Meeting to order at 6:16 p.m.

CERTIFICATION OF APRIL 27, 2019 ELECTION RESULTS

The members of the Board reviewed the machine tapes and absentee ballots to ensure that the numbers in the election report corresponded with the total number of votes reported by the election workers.

A motion was made by Ms. White, seconded by Ms. Leuthauser, to certify the results of the April 27, 2019 City Election as follows:

<u>Total Votes Cast for Ward One Council Seat:</u>	279
Daniel Marabello	181
Samuel J. Passwaters III	98

Motion passed unanimously by a vote of 3-0.

The following incumbents ran unopposed and no election was required:

2nd Ward Councilperson F. Todd Culotta
3rd Ward Councilperson Douglas E. Morrow
4th Ward Councilperson Jason L. James Sr.

The Meeting was adjourned by Board Member/Inspector Boone at 6:20 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

City of Milford



PROCLAMATION 2019-07 NATIONAL KIDS TO PARK DAY

WHEREAS, Organized and launched by the National Park Trust on the third Saturday of May, the ninth Kids to Parks Day is Saturday, May 18, 2019; and

WHEREAS, Kids to Parks Day empowers kids and inspires families to get outdoors and visit America's parks; and

WHEREAS, It is important to introduce a new generation and that families take advantage of their local parks; and

WHEREAS, We should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension and hypercholesterolemia; and

WHEREAS, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and the outdoors.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, do hereby proclaim May 18, 2019 as National Kids to Park Day in the City of Milford and urge our residents to take their children, their children's friends, other family members and neighbors to a City Park to participate in physical activity and free play.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 13th day of May 2019.

Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson

City of Milford



PROCLAMATION

2019-11

National Public Works Week

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Milford; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who include engineers, managers and employees at all levels of government and the private sector and are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the City of Milford to gain knowledge of and to maintain a progressive interest and understanding about the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2019 marks the 59th Annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, do hereby proclaim the week May 19 through 25, 2019 as National Public Works Week in the City of Milford and urge all citizens to join representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees, and to recognize the substantial contributions they make to protecting our health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 4th day of April 2019.

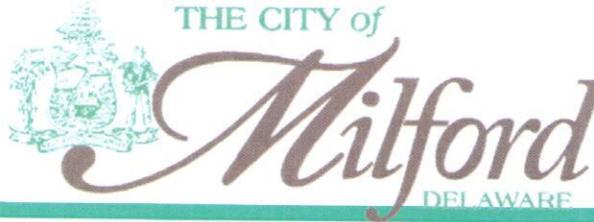
Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson



OFFICE OF THE CHIEF OF POLICE
KENNETH L. BROWN
kenneth.brown@cj.state.de.us



400 NE Front Street
Milford Delaware 19963
302.422.8081 Fax 302.424.2330

TO: Mayor and Members of City Council
FROM: Kenneth L. Brown, Chief of Police
DATE: May 2, 2019
RE: Activity Report/April 2019

Monthly Stats:

A total of 506 arrests were made by the Milford Police Department during April 2019. Of these arrests, 125 were for criminal offenses and 381 for traffic violations. Criminal offenses consisted of 25 felonies and 100 misdemeanors. Traffic violations consisted of 62 Special Duty Radar, 6 Drunk-Driving charges, 313 other.

Police officers investigated 40 accidents during the month and issued 111 written reprimands. In addition, they responded to 1215 various complaints including city requests and other agency assistance.

Monthly Activities:

Attended meeting on April 1, 2019, at City Hall with the Mayor and City Manager to meet with Perspective Entertainment to discuss a new business venture.

Attended a Public Meeting in Reference to the old middle school held at the Milford High School on 4/2/19.

Met with the Mayor, a representative from Connection, and resident in reference to concerns with residents living at 620 Cedar Wood Avenue.

Met with Barefoot Studios on April 5, 2019, in reference to employee photos for Police Department.

Non Union Compensation meeting held on April 10, 2019

Met with Senator Bonini reference to Bond Bill funding for a new police facility at Legislative Hall on April 10, 2019.

Met with Becker & Morgan in reference to MPD Programing & concept design at the Police Department on throughout the Month of April 2019.

Met with City Manager and other staff in reference to complaints from residents not receiving a Swift 911 notification of a water line break.

Attended Lights On Milford kickoff meeting at City Hall on April 17, 2019.

Attended a meeting at Dentsply with Homeland Security on April 18, 2019.

Attended a meeting at City Hall in reference to the Body Camera issue on April 23, 2019.

Attended a presentation of the Edmunds Software at City Hall on April 24, 2019.

Met with Admin. Sessoms, Human Resources, Payroll, City Manager and Gary Simpler to review contract pay chart in reference to retro pay for sworn officers.

Attended a meeting on April 30, 2019, in reference to the planning of the DELDOT's Grand Opening of Rt. 14 and Rt. 1 Interchange Event.

Training –

Two officers attended FBI-LEEDA Executive Leadership training held at Dover Police Department from April 1, 2019 thru April 5, 2019.

Two officers attended a course in Protecting Delaware Children held at Dover Downs on April 2, 2019.

SRO –

The Milford Police Department once again partnered with the Drug Enforcement Agency with the Prescription Drug Take Back on April 27th. We partner with the DEA twice a year in addition to having a 24 hour day drop off box in our lobby provided by CVS Pharmacy.

S/Cpl. Bloodsworth and Sgt. Masten met with Milford School District staff to evaluate traffic patterns on and around the property of Benjamin Banneker Elementary. Several ideas were discussed and will be discussed further to see if any changes can be made by August that could improve both traffic flow and safety.

K9 Unit –

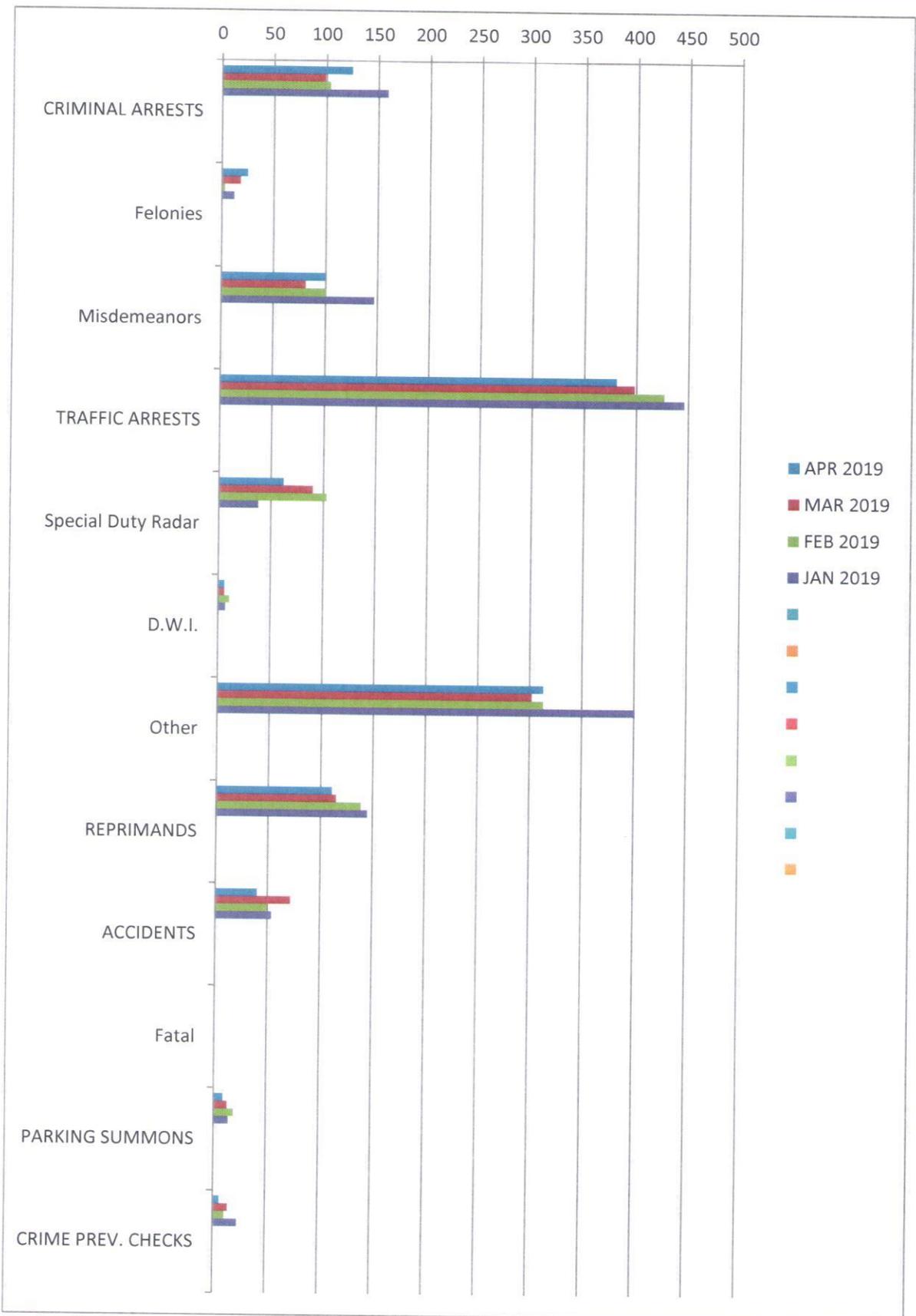
For the month of April 2019 the Milford Police Department K9 unit had the following stats:

- Demo's 2
- Assist Other Agency 2
- Building Searches 3
- Drug Sniff 2

<u>Seized Items</u>	<u>Amount</u>	<u>Value</u>
• Marijuana	1.00 gram(s)	
• Heroin	.42 gram(s)	
• Currency	\$2,482.00	
• Other	Drug Paraphernalia	

APR 2019 ACTIVITY REPORT

	APR 2019	TOTAL 2019	APR 2018	TOTAL 2018
COMPLAINTS	1215	4720	1145	4657
CRIMINAL ARRESTS	125	487	130	545
Felonies	25	58	25	102
Misdemeanors	100	429	105	443
TRAFFIC ARRESTS	381	1652	384	1646
Special Duty Radar	62	293	87	512
D.W.I.	6	30	4	37
Other	313	1329	293	1097
REPRIMANDS	111	510	94	367
ACCIDENTS	40	216	61	191
Fatal	0	0	1	1
PARKING SUMMONS	9	55	10	66
CRIME PREV. CHECKS	6	54	17	87
FINES RECEIVED	\$11,520.31	\$ 32,806.49	\$9,981.74	\$ 32,718.41



Monthly City Manager Report
May 2019

Human Resources Office	Same Month Last Year	Current Month	FY18 YTD (07/01/17- 04/30/18)	FY19 YTD (07/01/18-04/30/19)
Vacant Positions	0	10	0	6
Full Time Employees	105	109	109	104
Part Time/Seasonal Employees	10	14	8	13
Finance Department	Same Month Last Year	Current Month	FY18 YTD (07/01/17- 04/30/18)	FY19 YTD (07/01/18-04/30/19)
Accounts Billed			<i>No Information Provided.</i>	
Payments Received			<i>No Information Provided.</i>	
IT Assistance Offered			<i>No Information Provided.</i>	
Parks & Recreation Department	Same Month Last Year	Current Month	FY18 YTD (07/01/17- 04/30/18)	FY19 YTD (07/01/18-04/30/19)
Program Participants	179	221	1037	572
Programs Offered	3	3	17	9
Events Held	0	0	4	3
Planning & Economic Development Department	Same Month Last Year	Current Month	FY18 YTD (07/01/17- 04/30/18)	FY19 YTD (07/01/18-04/30/19)
<i>Building Inspections & Permitting</i>				
Total Residential Permits Issued	26	40	221	306
New Housing Construction Permits Issued	7	15	90	145
Residential Inspections Performed	0	0	0	0
Total Commercial Permits Issued	7	8	86	59
New Commercial Construction Permits Issued	5	6	60	34
Commercial Inspections Performed	0	0	0	0
<i>Code Enforcement & Licensing</i>				
Code Enforcement Cases Opened	63	198	173	384
Code Enforcement Cases Closed	46	23	332	332
Contractor & Vendor Licenses Issued	48	31	511	572
Rental Licenses Issued	25	55	1776	2383
Rental Inspections Performed	57	195	193	1152
<i>Economic Development</i>				
Economic Development Incentive Applications Received	0	0	43	14
Downtown Development District Applications Received	0	0	10,708,587	1,576,019
- Private Investment	\$ -	\$ -	\$ 1,423,778.00	\$ 176,107.00
- State Investment	\$ -	\$ -	\$ 21,500.00	\$ -
- Milford Waivers	\$ -	\$ -	\$ 146,986.34	\$ 19,465.30
<i>Planning & Zoning</i>				
Land Use Applications Received	2	4	21	27
Public Works Department	Same Month Last Year	Current Month	FY18 YTD (07/01/17- 04/30/18)	FY19 YTD (07/01/18-04/30/19)
<i>Electric Division</i>				
Service Calls			<i>No Information Provided.</i>	
Outages			<i>No Information Provided.</i>	
<i>Engineering Division</i>				
Water Treated (Millions of Gallons)			<i>No Information Provided.</i>	
Wastewater Transferred (Millions of Gallons)			<i>No Information Provided.</i>	
Construction Plans Received			<i>No Information Provided.</i>	
Construction Plans Approved			<i>No Information Provided.</i>	
Bids Advertised			<i>No Information Provided.</i>	
Bids Awarded			<i>No Information Provided.</i>	
Projects Underway			<i>No Information Provided.</i>	
<i>Public Service Division</i>				
Refuse Collected (Tons)			<i>No Information Provided.</i>	
Recycle Collected (Tons)			<i>No Information Provided.</i>	
Yard Waste Collected (Tons)			<i>No Information Provided.</i>	
Fuel Use-Diesel (Gallons)			<i>No Information Provided.</i>	
Fuel Use-Gas (Gallons)			<i>No Information Provided.</i>	

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: March 2019

Cash Balance - General Fund Bank Balance	3,822,930
Cash Balance - Electric Fund Bank Balance	4,474,734
Cash Balance - Water Fund Bank Balance	1,823,723
Cash Balance - Sewer Fund Bank Balance	317,213
Cash Balance - Trash Fund Bank Balance	53,354

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Economic Development <u>Fund</u>
Beginning Cash Balance	276,067	325,362	2,690,559	\$303,648
Deposits	12,000		110,347	
Interest Earned this Month	482	568	4,820	
Disbursements this Month	(12,000)		(41,667)	
Investments				
Ending Cash Balance	\$276,549	\$325,930	\$2,764,059	\$303,648

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	2,481,610	8,709,681	4,093,664	8,571,612
Deposits				
Interest Earned this Month	1,989	5,797	2,694	6,948
Disbursements this Month	(60,844)	(4,291)	(336)	(12,495)
Investments				
Ending Cash Balance	\$2,422,755	\$8,711,187	\$4,096,022	\$8,566,065

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	2,292,719	\$1,424,303	\$640,015
Deposits	47,428	\$25,067	\$52,125
Interest Earned this Month			
Disbursements this Month			
Investments			
Ending Cash Balance	\$2,340,147	\$1,449,370	\$692,140

INTEREST THROUGH THE NINTH MONTH OF THE FISCAL YEAR:

General Fund	57,930	Water Fund	25,694
GF Capital Reserves	41,123	Water Capital Reserves	119,822
Municipal Street Aid	3,928	Sewer Fund	5,789
Real Estate Transfer Tax	40,056	Sewer Capital Reserves	55,687
Electric Fund	57,871	Trash Fund	962
Electric Reserves	143,606		

TOTAL INTEREST EARNED TO DATE \$552,468

REVENUE REPORT

Page Two

Date: March 2019	AMOUNT BUDGETED	MTD	YTD	75% of Year Expended YTD%
ACCOUNT				
Economic Development Fund	125,000	0	113,845	91.08%
General Fund Reserves	518,455	5,149	304,144	58.66%
GF Reserves-New Police Officers	76,860	6,757	76,860	100.00%
GF Reserves-Police Union Pay	197,000	197,000	197,000	100.00%
Realty Transfer Tax-Police	500,000	41,667	375,000	75.00%
Real Estate Tax	3,927,717	63,590	3,974,333	101.19%
Business License	50,000	8,515	46,270	92.54%
Rental License	85,000	9,075	91,725	107.91%
Building Permits	160,000	47,000	210,049	131.28%
Planning & Zoning	15,000	8,350	34,830	232.20%
Grasscutting Revenue	16,000	2,000	10,000	62.50%
Police Revenues	462,485	12,335	368,301	79.64%
Misc. Revenues	376,065	75,276	287,938	76.57%
Transfers From	3,370,720	280,893	2,528,040	75.00%
Total General Fund Revenues	\$9,880,302	\$757,607	\$8,618,335	87.23%
Water Revenues	2,848,500	380,883	2,246,144	78.85%
Sewer Revenues	2,839,709	398,341	2,033,163	71.60%
Kent County Sewer	1,850,000	226,109	1,367,040	73.89%
Solid Waste Revenues	1,178,243	97,831	851,981	72.31%
Electric Revenues	25,547,000	2,837,852	20,204,548	79.09%
TOTAL REVENUES	\$44,143,754	\$4,698,623	\$35,321,211	80.01%
YTD Enterprise Expense		(43,726)		
YTD Enterprise Revenue		45,405		
LTD Carlisle Fire Company Building Permit Fund		489,632		

EXPENDITURE REPORT

Page Three

Date: March 2019

75% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	522,678	\$44,239	382,653	73.21%	140,025
O&M	117,430	\$7,830	76,151	64.85%	41,279
Capital	0	\$0	0		0
Total City Manager	\$640,108	\$52,069	\$458,804	71.68%	181,304
Planning & Zoning					
Personnel	129,534	\$11,256	103,515	79.91%	26,019
O&M	38,475	\$7,101	29,656	77.08%	8,819
Capital	0	\$0	0		0
Total P, C & I	\$168,009	\$18,357	\$133,171	79.26%	34,838
Code Enforcement & Inspections					
Personnel	287,466	\$21,426	155,023	53.93%	132,443
O&M	109,875	\$13,388	101,454	92.34%	8,421
Capital	0	\$0	0		0
Total P, C & I	\$397,341	\$34,814	\$256,477	64.55%	140,864
Council					
Personnel	31,230	\$1,238	18,648	59.71%	12,582
O&M	55,000	\$4,013	32,791	59.62%	22,209
Council Expense	17,500	\$1,002	15,342	87.67%	2,158
Contributions	175,500	\$0	75,000	42.74%	100,500
Codification	10,000	\$1,188	7,802	78.02%	2,198
Employee Recognition	21,000	\$0	15,573	0.00%	5,427
insurance	18,200	\$4,349	17,396	95.58%	804
Christmas Decorations	10,000	\$0	9,581	95.81%	419
Economic Development	5,000	\$0	1,712	34.24%	3,288
Resident Survey	15,000	\$0	0	0.00%	15,000
Kent Economic Partnership	30,000	\$0	30,000	100.00%	0
Repair Parking Lot	15,000	\$0	0	0.00%	15,000
Armory Expenses	12,000	\$1,355	7,626	63.55%	4,374
Capital	30,400	\$0	0	0.00%	30,400
Total Council	\$445,830	\$13,145	\$231,471	51.92%	214,359
Finance					
Personnel	427,660	\$33,757	285,627	66.79%	142,033
O&M	84,850	\$4,804	54,060	63.71%	30,790
Capital	0	\$0	0		0
Total Finance	\$512,510	\$38,561	\$339,687	66.28%	172,823
Information Technology					
Personnel	158,366	\$12,366	112,672	70.70%	46,694
O&M	200,450	\$129,582	180,801	90.20%	19,649
Capital	49,000	\$0	47,726	97.40%	1,274
Total Information Technology	\$408,816	\$141,948	\$341,199	83.46%	67,617

EXPENDITURE REPORT

Page Four

Date: March 2019

75% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	4,396,720	\$339,067	3,074,157	69.92%	1,322,563
O&M	618,748	\$47,066	446,326	72.13%	172,422
Capital	95,100	\$0	92,946	97.74%	2,154
Total Police	\$5,110,568	\$386,133	\$3,613,429	70.71%	1,497,139
Streets & Grounds Division					
Personnel	394,200	\$28,539	259,004	65.70%	135,196
O&M	444,305	\$34,586	247,697	55.75%	196,608
Capital	182,000	\$0	95,068	52.24%	86,932
Total Streets & Grounds	\$1,020,505	\$63,125	\$601,769	58.97%	418,736
Parks & Recreation					
Personnel	701,515	\$37,804	450,405	64.20%	251,110
O&M	286,100	\$18,685	158,769	55.49%	127,331
Capital	189,000	\$5,149	53,564	28.34%	135,436
Total Parks & Recreation	\$1,176,615	\$61,638	\$662,738	56.33%	513,877
Total General Fund					
Operating Budget	\$9,880,302	\$809,790	\$6,838,745	67.19%	3,241,557

EXPENDITURE REPORT

Page Five

Date: March 2019

75% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	269,170	\$20,405	183,918	68.33%	85,252
O&M	1,218,187	\$138,304	833,854	68.56%	382,333
Capital	1,033,378	\$19,020	19,020	0.00%	1,014,358
Debt Service	329,765	\$131,703	243,651	73.89%	86,114
Total Water	\$2,848,500	\$309,432	\$1,280,443	44.95%	1,568,057
Sewer Division					
Personnel	267,659	\$19,342	177,217	66.21%	90,442
O&M	1,428,036	\$138,464	1,108,131	77.71%	317,905
Capital	750,524	\$19,020	177,229	0.00%	573,295
Debt Service	395,490	\$0	286,151	72.35%	109,339
Sewer Sub Total	\$2,839,709	\$174,826	\$1,748,728	61.58%	1,090,981
Kent County Sewer	1,850,000	\$128,496	1,338,337	72.34%	511,663
Total Sewer	\$4,689,709	\$303,322	\$3,087,065	65.83%	1,602,644
Solid Waste Division					
Personnel	346,828	\$25,664	239,118	68.94%	107,710
O&M	831,415	\$68,614	628,914	75.64%	202,501
Capital	0	\$0	0		0
Total Solid Waste	\$1,178,243	\$94,278	\$868,032	73.67%	310,211
Total Water, Sewer Solid Waste	\$8,716,452	\$707,032	\$5,235,540	60.07%	3,480,912
Electric Division					
Personnel	1,394,940	\$91,317	943,018	67.60%	451,922
O&M	2,055,683	\$140,100	1,191,917	57.98%	863,766
Transfer to General Fund	2,500,000	\$208,333	1,875,000	75.00%	625,000
Capital	976,412	\$0	233,808	23.95%	742,604
Debt Service	319,965	\$0	268,558	83.93%	51,407
Electric Sub Total	\$7,247,000	\$439,750	\$4,512,301	62.26%	2,734,699
Power Purchased	18,300,000	\$1,360,075	13,038,894	71.25%	5,261,106
Total Electric	\$25,547,000	\$1,799,825	\$17,551,195	68.70%	7,995,805
TOTAL OPERATING BUDGET	\$44,143,754	\$3,316,647	\$29,425,480	66.66%	14,718,274

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: March 2019

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	75% of Year Expended	UNEXPENDED BALANCE
				YTD%	
Garage					
Personnel	91,215	7,386	66,788	73.22%	24,427
O&M	106,393	10,202	76,827	72.21%	29,566
Capital	50,000	0	41,859	83.72%	8,141
Total Garage Expense	\$247,608	17,588	\$185,474	74.91%	62,134
Public Works					
Personnel	544,980	31,966	381,963	70.09%	163,017
O&M	216,055	24,464	133,114	61.61%	82,941
Capital	10,000	0	0	0.00%	10,000
Total Public Works Expense	\$771,035	56,430	\$515,077	66.80%	255,958
Billing & Collections					
Personnel	579,820	51,008	445,947	76.91%	133,873
O&M	225,650	27,133	158,703	70.33%	66,947
Capital	20,000	0	16,675	83.38%	3,325
Total Billing & Collections	\$825,470	78,141	\$621,325	75.27%	204,145
City Hall Cost Allocation					
Personnel	0				0
O&M	63,300	3,322	62,595	98.89%	705
Capital	0				0
Total City Hall Cost Allocation	\$63,300	3,322	\$62,595	98.89%	705

ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE. INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.



**DELAWARE LEAGUE OF LOCAL GOVERNMENTS
THE DUNCAN CENTER
500 W. LOOCKERMAN STREET, 5TH FLOOR, DOVER**

THURSDAY, MAY 23, 2019
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.

PROGRAM:

Dr. Karyl Rattay, MD, MS, is keynote speaker for the May meeting. Dr. Rattay is Director of the Delaware Division of Public Health. She was appointed DPH Director in 2009. Dr. Rattay is board-certified in Pediatrics and Preventive Medicine. Prior to leading the Division of Public Health, she worked at Nemours Health and Prevention Services, served as Senior Public Health Advisor to the Surgeon General for Disease Prevention and Health Promotion, and worked in private pediatric care.

Dr. Rattay is Co-Chair of the Healthy Communities Delaware Leadership Council. Healthy Communities Delaware is a consortium of public, nonprofit and private organizations established to collectively implement strategies and invest in projects and programs to improve the health of people in low-wealth communities. Delaware’s overall health is ranked in the lower half nationwide, compared to other states. Dr. Rattay is leading this initiative and will review how local governments can assist in the successful launch of Healthy Communities Delaware.

PLEASE RSVP TO CHRISTINE NO LATER THAN 05/14/19.

Mail To/Make Payable to: Delaware League of Local Governments • PO Box 484 • Dover, DE 19903-0484
Phone: 302-678-0991 • Email: cfluft@udel.edu

City of Milford will have X attendees

List Attendees:

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

Next Meeting: Thursday, June 20, 2019

DLLG Local Governments:

The agenda and itinerary for the **Delaware League of Local Governments Day in Legislative Hall** have been set. The event will take place on **Tuesday, May 14**. All mayors, council members, and town and county managers are encouraged to attend. We would like to have as many municipalities and counties represented as possible. The Lt. Governor and her staff have been partnering with the League to initiate Local Government Day. Their efforts and commitment are most appreciated.

The itinerary is as follows:

- 11:00 am Towns and Counties meet individually with their Senators and/or Representatives. This time is approximate and can be set up earlier or later at the discretion of the participants. Feel free to set these up on your own, to be completed by 12 pm in time for the Lt. Governor meeting and refreshments. Anyone interested in the League setting your meeting up should contact Lincoln.
- 12:00-1:15 pm Meeting and reception in the Lt. Governor's conference room, 3rd floor of the Tatnall Building. Lt. Governor Bethany Hall-Long will visit with attendees, and light fare refreshments will be served. The Tatnall Building is on Martin Luther King Jr, Blvd South, across the street (next to) from Legislative Hall. You may park in the lots behind or next to the Tatnall Building.
- 1:30-2:00 pm We go over together to meet with Governor Carney in his office on the second floor of Legislative Hall.
- 2:00 pm Move to Senate Chamber. Senate Resolution will be introduced to recognize the League and its members. League President Lew Killmer will address the Chamber. DLLG member attendees will be recognized.
- 2:30 pm Move to House Chamber. House Resolution will be introduced, followed by same procedure as above to recognize the League and members.

This year the Senate is requiring submission of an attendee list with names. Please let me know by May 6 who is attending (name and title).

Parking. Park in either the Tatnall Building lot (side or in the rear) or the Archives Building lot. Both are on Martin Luther King Jr. Blvd (north and south).

This event is important and goes a long way in improving and maintaining legislative relations. It is a big day for the League. There will be a lot of activity going on in Legislative Hall, so it should be exciting for our group.

Thanks as always for your input and support. Please let me know if you have any questions.

Carl

ADDENDUM THREE TO EMPLOYMENT AGREEMENT

CITY OF MILFORD, DELAWARE EMPLOYMENT AGREEMENT

THIS ADDENDUM TO EMPLOYMENT AGREEMENT (“Agreement”), as amended, is made and entered into on May 13, 2019, by and between the City of Milford, a municipal corporation of the State of Delaware (hereinafter referred to as the “City”) and Police Chief Kenneth L. Brown (hereinafter referred to as “Police Chief”).

This Addendum amends and modifies, as follows, that certain Employment Agreement (“Agreement”) dated January 11, 2016, and amended on April 10, 2017 and July 24, 2017, made and entered into by the parties hereto.

For the avoidance of doubt, **SECTION 6.1**, entitled **CLOTHING ALLOWANCE**, is hereby added to Agreement, to align EMPLOYEE’s contract with past practices in existence since January 11, 2016, to read as follows:

SECTION 6.1. CLOTHING ALLOWANCE

EMPLOYEE shall receive a clothing allowance in the amount of \$325, twice a year, for the purchase of clothes in place of uniforms, as is afforded to other non-uniform officers within the department.

All other provisions of the Agreement, as amended, remain in full force and effect, other than any provisions that conflict with the terms and spirit of this Addendum.

Effective Date. The foregoing amendment/modification to this Agreement shall be effective upon execution of this addendum and retroactive to January 11, 2016.

IN WITNESS WHEREOF the parties have hereunto executed this Agreement on the 13th day of May 2019.

EMPLOYEE

Chief Kenneth L. Brown

THE CITY OF MILFORD

Attest:

BY: _____
Mayor Arthur J. Campbell

City Clerk Teresa K. Hudson

STATE OF DELAWARE :
SS.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 13th day of May, 2019, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Kenneth L. Brown, party to this Indenture, known to me personally to be such and he acknowledged this Indenture to be his act and deed.

GIVEN under my Hand and Seal of Office on the day and year aforesaid.

NOTARY PUBLIC

Duvanel Louis
113 Weather stone Lane
Felton DE 19943
302-257-9396
Duvanel.louis@yahoo.com

Rob Pierce
Planning & Economic Development Director
City of Milford
201 S Walnut St
Milford, DE 19963

April 3, 2019

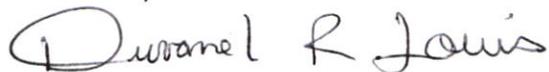
Dear: Mr. Pierce

I would like to inform you that I am resigning from my position as Planning and Zoning and Boys and girl club board advisor for the City of Milford, effective immediately.

Thank you for the opportunities for personal development that you have provided me.

If I can be of any help during this transition, please let me know.

Sincerely

A handwritten signature in cursive script that reads "Duvanel R. Louis". The signature is written in black ink and is positioned to the right of the word "Sincerely".

Duvanel R. Louis

Crouch, Christine

From: noreply@civicplus.com
Sent: Monday, April 8, 2019 5:22 PM
To: Hudson, Terri; Crouch, Christine
Subject: Online Form Submittal: Application for Boards and Commissions

Application for Boards and Commissions

Applications for Boards and Commissions are always accepted. Should a vacancy occur, the City will review all applications on file.

Which Board or Commission are you applying for? Planning Commission

Applicant Name: Dwayne E. Powell

Street Address: 114 East St

City, State, Zip:
Milford, DE 19963

Home Phone Number: *Field not completed.*

Personal Phone Number: 3023939658

Email Address: dwaynepowell77@gmail.com

How long have you been a resident of Milford? 41

Are you registered to vote in the City of Milford? Yes

Are you a plot owner in the Milford Community Cemetery? No

Occupation and Employer: Senior Social Case Manager- Delaware Division of Social Services

Describe any special knowledge, education, experience, qualities or talents you have that are relevant to the Board or 5 year working in Community and Economic Development to Build the capacity of low-income residents by organizing resident civic associations to identify research and solve community concerns at the community level. Assist community civic groups in identifying, securing and managing resources for their communities; also assist in completing Articles of

Commission on which you are interested in serving: Incorporation, Strategic work plan, By-laws and obtaining 501c3 status. To educate mainstream institutions to understand and assist low-income communities

Community and/or civic groups of which you are a member: Former Chairman and Vice Chairman of Delaware Fatherhood Kent County. Previous member of the Milford Art league. Present Board member for Champion for Children's mental Health. Present member of NAACP Milford/Slaughter Neck Chapter

Please describe why you wish to serve on this Board or Commission: I am an active community member with a background in human services and community development and would love the chance to give back by lending my advisory skills to the great city in which was raised and have invested my time in. I would be thrilled to have the opportunity to serve on the board and put my knowledge to use. I get along well with others when working in a group setting and I have the ability to help others find common ground when they disagree on what actions to take.

Do you, your spouse or any immediate family members have any potential conflicts of interest (personal or financial) that could require you to recuse yourself from votes of the board/commission for which you are applying? No

If yes, please describe: *Field not completed.*

Thank you for your willingness to serve the City of Milford! Please be aware of the time commitment for the Board or Commission you are interested in serving on by reviewing the below information.

Board of Adjustment [Additional Information](#)

Board of Appeals [Additional Information](#)

Parks and Recreation Advisory Board [Additional Information](#)

Planning Commission [Additional Information](#)

By submitting this form, you certify the information contained is true and correct.

Email not displaying correctly? [View it in your browser.](#)

Crouch, Christine

From: Norenberg, Eric
Sent: Friday, April 26, 2019 2:58 PM
To: Hudson, Terri; Crouch, Christine
Subject: Appointment to PRAB 5/13

Hello,

Please add Appointment of Chris Mergner to the Parks and Recreation Advisory Board to the next agenda.

Thanks!

Eric



Eric Norenberg, ICMA-CM
City Manager
201 S. Walnut Street
Milford, DE 19963
302.424.8394 (direct)
302.422.1111 (City Hall)
www.cityofmilford.com
enorenberg@milford-de.gov



PUBLIC WORKS DEPARTMENT
180 Vickers Drive
Milford, DE 19963

PHONE 302.422.1110
FAX 302.422.1117
www.cityofmilford.com

To: Eric Norenberg, City Manager
From: Mark A. Whitfield, Public Works Director
Subject: Public Works Administrative Building - Breakroom/Locker Room Redesign
Date: May 2, 2019

In the 2019 Capital Budget, staff recommended and Council approved funding for the Breakroom/Locker Room Redesign at the Public Works Administrative Building. In 2017, staff contracted with Davis Bowen and Friedel on various layout options to provide for an expanded break room and locker room within the Public Works Administration Building.

Prior to 2017, each division had separate break rooms/locker room areas scattered throughout the facility. Having a central area within the Administration Building will provide more staff contact, as well as more efficient use of space and use of energy in terms of heating and cooling.

At the June 11, 2018, council unanimously approved the recommendation that 25% from each Water and Sewer Reserves and 50% from Electric Reserves be used for the project.

On May 1, 2019, bids for the recommended Breakroom/Locker Room Re-design work were opened. The low bidder, BRS Contracting, Inc. of Harrington, DE was the low bidder at \$87,450. The engineer's estimate for the work was \$115,865. The engineering fees for the project is expected to be \$14,900.

The 2019 Capital Budget included \$450,000 for work at the Public Works Facility, including replacement of the HVAC (\$350,000), renovations to the breakroom and locker room (\$90,000), and LED lighting (\$10,000). The HVAC work is \$349,000 (including \$25,000 for engineering) and \$19,844 has been spent on architecture design for the Breakroom/Locker Room Project, leaving a balance of \$81,156 in the original budget. Sufficient funds are available in the Electric, Water, and Sewer Reserves to cover the additional cost for the project.

Recommendation: Staff recommends City Council award the Public Works Administrative Building Breakroom/Locker Room Re-design contract to BRS Contracting, Inc. of Harrington DE in the amount of \$87,450 with funding as follows: \$43,725 from Electric Reserves and \$21,863 each from Water and Sewer Reserves.

BID TABULATION

**CITY OF MILFORD, DELAWARE
PUBLIC WORKS FACILITY RENOVATIONS
DBF #052A183.A02
May 1, 2019**

Contractor	Bid Bond	Addendum #1	Construction Time	Base Bid	Alternate No. 1
BRS Contracting , Inc. 239 Jackson Ditch Rd. Harrington, DE 19952	✓	✓	60	\$87,450.00	\$15,100.00
Delmarva Veteran Builders 212 W. Main Street, Suite 305 Salisbury, MD 21803	✓	✓	56	\$92,000.00	\$24,861.00
John L. Briggs & Co. Inc. 106 E. Laurel Street Georgetown, DE 19947	✓	✓	120	\$120,400.00	\$13,500.00
Convential Builders, Inc. 846 School Street Houston, DE 19954	✓	✓	90	\$128,764.00	\$28,250.00
EDiS 20684 John J. Williams Hwy Lewes, DE 19958	✓	✓	90	\$145,528.00	\$13,570.00

**DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS**

**MILFORD PONDS – PLANNED UNIT DEVELOPMENT
DEVELOPMENT AGREEMENT
CITY OF MILFORD, DELAWARE
ADDENDUM #1**

This Agreement, hereinafter the **ADDENDUM #1**, dated this _____ day of _____, 2019, by and between the equitable property owner **MILFORD PONDS, LLC**, a Delaware Limited Liability Corporation, hereinafter the “**OWNER**”.

AND

The **City of Milford**, a municipal corporation of the State of Delaware, hereinafter the “**CITY**”.

WHEREAS, the **OWNER** is proposing a 178.07 acre +/- Planned Unit Development located along S. Dupont Boulevard, hereinafter the “**PROJECT**,”

WHEREAS, the **OWNER**, intends to develop the parcel in accordance with the project plans previously reviewed and approved by the City, hereinafter “**THE PLANS**,”

WHEREAS, it is a requirement of the **CITY**’s Ordinance that properties within the **CITY** are connected to the municipalities’ electrical, water and sewer systems;

WHEREAS, the **OWNER**, shall complete all improvements of the **PROJECT** as shown on **THE PLANS**;

WHEREAS, the **OWNER** and the **CITY** entered into a **DEVELOPMENT AGREEMENT** for the project on October 10, 2017;

WHEREAS, the **OWNER** requests **CITY** permission to install electric lines within the project;

NOW THEREFORE, in consideration of the requirements of the **CITY** and the services required by the **OWNER**, the parties hereto agree, under seal, to the following **ADDENDUM #1**, as follows:

ELECTRIC INSTALLATION

1.1 The **OWNER** will be responsible to pay for all, or a portion of, electric distribution upgrades or primary line extensions that are required to service the **PROJECT**, at the sole discretion of the **CITY**.

1.1.1 The **CITY** shall design the Primary Electric Infrastructure inside the **PROJECT**, at current cost plus 10% handling, to be paid by **OWNER**. Any changes to the **SUBDIVISION** which result in the redesign of the electrical system shall also be paid for by the **OWNER**.

1.1.2 The **OWNER** shall install all electric three-phase, primary and secondary main. All three phase and primary wire shall be Okoguard URO-J 163-23-4072 1/0AWG.

Secondary main wire shall be Rider 500 Triplex Southwire 31-07-14-01. All primary wire shall be installed to a depth of no less than 42" and no greater than 48". CAUTION TAPE shall be installed 24" above the installed primary wire during backfill. Secondary main and service shall be installed at a depth of no less than 24" and no greater than 36". CAUTION TAPE shall be installed 6"-12" above the secondary wire during backfill

1.1.3 The OWNER shall install all transformer pads (ground sleeve) and secondary boxes. Transformer pads shall be Nordic CBP37-43-15A. Secondary boxes shall be Nordic PSP91330-MG

- 1.2 The OWNER will install all meter pans, disconnects, and secondary electric services) at the locations determined by the CITY. Secondary services shall be limited to one hundred fifty linear feet (150 L.F.) from the lot line of the property or closest corner of the structure to power point. Conductors shall be Sweetbriar 4/0 Triplex URD.
- 1.3 The OWNER shall provide and install standard twenty foot (20') ornamental fiberglass, post-type, street lighting throughout all CITY right-of-ways to be constructed inside the PROJECT at locations determined by the CITY. Streetlight poles shall Shakespeare BS20-01S1BE08. LED Streetlight fixture shall be General Electric EPTT01006DA40APBLCK. Conductors for streetlights shall be Southwire 0210231600 (romex underground).
- 1.4 The CITY shall furnish, install, and make connections to, all transformers. CITY shall also make all connections at secondary boxes. CITY shall bill the OWNER for cost of transformers, as well labor and materials for installation and connections. Transformers will not be set and connected until invoice for materials and work have been paid.
- 1.5 The OWNER will install all conduits per CITY specifications for road crossings, including under blacktop and anywhere soil completion is necessary.
- 1.6 The CITY shall inspect all electrical work completed by the OWNER's contractor prior to backfill, and at other appropriate intervals. All inspection work shall be billed at \$125 per hour, with a one hour minimum for each inspection. Hourly rate subject to increase after December 31, 2021.
- 1.7 OWNER shall be responsible for any damaged equipment or material until final acceptance.
- 1.8 If applicable the OWNER shall be responsible for identification of lots by lot numbers within a minimum of 10 working days of the installation of the electric infrastructure, with a sign clearly legible from the roadway.
- 1.9 OWNER shall be responsible for establishing site grades to within six (6) inches of proposed elevation prior to the electrical service being installed, Should changes to electrical service be required based on the proposed grade not being properly established all cost associated with said changes shall be the responsibility of the OWNER.

- 1.10 The CITY reserves the right to obtain easements as necessary to provide electric service. These easements shall be incorporated into a final record plan at no cost to the CITY.
- 1.11 The CITY also reserves the right to periodically adjust any and all costs, detailed herein, due to escalating material and labor costs.
- 1.12 Prior to final acceptance of the electrical system in each phase, as-built drawing of the system shall be furnished to the CITY.

[Signatures appear on the next page]

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their officers and their seals to be herewith affixed, this day and year first above written.

Signed, sealed and delivered in the presence of:

MILFORD PONDS, LLC

_____ (SEAL)

Attest

By: _____

Sworn to and subscribed before me this ____ day of _____, 2019.

Notary Public

Date Commission Expires

CITY OF MILFORD

_____ (SEAL)

Attest/City Clerk

By:



TO: Planning Commission Members

FROM: Rob Pierce, Planning & Development Director

DATE: May 14, 2019

RE: Independence Commons & OC-1 Uses

In November 2018, City Council's Community Affairs and Economic Development Committee discussed the status of lot sales in Independence Commons and heard a request from I-Realty to construct self-storage within the business park (enclosed is a copy of the committee meeting minutes for review). I-Realty is interested in purchasing Lot 4 (11.52 acres) in Independence Commons to develop self-storage, which is not a permitted or conditional use within the OC-1 zoning district.

The OC-1 zoning district mainly permits professional and medical offices/clinics, but permits day care centers, indoor recreation, private clubs, conference centers and charitable organizations by conditional use. The current code expressly prohibits (even though any use not specifically listed as a permitted or conditional use is prohibited) residences, manufacturing of any kind and bulk or wholesale storage or distribution centers.

Independence Commons is not the only area within the City of Milford containing OC-1 zoned parcels. There is a cluster of parcels located at the northeast corner of the Route 113 and Seabury Avenue intersection along with a group of parcels along Airport Road that would be subject to any amendments to the OC-1 category as shown on the attached map.

Independence Commons was originally zoned BP Business Park, similar to the Greater Milford Business Complex on the south side of Airport Road, when the land was acquired in 1999 or early 2000's. In 2005, Independence Commons was down-zoned from BP to OC-1 at the request of the Delaware Veterans Home and Delaware Hospice facility. The purpose of the down-zoning was to eliminate possible light industrial uses and create a professional park with office type uses that would be more compatible with the Veterans Home and Hospice facility, and later the Boys & Girls Club. This was supported by the State of Delaware Division of Facilities Management and neighboring residential property owners at the public hearings. See enclosed for copies of the meeting minutes from the rezoning hearing.

In December 2018, staff met with representatives from the Delaware Veterans Home and Boys & Girls Club to discuss the status of the business park and review potential use changes. The group had concerns about the amount and type of vehicular traffic, the aesthetics of the property and noise levels. There was also general discussion of possible future expansion needs for the Veterans Home and other State services in Milford. Please note that Lot 4 is the only parcel of land that the City owns that is over 3 acres in size.

Council Committee members expressed concern at the November meeting that the original intent of the Business Park was to create Jobs for the City of Milford. No formal written agreement was found in City Hall records between the City and the State of Delaware limiting the types of uses. Although no agreement was found, staff feels the purpose of the Business Park is still to provide land for the creation of jobs in Milford.

Any development within Independence Commons, with or without the adoption of the proposed code amendment, would be subject to the attached deed restrictions. These restrictions govern more detailed sign requirements and architectural review which provide some control over building and site aesthetics.

In March 2019, the Council Committee met to review staff's findings on the business park and discuss feedback from other stakeholders in the business park (see enclosed for committee meeting minutes). The Committee had no objections to moving the proposed code amendment forward to the Planning Commission for review and public hearings. Please note that the Committee did not formally endorse the code amendment, but simply had no objections with moving forward for a more formal review.

Staff has drafted the enclosed code amendment that would allow self-storage facilities as a conditional use within the OC-1 zoning district. The draft amendment would also remove the prohibited use section since the code already states under paragraph E of the OC-1 "any uses not permitted, as previously listed, are prohibited."

CITY OF MILFORD

PUBLIC NOTICE

AMENDED HEARING DATE

Planning Commission Hearing: May 14, 2019 @ 7:00 p.m.

City Council Hearing: May 28, 2019 @ 7:00 p.m.

ORDINANCE 2019-11

CODE OF THE CITY OF MILFORD

PART II – GENERAL LEGISLATION

CHAPTER 230 – ZONING

Amending §230-18 OC-1 Office Complex District

WHEREAS, Chapter 230 of the City of Milford Code establishes zoning regulations for the use of land and structures so as to lessen congestion in the streets; secure safety from fire, panic and other dangers; provide adequate light and air; prevent undue concentration of population and overcrowding of land, facilitate the adequate provision of transportation, water, sewage, school, park and other public requirements, conserve the value of buildings and encourage the most appropriate use of land; and promote the health, safety, morals and general welfare of the City of Milford; and

WHEREAS, City's Planning and Economic Development Staff proposed changes to the code that includes removing certain prohibited uses and adding self-storage facilities; and

WHEREAS, approval of any self-storage facilities will be by majority vote of Milford City Council following a recommendation by the Planning Commission and the conclusion of two public hearings whereby interested individuals can present their views; and

WHEREAS, on March 11, 2019 the Milford Community and Economic Development Committee recommended the proposed amendment.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. §230-18 OC-1 Office Complex District is hereby amended to read as follows (new language will be bold and underlined and deleted language will stricken through):

In an OC-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

Section 2. §230-18(C) is hereby deleted in its entirety and the remaining Sections D to F renumbered accordingly, including any references thereto:

~~C. Prohibited uses. The following are expressly prohibited in an OC-1 District:~~

- ~~(1) Residences, except those in existence at the time of adoption of this section.~~
- ~~(2) Manufacturing of any kind.~~
- ~~(3) Bulk or wholesale storage or distribution centers.~~

Section 3. §230-18D(C) is hereby amended by adding a new subsection to be referenced as (7):

D.C Conditional uses. The following uses are permitted in the OC-1 District in accordance with the provisions within Article IX (conditional uses portion) of this chapter:

- (1) Charitable and philanthropic organizations.
- (2) Day-care centers.
- (3) Civic and/or conference centers.
- (4) Indoor recreation (tennis, racquetball, handball, swimming, etc.).
- (5) Private clubs or organizations.
- (6) Medical/dental laboratories.

(7) Self-storage facilities/storage and parking.

E.D Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the Planning Commission.

F.E Area and height regulations.

Section 4. Dates.

City Council Introduction: Monday, May 13, 2019

Planning Commission Public Hearing: Tuesday, May 14, 2019

City Council Public Hearing: Tuesday, May 28, 2019

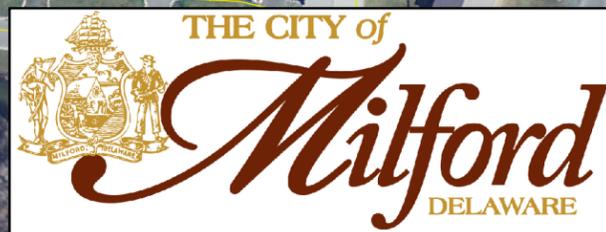
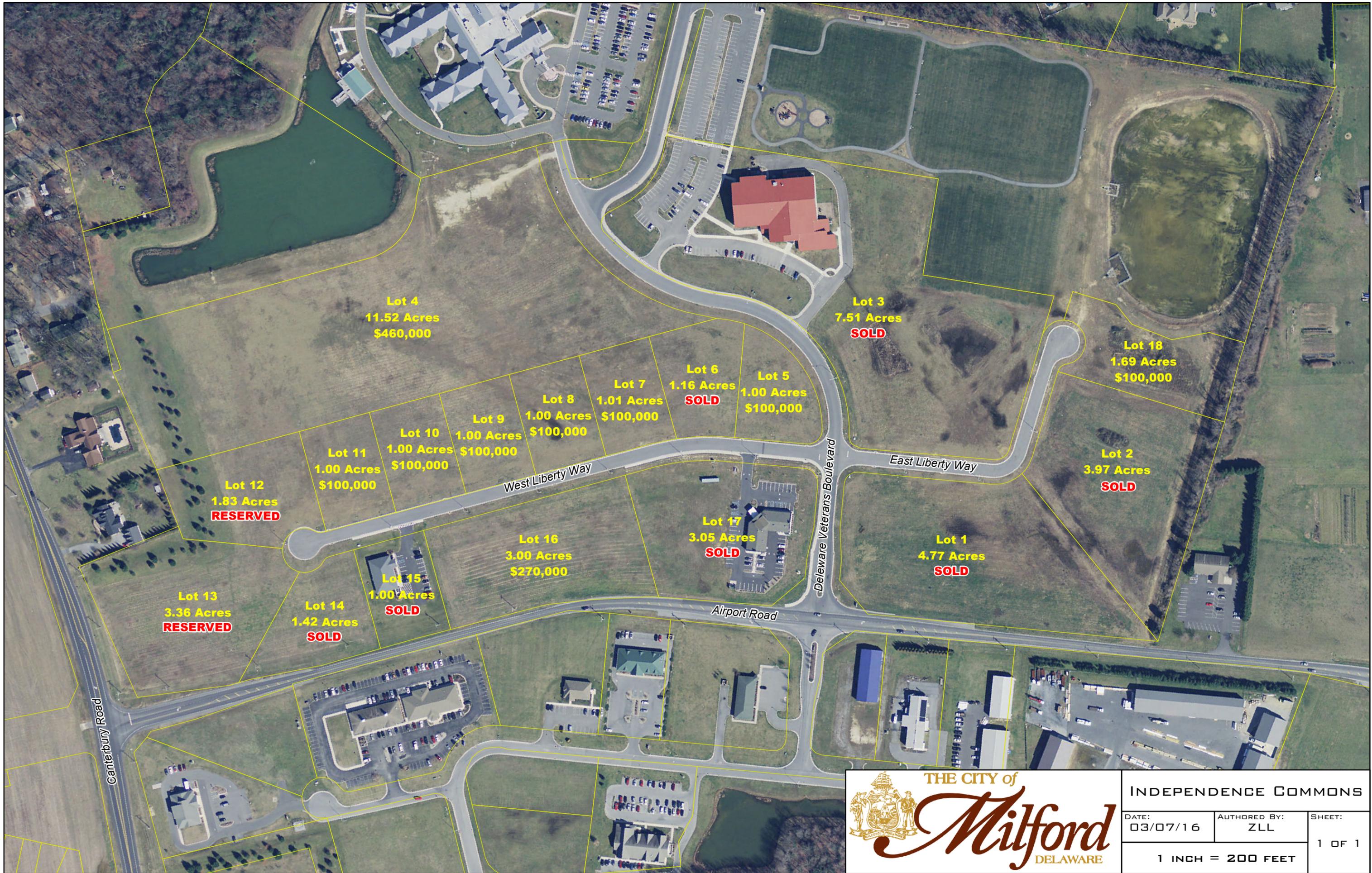
A complete copy of the Zoning Code of the City of Milford is available by request through the City Clerk's office or by accessing the city website at www.cityofmilford.com.

Specific questions related to the ordinance should be directed to the Planning Office at 302-424-8396.

Milford Beacon:

Advertised: 04/03/2019

Re-advertised: 04/10/2019, 04/24/2019



INDEPENDENCE COMMONS		
DATE: 03/07/16	AUTHORED BY: ZLL	SHEET: 1 OF 1
1 INCH = 200 FEET		

DAVID L. WILSON
STATE SENATOR
18TH District



SENATE
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

COMMITTEES
Agriculture
Energy
Environmental &
Natural Resources
Veterans Affairs

April, 2019

*Mr. Bob Pierce
City Planning and Development Director
City of Milford
201 South Walnut Street
Milford, Delaware 19963*

Dear Mr. Pierce:

The purpose of my letter is to express my concerns specific to the self-storage project proposed for land near the Veterans Home. I am very familiar with this area having been supportive of the Veterans Home since becoming a state legislator.

The site of the Veterans Home which joins with the Boys and Girls Club and the Hospice Center in a confined area is limited to only those visiting these facilities and their respective staff. Traffic coming and going from this area is also limited to certain times during the day and evening. The inclusion of a self-storage business will open the area to increased traffic and activity that will disrupt the lives of those living within the Veterans Home.

Out of respect for our Veterans, I encourage the Planning Commission to reject this proposal. I am confident another location within the community of Milford preferably within a business only location would be more conducive to supporting this type of entity.

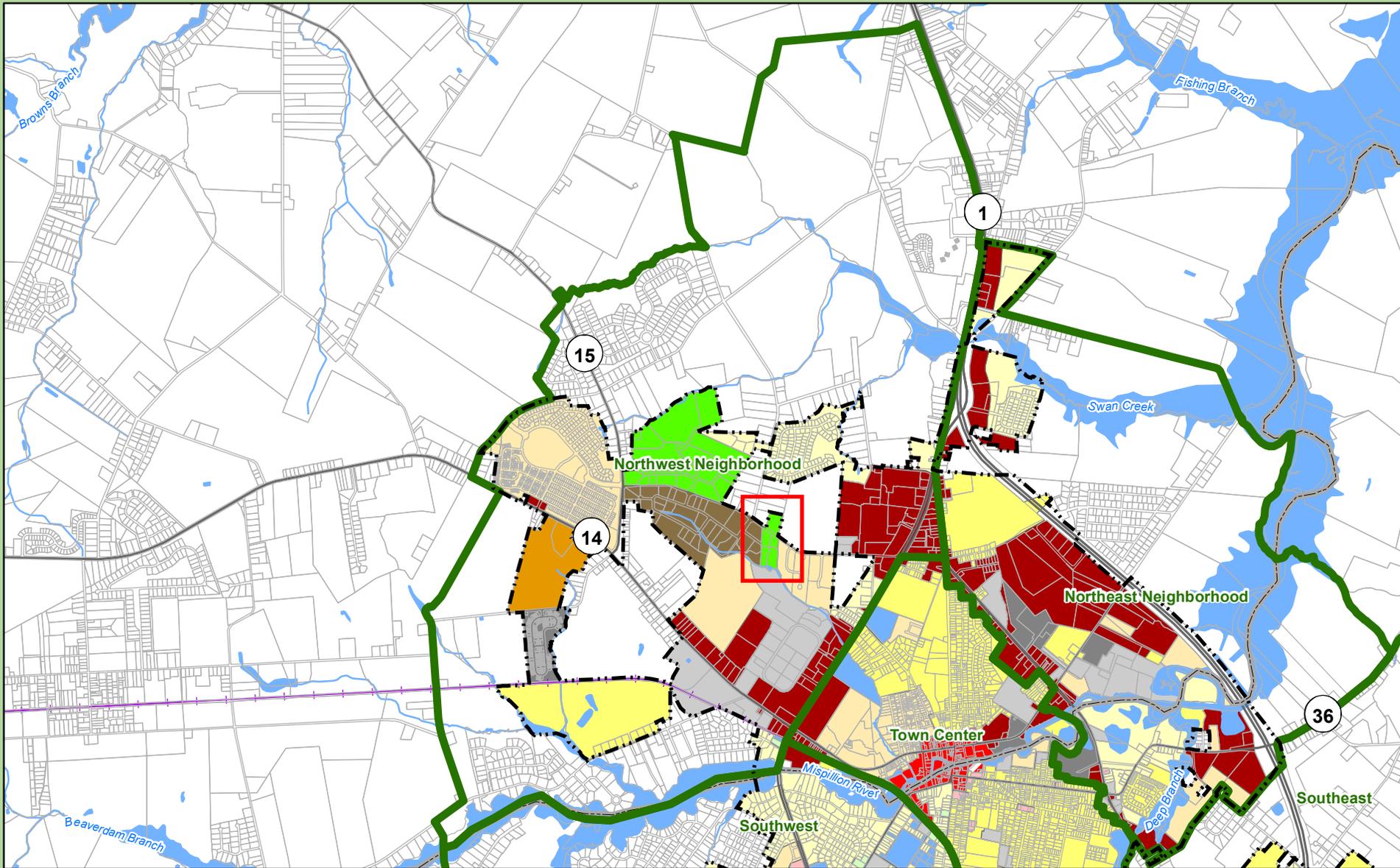
Thank you for your attention to my comments regarding this issue.

Sincerely,

A handwritten signature in cursive script that reads "David L. Wilson".

*David L. Wilson
18th District
State Senator*

DLW/mmd



ZONE CLASS	Color	Symbol	Description
BP	Brown	Black dashed line	Municipal Boundary
C-1	Light Blue	Green outline	Neighborhoods
C-2	Red	Grey outline	County Boundaries
C-2A	Red with diagonal lines	Black outline	State Parcels
C-3	Blue	Black outline	Routes
H-1	Light Blue	Black outline	Rail Lines
I-1	Grey	Blue outline	Hydrology
I-2	Grey	Blue outline	Bodies of Water
IS	Green	Green outline	Neighborhoods
OB-1	Light Green	Green outline	Neighborhoods
OC-1	Yellow	Green outline	Neighborhoods
R-1	Yellow	Green outline	Neighborhoods
R-2	Yellow	Green outline	Neighborhoods
R-3	Orange	Green outline	Neighborhoods
R-8	Orange	Green outline	Neighborhoods

City of Milford, Delaware

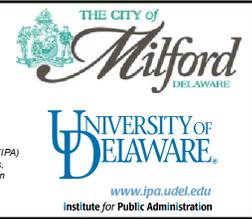
Zoning

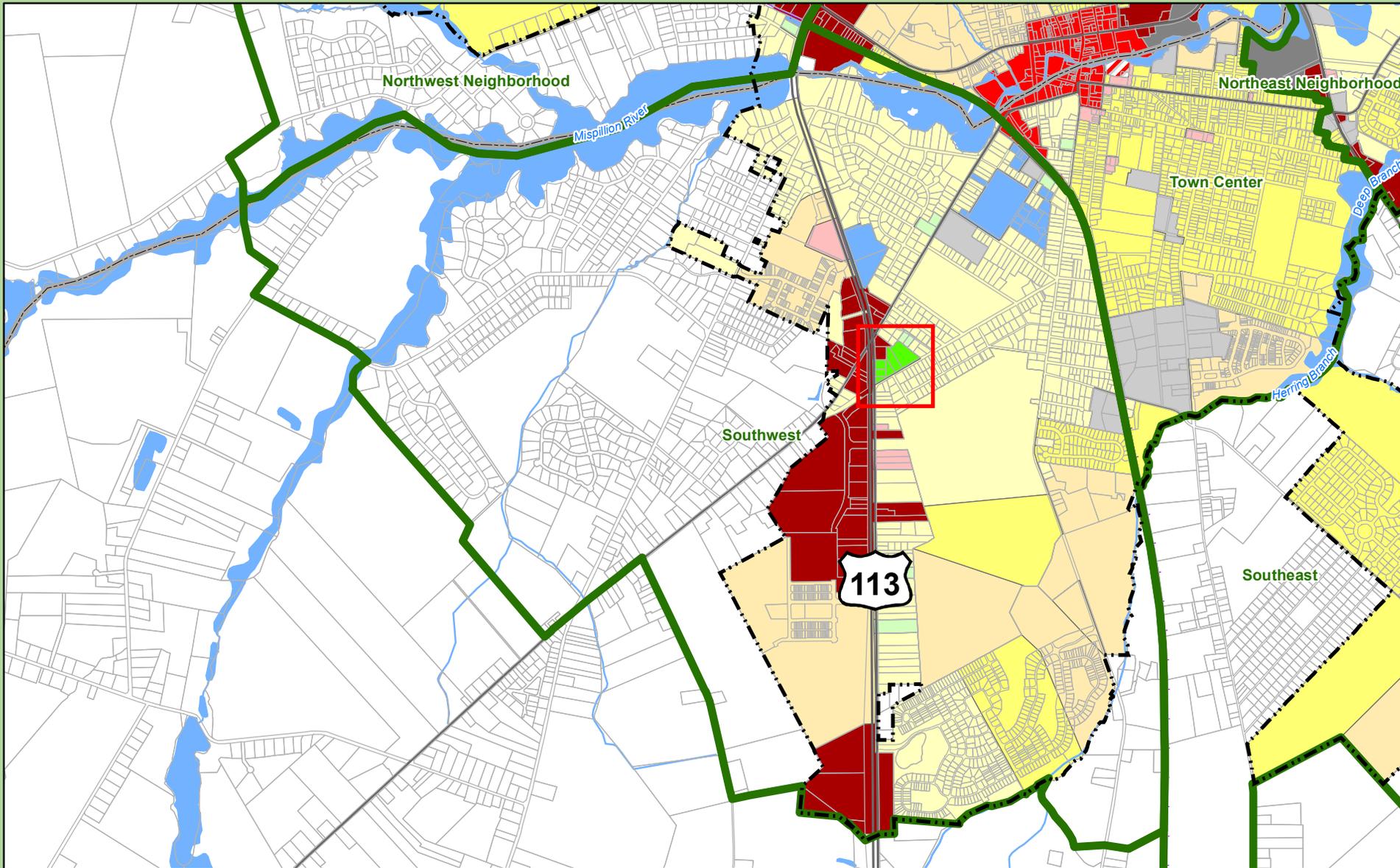
Northwest Neighborhood
 Adopted Jan. 22, 2018, Certified TBD



Sources:
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.
 Zoning - City of Milford, Delaware 01/18.
 Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.
 Hydrology - USGS and EPA, FirstMap 01/18.

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Municipal Boundary	I-2	Neighborhoods
ZONE CLASS	IS	County Boundaries
BP	OB-1	State Parcels
C-1	R-1	Routes
C-2	R-2	Rail Lines
C-2A	R-3	Hydrology
C-3	R-8	Bodies of Water
H-1		
I-1		

City of Milford, Delaware

Zoning

Southwest

Adopted Jan. 22, 2018, Certified TBD



Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.
 Zoning - City of Milford, Delaware 01/18.
 Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.
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Mr. Babbit added that they offer activities based on engineering and the history of the mill tying into the agricultural community with educational programs also offered to middle and high school students.

When asked how this ties into the downtown master plan, Planning Director Pierce advised that this project was included in the Downtown Master Plan as a key priority project. They looked for ways to incorporate this into the greenway and preserve it for a long time for use by the community.

City Manager Norenberg asked the status of the conversations the task force has had with Kent and Sussex County; Mr. Bond said they are returning to meet with Kent County officials after Thanksgiving. Their next step is to set up a group meeting with Sussex County. Their goal is to get to all three government organizations on board very quickly though Milford is the most important.

They promised Mr. and Mrs. Lofland they would move fast which is the reason for the task force and meetings with the community versus only with themselves.

Mr. Bond said that he is asking Councilmembers Culotta and Peel, who promised they would take this to City Council and request grant support by December. He thanked them for co-sponsoring the request.

Councilmember Peel stated that as Mr. Bond stated, timing is everything and recalled when in 1976, Mr. Emory began to consider Goat Island for this purpose. She feels that this has developed at a faster pace in recent years and sees things happening around Milford and wants to make sure we are keeping up with what needs to happen around that river.

Chairman Mergner agreed. He agrees it should be presented to City Council and asked the City Manager to speak on the funding and how much is possibly to put toward this project. It is a great project and there is a need to stand behind it from an economic development standpoint. He feels this is exactly the type of attraction that could create additional foot traffic downtown.

City Manager Norenberg believes there are unobligated funds in the economic development fund. He also noted that the next agenda touches on the future sales of properties in the business park and Independence Commons that could assist. He believes that we can consider a \$10,000 request though that needs to be verified through our finance department so it can be ready to be acted upon in a future Council agenda.

Councilmember Wilson prefers funding projects like this that will benefit Milford versus funding projects outside of Milford in the county area. Chairman Mergner explained that is whom they are working with and Milford is providing them money to generate economic development in Milford. That is the reason for the \$30,000 contribution and this task force will also be asking them for money.

Councilmember Peel asked if they are asking them for money or will it be requested from Kent County Levy Court; Mr. Bond confirmed it will be from Levy Court.

The consensus of the committee was to move forward with the funding request to City Council.

*Independence Commons Lot Sales Update from R&R Realty
OC-1 Zoning Code Amendment Request/I-Realty*

Economic Development and Planning Director Pierce referenced the memo in the packet, stating that we receive an inquiry from R&R Realty that will be discussed. He wants Realtor Keith Walpole and Broker Charlie Rodriguez to have an opportunity to provide an update of the marking and promotional contract for commercial real estate.

Mr. Walpole said they were given the Greater Milford Business Park and Independence Commons' listing in July 2018. It has been advertised on LoopNet and has had more than 1,000 hits and 40 detailed views. They also advertised on several other sites, including Sussex and Kent Counties MLS. Email blasts have been done and approximately 15 to 20 calls have been received. Most of those interested buyers asked what they could do with the property. In most cases, the use they were

considered was prohibited which did not align with typical commercial and business park uses. Instead it is designated for general office type uses as was requested by the Veterans Home and Boys and Girls Club when they first developed.

Mr. Walpole recommends waiving some of the stricter regulations which would allow the properties to sell. He is encouraged by the amount of hits and hopes this will allow a more competitive market and a successful sale.

Councilmember Brooks recalled when the business park land was purchased for the purpose of bringing jobs to Milford. He is unsure it can be loosened up unless the State agrees. He saw where a storage facility wanted to go there and he does not feel that will bring jobs to Milford. He does not think a doctor's office wants to be next to a storage unit and he wants the State to agree to allow it. He was hoping that Dave Burton would be here tonight so that Council could ask him if that could be loosened up.

He reiterated that no one works at a storage center.

Mr. Pierce reported that an inquiry was received from I-Realty in September who was interested in a lot. When he reviewed the uses, it was not permitted. However, there is an avenue, as has been done in the past, that allows a person to pay an application fee to submit an amendment to the zoning code. That would require a public hearing process before both the planning commission and city council.

He was given the same information and looked through some of the old minutes from when it was changed from a business park designation, which was designed for job creation, to the OC-1 (Office Complex), which is a quieter, low volume type setting.

Mr. Pierce also noted that the business park has been in existence for almost twenty years and it has been very difficult to attract interested buyers on this side. He feels the land is priced appropriately so the problem has to be the restrictions of uses.

Mr. Rodriguez then addressed the committee adding that they have provided the lot/land information to Linda Parkowsky at Kent Economic Partnership. In Kent County, they are seeing a lot of fulfillment centers and logistic centers who are interested and opening throughout Delaware. A lot of retailers are working with fulfillment companies and believe this may be an opportunity for Milford to create jobs. But an interested developer is needed that will come in, construct the building and lease it out to these companies.

Recently, there was a liquor distributor looking for a 10,000 square foot building that is move-in ready. Many logistic companies are looking for a structure they can move in within a couple of months, versus the eighteen plus months it takes to build a commercial building. A record keeping company is also looking for a 40,000 square foot warehouse. He stressed that all of these companies will create jobs.

Mr. Pierce shared that Realtor Casey Kenton had reached out to him in September about a code amendment. Instead of drafting a code amendment and going through that process, he felt it was more beneficial to get them in front of the Economic Development Committee for feedback on whether to move forward or not.

Casey Kenton was also present and introduced Andy Strind who is president of his organization. He explained they are a Dover-based real estate development company specializing in commercial development. They acquired a self storage facility in Milford along Masten Circle behind Popeyes Kitchen in 2014, which was the former Milford Central Storage. It was re-branded to Delaware Self Storage (DE Storage.com). It was immediately renovated in an effort to improve it as much as possible and over the past three years, they have expanded the property three different times.

They are maxed out on their foot print and completely out of land. Approximately one year ago, they began to look for other sites that could serve a self storage development in Milford because they feel there is a high demand for that service in Milford.

Mr. Walpole informed them that Independence Commons had lots available and identified lot 4 which is an 11.5 acre site. They liked the property because it could serve multiple uses and not just for storage purposes. After reading the code and

talking with Mr. Pierce, he realized the OC-1 did not allow for self storage.

Mr. Pierce recommended Mr. Kenton make a formal request for a code amendment to allow for self-storage, though it would also be considered as an office use or something similar that is permitted in the OC-1 zoning.

Mr. Kenton advised that they own and operate office parks in Dover and Smyrna and have experience in developing that type of asset. They built a 30,000 office park known as Milstone in Dover. The site plan in Milford would allow self storage in the rear. They would retain the frontage along Veterans Boulevard, next to the Boys and Girls Club, in front of the Veterans Home for a future use.

Being from Milford, Mr. Kenton loves Milford and wants to capitalize on all the good things happening here. He believes they could make some thing work though self storage would have to be added as a permissible use.

He stressed that they are also prepared to pay the full-price of \$460,000, contingent on the ability to do storage on at least a portion of the property.

Mr. Kenton also noted that because this lot does not have frontage on Airport Road, it is somewhat of an irregular shape and does not lend itself to a single user operator because of the size. He thinks it could be a challenging property though they are willing to look at this property as a multi-use development.

Mr. Kenton confirmed this would be a climate controlled facility. A portion would likely be drive up though they believe the demand in Milford is for climate control space. They have already developed three climate control buildings and have filled them all.

They anticipate building a 15,000 to 20,000 square feet initially though the plans would allow for expansion. However, they feel the site is large enough to design a nice site plan to allow for self storage expansion. They would also keep the road frontage for future development that will hopefully bring jobs.

Chairman Mergner asked if a buildout in the front would be done n hopes of finding a landlord. Mr. Kenton said that is an option though they have not done a market study as of this time. If they had a tenant, they would most likely build it.

Mr. Kenton confirmed that tenants at their other offices include professional offices, medical tenants and real estate offices resulting in a light professional office use.

Councilmember Peel pointed out that one of the prohibited uses is distribution and asked if the City made an exception for the Touch of Italy. Mr. Pierce explained Touch of Italy's lot are on the southside. That zoning did not change and remains the BP (business park) designation based on the initial job incentive purpose. The other side is much more restrictive as a result of the change to OC-1.

Mr. Pierce advised the northside or Independence Commons, was also zoned BP at the time it was purchased and whose intent was job creation, as Councilman Brooks is referring to. However, there was some concern expressed by the Veterans Home, as well as some of the residents along Canterbury Road, who did not want the light industrial uses backing up to them. That is the reason it was changed to OC-1.

Councilman Brooks reiterated the key is the State because the money and the bonds were given to the City so that the land could be bought cheap to attract businesses that would bring new jobs to Milford.

Investor Realty President Andy Strine said they understand they are asking for something outside the box and the reason they preferred to discuss the idea initially. They do not want to continue to waste these businesses' time if Milford is uninterested.

He pointed out that the upside is that this is a blank sheet of paper to figure out what makes the most sense for the market and the town and for those businesses

In terms of how much land for the storage would be used versus a different use, the project north of Milford is about seven acres though this would be slightly smaller with bigger buildings and fewer roadways. He would envision pushing it to the back and having the frontage available for something there is a market for. That may be a distribution center, flex or office space or whatever the market dictates.

Mr. Strine understands this is not what it was intended for initially though it has been vacant for more than a dozen years. He feels the town could use the money for other things that would benefit the community and its residents. However, that is a call the City has to make. They feel it is a viable space and there is a benefit to modifying the zoning. In turn, the City would receive the proceeds from the sale, development and tax base.

When asked the plans for the existing storage space, Mr. Strine said they are a second generation business. They have multiple developments throughout the State, but primarily in Kent and Sussex County. They are also currently developing in Georgetown.

Councilmember Wilson likes the idea of the storage units in the rear and a building in the front. Councilman Culotta agrees adding there is a need for climate controlled storage. He added that a lot of small business owners keep storage in the units and use it on a daily basis. He feels the vision for most people is that a private citizen uses it to store a lot of junk and never returns because there is no interest.

Councilman Culotta also prefers for the storage to be in the business park area versus the downtown or residential areas. He does not see this as an issue and feels that if we limit it at the business park, it is going to happen somewhere else.

Councilman Culotta then stressed that this property has been for sale a long time with very few lookers. He does not want to kick it aside because we want jobs out there.

Chairman Mergner likes the idea of creating a footprint of putting something in the front area that will create some jobs. That could be an opportunity to lease out an area for that purpose.

Mr. Pierce will take the advice of Council and try to find an agreement with the State though he was able to find the minutes from the rezoning, there was little or nothing as far as agreement. He will proceed if there are no major roadblocks in terms of what the State is willing to do.

Chairman Mergner is very interested in pursuing this though he agrees it sounds like there could be an issue with the State.

Councilman Brooks asked if the door is open for other companies who want to do the same thing; Mr. Pierce said if we move ahead with the code amendment, they could sign a sales agreement pending the code change and site plan approval, which is not contrary to what has been done in the past.

Mr. Pierce will create the code amendment based on the results of any further investigation.

ADJOURNMENT

There being no further business, Councilwoman Wilson moved to adjourn the Committee Meeting, seconded by Councilman Brooks. Motion carried.

The Meeting adjourned at 6:58 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Transcriber

**CITY OF MILFORD PLANNING COMMISSION
MINUTES OF MEETING
JANUARY 18, 2005**

The regular monthly meeting of the Milford Planning Commission was held in the Council Chambers of Milford City Hall on Tuesday evening, January 18, 2005.

PRESIDING: Chairman Randy Marvel

IN ATTENDANCE: Commissioners Mark Mallamo, Verna Walls, Brendon Warfel, John Kramlich and Dennis Murphy

Also: Karen Emory Brittingham, City Planner
Lisa A. Obermire, Recording Secretary

Chairman Marvel called the meeting to order at 7:34 p.m. It was noted that Melvin Smith, Jason James and Sam Johnson were absent from the meeting.

APPROVAL OF MINUTES

Recording Secretary noted that there were two changes to the December 21, 2004 minutes. The name and tax map number were added to item 2 and 3. With no further amendments, a motion to approve the December 21, 2004 minutes was made by Mrs. Walls and seconded by Mr. Warfel.

NEW BUSINESS

Mr. Marvel noted there would be an amendment to the agenda. The application for the City of Milford is being moved up to item number one.

1. **City of Milford**
Change of Zone from BP to OC-1
North side of the Greater Milford Business Park
Present Use – Vacant
TAX MAP # MD-16-173.00-01-02.00-000

Mrs. Brittingham stated she would be representing the application. Have been working with the Veteran's Home and the Hospice Hospital to create an area for them to develop within the City of Milford. As a result, we are requesting a change of zone, which would be a down zoning for this property. As much of the woods in that area would be preserved if possible. The proposed acreage for the Veteran's Home is 23.82 acres and the proposed acreage for the Hospice Hospital is 11.85 acres. It is currently all in the wooded area and that is their preference. The area that was delineated for the Boys and Girls Club does not change. The change of zone is so there is less light industrial business park use in this area. Stated there was a letter of support from the Division of Facilities Management from Mr. Furmin dated January 13, 2005. The letter was read into

the record. The Planning Commission would make a recommendation to the Council regarding this change of zone and the final decision would be made by City Council.

Mr. Marvel clarified that they were not looking at a subdivision or site plan. It is strictly the rezoning of the property.

Mrs. Brittingham gave examples of what would not be permitted such as Hickman Overhead Doors, the welding shop and Under Comm. The Business Park was intended to be the lighter industrial but as a compromise to the residents in that area to protect their surrounding properties, we agreed to a buffer that would allow the medical or the professional uses. As it occurred the professional sold out much quicker.

Mr. Kramlich questioned in changing the zoning does that leave the City with any industrial properties left.

Mrs. Brittingham answered that the only industrial properties that you will have in the City are privately owned industrial properties. Most of them are along the river and there are suggestions for some change of zones in that area as well.

Renee Smith stated their property abuts two sides of the Business Park. Feel this would be a lot quieter than the industrial sites. In favor of the rezoning of this property.

Mrs. Brittingham stated that the original intent of the Business Park was to create jobs for the City of Milford. These two uses will bring in potentially three hundred jobs.

Mr. Murphy made a motion to approve the change of zone from BP to OC-1. Mr. Mallamo seconded the motion. The motion passed unanimously at 7:46 p.m.

MILFORD CITY COUNCIL

MINUTES OF MEETING

February 28, 2005

A Public Hearing was held in Council Chambers on Monday evening, February 28, 2005 to hear the application of the City of Milford for a **change of zone from BP (Business Park) to OC-1 (Office Complex)** on the north side of the Greater Milford Business Park, north of Airport Road and east of Canterbury Road, Milford, Delaware.

Tax Map No. MD-16-173.00-01-02.00-000

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Irvin Ambrose, Martin Uffner, Abraham Ellison, James O'Neill, Owen Brooks, Jr., Douglas Morrow, James Starling and Katrina Brown

ALSO: City Manager Richard Carmean, Chief Keith Hudson, City Planner Karen Brittingham and City Clerk/Recorder Terri Hudson

Mayor Rogers called the public hearing to order at 7:15 p.m. which was followed by a reading of the public notice.

For the record, Planning Commission Chairman Randy Marvel and Commissioner John Kramlich were both present.

The application was presented at the planning commission hearing on January 18, 2005. Ms. Brittingham explained the reason behind the rezoning was to blend the Veterans Home, Hospice Center and Boys and Girls Club. The planning commission agreed this would be a more appropriate zoning for that side of the park which resulted in a unanimous vote in its favor.

Two surrounding property owners were present and spoke in favor of the rezoning at that hearing. At the council hearing, no one from the public was present to speak on the application.

It was determined that light industrial uses would not be permitted under this zone. There are a number of light industrial sites in the Marshall Street industrial area and anyone interested is sent to that location.

This side of the park will be used for the veterans and hospice facility, soccer fields and Boys and Girls Club in addition to ten to fifteen individual lots still available for professional uses. All lots on the south side have been contracted or developed.

Mr. Brooks made a motion to approve the change of zone on the north side of the Greater Milford Business Park from BP to OC-1 (Office Complex), seconded by Mr. Morrow. Motion carried the following 8-0 unanimous roll call vote:

Yes

Mr. Ambrose

Mr. Uffner

Mr. Ellison

Mr. O'Neill

Mr. Brooks

Mr. Morrow

Mr. Starling

Ms. Brown

With no further comments, the public hearing adjourned at 7:18 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terri K. Hudson". The signature is written in black ink and is positioned above the printed name.

Terri K. Hudson, CMC
Recorder

MILFORD CITY COUNCIL

MINUTES OF MEETING

April 26, 2005

A Special Meeting of Milford City Council was held in Council Chambers on Tuesday evening, April 26, 2005.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Irvin Ambrose, Martin Uffner, Abraham Ellison, Clifford Crouch, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Brown.

Also: City Manager Richard Carmean, Chief of Police Keith Hudson and City Clerk/Recorder Terri Hudson

Payment Approval-Infrastructure/North Side Business Park (Milford Independence Commons)

Mayor Rogers called the Special Meeting to order at 6:00 p.m. and turned the meeting over to City Manager Carmean who provided an update on what has occurred with regard to the infrastructure work needed to allow access to the Delaware Veterans Home in Milford Independence Commons.

Referring to the drawings, Mr. Carmean pointed out the roadways, a stormwater management pond, playing fields planned for Parks and Recreation use, Veterans Home, Boys and Girls Club, future Hospice sites and balance of property not yet sold.

Hospices will be purchasing a ten-acre site for approximately \$400,000. It will consist of sixteen apartment units in addition to their administrative offices which will be moved from Georgetown.

The Boys and Girls Club selected another location at the park and their original site has since been purchased by Timothy Johnson.

Ms. Brown arrived at this time.

Chuck Hauler. City Engineer submitted a cost estimate for the proposed work to construct the road including curb, base course paving and storm drainage.

Nason Construction, General Contractor for the Veterans Home, received bids for the site work from Pierson Construction Company in the amount of \$1,340,676, Corrado American in the amount of \$1,316,774 and Daisy Construction Company in the amount of \$1,688,842. The recommendation is the contract be awarded to Corrado American for the lump sum contract amount of \$1,316,774.

The site work bid analysis was estimated to be \$1,821,294. After meeting with Nason Construction this morning, Mr. Carmean managed to have the costs reduced to \$1,588,683.

Following the meeting, Division of Facilities Management Director Bob Furman later met with Governor Minner and explained Mr. Carmean's concerns over the accelerated construction needs which has not provided the opportunity for the lowest possible bid. As a result, the Governor agreed to have the state pay an additional \$200,000 toward the infrastructure costs. The final costs are \$1,388,683 compared to \$1,821,294 originally estimated.

Mr. Carmean advised this amount does not include the final paving costs.

Of this amount, he is asking that \$600,000 be taken from Municipal Street Aid which allows for road work, curbing, piping and stormwater management within the street areas.

The balance should come from the General Fund Capital Reserves. Some of the monies placed in that account include the business park land sale funds. Today settlement took place on the eight acres originally designated for the Boys and Girls Club at a price of almost \$400,000.

In approximately ten days, the last settlement on the south side will take place during which time the city will receive \$53,000. Within a reasonable amount of time, we will receive approximately \$400,000 from Hospice.

This totals approximately \$1.45 million and should cover the costs of the site work. Though Hospice has not yet officially signed, Mr. Carmean is confident they will purchase the land. If for some reason it does not happen, he feels someone will buy it possibly at a higher price.

This leaves a balance of approximately thirty acres which should amount to roughly \$1.5 million. Some of those funds will be used for additional site work needed to complete that side of the park. However, the buyers of the unacquired sites will contribute toward the stormwater management and infrastructure work.

Therefore, Mr. Carmean feels that financially, we are in good shape on this side of the park. That is in addition to the 300 jobs (approximately 225 employees at the Veterans Home and 75 at Hospice) added in the Milford area which he feels is economical success.

The central stormwater management pond, included in the costs being presented this evening, will cost approximately \$381,000. However, as additional lands are purchased, buyers will be charged an annual maintenance fee and any piping attributed to their runoff will also be assessed accordingly.

The state has allowed sufficient time to pay though they have requested a substantial downpayment within the month. For the most part, the site work discussed this evening will be completed in two months.

It was determined that more than \$800,000 is currently in the Municipal Street Aid fund with over \$1 million in the General Fund Capital Reserves. Future land sales will continue to accumulate in the General Fund Capital Reserve account.

Mr. Ambrose requested the City Manager verify that should the city decide to pay the balance over a period of time, no interest would be charged as was learned with the pension payment plan.

Mr. Carmean reiterated that we use \$600,000 of the Municipal Street Aid money and the money from today's settlement which totals almost \$1 million. However, he believes Mr. Portmann prefers to take the entire balance out of the General Fund Capital Reserves and pay the debt completely.

Mr. Ambrose noted the original cost analysis which showed \$25,000 allocated for Testing and Inspection Allowance and \$50,000 for Road Maintenance Allowance; the updated analysis removed those amounts and now states "By Owner".

Mr. Carmean explained there will be costs involved, but not the \$75,000 displayed in the original analysis. There would be a 10% fee attached described as Nason Construction Fee and Contingency.

By removing those costs, Mr. Ambrose verified that instead of paying their inspectors we will use our own. We would also use our own crews to handle the road work until such time the top coat is added.

It was noted that property owners are charged an annual fee of \$300 per acre and \$100 for each additional acre for stormwater maintenance in the business park.

Mr. Brooks made a motion to authorize the City Manager to enter into an agreement with the State of Delaware and define the terms of payment and conditions of work to be performed and approve payment in the amount of \$1,388,683 to the State of Delaware to allow a change order to cover the costs of the roadway, curbing, paving, sewer and water construction, stormwater collection and a five-acre stormwater management pond on the north side of the Greater Milford Business Park now known as Milford Independence Commons, with Mr. Ellison seconding.

Motion carried the following 8-0 roll call vote:

Yes

Mr. Ambrose
Mr. Uffner
Mr. Ellison
Mr. Crouch
Mr. Brooks
Mr. Morrow
Mr. Starling
Ms. Brown

While discussing the method of payment, Mr. Ambrose pointed out the General Fund Capital Reserve Account generates interest. When asked when Hospice may be purchasing the land, Mr. Carmean predicts late fall.

After we make the \$1 million downpayment, Mr. Uffner suggests negotiating as much time as possible to pay the balance without interest. Mr. Ambrose agreed.

Mr. Carmean pointed out that in the majority of projects of this magnitude, we often encounter unexpected situations which could result in future change orders though any significant change would come back to council. Change orders would need to be addressed in the conditions of the agreement. He emphasized this is the city's project even though they are handling it through a change order which is very different from our normal process.

Mr. Crouch pointed out that over the last couple of days, the city picked up a windfall of around \$400,000 and suggested paying the debt off early. In this manner should we become involved in a future project where some financial assistance may be beneficial, the state may remember the exemplary manner in which this was handled and offer their help as a result.

Mr. Carmean replied that Mr. Portmann suggested paying the debt off. He personally feels safe having the money available which allows us to write the check at anytime. At one point, quarterly payments were discussed as the state was unsure how much up-front money was available for the project.

Mr. Ambrose made a motion to pay \$1 million up front using \$600,000 from Municipal Street Aid and \$400,000 from the General Fund Capital Reserves and permit the City Manager to negotiate the terms for the remaining \$400,000 under the condition the balance does not generate any interest. Mr. Uffner seconded motion.

Ms. Brown suggested the motion include that if it is not in our best interest to negotiate the terms, the City Manager would have the right to pay the off the balance.

Motion amended to add the stipulation that if terms cannot be worked out to the benefit of the city without paying

interest, the City Manager will make full payment from the General Fund Capital Reserve account.

Motion carried the following 8-0 roll call vote:

Yes

- Mr. Ambrose
- Mr. Uffner
- Mr. Ellison
- Mr. Crouch
- Mr. Brooks
- Mr. Morrow
- Mr. Starling
- Ms. Brown

Mr. Brooks noted for the record that the City Manager did an outstanding job in reducing the costs of the project.

Mayor Rogers thanked the City Manager for the amount of work he put into resolving these issues which paid off in the end for the city. He then thanked council for taking time from their busy schedules to attend this evening's meeting.

There being no further business to come before Council, the Special Meeting adjourned at 6:35 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
Recorder

**CITY OF MILFORD PLANNING COMMISSION
MINUTES OF MEETING**

SEPTEMBER 20, 2005

The regular monthly meeting of the Milford Planning Commission was held in the Council Chambers of Milford City Hall on Tuesday evening, September 20, 2005.

PRESIDING: Chairman Randy Marvel

IN ATTENDANCE: Commissioners Jamie Masten, John Kramlich, Jason James and Sam Johnson

Also: Karen Emory Brittingham, City Planner
Mark Mallamo, City Engineer
Lisa A. Obermire, Recording Secretary

Chairman Marvel called the meeting to order at 7:38 p.m. Stated there was a letter in the packets from Mr. Mallamo stating he would be resigning from his position on the Commission due to his new position as City Engineer. The Mayor has stated that he is looking for candidates to replace him.

Mrs. Brittingham stated that Mr. Mallamo would be attending the meetings a lot more because he would be filling in for her as City Planner. Her resignation is effective as of Thursday, September 22, 2005. She will miss each and everyone and will continue to be involved in the City of Milford.

APPROVAL OF MINUTES

With no amendments, a motion to approve the July 19, 2005 minutes as written was made by Mr. Johnson and seconded by Mr. Masten. Motion carried.

NEW BUSINESS

1. City of Milford
Montgomery Street
Closing of Alley
TAX MAP # 3-30-6.20-800

Mrs. Brittingham stated that this did go through the DAC process. This is the Salvation Army located on Front Street and what many of you did not know is that a good portion of that parking lot is actually Montgomery Street. We are going to be doing a land swap with the Salvation Army conveying a portion of their property to the City and we will be conveying a portion of the alley to the Salvation Army. We are doing a land swap in order for us to actually have an extension of our greenways. There are no utilities in there; by the City doing this swap it gives the Salvation Army a little bit more protection area. It is a win, win situation for both the Salvation Army and the City of Milford.

Mr. Marvel stated that on a square foot basis the City would be coming out way ahead.

Mrs. Brittingham stated that is correct. Mr. Emory has managed to get funding based on the land swap so actually the City has come out financial ahead as well.

Mr. Marvel questioned if the entrance would change.

Mrs. Brittingham stated that the entrance would not change.

Chuck Hauser with Davis, Bowen & Friedel stated that the entrance on the west side would not change, on the east side right now where you enter in is coming into Montgomery Street and they are probably going to close that off. The river walk would be continued in that area.

Mr. Marvel questioned if Cedar Alley would remain open.

Mr. Hauser stated that the thought for now is that Cedar Alley would be closed except for events. There are no garages or any parking back there.

Mr. Kramlich stated that the houses on Front Street have parking on the front and now we are talking about closing that off. It was mentioned in the last Council meeting about no parking on both sides of the road. Those houses would need access to the back of their properties.

Mr. Hauser stated that at this time they do not have any parking in the back of the property. This area is proposed to have a parking lot which would not be fenced in so there would be access there.

Mr. Kramlich stated that the homeowners on Front Street do not have garages. If the City enforces the no parking they would have to have access from the rear.

Mr. Hauser expressed that there would not be enough room for them to have access in the rear.

Mr. Marvel stated that at some point Mr. Emory would need to come before us with a plan for the park.

Mrs. Brittingham stated that this needed a formal recommendation to Council for closing of the alley and the realignment of the property line as per the Davis, Bowen & Friedel survey.

Mr. Kramlich made a motion to approve the closing of the alley and the realignment of the property line as per the Davis, Bowen & Friedel survey. Mr. Johnson seconded the motion. The motion passed unanimously at 7:55 p.m.

2. **Greater Milford Business Park**
Milford Independence Commons
Proposed Concept for North side of the park

Mrs. Brittingham stated that this is a concept being brought before you to show you how the north side of the park will be developed. The Veterans Home is well under construction, the Boys & Girls Club is moving forward and two parcels owned by Tim Johnson have been conveyed and he is working on his plans. This is how we are potentially going to subdivide the residue of the property that was rezoned. It was rezoned from BP to OC 1. This is for information only, there will be no action taken on this.

Chuck Hauser with Davis, Bowen & Friedel stated that the entrance is in currently coming back to Veterans Home site. The proposed Hospice site is in the back of the parcel. The existing storm water management pond that was put in as part of the Vet's home site is over in here. There is also a third storm water management pond proposed in between the Veteran's Home and the Hospice site. There are a total of three storm water management ponds that we are envisioning to take care of the storm water for the site. We had a conveyance of two parcels in front to Tim Johnson. There is a residual piece of 1.7 acres just to the north of that. We have had some requests and have put names on properties but nothing has been confirmed or agreed upon as of yet. We are still working with the numbers and still need to do some clean up work. There is a site out on the corner of Canterbury Road and Airport Road that is being reserved by the City for a potential electric substation. There are a few three acre parcels and some one acre parcels and another larger piece in the cul-de-sac.

Mr. Marvel questioned if the City was looking at any well sites in that area.

Mr. Hauser stated not at this time. Right now we are looking at well sites mainly to the south and the east. We have done a couple test wells in the south.

Mr. Marvel questioned the sewer.

Mr. Hauser stated that the sewer would require an upgrade to the Milford Crossing substation. That is currently in design at this time and would also be sharing in the cost from the City's perspective with the Cascade's development. There has been some discussion that that City needs another site for an electric substation. This area seems to be beneficial to the City as being the western most point at this time. More power will be needed in the area. Looking at that site, the question that did come up is how visible is it going to be. It does not seem that it would be too large.

Mrs. Brittingham stated that the Business Park started about six years ago and the south side of the park was developed very quickly. There was an area reserved there for a substation but when we realized it wasn't large enough, it was moved to the other side. One of the things that we did do was on the north side we completely put it on hold until we got several large industries to come in. When this was rezoned, you will see a tract that is reserved for Mr. Masten. Mr. Masten was not even on the Planning Commission when this was all being gone through. There is no conflict here because this was in the pipeline for many, many months. The substation was moved to a much larger tract.

Mr. Masten questioned if the substation needed to go on the high profile corner.

Mr. Hauser stated it was placed there because of access to the property. There would be landscaping and screening to make an attractive entrance.

Mrs. Brittingham stated that they would make sure it is a nicely landscaped area.

Mr. Marvel questioned if there was any word on Hospice.

Mr. Hauser stated they are working and very excited about their parcel.

Mrs. Brittingham stated they wanted the Boys & Girls Club and the soccer fields there so that they could hear the children.

MISCELLENOUS

Mrs. Brittingham stated that Lighthouse Estates wanted to be on the agenda for this September meeting but the problem is that they have the bridge approval but they do not have the other approvals that DELDOT needs to give them to bore under the road to bring the sewer under there. They did not have enough DELDOT approval for me to comfortably say we could wait until the last minute for a verbal from DELDOT. Spoke with DELDOT this morning and was not able to get verbal approval. We are basically waiting for DELDOT to give them the approval they need and then it will be back to finalize their subdivision.

Mrs. Brittingham reviewed the status of all major projects. There will not be a Grotto's coming to this area. A conceptual did come in for the Mispillion Marina. She reviewed item by item the status of all major projects that have been reviewed by the Planning Commission. (See attached) This report will continue to be part of the packet each Commissioner receives each month.

Mrs. Brittingham reminded that there is nothing in the code about a sun setting law. There is nothing that prevents a site plan from hanging out there for years. The code needs to be looked at and there needs to be a limit. Most of it will be based around your agency limits.

One more piece of information is that we annexed the First Baptist Church on Old Shawnee Road. It is an existing church and behind it is a large tract, which is a separate tract with access off of Oak Avenue. They are interested in putting up a single family home to be used as a church related use. My suggestion to them is if they can get entrance off of Oak Avenue as a single family driveway that they not be asked to put this entire driveway off of Old Shawnee Road going all the way through the church property which is about 1500 feet. It would be a lot of impervious surface. Because sewer and water is not available in that area for at least two to three years that they be allowed to put an onsite system there with the agreement that it would be abandoned as soon as the service is available to them.

Mr. Marvel stated he would not be able to attend the next meeting. It was determined that Mr. Kramlich would run the meeting for October.

ADJOURNMENT

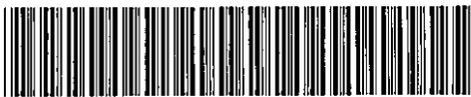
With no further business, Mr. Johnson moved to adjourn which was seconded by Mr. Masten. Motion carried.

Meeting adjourned at 8:30 p.m.

Respectfully submitted,



Lisa A. Obermire
Recording Secretary



70 2016 00296594

Kent County
Betty Lou McKenna
Recorder of Deeds
Dover, DE 19901

Instrument Number: 2016-296594

Recorded On: May 25, 2016

As- Miscellaneous Without Notation

Parties: INDEPENDENCE COMMONS

To INDEPENDENCE COMMONS

of Pages: 18

Comment:

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

Miscellaneous Without Notation 201.00

of Pages 17

0

Total: 201.00

I hereby certify that the within and foregoing was recorded in the Recorder's Office in Kent County,

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

File Information:

Record and Return To:

Document Number: 2016-296594

Receipt Number: 360913

Recorded Date/Time: May 25, 2016 08:39:10A

Book-Vol/Pg: BK-RE VL-8104 PG-278

User / Station: C Yerkes - Cashier 3

CITY OF MILFORD

10 SE 2ND STREET

MILFORD DE 19963



Betty Lou McKenna

Tax Parcel # MD-16-173.00-01-20.00-000; MD-16-173.00-01-02.24-000;
MD-16-173.00-01-02.23-000; MD-16-173.00-01-02.22-000;
MD-16-173.00-01-02.21-000; MD-16-173.00-01-02.20-000;
MD-16-173.00-01-02.19-000; MD-16-173.00-01-02.18-000;
MD-16-173.00-01-02.17-000; MD-16-173.00-01-02.16-000;
MD-16-173.00-01-02.15-000; MD-16-173.00-01-02.14-000;
MD-16-173.00-01-02.13-000; MD-16-173.00-01-02.12-000;
MD-16-173.00-01-02.11-000; MD-16-173.00-01-02.10-000;
MD-16-173.00-01-02.09-000; MD-16-173.00-01-02.08-000;
MD-16-173.00-01-02.07-000; MD-16-173.00-01-02.06-000;
MD-16-173.00-01-02.05-000; MD-16-173.00-01-02.03-000;
MD-16-173.00-01-02.02-000; MD-16-173.00-01-02.01-000;
MD-16-173.00-01-02.00-000

Prepared By & Return To:

**City of Milford
201 S Walnut Street
Milford, DE 19963**



RESOLUTION 2016-05

**DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**

Independence Commons in the City of Milford, Kent County, Delaware

WHEREAS, in 1998, the City of Milford ("City") purchased and subdivided 211 +/- acres of property on the north and south sides of County Road 409 (Airport Road and east side of State Route 15 (Canterbury Road) for economic development benefits; and

WHEREAS, the City of Milford initially sold the property for \$24,000 an acre with appraisals of the properties completed in 2006, 2008 and 2016; and

WHEREAS, it is deemed to be in the best interest of the City of Milford and its taxpayers to sell the land in accordance with its most recent assessment; and

WHEREAS, as the owner of the subdivision and infrastructure shown and described in Exhibit B, attached hereto, and known as Independence Commons (“property”), the City intends that this property continue to provide employment opportunities and economic benefits to all City residents; and

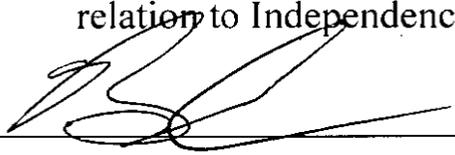
WHEREAS, the City desires to create, establish, preserve and maintain a unified commercial development upon the property and finds it appropriate to subject the property to certain easement, covenants and other restrictions for the orderly development and operation of the property and mutual benefit of all owners of the property as a unified commercial development, regardless of time of purchase or zoning district; and

WHEREAS, the City deems it desirable and in the best interest of all present and future owners of the property and all portions thereof, to subject the property to this Declaration.

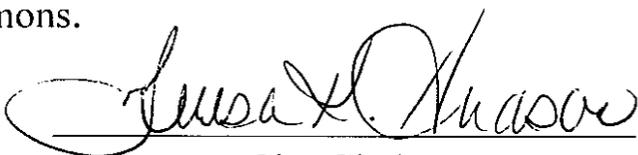
NOW, THEREFORE, the City hereby declares that the real property described in Exhibit B, effective March 14, 2016, is and will be held, conveyed, acquired and encumbered subject to the terms and provisions of the Declaration, all of which shall run with the land and binds any respective successors, heirs and assigns.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Milford:

- 1) City Council approves the Declaration of Covenants, Conditions, Restrictions and Easements attached as Exhibit A.
- 2) This Resolution shall supersede Resolutions passed by the majority of City Council on February 13, 2006, March 12, 2007 and September 22, 2008 in relation to Independence Commons.



Mayor



City Clerk

Adopted: March 14, 2016

EXHIBIT A
Declaration of Covenants, Conditions, Restrictions and Easements

Article 1

OC – 1 Office Complex District

- A. The Property is zoned OC-1. The purpose of an OC-1 Office Complex District shall be to provide locations for the development of general and professional offices and office parks in areas of high accessibility and visibility. Also, this district will facilitate the expansion of the City's service industries in attractive environments.
- B. The Property shall be developed in accordance with this declaration and the terms of the OC-1 zoning district that are in place at the time the Property is purchased. The City shall provide a copy of the OC-1 regulations to the purchaser prior to settlement.

Article 2

Sign Requirements

- A. Each office structure may have one sign which pertains only to the permitted use on the premises and shall indicate only the name, insignia and/or address of the use.
- B. Wall signs must be integral with or attached flat against the building. (The sign must face the major thoroughfare that the property abuts).
- C. The monument signs for this development shall incorporate architectural features and colors common to the buildings. Monument signs shall include individually mounted reverse pan channel letters with internal lighting. Metal cabinets with white Plexiglas shall not be allowed. All signs shall require separate sign permit review and approval.
- D. Signs allowed under this section may be a maximum of fifty (50) square feet and may only be indirectly illuminated with non-color light, shall not be

flashing or moving, shall be constructed of stone or brick. Signs constructed of other material will be reviewed and approved by the City Planner and the Planning Commission for conformance and architectural appearance with the Independence Commons concept. No more than 5% of the façade may be used for additional signage.

- E. One free standing directional sign of no more than two (2) square feet may be hung at the office driveway entrance.
- F. Signs may not overhang the street right-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.
- G. Portable signs and commercial vehicles serving as portable signs are prohibited.

Article 3 Easements

- A. Easements to Facilitate Construction, Installation and Maintenance. The City of Milford hereby reserves to itself and its successors and assigns, a non-exclusive blanket easement over and through each lot twenty-five (25) feet of any boundary line of such lot to the extent such boundary line runs along any roadway or the 100 year flood plain, and otherwise fifteen (15) feet of any boundary line of such lot, for all purposes reasonably related to the development, installation, completion, maintenance and operation of Community Features on the Property, including without limitation: temporary slope and construction easements; and drainage, erosion control and storm and sanitary sewer easements (including the right to cut or remove trees, bushes or shrubbery, to regrade the soil and to take any similar actions reasonable necessary; provided, however, that thereafter The City of Milford shall cause to be restored the affected area as near as practicable to its original condition; easements for the storage (in a slightly manner) of reasonable supplies of building materials and equipment necessary to complete, repair, operation or maintain such Community Features; and easements for the construction,

installation, and Upkeep of improvements (e.g. structures, landscaping, street lights, signage, sidewalks, etc.) on the Property or reasonably necessary to serve the Property.

- B. Storm water Management Easement. The City Of Milford hereby reserves to itself and its successors and assigns an easement and the right to grant and reserve easements over and through each lot within twenty-five (25) feet of any boundary line of such lot to the extent such boundary line runs along any roadway or the 100 year flood plain, and fifteen (15) feet of all other boundary lines of such lot, for the construction installation, maintenance, repair, operation and replacement of storm water management facilities, including storm water retention areas, which are Community Features. The City of Milford shall assign its right, title and interest therein to the Association. Storm water shall be conveyed across lots only by means of storm sewers and appurtenant facilities and piping which shall be designed, installed and maintained in accordance with the requirements of state and local government authorities having jurisdiction and not by means of trenches, ditches and swales. Each Owner shall bear the cost of installation of pipes necessary to provide underground conveyance features on adjoining lots. The City of Milford and/or the Association shall also have the right to allow adjacent properties to connect their storm water management facilities into the Storm water Facility for the Property; provided, however that the Owners of such adjacent properties shall be required to agree to bear a portion of the expense of Upkeep for the storm water management facilities for the Property in such amount as may be deemed appropriate by The City of Milford and/or the Association. No such use shall be such as to prevent the Owners of each of the lots from enjoying and making full use of the Storm water Facilities in accordance with their applicable design and capacity requirements under applicable laws and regulations.
- C. Easements for Utilities and Related Services. A non-exclusive perpetual blanket easement is hereby granted over and through each lot within twenty-five (25) feet of any boundary line of such lot to the extent such boundary line runs along

any roadway or the 100 year flood plain, and fifteen (15) feet of any other boundary line of such lot, for ingress, egress and for installation and Upkeep of the facilities for providing as Community Features for any portion of the Property, and utilities, including without limitation water, sewer, drainage. Gas, electricity, cable, fiber optic, telephone and television service, whether public or private, to any person installing or providing Upkeep for the aforesaid services. By virtue of this easement, it shall be expressly permissible and proper for The City of Milford or the Person providing the service to install and maintain the necessary equipment on the Property within the area of such easement and to affix and maintain wires, circuits, conduits, installations and other features and facilities underground. Any pipes, conduits, lines, wires, transformers and any other apparatus necessary for the provision of metering of any utility may be installed, maintained or relocated where contemplated on any site plan approved by the City of Milford, within the easement areas described above. No water, sewer, gas, telephone, electrical, television, or communication lines, systems or facilities may be installed or relocated unless approved by The City of Milford. Should any Person providing utilities or services covered by the foregoing general easement request a specific easement by separate recordable document, The City of Milford shall have, and is hereby given, the right and authority to grant such easement without conflicting with the terms hereof, and, if so requested, the Owner of each lot to be burdened thereby shall join in such document without charge or consideration. Any Person using the easement created herein shall use its best efforts to install and maintain the utilities and services provided for herein with minimal disturbance to the Owners; complete its installation and Upkeep activities as promptly and expeditiously as possible; and restore the surface of the ground to substantially its original condition after completion.

Article 4

Common Expenses

- A. Each Owner of any parcel, by acceptance of a deed, agrees to pay to the City of Milford an annual fee for the maintenance of storm water management areas, open space, landscaping and landscaped buffers. Said such fee is set at \$400.00 per lot.

Article 5

General Conditions

- A. Each Owner shall be responsible for the management and upkeep of all parking areas, landscaping, entrance features, project signage, storm water management facilities and structures, utilities facilities and associated lighting and irrigation systems located on its lot that are not part of the Community Features.
- B. The City of Milford shall be responsible for the management and upkeep of all the Community Features, the cost of which shall be assessed as Common Expense. The City of Milford shall not have any responsibility for the Upkeep of any other portion of the lots (except those lots of which The City of Milford is an Owner) except for the Community Features. The City of Milford shall establish the standard for Upkeep of Community Features in its sole discretion.
- C. Each Owner shall keep such Owner's lot and all improvements located on the lot in good order, condition and repair and in a clean and sanitary condition, including without limitation all necessary grounds maintenance, except to the extent maintained by The City of Milford. Each Owner shall perform this responsibility in such manner as shall not unreasonably disturb or interfere with the other Owners. If any Owner shall fail to keep such Owner's lot in as good repair and condition as when acquired and in neat and orderly condition, consistent with such Rules and Regulations as The City of Milford may promulgate, then The City of Milford may give notice to that Owner of the condition complained of, specifying generally the action to be taken to rectify that condition. If the Owner fails to take the actions specified by The City of Milford or to otherwise rectify the condition within thirty (30) days after the date of notice is given, or such other period as may be specified in the notice if

the circumstances warrant a different period, The City of Milford shall have the right to rectify that condition by taking such action as was specified in the notice. The costs incurred in rectifying the condition shall be assessed against such Owner's lot.

- D. Sidewalks. If the public right-of-way adjacent to any lot is improved by a concrete sidewalk or similar structure, the Owner of such lot must maintain the sidewalk adjacent to such Owner's lot to the extent not maintained by The City of Milford as a Community Feature or by the appropriate governmental agency.
- E. No person shall make any additions, alteration or improvement in or to any portion of the Property (other than normal Upkeep) which is visible from the exterior of such portion of the Property, without the prior written consent of The City of Milford.
- F. No lot may be subdivided or its boundaries otherwise relocated without the approval of The City of Milford, and Mortgagee of the affected lots, any Owner affected and the appropriate governmental entity. No portion less than all of any lot shall be conveyed or transferred by an Owner without the prior written approval of The City of Milford.
- G. Any person obtaining approval of The City of Milford shall commence construction or alteration in accordance with plans and specifications approved within six (6) months after date of approval and shall substantially complete any construction or alteration within such period as within six months after approval, or such other time period determined by The City of Milford, then approval shall lapse.
- H. In the event that any purchaser of land within the Property shall not commence construction of a building thereon within two years from the date of settlement, The City of Milford shall have the option of purchasing said land from the owner at any time prior to the commencement of said construction at the purchase price paid therefore as shown in the Owner's settlement sheet.
- I. Trash. Except in connection with construction activities, no burning of any trash and no accumulation of storage of litter, refuse, bulk materials, building

materials or trash of any other kind shall be permitted on any lot. Trash containers shall not be permitted to remain in public view from another lot except on days of trash collection. Trash containers and refuse disposal systems must be maintained in enclosures or screened in compliance with the Rules and Regulations. No portion of the lot shall be used as an auto junk yard or salvage yard.

- J. It is prohibited to have any outdoor storage buildings and outdoor storage of any kind, located on the property.

Article 6 Architectural Review

- A. The City of Milford shall develop Design Guidelines. Such Guidelines are hereby incorporated by this reference and shall be enforceable as if set forth herein in full. Such Guidelines include:
 - 1. Exterior front and side walls are subject to site plan approval and must be finished on the exterior with the following:
 - a. Architectural masonry units, excluding concrete block and cinder block
 - b. Natural stone
 - c. Precast concrete
 - d. Steel
 - e. Aluminum
 - f. Glass materials or the equivalent
 - g. Vinyl siding

Article 7 Reconstruction and Repair

- A. If a building or other major improvement located upon a lot is damaged or destroyed, the Owner thereof shall restore the site either by repairing or

reconstructing such building or other major improvements or by clearing away the debris and restoring the site to an acceptable condition compatible with the remainder of the Property. Unless The City of Milford permits a longer time period, such work must be commenced within six months after the casualty and substantially within twenty-four months after the casualty.

Article 8
Compliance

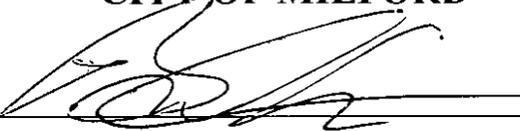
- A. Failure to comply with any of the terms hereof or the Design Guidelines or the Rules of Regulations shall be grounds for relief, including without limitation, of an action to recover any sums due for money damages, injunctive relief, foreclosure of the lien for payment of all assessments, any other relief provided for herein and any other relief afforded by a court of competent jurisdiction, including attorneys' fees, all of which relief may be sought by The City of Milford and/or its managing agent. Before an action may be sought, the City shall notify the Owner against whom such action would be brought, the reason for the action, and shall be given an opportunity to be heard in a public hearing before the Board of Adjustment.

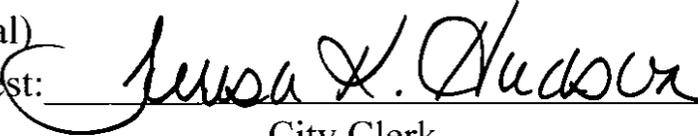
Article 9
Amendments

This Declaration of Covenants, Conditions, Restrictions and Easements, as herein stated, may, from time to time, be amended by Resolution. Such amendment, supplement, or change shall not become effective except by majority vote of City Council

IN WITNESS WHEREOF, the City of Milford, has caused this Resolution to be executed this 14th day of March, 2016.

CITY OF MILFORD

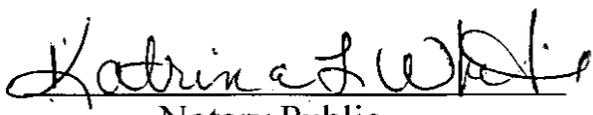
By: 
Mayor

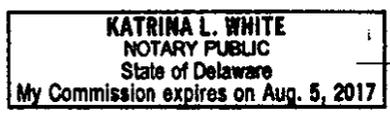
(Seal)
Attest: 
City Clerk

STATE OF DELAWARE
COUNTY OF SUSSEX SS:

On this 14th day of March 2016, before me, a Notary Public in and for said County, personally came Bryan W. Shupe, Mayor of the City of Milford, Delaware, a Municipal Corporation, to me personally known to be the respective officer of said Municipal Corporation and the identical person whose name is affixed to the foregoing instrument.

WITNESS my hand and Notarial Seal the day and year last above written.


Notary Public



Notary Name
Aug 5, 2017
Commission Expiration

EXHIBIT B
Legal Description

LANDS OF MILFORD INDEPENDENCE COMMONS

September 19, 2008

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the northerly side of Airport Road, the easterly side of Canterbury Road and being located in Milford Hundred, Kent County, Delaware, being all of Parcels 3,4,5,6,7,8,9,10,11, 12,13,14,15,16,17,18, lands of the City of Milford, lands of the State of Delaware, Delaware Veterans Boulevard, Patriots Way, West Liberty Way and East Liberty Way as shown on a plat entitled "Milford Independence Commons", completed by Davis, Bowen & Friedel, Inc., dated July 2005 and revised September 2008; said piece or parcel of land being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northerly right-of-way line of Airport Road, (County Road 407) 60 feet wide, with the easterly right-of-way line of Delaware Veterans Boulevard, width varies, said point being the southerly end of a daylight easement to Airport Road,

- 1) Thence, leaving said right-of-way line of Delaware Veterans Boulevard and coincident with said right-of-way line of Airport Road the following (5) courses and distances, North 69 degrees 39 minutes 23 seconds West 488.77 feet to a point,
- 2) Thence, along a curve to the left having a radius of 860.89 feet, an arc length of 308.55 feet and a chord bearing and distance of North 79 degrees 52 minutes 40 seconds West 306.91 feet to a point,
- 3) Thence, South 89 degrees 50 minutes 48 seconds West 625.08 feet to a point,
- 4) Thence, North 85 degrees 22 minutes 25 seconds West 113.11 feet to a point,
- 5) Thence, South 89 degrees 51 minutes 46 seconds West 250.00 feet to a point

at the southerly end of a daylight easement to Canterbury Road, (Delaware Route 15) width varies,

6) Thence, leaving said right-of-way line of Airport Road and coincident with said daylight easement North 54 degrees 03 minutes 53 seconds West 58.55 feet to a point on the easterly right-of-way line of aforementioned Canterbury Road,

7) Thence, coincident with said right-of-way line of Canterbury Road the following (2) courses and distances, along a curve to the left, having a radius of 2580.67 feet, an arc distance of 254.27 and a chord bearing and distance of North 01 degrees 49 minutes 13 seconds West 254.17 feet to a point,

8) Thence, North 16 degrees 51 minutes 33 seconds West 64.34 feet to a point on the southerly line of lands of, now or formerly Donald B. & Renee A. Smith as recorded in the Office of the Recorder of Deeds in and for Kent County and the State of Delaware in deed book D-485, page 249,

9) Thence, leaving aforementioned right-of-way of Canterbury Road and coincident with said Smith lands, the following (2) courses and distances, North 83 degrees 51 minutes 24 seconds East 268.17 feet to a point,

10) Thence, North 06 degrees 09 minutes 25 seconds West 160.12 feet to a point, on the easterly line of lands of, now or formerly Beverly H. Messick, as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-681, page 186,

11) Thence, leaving said Smith lands and coincident with said Messick Lands North 06 degrees 09 minutes 50 seconds West 275.24 feet to a point, on the easterly line of lands of, now or formerly Richard F. & Emma I. Farley, as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-424, page 69,

12) Thence, leaving said Messick lands and coincident with said Farley lands, North 03 degrees 36 minutes 52 seconds West 165.08 feet to a point at the easterly end of a private road,

13) Thence, leaving said Farley lands and coincident with said end of private road and in part coincident with lands of, now or formerly Kevin J. & Christine I. Docherty, as recorded in the aforementioned Office of the Recorder of Deeds in deed book M-42, page 62, North 03 degrees 03 minutes 55 seconds East 143.13 feet to a point, on the southerly line of lands of, now or formerly Paynter A. & Joyce E. Lynch, as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-424, page 273,

14) Thence, leaving said Docherty lands and coincident with said Lynch lands the following (2) courses and distances, South 87 degrees 07 minutes 56 seconds East 221.36 feet to a point,

15) Thence, North 02 degrees 49 minutes 41 seconds East 197.76 feet to a point on the easterly line of lands of, now or formerly Dr. Brent & Gwendlyn Elliott, as recorded in the aforementioned Office of the Recorder of Deeds in deed book B-33, page 117, said point also being in the centerline of Swan Creek Branch,

16) Thence, leaving said Lynch lands and coincident by and with the centerline of said branch also coincident with said Elliott lands also coincident with lands of now or formerly Ronald & Debbie Lavere as recorded in the aforementioned Office of the Recorder of Deeds in deed book, A-46 page 229, also coincident with lands of, now or formerly Edward Ripper as recorded in the aforementioned Office of the Recorder of Deeds in deed book P-49, page 239, also coincident with lands of, now or formerly Marty A. & Robin Lavere Messick as recorded in the aforementioned Office of the Recorder of Deeds in deed book 2123, page 193, also coincident with lands of, now or formerly Roger & Ruth Ann Minner as recorded in the aforementioned Office of the Recorder of Deeds in deed book I-30, page 53, also coincident with lands of, now or formerly James A. Bowman as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-397, page 3, the following (20) courses and distances, North 02 degrees 36 minutes 13 seconds West 24.24 feet to a point,

17) Thence, North 26 degrees 41 minutes 21 seconds East 74.64 feet to a point,

- 18) Thence, North 73 degrees 46 minutes 40 seconds East 40.42 feet to a point,
- 19) Thence, North 60 degrees 55 minutes 03 seconds East 45.25 feet to a point,
- 20) Thence, North 64 degrees 17 minutes 03 seconds East 70.86 feet to a point,
- 21) Thence, North 31 degrees 59 minutes 01 seconds East 40.16 feet to a point,
- 22) Thence, North 33 degrees 34 minutes 30 seconds East 52.71 feet to a point,
- 23) Thence, North 37 degrees 04 minutes 53 seconds East 56.03 feet to a point,
- 24) Thence, North 01 degrees 26 minutes 29 seconds West 27.35 feet to a point,
- 25) Thence, North 84 degrees 23 minutes 10 seconds East 69.26 feet to a point,
- 26) Thence, North 56 degrees 08 minutes 29 seconds East 357.40 feet to a point,
- 27) Thence, North 05 degrees 30 minutes 15 seconds East 30.70 feet to a point,
- 28) Thence, North 43 degrees 22 minutes 30 seconds East 137.43 feet to a point,
- 29) Thence, North 38 degrees 15 minutes 15 seconds East 111.56 feet to a point,
- 30) Thence, North 84 degrees 35 minutes 41 seconds East 160.76 feet to a point,
- 31) Thence, North 65 degrees 09 minutes 48 seconds East 148.49 feet to a point,
- 32) Thence, North 27 degrees 47 minutes 42 seconds East 92.54 feet to a point,
- 33) Thence, North 46 degrees 29 minutes 11 seconds East 146.05 feet to a point,
- 34) Thence, North 81 degrees 54 minutes 47 seconds East 126.16 feet to a point,

35) Thence, North 73 degrees 40 minutes 00 seconds East 19.83 feet to a point on the westerly line of lands of, now or formerly Delaware Hospice, Inc. as shown on aforementioned plat of "Milford Independence Commons"

36) Thence, leaving the centerline of aforementioned Swan Creek Branch and coincident with said Delaware Hospice lands, South 11 degrees 05 minutes 32 seconds East 937.30 feet to a point on the northerly line of lands of, now or formerly Darren J. & Judith M. Sobota as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-170, page 321,

37) Thence, leaving said Delaware Hospice lands and coincident with said Sobota lands South 73 degrees 28 minutes 51 seconds West 178.71 feet to a point on the southerly line of lands of, now or formerly P.J. Walker as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-543, page 132,

38) Thence, leaving said Sobota lands and coincident with said Walker lands, also coincident with lands of, now or formerly Melody Booker-Gardner as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-704, page 292, also coincident with lands of, now or formerly Randy E. Marvel, as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-543, page 128, South 65 degrees 33 minutes 59 seconds East 1525.85 feet to a point on the westerly line of lands of, now or formerly John K. & Joseph A. Huber as recorded in the aforementioned Office of the Recorder of Deeds in deed book Q-51, page 151,

39) Thence, leaving said Marvel lands and coincident with said Huber lands, also coincident with lands of, now or formerly Anthony & Elizabeth Cadiz as recorded in the aforementioned Office of the Recorder of Deeds in deed book Z-53, page 310, also coincident with lands of, now or formerly Henry F. & Barbara G. Traute as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-152, page 219, also in part coincident with lands of, now or formerly Raymond D. & Marianne Flavin Jr. as recorded in the Office of the Recorder of Deeds in deed book I-54, page 27, South 31 degrees 53 minutes 34 seconds West 850.72

feet to a point on the northerly line of lands of, now or formerly Tim Johnson as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-286, page 59, being designated as Parcel 2 on aforementioned plat of "Milford Independence Commons"

40) Thence, leaving said Flavin lands and coincident with said Parcel 2, also coincident with other lands of, now or formerly Tim Johnson as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-592, page 1, being designated as Parcel 1 on aforementioned plat of "Milford Independence Commons" the following (9) courses and distances, North 58 degrees 09 minutes 09 seconds West 420.55 feet to a point,

41) Thence, South 31 degrees 42 minutes 14 seconds West 214.19 feet to a point,

42) Thence, along a curve to the right, having a radius of 95.00 feet, an arc distance of 130.17 and a chord bearing and distance of South 70 degrees 57 minutes 28 seconds West 120.22 feet to a point,

43) Thence, North 69 degrees 47 minutes 16 seconds West 323.55 feet to a point,

44) Thence, along a curve to the left, having a radius of 30.00 feet, an arc distance of 47.12 and a chord bearing and distance of South 65 degrees 12 minutes 44 seconds West 42.43 feet to a point,

45) Thence, South 20 degrees 12 minutes 44 seconds West 110.55 feet to a point,

46) Thence, South 12 degrees 20 minutes 44 seconds West 75.74 feet to a point,

47) Thence, South 20 degrees 20 minutes 58 seconds West 47.82 feet to a point,

48) Thence, South 24 degrees 39 minutes 02 seconds East 106.01 feet to the point and place of beginning;

CONTAINING 98.25 acres of land, more or less.



DATA SHEET FOR WINDWARD ON THE RIVER - COMMERCIAL

Planning Commission Meeting: May 14, 2019

Application Number / Name	:	18-018 / Windward on the River – Commercial
Applicant	:	Windward Communities, LLC 246 Rehoboth Avenue Rehoboth Beach, DE 19971
Owner	:	Janet R. Swain 18686 Susquehanna Avenue Lincoln, DE 19960
		Jesse & Joyce Webb 19858 Beaver Dam Road Milford, De 19963
		Gilbert C. & Irene D. Simpson 19145 Duck Lake Trail Eden Prairie, MN 55346
Application Type	:	Preliminary Conditional Use Site Plan
Comprehensive Plan Designation	:	Commercial/Low Density Residential Moderate Density Residential
Zoning District	:	C-3 (Highway Commercial District) C-1 (Neighborhood Commercial District) R-3 (Garden Apartment & Townhouse District)
Present Use	:	Single Family Dwelling, Outdoor Recreation, Small Engine Repair
Proposed Use	:	Shopping Center, Office, Retail & Restaurant
Area and Location	:	7.99 +/- acres of land located along the east side of S. Rehoboth Boulevard approximately 350 feet south of the SE Second Street intersection.
Property Identification Numbers	:	3-30-11.00-042.00, 3-30-11.00-042.01, 3-30-11.00- 043.00, 3-30-7.00-033.00 (portion)

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



STAFF REPORT
April 29, 2019

Application Number / Name	:	18-018 / Windward on the River – Commercial
Present Comprehensive Plan Designation	:	Commercial/Low Density Residential
Present Zoning District	:	C-3 (Highway Commercial District) C-1 (Neighborhood Commercial District) R-3 (Garden Apartment & Townhouse)
Present Use	:	Single Family Dwelling, Outdoor Recreation, Small Engine Repair
Proposed Use	:	Shopping Center, Office, Retail & Restaurant
Tax Map & Parcel	:	3-30-11.00-042.00, 042.01, 043.00 & 3-30-7.00-033.00 (portion)
Size and Location	:	7.99 +/- acres of land located along the east side of S. Rehoboth Boulevard approximately 350 feet south of the SE Second Street intersection.

I. BACKGROUND INFORMATION:

- The applicant proposes to construct a Shopping Center consisting (2) 7,000 square foot restaurant buildings, (3) 9,620 square foot retail buildings and (1) 4,200 square foot office building on 7.99 acres located along the east side of S. Rehoboth Boulevard.
- Chapter 230-14(C)(11) states a “shopping center” is a conditional use subject to special requirements set forth by City Council.
- The applicant received approval from the Board of Adjustment on September 13, 2018 for a variance from Chapter 230-14(C)(11)(f)[1] which states “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.” The Board approved a variance from this code requirement along the north, east and west property lines for the proposed commercial shopping center.

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 the Conditional Use Preliminary Site Plan:

- Other than the variance referenced under Section I of the staff report, the Preliminary Site Plan meets the minimum requirements of Chapter 230 Zoning.
- The applicant submitted the proposal to the State of Delaware Office of State Planning Coordination for Preliminary Land Use Service (PLUS) review. See enclosed for the applicant's responses to the PLUS comments.
- Chapter 230-14(C)(11) states a "Shopping Center" is a conditional use subject to site plan review and the following site requirements:

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

The site is 7.99 +/- acres of land.

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

The site will be served by City Water, Sewer and Electric utilities.

- (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.

Final Site Plan approval will require approval from the Sussex Conservation District and City Engineer related to stormwater management.

- (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.

The internal circulation of traffic is accessed from Windward Boulevard and is separated from the external street system. The preliminary site plan shows proper traffic control devices and the entrance along S. Rehoboth Boulevard will require DelDOT review and approval.

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

The entrance of Windward Boulevard on S. Rehoboth Boulevard will require DelDOT review and approval prior to Final Site Plan approval.

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

The Windward Boulevard entrance along S. Rehoboth Boulevard is 50 feet from the adjacent residential parcel to the south.

- [4] Spacing of accessway.
- [a] From adjoining property: 50 feet
 - [b] From minor intersections: 50 feet
 - [c] From major intersections: 100 to 150 feet.

The Windward Boulevard entrance along S. Rehoboth Boulevard is 50 feet from the adjacent residential parcel to the south and meets the spacing requirements for minor and major intersections as well.

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

The site meets the parking requirement.

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

The preliminary site plan package contains a landscaping plan for review by the Planning Commission.

- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

- A. The presence of adjoining similar uses.

The property is bound on the north by lands zoned C-3 (Highway Commercial) containing a contractor's yard and office and lands zoned R-1 containing the historic Union Cemetery. The properties to the east are zoned R-3 (Garden Apartment and Townhouse District) and contain the proposed 264 apartment unit project called Windward on the River – Residential. The properties to the south are zoned AR-1 within Sussex County and are vacant. The properties to the west of the project site, directly across S. Rehoboth Boulevard, are improved with single-family detached dwellings and are zoned AR-1 within Sussex County.

- B. An adjoining district in which the use is permitted.

The proposed use is allowed by conditional use approval within the C-3 Highway Commercial zoning district. Neighborhood shopping centers are permitted by-right within the C-1 Neighborhood Commercial zoning district.

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

The Comprehensive Plan designates this area as Highway Commercial and Low Density Residential. The proposed use is consistent with the land use plan for the Comprehensive Plan and addresses additional goals and objectives related to economic development and business growth.

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

The Board of Adjustment approved a variance from Chapter 230-14(C)(11)(f)[1] which states “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.” The Board approved a variance from this code requirement along the north, east and west property lines. The applicant will provide landscape screening along the southern property line to separate the proposed use from existing residentially zoned parcels that are located within Sussex County.

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

The proposed use should not detract from the adjacent commercial uses to the north and the proposed residential use to the east. The residential parcels to the south will be screened from the project and proper separation has been provided for the entrance along S. Rehoboth Boulevard.

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

The site is located along an established State Maintained road and will require DelDOT approval for the entrance improvements. The site meets the minimum setback requirements and has natural screening from the parcels to the north. The Board of Adjustment granted a variance from the landscape screening requirement for the property line to the east that separates Windward on the River – Commercial project from the proposed Windward on the River Multi-family Project. The site meets the parking requirements for Chapter 230. Landscape screening will be provided on the south side of Windward Boulevard to reduce impacts on the residential parcels to the south of the project site.

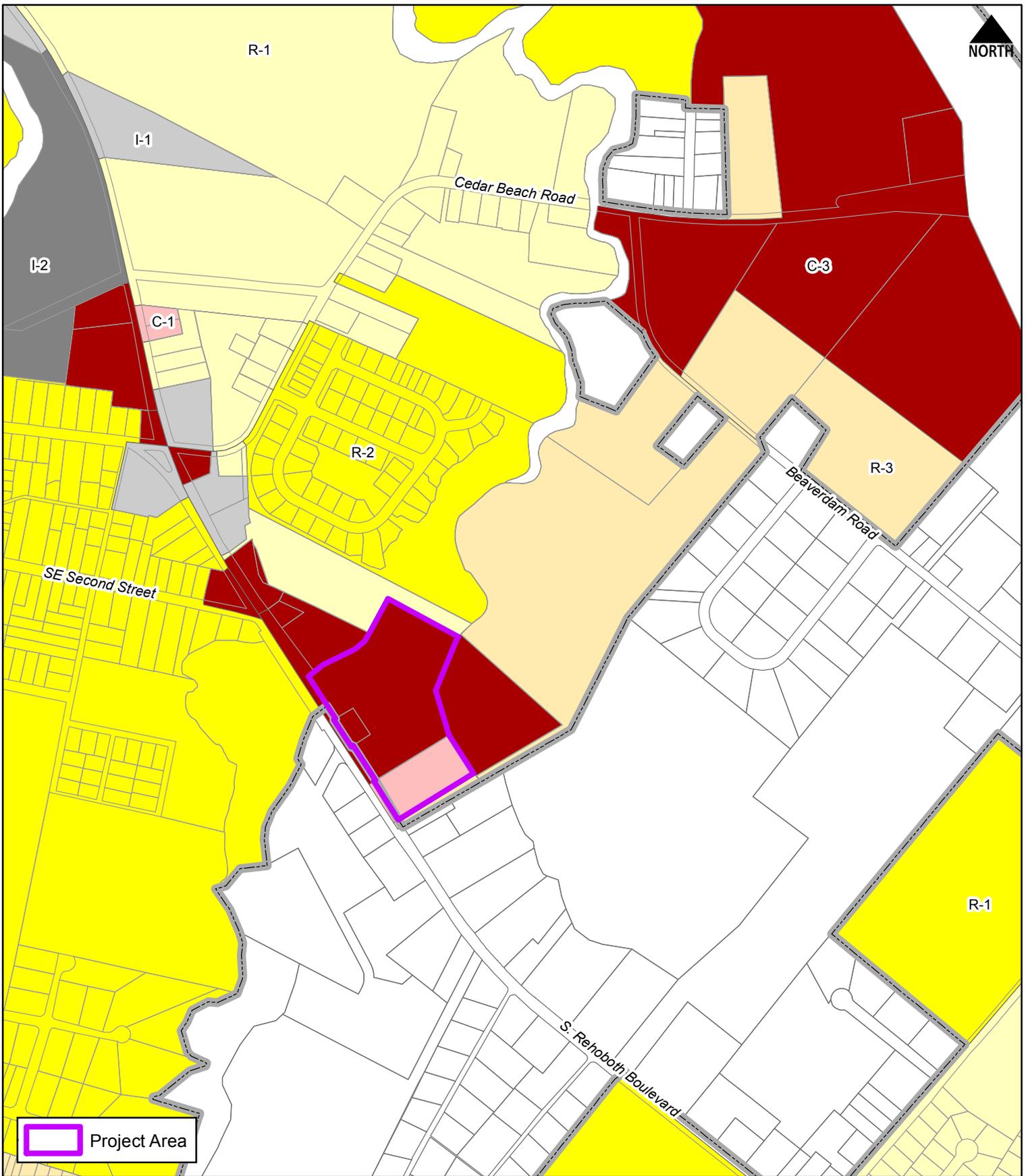
- The Site Plan is subject to Chapter 130 Floodplain, specifically 130-30(B) Development in Areas with Base Flood Elevations but No Floodways, for any proposed fill placed within the designated 100-year floodplain. According to the City Code, the applicant must submit a hydrologic and hydraulic engineering analyses and technical data to the City Floodplain Administrator and FEMA, prepared by a professional engineer in a format required by FEMA for a Conditional Letter of Map Revision. The proposed development activity may be permitted if the analyses demonstrate that the cumulative effect of the proposed development activity, when combined with all other existing and potential special flood hazard encroachments, will not increase the base flood elevation by more than 1.0 foot at any point.

- A lot line adjustment/lot consolidation plat will need to be recorded prior to recording the final site plan.
- The site will require extensions of the City's water, sewer and electric utilities, including the construction of a wastewater pumping station and associated force main, which will require approval from the City Engineer for size and location. The required improvements will be outlined in a Development Agreement to be executed by both the applicant and the City prior to Final Site Plan approval.
- The following comments must be addressed prior to final site plan approval:
 - (a) Execution of a Development Agreement outlining the developers responsibilities for onsite and offsite utility improvements;
 - (b) Obtain approvals or no objection letters from DelDOT, State Fire Marshal's Office, Sussex Conservation District, Office of Drinking Water and DNREC;
 - (c) Address Preliminary Site Plan and Conditional Use review comments (a copy of which is provided in the packet);
 - (d) Applicant must obtain final approval of engineering plans from the City Engineer; and,
 - (e) Additional department and agency comments outlined in Section III.

III. **AGENCY COMMENTS:**

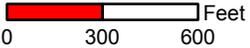
- **Office of State Planning Coordination**
See attached PLUS comments dated June 4, 2018.
- **DelDOT Planning, Development Coordination**
See attached Traffic Impact Study (TIS) review letter dated April 2, 2019.
- **Delaware Health and Social Services – Division of Public Health**
Contact: William Milliken – 302-741-8646
No comments provided.
- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**
No comments provided.
- **Sussex Conservation District**
Contact: Jessica Watson
No comments provided.
- **Delaware State Fire Marshal's Office**
Contact: Duane Fox – 302-856-5298
See attached comments.
- **Carlisle Fire Company**
No comments provided.

- **City of Milford Public Works Department**
Contact: Mark Whitfield – 302-422-1110
No comments provided.
- **City of Milford Parks and Recreation Department**
No comments provided.
- **City of Milford Police Department**
No comments provided.
- **Milford School District**
No comments provided.



 Project Area



Scale:  Feet
0 300 600

Drawn by: WRP Date: 03/29/19

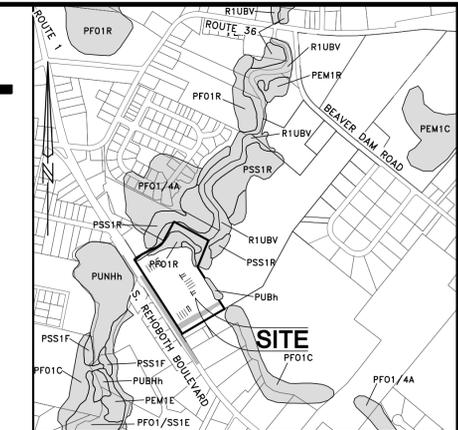
Title:

Preliminary Site Plan
Windward on the River - Commercial
 Location & Zoning Map

Filepath: PreliminarySitePlan_WindwardontheRiverCommercial.mxd

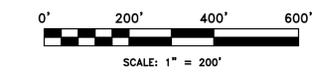
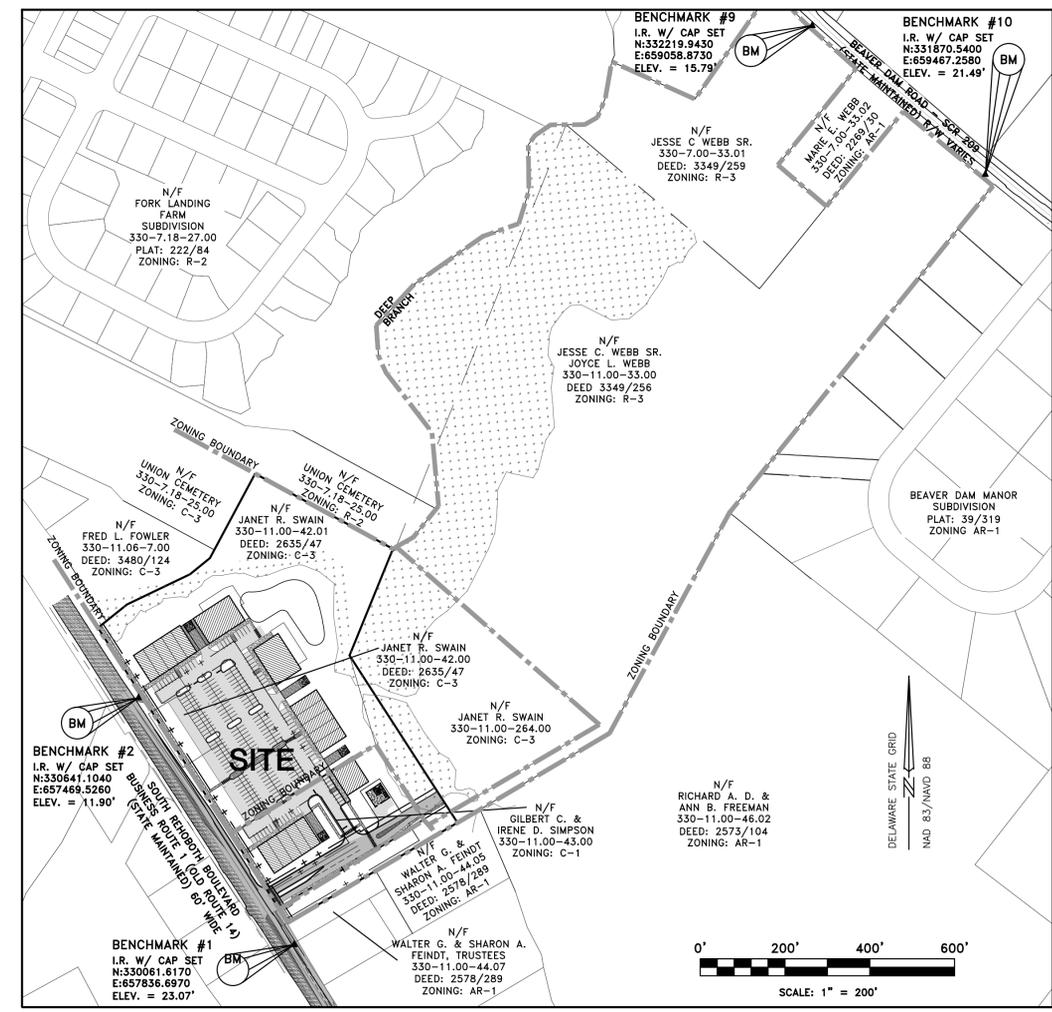
WINDWARD ON THE RIVER - COMMERCIAL

PRELIMINARY SITE PLAN CITY OF MILFORD SUSSEX COUNTY, DELAWARE DBF PROJECT #2261J011.G02 JANUARY, 2019



NWI WETLANDS MAP SCALE: 1" = 800'

SHEET INDEX	
TITLE SHEET - PRELIMINARY SITE PLAN	PL-01
CIVIL NOTES	PL-02
EXISTING CONDITIONS/DEMOLITION PLAN	PL-03
PRELIMINARY PLAN	PL-04
UTILITY PLAN	PL-05
LANDSCAPE PLAN	LA-01



DATA COLUMN		
TAX MAP NUMBER:	PROPERTY ADDRESS:	EXISTING/PROPOSED ZONING:
330-11.00-42.00	5877 S. REHOBOTH BLVD MILFORD, DE 19963	C-3/C-3
330-11.00-42.01	5899 S. REHOBOTH BLVD MILFORD, DE 19963	C-3/C-3
330-11.00-43.00	5919 S. REHOBOTH BLVD MILFORD, DE 19963	C-1/C-1
330-7.00-33.00	19858 BEAVER DAM RD MILFORD, DE 19963	R-3/R-3
330-11.00-264.00	S. REHOBOTH BLVD MILFORD, DE 19963	C-3/C-3
PROPOSED USE: SHOPPING CENTER, RESTAURANT	REQUIRED	PROPOSED
(C-1) ZONING REQUIREMENTS:		
MINIMUM LOT AREA:	3,630 S.F.	84,520 S.F. 1.940 ACRES
MAXIMUM LOT COVERAGE:	80%	68.2%
MAXIMUM BUILDING HEIGHT:	3 STORIES OR 35 FT	1 STORY OR 35 FT
MINIMUM FRONT BUILDING SETBACK:	10 FT	10 FT
MINIMUM REAR YARD SETBACK:	25 FT	50 FT
MINIMUM LOT WIDTH:	30 FT	211 FT
MINIMUM LOT SIDE YARD WIDTH:	5 FT	25 FT
(C-3) ZONING REQUIREMENTS:		
MINIMUM LOT AREA:	1 ACRE	7,999 ACRES
MAXIMUM LOT COVERAGE:	80%	39.14%
MINIMUM LOT WIDTH:	150 FT	274 FT
MINIMUM FRONT YARD SETBACK:	30 FT (INTERIOR LOT)	30 FT
SIDE YARDS:	TWO SIDE YARDS OF 20 FEET, MINIMUM AGGREGATE WIDTH OF TWO SIDE YARDS OF 50 FEET	25 FT EACH
MINIMUM REAR YARD:	50 FT	50 FT
MAXIMUM BUILDING HEIGHT:	3 STORIES OR 35 FEET	35 FEET
TOTAL SITE AREA:	10.358 ACRES (INCLUDES 0.419 ACRES R-3)	
AMOUNT OF AREA TO BE LANDSCAPED: PROVIDED:	10% OF TOTAL SITE AREA = 1.0358 ACRES	1.0526 ACRES
REQUIRED PARKING SPACES:		
RESTAURANT:	336 SEATS; 1 SPACE / 3 SEATS = 112 SPACES + 1 SPACE PER 2 EMPLOYEES	
OFFICE:	4,200 SF; 1 SPACE / 100 SF = 42 SPACES	
RETAIL:	28,860 SF (70% DEVOTED TO SALES); 1 SPACE / 200 SF DESIGNED FOR SALES = 102 SPACES + 1 SPACE PER 2 EMPLOYEES	
TOTAL PROVIDED PARKING SPACES:	256 SPACES + 20 EMPLOYEES	266 SPACES

ON SEPTEMBER 13, 2018 THE CITY OF MILFORD BOARD OF ADJUSTMENT APPROVED RELIEF FROM THE CODE CHAPTER 230-14(C)(1)(F)(1) FOR THE NORTH, EAST AND WEST PROPERTY LINE. THE LANDSCAPE BUFFER SHALL BE PROVIDED FOR ALONG THE PROPERTY LINE SOUTH OF THE PROPOSED COMMERCIAL ENTRANCE ALONG S. REHOBOTH BOULEVARD.

UTILITIES:
ELECTRIC-CITY OF MILFORD
WATER-CITY OF MILFORD
SEWER-CITY OF MILFORD
ESTIMATED EDU'S = 75

FIRE DISTRICT: CARLISLE MILFORD 3RD
CITY WARD: 3RD

VERTICAL DATUM: NAVD 88
HORIZONTAL DATUM: NAD83

BOUNDARY SURVEY PERFORMED BY DAVIS, BOWEN AND FRIEDEL, INC. ON MAY 3, 2018.

TOPOGRAPHICAL SURVEY PERFORMED BY DAVIS, BOWEN AND FRIEDEL, INC. ON MAY 25, 2018.

SITE DOES CONTAIN 100-YR FLOOD PLAIN BASED ON FEMA FLOOD PANELS 10005C0041K AND 10005C0042K DATED MARCH 16, 2015.

SITE DOES NOT CONTAIN ANY STORMWATER PROTECTION AREAS PER DNREC.

SITE DOES CONTAIN WETLAND AREAS AS DELINEATED BY ENVIRONMENTAL RESOURCES, INC. WETLAND AREA: 2.453 ACRES

OWNERS:
JANET R. SWAIN
18686 SUSQUEHANNA AVENUE
LINCOLN, DE 19960

JESSE C. SR. AND JOYCE L. WEBB
19858 BEAVER DAM ROAD
MILFORD, DE 19963

GILBERT C. AND IRENE D. SIMPSON
19145 DUCK LANE TRAIL
EDEN PRAIRIE, MN 55346

DEVELOPER:
WINDWARD COMMUNITIES, LLC
246 REHOBOTH AVENUE
REHOBOTH BEACH, DE 19971
PHONE: (302)226-6631
CONTACT: NICK HAMMONDS

PREPARED BY:
DAVIS, BOWEN AND FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DE 19963
302-424-1441
CONTACT: RING W. LARDNER, P.E.

WETLANDS STATEMENT

I, EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.4(c)(8), Waters of the U.S. Definition/CECW-OR, 10-7-1991, Questions and Answers on the 1987 CDE Manual/CECW-OR, 9-26-1990, RGL 90-7/CECW-OR, 3-6-1992, Clarification and Interpretation of the 1987 Manual). THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

THE BOUNDARIES OF STATE REGULATED WETLANDS ON THIS PROPERTY WERE DETERMINED IN ACCORDANCE WITH DNREC WETLAND MAP NO. DNR-209

EDWARD M. LAUNAY, PWS No. 875
SOCIETY OF WETLANDS SCIENTISTS
CORPS OF ENGINEERS, CERTIFIED WETLAND
DELINEATOR WDCP93MD05100368

ENGINEER'S STATEMENT

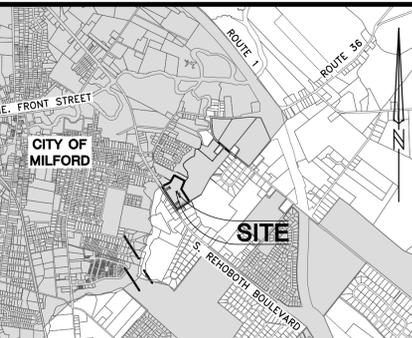
I, RING W. LARDNER, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVIS, BOWEN & FRIEDEL, INC. DATE
BY RING W. LARDNER, P.E.

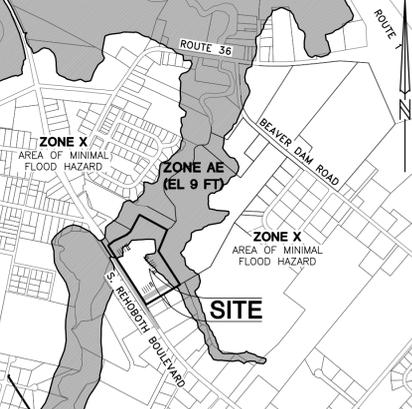
DEVELOPER'S STATEMENT

I, WINDWARD COMMUNITIES, LLC, HEREBY STATE THAT I AM THE DEVELOPER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

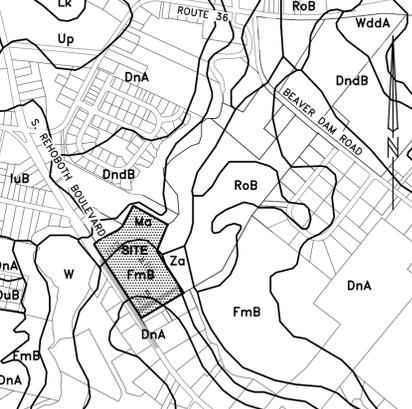
WINDWARD COMMUNITIES, LLC. DATE
NICK HAMMONDS



LOCATION MAP SCALE: 1" = 1/2-MILE



FLOODPLAIN MAP SCALE: 1" = 1000'
FEMA PANEL 10005C0041K, 42K DATE: MARCH 16, 2015



SOILS MAP SCALE: 1" = 600'

DnA-DOWNER LOAMY SAND, 0 TO 2% SLOPES, HSG-A
Mg-MANAWKIN MUCK, FREQUENTLY FLOODED HSG-A/D
FmB-FORT MOTT LOAMY SAND, 2 TO 5% SLOPES, HSG-A
Za-ZEKIAH SANDY LOAM, FREQUENTLY FLOODED, HSG-B/D

OWNER'S STATEMENT

I, JANET R. SWAIN, HEREBY STATE THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

DATE

OWNER'S STATEMENT

I, IRENE D. SIMPSON, HEREBY STATE THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

DATE

OWNER'S STATEMENT

WE, JESSE C. & JOYCE L. WEBB, HEREBY STATE THAT WE ARE THE LEGAL OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

DATE

DATE

DATE

EXISTING	PROPOSED
BOUNDARY LINE	SANITARY SEWER MANHOLE, PIPE, FLOW ARROW, PIPE SIZE
ADJACENT PROPERTY OWNER	SANITARY SEWER LATERAL
EASEMENT	WATER MAIN, TEE W/ VALVES, PIPE SIZE
SETBACK	WATER LATERAL
ROAD CENTERLINE / BASELINE & STATIONING	TREES
CONTOUR ELEVATION AND LABEL	LIGHT DUTY PARKING PAVEMENT / FULL DEPTH
CATCH BASIN, STORM PIPE, STORM MANHOLE	HEAVY DUTY ACCESS DRIVE PAVEMENT / FULL DEPTH
SANITARY SEWER MANHOLE, PIPE, FLOW ARROW, PIPE SIZE	SIDEWALK
SANITARY SEWER CLEANOUT	CONCRETE
WATER MAIN, W/ VALVES	
FIRE HYDRANT ASSEMBLY	
UTILITY POLE	
SIGN	
FENCE	
SWALE	
ZONING BOUNDARY	

CITY OF MILFORD APPROVAL	
ERIC NOENBERG	CITY MANAGER
DATE	
CITY PLANNING DEPARTMENT APPROVAL	
PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE MOST RECENTLY ADOPTED AND/OR CERTIFIED VERSIONS OF THE CITY OF MILFORD'S CODE OF ORDINANCES AND COMPREHENSIVE LAND USE PLAN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.	
CITY ENGINEER APPROVAL	
CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE CITY OF MILFORD'S STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.	
ERIK F. RETZLAFF, P.E.	CITY ENGINEER
DATE	

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

WINDWARD ON THE RIVER - COMMERCIAL
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

Revisions:
3/25/2019
PER CITY COMMENTS

Date: JANUARY 2019
Scale: AS NOTED
Dwn.By: KJB
Proj.No.: 2261J011.G02
Dwg.No.: PL-01

CIVIL PLAN GENERAL NOTES

- BOUNDARY AND TOPOGRAPHIC SURVEY WAS PERFORMED BY DAVIS BOWEN AND FRIEDEL, INC. DELAWARE ON MAY 25, 2018. ELEVATIONS ARE BASED ON CONTROL MONUMENT BENCHMARK #1 (RCS), WITH AN ELEVATION OF 23.07' NOVDB8, BENCHMARK #2 (RCS), WITH AN ELEVATION OF 11.90' NOVDB8, BENCHMARK #9 (RCS), WITH AN ELEVATION OF 15.79' NOVDB8 AND BENCHMARK #10 (RCS), WITH AN ELEVATION OF 21.49' NOVDB8.
- HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/91, CONTROL MONUMENTS BENCHMARKS #1, #2 #9 AND #10.
- 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 OWNERS 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. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA (800-282-8555) A MINIMUM OF THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION.
- 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.
- 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).
- 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, CURBVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN 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 COST OF ITEMS BID.
- A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE SHALL BE RESPONSIBLE FOR PERMANENTLY RE-ESTABLISHING ANY PROPERTY MARKERS OF DISTURBED AREAS. 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.
- 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.
- 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) 422-8616.
- THE CONTRACTOR SHALL NOTIFY THE CITY A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL APPRISE AND COORDINATE DURING ALL PHASES OF CONSTRUCTION:
 - 1.1 DAVIS, BOWEN & FRIEDEL, INC. 302-422-1441.
 - 1.2 CITY OF MILFORD PUBLIC WORKS DEPARTMENT 302-422-1110, EXT. 1110.
 - 1.3 CITY OF MILFORD ELECTRIC DEPARTMENT 302-422-1110, EXT. 1135.
 - 1.4 SUSSEX CONSERVATION DISTRICT 302-856-7219.
 - 1.5 DEPARTMENT OF TRANSPORTATION, SOUTH DISTRICT PERMITS SUPERVISOR 302-853-1340.
- CONTRACTOR SHALL PROVIDE STAKEOUT NECESSARY FOR THE INSTALLATION OF STORM DRAINS, PAVING AND ALL OTHER SITE WORK INCLUDED IN THESE PLANS. ALL STAKEOUT WORK IS TO BE PERFORMED UNDER THE DIRECT SUPERVISION OF A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE.
- CONTRACTOR SHALL OBTAIN ALL THE NECESSARY PERMITS FOR THE EXECUTION OF THIS CONTRACT.
- THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY DEVIATION FROM THESE PLANS UNLESS WRITTEN APPROVAL HAS BEEN PROVIDED BY THE ENGINEER.
- FLOODPLAIN: THIS SITE LIES WITHIN ZONE X (AREAS OUTSIDE THE 500-YEAR FLOODPLAIN) AND ZONE AE (EL 9') AS DETERMINED BY FEMA FIRM PANEL 10005C0041K AND 10005C0042K; DATED MARCH 16, 2015.
- FINAL SET OF APPROVED CONSTRUCTION PLANS AND SPECIFICATIONS SHALL BE MAINTAINED ON THE JOB SITE AT ALL TIMES. FAILURE TO COMPLY WITH THIS PROVISION SHALL BE CONSIDERED CAUSE TO STOP THE WORK.
- THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF CONTRACT DRAWINGS ON WHICH HE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD.
- ALL UTILITY MATERIALS, INSTALLATION, TESTING AND INSPECTION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF MILFORD "STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN", LATEST EDITION.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF ALL MATERIALS FOR APPROVAL TO THE CITY OF MILFORD AND OWNER'S ENGINEER, PRIOR TO COMMENCEMENT OF CONSTRUCTION. MATERIALS ORDERED AND INSTALLED PRIOR TO REVIEW AND ACCEPTANCE WILL BE AT THE CONTRACTOR'S RISK.
- THE CONTRACTOR SHALL USE ONLY NEW MATERIALS, PARTS, AND PRODUCTS. ALL MATERIALS SHALL BE STORED SO AS TO ASSURE THE PRESERVATION OF THEIR QUALITY AND FITNESS FOR THE INTENDED WORK.
- ROUTINE PERIODIC INSPECTIONS DURING CONSTRUCTION WILL BE PROVIDED BY THE OWNER AND THE CITY. THESE INSPECTIONS DO NOT RELIEVE THE CONTRACTOR FROM HIS OBLIGATION AND RESPONSIBILITY FOR CONSTRUCTING ALL WORK IN STRICT ACCORDANCE WITH ALL STANDARDS AND SPECIFICATIONS AND CONSTRUCTION DOCUMENTS.
- THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND 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.
- THE CONTRACTOR SHALL MAINTAIN PUBLIC ROADS AND STREETS IN A BROOM SWEEP CONDITION AT ALL TIMES.
- WETLANDS DO EXIST ON SITE.
- ALL FIRE LANES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
- 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 AND TO POST COMPLETION GUARANTEE FOR ANY IMPROVEMENTS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY. THE GUARANTEE SHALL BE IN AN AMOUNT EQUAL TO 150% OF THE COST OF THE IMPROVEMENTS AS ESTIMATED OR APPROVED BY THE CITY ENGINEER. THE GUARANTEE SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN AN ESCROW ACCOUNT. THE PUBLIC WORKS AGREEMENT AND THE GUARANTEE SHALL BE REVIEWED AND APPROVED BY THE CITY SOLICITOR. THE COMPLETION GUARANTEE SHALL NOT BE RELEASED UNTIL A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE IMPROVEMENTS HAS BEEN SUBMITTED.
- A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE AMOUNT OF THE COMPLETION GUARANTEE PRIOR TO FINAL ACCEPTANCE OF THE IMPROVEMENTS AND RELEASE OF THE COMPLETION GUARANTEE. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR. AN AGREEMENT REVIEWED AND APPROVED BY THE CITY SOLICITOR SHALL ACCOMPANY THE BOND AND SHALL DESCRIBE THE TERMS OF THE BOND.
- UPON COMPLETION AND PRIOR TO THE RELEASE OF THE DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE TOWN ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS), RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF ALL PROPERTY MONUMENTS/MARKERS; SEWER MANHOLE RIMS, PIPES, SIZES & INVERTS; PUMP STATIONS' FORCE MAINS (INVERTS EVERY 50 FEET), CLEANOUTS, AIR RELEASE VALVES, AND GREASE TRAPS; ALL WATER VALVES, HYDRANTS, VAULTS, METER PITS, AND CURB STOPS; ALL STORM SEWER CATCH BASINS, MANHOLE RIMS, PIPE SIZES & INVERTS, AND ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE TOWN. RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROPRIATE ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER. A CD SHALL ALSO BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2010 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL AND NAVD83 VERTICAL CONTROL.
- 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.
- FINAL APPROVAL FROM THE CITY SHALL BECOME VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERTAKEN WITHIN ONE (1) YEAR OF FINAL SITE PLAN APPROVAL, THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST A ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.

DEMOLITION AND SAFETY GENERAL NOTES

- MISS UTILITY OF DELMARVA SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- 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 OWNERS 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. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA.
- THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES, REGULATIONS AND ORDERS OF ANY PUBLIC BODY HAVING JURISDICTION. THE CONTRACTOR SHALL ERECT AND MAINTAIN, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK, ALL NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.
- THE CONTRACTOR SHALL OPEN ONLY THAT SECTION OF TRENCH OR ACCESS PITS WHICH CAN BE BACKFILLED AND STABILIZED AT THE END OF EACH WORKING DAY. STEEL PLATES SHALL BE USED ON ANY TRENCH OR ACCESS PITS WHICH MUST REMAIN OPEN OVERNIGHT. THIS REQUIREMENT DOES NOT APPLY TO AREAS COMPLETELY CLOSED AND SECURE FROM VEHICULAR OR PEDESTRIAN TRAFFIC.
- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL WORK MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
- 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 CONTRACTOR TO PERFORM. ADDITIONAL COSTS WILL BE NEGOTIATED WITH THE OWNER.

POTABLE WATER DISTRIBUTION GENERAL NOTES

- MISS UTILITY OF DELMARVA SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- ALL WATER DISTRIBUTION WORK SHALL COMPLY WITH THE CITY OF MILFORD WATER MAIN CONSTRUCTION SPECIFICATIONS, LATEST EDITION. CONTRACTOR SHALL OBTAIN A COPY FROM CITY OF MILFORD PRIOR TO BIDDING ON THE JOB. FAILURE TO OBTAIN A COPY OF THE SPECIFICATIONS SHALL NOT RELIEVE THE CONTRACTOR OF THEIR RESPONSIBILITY. ANY ADDITIONAL COSTS CAUSED BY THE FAILURE TO FOLLOW THE SPECIFICATIONS SHALL BE AT THE SOLE COST OF THE CONTRACTOR.
- ALL TRENCHING, PIPE LAYING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.
- THE CONTRACTOR SHALL FIELD VERIFY LOCATION OF EXISTING WATER LATERALS TO WHICH NEW CONSTRUCTION WILL CONNECT.
- WATER LATERALS SHALL HAVE A MINIMUM COVER OF 42 INCHES FROM PROPOSED GRADE, AS MEASURED FROM THE TOP OF PIPE.
- THE CONTRACTOR SHALL OPEN ONLY THAT SECTION OF TRENCH OR ACCESS PITS WHICH CAN BE BACKFILLED AND STABILIZED AT THE END OF EACH WORKING DAY. TRENCHES MAY NOT BE LEFT OPEN WITHOUT THE APPROVAL OF CITY OF MILFORD.
- FINAL APPROVED SET OF PLANS AND SPECIFICATIONS SHALL BE MAINTAINED ON THE JOB SITE. FAILURE TO COMPLY WITH THIS PROVISION SHALL BE CONSIDERED CAUSE TO STOP THE WORK.
- THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF CONTRACT DRAWINGS ON WHICH HE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD.
- ROUTINE PERIODIC INSPECTIONS DURING CONSTRUCTION WILL BE PROVIDED BY CITY OF MILFORD OR DESIGNEE. THESE INSPECTIONS DO NOT RELIEVE THE CONTRACTOR FROM HIS/HER OBLIGATION AND RESPONSIBILITY FOR CONNECTING THE WATER SERVICES IN ACCORDANCE WITH CITY OF MILFORD STANDARDS AND SPECIFICATIONS.
- DIFFERING SITE CONDITIONS AND/OR DIFFERING MATERIAL PROPERTIES SHALL REQUIRE CITY OF MILFORD OR DESIGNEE APPROVAL OF SPECIAL DESIGN DETAILS PREPARED BY THE DESIGN ENGINEER PRIOR TO INITIATING OR RESUMING CONSTRUCTION ACTIVITIES.
- THE CONTRACTOR SHALL ALLOW SUFFICIENT TIME FOLLOWING EXCAVATIONS FOR INSPECTION AND EVALUATION OF EXISTING SOIL SUBGRADE CONDITIONS BY CITY OF MILFORD OR DESIGNEE. CITY OF MILFORD OR DESIGNEE SHALL INSPECT ALL LATERAL SUBGRADES FOLLOWING EXCAVATION AND PRIOR TO CONSTRUCTION OF NEW WORK TO CONFIRM DESIGN CONDITIONS ARE MET AND SUBGRADE CONDITIONS ARE SUITABLE FOR CONSTRUCTION. IN THE EVENT THE SOIL BEARING CAPACITY IS LESS THAN THE MINIMUM DESIGN VALUE, CITY OF MILFORD OR DESIGNEE SHALL CAUSE AFFECTED CONSTRUCTION TO CEASE AND SHALL NOTIFY THE DESIGN ENGINEER FOR RE-DESIGN TO ACCOMMODATE THE REDUCED SOIL BEARING CAPACITY.
- IN THE EVENT THE SUBGRADE CONDITION IS UNSTABLE, DUE TO UNSUITABLE MATERIALS AND/OR GROUNDWATER INFILTRATION/INTRUSION INTO THE SURROUNDING SOILS, AS DETERMINED BY CITY OF MILFORD OR DESIGNEE, THE CONTRACTOR SHALL, AS DIRECTED BY CITY OF MILFORD OR DESIGNEE, REMOVE THE UNSUITABLE MATERIAL AND FILL WITH SUITABLE APPROVED GRANULAR FILL MATERIAL.
- CONTRACTOR SHALL EXTEND LATERAL BELOW ANY CONFLICTS OR OBSTRUCTIONS TO PROVIDE REQUIRED CLEARANCES. COST SHALL BE INCLUDED IN THE PRICE OF THE CONTRACT.
- THROUGHOUT THE PROJECT, WHERE WATER MAINS ARE LOCATED IN, ACROSS OR ADJACENT TO DRAINAGE DITCHES AND SWALES, THE CONTRACTOR SHALL RESTORE DISTURBED AREAS TO THEIR ORIGINAL CONDITION AND VEGETATE AS REQUIRED.
- ALL PROPOSED WATER MAINS 6" AND LARGER SHALL BE C-909 CL235 PVC. ALL PROPOSED WATER SERVICES SHALL BE 2" SDR-9 POLY PVC TUBING.
- ALL WATER CONNECTIONS LESS THAN OR EQUAL TO 2" SHALL USE A STAINLESS STEEL SADDLE, CORPORATION STOP AND CURB STOP. ALL CONNECTIONS LARGER THAN 2" SHALL USE A TEE AND GATE VALVE WITH VALVE BOX.
- ALL GATE VALVES SHALL BE PROVIDED WITH A ROADWAY SCREW-TYPE CAST IRON VALVE BOX.
- VALVES LARGER THAN 4" SHALL BE ONE OF THE THREE TYPES APPROVED BY CITY OF MILFORD. ALL VALVES SHALL BE OPERABLE BY A 6" VALVE WRENCH.
- PLACE NEW VALVES NEXT TO TEES, BENDS, ETC., SUPPORT ALL VALVES ON A SOLID 4"x8" CONCRETE MASONRY UNIT.
- ALL WATER MAINS SHALL BE HYDROSTATICALLY TESTED AND DISINFECTED IN ACCORDANCE WITH CITY OF MILFORD STANDARDS AND SPECIFICATIONS BEFORE ACCEPTANCE.
- ALL PROPOSED SERVICES SHALL BE INSTALLED WITH A TRACER WIRE CONTINUOUSLY ALONG AND DIRECTLY ADHERED TO THE PIPE.
- THE CONTRACTOR WILL INSTALL THE WATER SERVICE TO THE GROUND MARKER AS SHOWN ON THE STANDARD DETAILS. THE WATER METER AND PIT ASSEMBLY WILL BE PROVIDED BY THE DEVELOPER AND INSTALLED BY THE CITY OF MILFORD.
- ALL VALVE CLOSURES AND CUT-IN'S SHALL BE COORDINATED WITH THE CITY OF MILFORD OR DESIGNEE. CONTRACTOR SHALL COORDINATE ISOLATION OF EXISTING WATER MAINS WITH THE CITY OF MILFORD OR DESIGNEE AND NOTIFY RESIDENTS AT LEAST 48 HOURS PRIOR TO CUT-IN.
- ALL FITTINGS SHALL BE DUCTILE IRON, MECHANICAL JOINT RESTRAINT AND ANWA APPROVED. SEE THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS FOR ADDITIONAL INFORMATION. ALL FITTINGS SHALL BE THRUST RESTRAINED AS SHOWN ON THE STANDARD DETAILS.
- WATER MAINS SHALL BE LAID AT LEAST 10 FEET HORIZONTALLY FROM SEWER MAINS. SEWER CROSSING WATER MAINS SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF 18" TO OUTSIDE OF PIPES. IF AN 18" CLEARANCE CANNOT BE OBTAINED, CONTRACTOR IS TO CONTACT THE DESIGN ENGINEER TO DETERMINE THE APPROPRIATE INSTALLATION (PER THE CITY OF MILFORD'S APPROVAL) OF WATER MAIN AT CLEARANCE CONFLICT. WATER MAINS MAY NEED TO BE DEFLECTED TO MEET THE SEPARATION REQUIREMENTS.
- THE CONTRACTOR SHALL TAKE PRECAUTIONS TO LOCATE PROPERTY LINES, EASEMENTS, AND RIGHT-OF-WAY LINES PRIOR TO CONSTRUCTION AND AVOID CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY AND/OR RIGHTS OF WAYS WHERE SAID CONSTRUCTION IS PROHIBITED. THE CONTRACTOR MAY CONDUCT CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY PROVIDED HE HAS OBTAINED PRIOR WRITTEN PERMISSION FROM THE PROPERTY OWNER AND HAS SUBMITTED A COPY OF SAID WRITTEN PERMISSION TO THE CITY OF MILFORD. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION. PAYMENT FOR THIS WORK SHALL BE INCLUDED IN THE COST OF ITEMS BID.
- ALL VALVE CLOSURES AND CUT-IN'S 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.
- CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES; AND ALONG ALL SEWER LATERALS AND FORCEMAIN. WIRE 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.
- ALL SANITARY SEWER MAINS AND FORCEMAINS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND ALL WATER MAINS SHALL HAVE A 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 OR SEWER 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 ENCASED THE PIPE IN CONCRETE.
- PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.
- THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES INSTALLED WITHIN CITY RIGHT-OF-WAY, AND EASEMENTS DEDICATED TO THE CITY; AND, ALL STORM SEWER PIPES AND CATCH BASINS FULLY WITHIN CITY RIGHT-OF-WAY. AFTER ALL ITEMS HAVE PASSED CITY INSPECTION; AFTER THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPIES OF THE RECORD DRAWINGS; AFTER THE RIGHTS-OF-WAY HAVE BEEN DEEDED TO THE CITY; AND AFTER ALL THE WATER, SEWER, AND STORM SEWER ITEMS HAVE BEEN TRANSFERRED TO THE CITY BY BILL OF SALE.
- 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.

INTERNAL PAVING NOTES

- BITUMINOUS CONCRETE ASPHALT SHALL BE INSTALLED IN ACCORDANCE WITH THE AUGUST 2016 DelDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION TO INCLUDE SPECIAL PROVISIONS:
 - 1.1. SECTION 1011 FOR PLACEMENT OF TACK COAT.
 - 1.2. SECTION 4011 FOR PLACEMENT OF BITUMINOUS CONCRETE ASPHALT
 - 1.3. BITUMINOUS CONCRETE ASPHALT SHALL BE FROM A DelDOT APPROVED PLANT.
 - 1.4. BITUMINOUS CONCRETE ASPHALT SHALL NOT BE APPLIED WHEN BELOW TEMPERATURES SPECIFIED IN SECTION 401.03.F.
- ALL DISTURBED AREAS NOT COVERED WITH IMPERVIOUS MATERIAL, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED, SEEDED AND MULCHED.
- ALL SIGNING AND MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION).
- DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION).
- FOR FINAL PERMANENT PAVEMENT MARKINGS, EPOXY RESIN PAINT SHALL BE REQUIRED FOR LONG LINE STRIPING AND THERMO WILL BE REQUIRED FOR SHORT LINE STRIPING, I.E. SYMBOLS/LEGENDS.
- ALL TRAFFIC CONTROL DEVICES SHALL BE IN NEW OR REFURBISHED CONDITION, SHALL COMPLY WITH THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION), AND SHALL BE NCHRP - 350 APPROVED AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED IN GOOD CONDITION FOR DURATION OF USE.
- BREAKAWAY POSTS SHALL BE USED WHEN INSTALLING ALL SIGNS. DETAIL CAN BE FOUND IN DelDOT'S STANDARD CONSTRUCTION DETAILS.
- PLAN LOCATION AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER EXISTS AFTER PAVING IS COMPLETE. PONDING IS DEFINED AS WATER STANDING IN AN AREA MORE THAN 1 HOUR AFTER A RAINFALL EVENT THAT PRODUCES RUNOFF. ELIMINATION OF PONDING WILL BE COMPLETED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
- OPEN-CUT TRENCHES AND PROVIDE PAVEMENT RESTORATION IN ACCORDANCE WITH THE APPROPRIATE JURISDICTION'S STANDARDS AND SPECIFICATIONS. USE ONLY SUITABLE AND APPROVED GRANULAR MATERIALS FOR BACKFILLING TRENCHES.

SANITARY SEWER GENERAL NOTES

- MISS UTILITY OF DELMARVA SHALL BE NOTIFIED THREE CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- CONTRACTOR SHALL PROVIDE STAKEOUT SURVEY NECESSARY FOR THE INSTALLATION OF UTILITY WORK AND APPURTENANCES AS REQUIRED PER THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS.
- SANITARY SEWER CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS, AND DETAILS.
- ALL SANITARY SEWER MATERIALS AND APPURTENANCES SHALL MEET OR EXCEED THOSE REQUIRED BY THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS, AND DETAILS.
- USE ONLY SUITABLE GRANULAR MATERIAL APPROVED BY THE CITY OF MILFORD FOR BACKFILLING TRENCHES.
- SANITARY SEWER LATERAL SHALL BE 8" PVC. SEWER LATERAL SHALL INCLUDE A 8" CLEANOUT, WYE, AND CAP JUST BEHIND THE ACCESS EASEMENT LINE.
- ALL TRENCHING, PIPE LAYING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.
- TOP OF MANHOLE ELEVATIONS ARE TOP OF MANHOLE FRAME AND COVER.
- PIPE SPAN LENGTHS ARE MEASURED FROM C/L OF STRUCTURE TO C/L OF STRUCTURE, WHERE APPLICABLE ARE ROUNDED TO THE NEAREST FOOT.
- THE CONTRACTOR SHALL FIELD VERIFY INVERTS AND LOCATION OF EXISTING SANITARY SEWER MAINS OR MANHOLES TO WHICH NEW CONSTRUCTION WILL CONNECT.
- THE SEWER LATERAL SHALL HAVE A MINIMUM COVER OF 3.0 FEET FROM PROPOSED GRADE, AS MEASURED FROM THE TOP OF PIPE.
- THE CONTRACTOR SHALL OPEN ONLY THAT SECTION OF TRENCH OR ACCESS PITS WHICH CAN BE BACKFILLED AND STABILIZED AT THE END OF EACH WORKING DAY. TRENCHES MAY NOT BE LEFT OPEN WITHOUT PERMISSION FROM THE CITY OF MILFORD.
- FINAL APPROVED SET OF PLANS AND SPECIFICATIONS SHALL BE MAINTAINED ON THE JOB SITE. FAILURE TO COMPLY WITH THIS PROVISION SHALL BE CONSIDERED CAUSE TO STOP THE WORK.
- THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF CONTRACT DRAWINGS ON WHICH HE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD.
- ROUTINE PERIODIC INSPECTIONS DURING CONSTRUCTION WILL BE PROVIDED BY THE CITY OF MILFORD. THESE INSPECTIONS DO NOT RELIEVE THE CONTRACTOR FROM HIS/HER OBLIGATION AND RESPONSIBILITY FOR CONSTRUCTING A SANITARY SEWER SYSTEM IN STRICT ACCORDANCE WITH THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS.
- THE CONTRACTOR SHALL TAKE PRECAUTIONS TO LOCATE PROPERTY LINES, EASEMENTS, AND RIGHT-OF-WAY LINES PRIOR TO CONSTRUCTION AND AVOID CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY AND/OR RIGHTS OF WAYS WHERE SAID CONSTRUCTION IS PROHIBITED. THE CONTRACTOR MAY CONDUCT CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY PROVIDED HE HAS OBTAINED PRIOR WRITTEN PERMISSION FROM THE PROPERTY OWNER AND HAS SUBMITTED A COPY OF SAID WRITTEN PERMISSION TO THE CITY OF MILFORD. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION. PAYMENT FOR THIS WORK SHALL BE INCLUDED IN THE COST OF ITEMS BID.
- DIFFERING SITE CONDITIONS AND/OR DIFFERING MATERIAL PROPERTIES SHALL REQUIRE CITY OF MILFORD APPROVAL OF SPECIAL DESIGN DETAILS PREPARED BY THE DESIGN ENGINEER PRIOR TO INITIATING OR RESUMING CONSTRUCTION ACTIVITIES.
- THE CONTRACTOR SHALL ALLOW SUFFICIENT TIME FOLLOWING EXCAVATIONS FOR INSPECTION AND EVALUATION OF EXISTING SOIL SUBGRADE CONDITIONS BY THE CITY OF MILFORD OR HIS/HER DESIGNEE. THE CITY OF MILFORD SHALL INSPECT ALL SUBGRADES FOLLOWING EXCAVATION AND PRIOR TO CONSTRUCTION OF NEW WORK TO CONFIRM DESIGN CONDITIONS ARE MET AND SUBGRADE CONDITIONS ARE SUITABLE FOR CONSTRUCTION. IN THE EVENT THE SOIL BEARING CAPACITY IS LESS THAN THE MINIMUM DESIGN VALUE, THE CITY OF MILFORD ENGINEER SHALL CAUSE AFFECTED CONSTRUCTION TO CEASE AND SHALL NOTIFY THE DESIGN ENGINEER FOR RE-DESIGN TO ACCOMMODATE THE REDUCED SOIL BEARING CAPACITY.
- IN THE EVENT THE SUBGRADE CONDITION IS UNSTABLE, DUE TO UNSUITABLE MATERIALS AND/OR GROUNDWATER INFILTRATION/INTRUSION INTO THE SURROUNDING SOILS, AS DETERMINED BY THE CITY OF MILFORD, THE CONTRACTOR SHALL, AS DIRECTED BY THE CITY OF MILFORD ENGINEER, REMOVE THE UNSUITABLE MATERIAL AND FILL WITH SUITABLE APPROVED GRANULAR FILL MATERIAL.
- SEWER MAINS SHALL BE LAID AT LEAST 10 FEET HORIZONTALLY FROM WATER MAINS. SEWER CROSSING WATER MAINS SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF 18" TO OUTSIDE OF PIPES. IF AN 18" CLEARANCE CANNOT BE OBTAINED, CONTRACTOR IS TO CONTACT THE DESIGN ENGINEER TO DETERMINE THE APPROPRIATE INSTALLATION (PER CITY OF MILFORD APPROVAL) OF SEWER MAIN AT CLEARANCE CONFLICT. THIS INCLUDES, BUT IS NOT LIMITED TO, CONCRETE ENCASEMENT. WATER MAINS MAY NEED TO BE DEFLECTED TO MEET THE SEPARATION REQUIREMENTS.
- PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.
- ALL SANITARY SEWER MAINS AND FORCEMAINS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND ALL WATER MAINS SHALL HAVE A 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 OR SEWER 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 ENCASED THE PIPE IN CONCRETE.
- THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES INSTALLED WITHIN CITY RIGHT-OF-WAY, AND EASEMENTS DEDICATED TO THE CITY; AND, ALL STORM SEWER PIPES AND CATCH BASINS FULLY WITHIN CITY RIGHT-OF-WAY. AFTER ALL ITEMS HAVE PASSED CITY INSPECTION; AFTER THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPIES OF THE RECORD DRAWINGS; AFTER THE RIGHTS-OF-WAY HAVE BEEN DEEDED TO THE CITY; AND AFTER ALL THE WATER, SEWER, AND STORM SEWER ITEMS HAVE BEEN TRANSFERRED TO THE CITY BY BILL OF SALE.
- 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.

DRAINAGE, GRADING AND SEDIMENT CONTROL NOTES

- ALL STORM DRAIN PIPING, INLET, MANHOLE AND END SECTION INSTALLATION WITHIN THE STATE OF DELAWARE RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION STANDARDS SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AUGUST 2016.
- CONTRACTOR SHALL EXERCISE CAUTION AND TAKE MEASURES NECESSARY TO PROTECT TREES DURING CONSTRUCTION ACTIVITIES. DAMAGED TREES TO BE REPLACED, IN KIND, AT THE CONTRACTOR'S EXPENSE.
- 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.
- THE CONTRACTOR SHALL PROVIDE SEDIMENT CONTROL MEASURES TO PROTECT STOCKPILE AREAS AND STORAGE AREAS. ALL AREAS USED BY CONSTRUCTION WITHIN THE STATE OF DELAWARE SHALL BE FULLY RESTORED BY THE CONTRACTOR UPON COMPLETION OF THE PROJECT. IF THE STAGING AREA IS PAVED, IT SHALL BE RESTORED TO ITS ORIGINAL CONDITION. IF THE STAGING AREA IS UNPAVED, IT SHALL BE GRASS-ED, TOPSOILED, SEEDING AND MULCHED TO THE SATISFACTION OF THE ENGINEER. ALL COSTS ASSOCIATED WITH RESTORATION OF THE STAGING AREA SHALL BE AT THE CONTRACTOR'S EXPENSE. IF THE ENGINEER DETERMINES THAT A SATISFACTORY STAND OF GRASS DOES NOT EXIST AT THE TIME OF FINAL INSPECTION, ALL COSTS ASSOCIATED WITH RE-ESTABLISHING A SATISFACTORY STAND OF GRASS SHALL BE AT THE CONTRACTOR'S EXPENSE.
- PIPE SPAN LENGTHS ARE MEASURED FROM C/L OF STRUCTURE TO C/L OF STRUCTURE, WHERE APPLICABLE ARE ROUNDED TO THE NEAREST FOOT.
- ALL SEALS MUST BE WATERTIGHT AND CONCRETE STRUCTURES MUST BE PRECAST OR POURED IN PLACE.
- IF THE APPROVED PLAN NEEDS TO BE MODIFIED DUE TO THE SITE CONDITION DURING CONSTRUCTION, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY THE SUSSEX CONSERVATION DISTRICT. ALL COSTS FOR THE ADDITIONAL MEASURES TO INCLUDE FLOCCULANTS SHALL BE AT THE SOLE COST OF THE CONTRACTOR.
- IF LARGE AMOUNTS OF SEDIMENT HAVE ENTERED INTO THE STORM DRAIN SYSTEM, THE COUNTY ENGINEER, PROJECT ENGINEER OR KENT CONSERVATION DISTRICT MAY REQUIRE THE PIPES TO BE FLUSHED AND VIDEO INSPECTED. ALL COSTS FOR THE PIPE FLUSHING AND VIDEO INSPECTION SHALL BE AT THE SOLE COST OF THE CONTRACTOR.
- EQUIPMENT AND/OR STOCKPILE MATERIAL SHALL NOT BE STORED IN THE DRIPLINE AREA OF ANY TREE.
- THE CONTRACTOR SHALL PROVIDE TEMPORARY SEED AND MULCH FOR ALL AREAS WHERE SOIL IS EXPOSED AND SILT FENCE IS NOT SPECIFIED, BY THE CLOSE OF EACH BUSINESS DAY.
- THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION DEVELOPMENT COORDINATION MANUAL, LATEST EDITION.
- DRAINAGE, STORMWATER MANAGEMENT, AND EROSION AND SEDIMENT CONTROLS SHALL BE IN ACCORDANCE WITH THE DELAWARE SEDIMENT & STORMWATER REGULATIONS OF 2014, OR AS LATER AMENDED. MAINTENANCE OF DRAINAGE, STORAGE, AND SEDIMENT & EROSION CONTROL PRACTICES WILL BE THE RESPONSIBILITY OF THE SITE CONTRACTOR DURING THE CONSTRUCTION PHASE OF THE PROJECT, INCLUDING CONSTRUCTION OF THE UTILITIES. WHEN THE PERMANENT DRAINAGE AND STORMWATER MANAGEMENT PRACTICES HAVE BEEN COMPLETED TO THE SATISFACTION OF THE APPLICABLE AGENCIES, MAINTENANCE WILL ULTIMATELY BECOME THE RESPONSIBILITY OF THE PROPERTY OWNER.
- EROSION AND SEDIMENT CONTROL SHALL BE IN ACCORDANCE WITH THE DELAWARE EROSION & SEDIMENT CONTROL HANDBOOK (LATEST EDITION). THE KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURE AS DEEMED NECESSARY.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SHORT TERM (DURING CONSTRUCTION) MAINTENANCE OF THE STORMWATER MANAGEMENT AND STORM SEWER SYSTEMS.
- THE OWNER/DEVELOPER SHALL BE RESPONSIBLE FOR THE LONG TERM (AFTER FINAL ACCEPTANCE BY THE CITY) MAINTENANCE OF THE STORMWATER MANAGEMENT AND STORM SEWER SYSTEMS.

Revisions:
3/25/2019
PER CITY COMMENTS

Date: **JANUARY 2019**

Scale: **AS NOTED**

Dwn.By: **KJB**

Proj.No.: **2261J01.602**

Dwg.No.:

PL-02

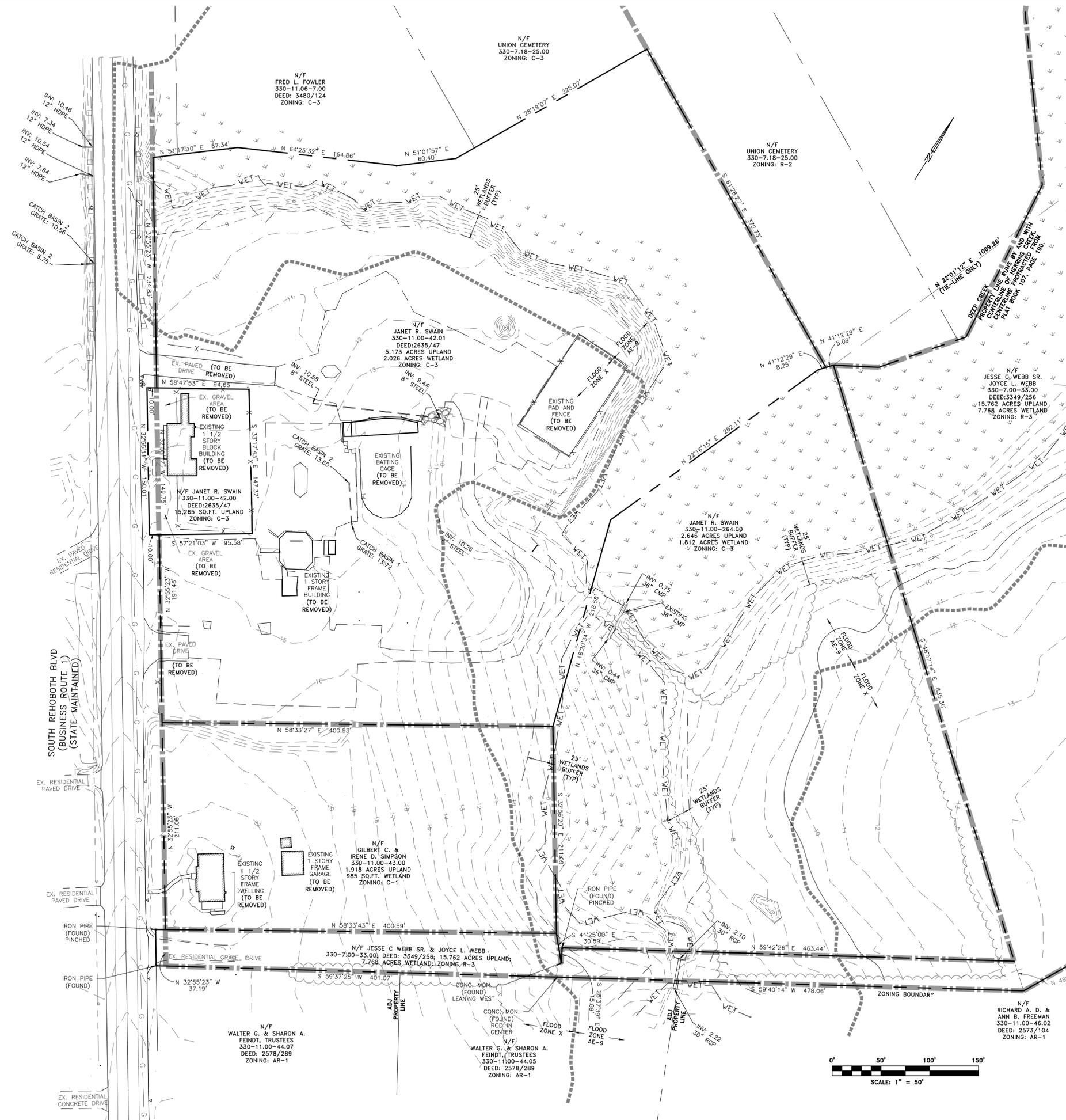
DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS



WINDWARD ON THE RIVER - COMMERCIAL
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

CIVIL NOTES

P:\J.G. Townsend\Swain Property, Milford\Design\Commercial\Preliminary\2261J011-002_Existing Conditions Plan.dwg, Mar. 25, 2019, 9:23am



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 SALISBURY, MARYLAND (410) 543-9091
 MILFORD, DELAWARE (302) 424-1441

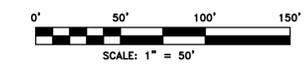
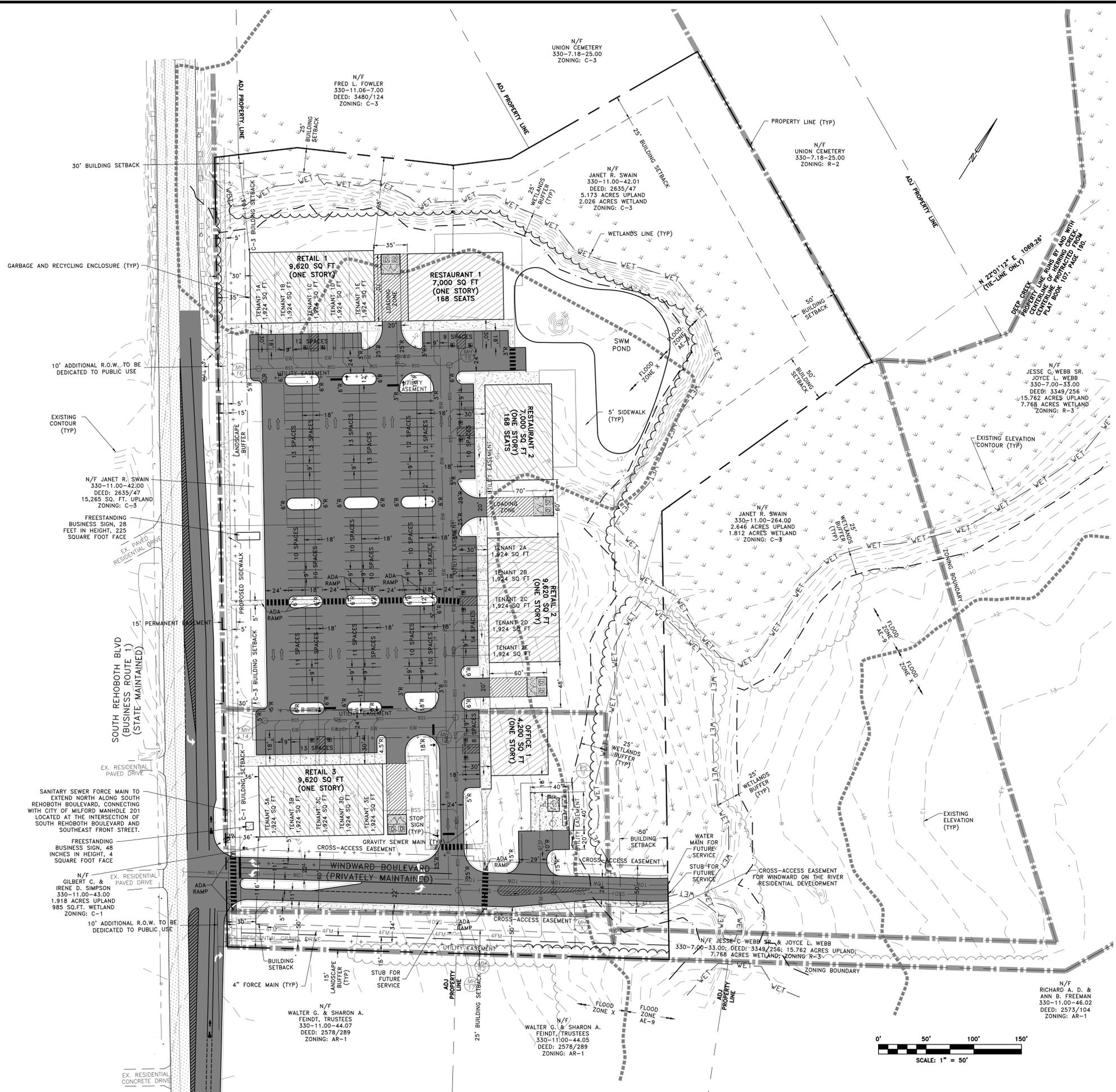
WINDWARD ON THE RIVER - COMMERCIAL
 CITY OF MILFORD
 SUSSEX COUNTY, DELAWARE

Revisions:
 3/25/2019
 PER CITY COMMENTS

Date: JANUARY 2019
 Scale: 1"=50'
 Dwn.By: KJB
 Proj.No.: 2261J011.001
 Dwg.No.:

PL-03

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PRELIMINARY SITE PLAN

WINDWARD ON THE RIVER - COMMERCIAL

CITY OF MILFORD

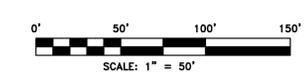
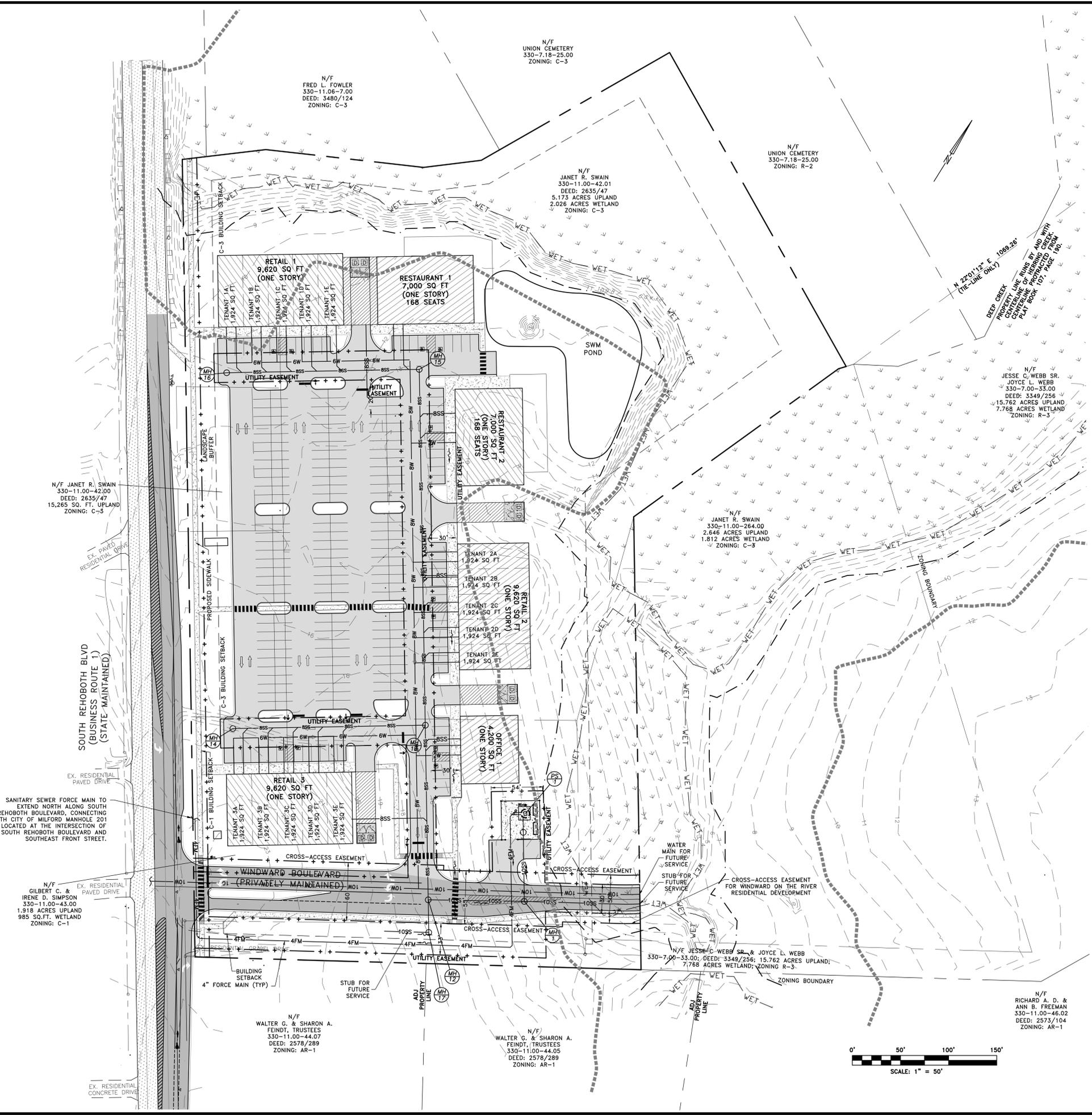
SUSSEX COUNTY, DELAWARE

Revisions:
 3/25/2019
 PER CITY COMMENTS

Date: JANUARY 2019
 Scale: 1"=50'
 Dwn.By: KJB
 Proj.No.: 2261J011.002
 Dwg.No.:

PL-04

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DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS



UTILITY PLAN

WINDWARD ON THE RIVER - COMMERCIAL
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

Revisions:
3/25/2019
PER CITY COMMENTS

Date: JANUARY 2019
Scale: 1"=50'
Dwn.By: KJB
Proj.No.: 2281J011.002
Dwg.No.:

PL-05

Proposed Use Narrative

This conditional use application is for the commercial portion of the Windward on the River project. The commercial portion of this project proposes the following uses permitted by City of Milford Code: two restaurants and a shopping center. The shopping center is a permitted conditional use.

The nature of the shopping center has yet to be determined. Hours of operation are unknown at this time. The plan shows three units of 9,620 square feet each and one unit of 4,280 square feet. The uses shown are provided as an example of potential tenants. The number of proposed parking spaces will ultimately decide the size of the conditional use and thus are requesting the conditional use be approved as a 33,140 square foot shopping center.

Proposal Summary

This conditional use application is for the commercial portion of the Windward on the River project. The project proposes two restaurants and a shopping center. Windward Boulevard will provide primary entry on South Rehoboth Boulevard. It will also provide secondary entry on Beaver Dam Road.

The commercial portion of the site seeks to consolidate four lots. Two lots are currently zoned C-3, Highway Commercial District. The City annexed the third lot on December 19, 2018, with a zoning designation of C-1, Community (Neighborhood) Commercial District. The fourth lot is zoned R-3, Garden Apartment and Townhouse District. It is an odd shaped lot with minimal frontage along South Rehoboth Boulevard. A lot line adjustment will occur along with the consolidation. The lot consolidation seeks consolidation from four lots into one lot with split C-3/C-1/R-3 zoning. Entry to C-3 zoning will be provided via the C-1 zone. Secondary entry will be available via Beaver Dam Road through the residential portion of the site.

A shopping center with a minimum lot size of one acre is a conditional use permitted as per Chapter 230, Article 3, Section 14 of the City of Milford Code. Landscape variances have already been approved.

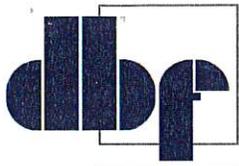
The shopping center is comprised of three units of 9,620 square feet each and one unit of 4,280 feet, for a total footprint of 33,140 square feet. The site also includes two restaurants of 7,000 square feet each. It is assumed each restaurant will have 168 seats and 16 employees on the largest shift. As per City of Milford Code, Chapter 230, Article 3, Section 14 and Article 4, Section 21B, 313 parking spaces are required. As per ADA requirements, a minimum of 8 accessible spaces will be provided. Pedestrian interconnectivity is proposed between the commercial and residential portions of this project.

This paragraph describes additional items that are required or allowed as per Chapter 230, Article 3, Section 14. The shopping centers will be one story each and will not exceed 35 feet in height. The building setback is 30 feet, rear yard of 50 feet, and side yards of 25 feet each (for an aggregate width of 50 feet). The lot width is 825 +/- feet.

The parcel is abutted to the north by two lots, one C-3 and one R-1. It is separate from these two parcels by the Deep Branch and wetlands, providing an existing landscape buffer. The residential portion of the project (with split C-3/R-3 zoning) abuts this parcel to the north, east, and south.

Stormwater runoff will discharge into Deep Branch, which is tidal. Stormwater management facilities will be designed to treat and detain the RPv Event while safely conveying the Cv and Fv events.

The commercial portion of the site will provide a variety of economic activity for the City of Milford, drawing customers not only from nearby residential areas (including the proposed residential portion of the site), but from travelers along both South Rehoboth Boulevard and Beaver Dam Road.



March 29, 2019

*Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheelerton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.*

City of Milford
180 Vickers Drive
Milford, DE 19963

Attn: Rob Pierce, Planning Director

RE: Windward on the River - Commercial
Preliminary Site Plan & Conditional Use
Application Number : 18-018
Tax Map #: 330-7.00-33.00 and 330-11.00-42.00, 42.01, and 43.00
DBF #2261J011.G02

We are hereby submitting two sets of revised preliminary site plan and lot consolidation plan for Windward on the River - Commercial for review. This plan revision is to address the comments in your letter dated February 21, 2019. We have retained the original numbering to address those items that were not satisfactorily addressed in our previous submission. In response to comments in the above referenced review letter, we offer the following item-by-item response narrative:

DWG/PG NO.	COMMENT NO.	PROJECT REVIEW COMMENTS	APPLICANT RESPONSE
		Preliminary Site Plan and Conditional Use	
General	1	Provide a copy of the completed checklists showing which items have been addressed. The checklist and land use application cover sheet must be signed by the applicant and all owners of the subject properties. Need application signed by all current legal owners of affected property. Webb was not provided in the recent submittal.	The Webb application has been submitted to the City.
	2	The site plan will require a lot-line adjustment/consolidation plat to be recorded prior to final site plan approval. Please include a copy in the resubmission for review. A lot-line adjustment/consolidation plat has been provided. Review comments are provided below.	We will address the comments separately below.
	2a	The Lot-Line Adjustment and	The lot-line adjustment and

		Consolidation Plat should be used only to move the property lines around. A separate site plan record drawing will be required for both the residential and commercial site plans showing utility easements, right of way dedication, cross-access easements, etc. Remove reference to utility easements. Note that this can be addressed prior to Final Site Plan approval.	consolidation plans will be separately submitted for the residential and commercial components. Separate utility easement plans will also be prepared. These will be submitted as part of the construction document review and prior to final site plan approval.
		The data column only needs the parcel information, lot area requirements. You can remove reference to landscaping, parking requirements, Board of Adjustment approvals and table regarding proposed easements. Note this can be addressed prior to Final Site Plan approval.	The data column will be modified and will be addressed prior to final site plan.
	3	Provide a landscaping plan for review for compliance with Chapter 230 landscaping. Plan provided, see below for review comments.	We will address the comments separately.
	3a	The “15’ Off-Street Parking Buffer” should be called the “15’ Landscape Buffer.” Update this reference in all areas of the plan set.	The reference has been updated.
	5	Per Chapter 130 Floodplain, “For development activities in a special flood hazard area with base flood elevations but no designated floodways, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting the proposed activity and shall submit such analyses and data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant. The proposed development activity may be permitted if the analyses demonstrate that the cumulative effect of the proposed development activity, when combined with all other existing and potential special flood	The study is unable to be completed as a grading plan must be completed first prior to performing the analysis. Given the residential portion of the project and most of the improvements have been removed from the floodplain the base flood elevation will not rise more than 1 foot. The appropriate studies will be prepared and submitted to the City during the plan review process.

		<p>hazard area encroachments will not increase the base flood elevation more than 1.0 foot at any point.” The City will require the submittal of a hydrologic and hydraulic study for review by the Planning Commission and City Council in conjunction with the preliminary site plan and conditional use applications to ensure the proposed development will not adversely impact flood heights within the drainage basin. The City will require approval of the CLOMR-F by FEMA prior to final site plan approval.</p> <p>The hydrologic and hydraulic study will need to be submitted for review prior to the meeting to determine if the project increases the base flood elevation by more than 1.0 foot at any point.</p>	
	6	<p>Provide an existing conditions sheet in the plan set. This should include a metes and bounds description of each affected parcel and should show existing monumentation, existing natural features, buildings, gravel and paved areas, etc.</p> <p>Partially Addressed. Show the extents of the existing pond on the eastern edge of the property.</p>	<p>There is no pond on the eastern edge of the property. The wetlands line shows the extent of the wetted area.</p>
	30	<p>Provide a cross-access easement along Windward Boulevard, providing access rights to the proposed Windward on the River residential development to the east.</p> <p>Addressed. Note the final plans will need to provide a note as to who will maintain the improvements within the cross-access easement.</p>	<p>The final plan and / or other legal document will annotate the responsibility of the cross-access easement.</p>
	36	<p>Show the location of all proposed freestanding business signage and dimension setbacks.</p> <p>The proposed sign located on the C-3 property is oriented so that the sign face is parallel with the right-of-way and will more than likely be reoriented at the time of building permit issuance to be perpendicular and extend over the drive aisle to the parking lot. Please show the revised sign orientation that will be</p>	<p>The sign has been adjusted.</p>

		constructed.	
	41	<p>Label the number of proposed retail units or office suites in each of the buildings. This will be the maximum number of tenant spaces allowed upon approval.</p> <p>The issuance of future building permits will be based on the approved site plan and the site plan should show the maximum number of possible tenant spaces for the retail and office buildings. See attached for sample commercial site plan for Cypress Hall showing the smallest possible tenant space. Tenant spaces could be consolidated in the future without modifying the site plan, but splitting out tenant spaces will not be permitted unless they match the approved site plan.</p>	We have added a proposed tenant space that is subject to change.
	49	<p>Chapter 230-45.2 states that “no buildings, structures, impervious surface, fill, obstructions to drainage, or land disturbance shall be situated nearer than 25 feet to a delineated wetlands area. The placement of fill, regrading, or other obstructions to surface sheet flow, or the clearing or removal of natural vegetation within this setback area, shall be prohibited.” There appears to be several sections of sidewalk within or very close to the required 25 foot wetland buffer area which are in conflict with the above language. In addition, areas behind Restaurant 1 & 2 and Retail 2 are very close to the actual buildings and/or concrete pads which would more than likely require regrading within the buffer area. How will grading be handled in these areas? Relocate features and grading activity outside the buffer area.</p> <p>There is still a section of sidewalk to the rear of Retail Building 1 & 2 that is shown in the wetland buffer area. Please revise the plan.</p>	All impervious areas have been removed from the buffer.
	50	<p>Chapter 230-45.3 states “lakes, ponds, rivers and streams shall be left as permanent open space. No filling, piping or diverting of water bodies, lakes ponds or streams shall be</p>	There is no pond. The wetland line represents the outermost tidal wetted area.

		permitted except for required roads, to be approved by the USACE, DelDOT and/or DNREC.” There appears to be an existing pond straddling the eastern property line of the proposed commercial site plan. Does the applicant intend to disturb this existing feature? Show the existing pond on the existing conditions sheet. Please show the extents of the existing pond.	
	51	Chapter 230-45.3 states “no buildings, structures or paved surfaces, except stairs and ramps, fences, open decks, patios or docks shall be permitted to be constructed under naturally occurring riparian buffer conditions nearer than twenty-five feet to the shoreline, as defined by the mean high-water line, of any tidal water body, tidal stream or tidal marsh.” Please delineate the mean high-water line for the tidal body running through and adjacent to the subject parcel and show the required 25’ riparian buffer on the plan. Please delineate the mean high-water line and show the required 25’ riparian buffer on the plans if the feature is tidal or the 50’ riparian buffer on the plans if the feature is non-tidal.	There is no pond. The wetland line represents the outermost tidal wetted area and we provide a 25’ buffer from the line.
	52	Could Retail 1 & 2 and Office 1 be located along the west side of the property adjacent to S. Rehoboth Boulevard with parking placed in the rear? This may eliminate some of the wetland & riparian buffers and floodplain issues stated in above comments. Recommendation remains.	We have adjusted the buildings and the site.
	54	Show proposed stop signs and stop bars for review. Addressed. Final location of stop signs and bars will be reviewed more closely with the final site plan construction plan submission.	We have added stop signs and stop bars.
	55	What type of vehicles will be delivering products to the proposed uses? Please provide a turning radius diagram to ensure these vehicles can navigate the parking lot and can safely access the loading zones.	We have adjusted the location of the loading spaces and the restaurants can be served by a small tractor trailer and the retail / office

		Applicant has requested to submit these with final site plan review. Staff recommends reviewing now to avoid major changes in the parking lot.	buildings can be served by a box truck. The islands have been widened and turning templates will be provided during the construction document review.
	56	Per Chapter 230-21(C)(2), "loading spaces shall not be allowed in any front yard of any property." The loading spaces provided adjacent to Restaurant 1 and Retail 3 are located within the front yard area and should be relocated or a variance should be sought for relief from this requirement. The Code states loading spaces shall not be allowed in any front yard, it does not say in any front yard setback. The loading spaces adjacent to Restaurant 1 and Retail 3 cannot be located where they are shown. These need to be relocated elsewhere on the site or a variance needs to be submitted by the applicant prior to review by the Planning Commission for preliminary site plan.	We disagree with the City Planner's interpretation of front yard. However, we have moved the loading spaces for the entire project.
	59	Show the location of the future floodplain after final grading. Acknowledged the requirement to show this with final site plan submission.	The future floodplain and study will be addressed during the construction document preparation and final site plan.

An e-mail with the PDF format of said plans will follow. We respectfully request to be placed on the Planning Commission's May 21st, 2019 agenda.

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via e-mail at rwl@dbfinc.com.

Sincerely,
 Davis, Bowen & Friedel, Inc.



Ring W. Lardner, P.E.
 Principal

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

June 4, 2018

City of Milford
201 South Walnut Street
Milford, DE 19963

Attn: Rob Pierce, Planning & Economic Development Director

Re: **PLUS Review 2018-04-04**
Windward on the River
Tax Parcel Nos: 330-11.00-42.00, 42.01, 43.00, and 264.00 ; 330-7.00-33.00
DBF #2261J011.A01

Dear Mr. Pierce,

On behalf of our client, Windward Communities, LLC, we are pleased to submit written responses to PLUS comments received on May 22, 2018 for the Windward on the River project located on South Rehoboth Avenue in Milford, Delaware. State comments are italicized, while our responses are in bold.

Strategies for State Policies and Spending

- *This project is located in Investment Levels 1 and 2 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. Thus, the Office of State Planning Coordination has no objections to this subdivision.*

We acknowledge the project's location in both Investment Area Levels 1 and 2.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The site access on South Rehoboth Boulevard (Delaware Route 14) and on Beaver Dam Road (Sussex Road 209) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.*

Site access will be designed in accordance with the Development Coordination manual. Turn lane lengths will be as per the Auxiliary Lane Worksheet. An entrance plan will be submitted to DelDOT separately from the preliminary plan submittal to the City of Milford.

- *Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. While DelDOT appreciated meeting with the applicant and their engineer on March 6, their engineer should request a second meeting when their plans are closer to being ready for submission.*

We will be requesting a second meeting with DelDOT prior to our initial plan submission.

- *Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.*

Proper fees will be paid when plans are submitted via the PDCA.

- *Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. DelDOT calculates that the development would generate 4,233 vehicle trip ends per day, 252 in the evening peak hour. Therefore the proposed development meets those warrants. A TIS scoping meeting was held on March 6, 2018.*

The TIS is currently in progress.

- *Section 3.2.4.2 of the Manual addresses the placement of right-of-way monuments (markers) along the roads on which a property fronts, in this case South Rehoboth Boulevard and Beaver Dam Road. Monuments sufficient to re-establish the permanent rights-of-way after the dedication discussed below should be shown on the plan and provided in the field in accordance with this section.*

Proper monumentation will be placed as required by the Development Coordination Manual.

- *As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on South Rehoboth Boulevard and Beaver Dam Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Beaver Dam Road and 40 feet of right-of-way from the physical centerline of South Rehoboth Boulevard. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"*

40 feet of right-of-way is already provided along South Rehoboth Boulevard. The right-of-way along Beaver Dam Road is currently 25 feet. An additional 5 feet of right-of-way will be dedicated.

- *In accordance with Section 3.2.5.1.1 of the Manual, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the site entrance. The easement shall be located outside of any existing and/or proposed right-of-way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.*

If a sign is provided, we will ensure proper easements and sight distance. We will also ensure it is not a safety hazard as per DelDOT.

- *In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on South Rehoboth Boulevard and Beaver Dam Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"*

15-foot wide permanent easements will be provided along the frontage of both South Rehoboth Boulevard and Beaver Dam Road. The easement along Beaver Dam Road will be outside the limits of the additional right-of-way that will be provided.

- *In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing "Letter of No Objection". The record plan submittal shall include the items listed on the Critical Items for Acceptance: Record Plan document available on the DelDOT website at <https://www.deldot.gov/Business/subdivisions/pdfs/Critical-Items-Record-Subdivision.pdf?09222017>.*

A record plan will be prepared and submitted to DelDOT.

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 450 feet of the proposed entrance on both roads.
 - Notes identifying the type of any off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

All items listed above will be included on the Record Plan as applicable.

- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. Private or municipal streets should follow the City's requirements for connectivity.

Development roads will be privately maintained and will follow all applicable City of Milford requirements for connectivity.

- Section 3.5.4.2 of the Development Coordination Manual addresses requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, all developments in Level 1 and 2 Areas, and all developments that would generate more than 2,000 vehicle trip ends per day are required to install a sidewalk or Shared Use Path along their frontage on State-maintained roads. This project meets both criteria.

A shared use path will be provided along the frontage of South Rehoboth Boulevard. We will confirm this with DelDOT at the earlier recommended second pre-submittal meeting.

- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.

Facilities do not currently exist. Should facilities be required, they will be shown on the Record Plan.

- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along both South Rehoboth Boulevard and Beaver Dam Road.*

A 20-foot wide stormwater buffer will be utilized for any proposed stormwater facilities other than filter strips or bioswales.

- *Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The entrance plan submittal shall include the items listed on the Critical Items for Acceptance: Entrance/Construction/Subdivision Set Plan document available on the DelDOT website at https://www.deldot.gov/Business/subdivisions/pdfs/Critical-Items_Entrance_Construction_Subdivision.pdf?09222017.*

An entrance plan will be submitted to DelDOT and will include all applicable items on the Critical Items for Acceptance checklist.

- *In accordance with Section 5.2.5.6 of the Manual, a separate turning template plan shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the Manual, the entrances shall be designed for the largest vehicle using the entrances.*

A design vehicle will be determined and confirmed by the secondary Pre-Submittal Meeting. Turning templates will be appropriately submitted via PDCA with the initial plan submissions.

- *In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.*

Auxiliary Lane Worksheets have already been utilized to determine required auxiliary lanes and their lengths. Our preliminary plan submittal to the City of Milford will depict these auxiliary lanes.

- *In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.*

Sight distance triangles will be shown on the proper plans, utilizing the provided spreadsheet.

- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.*

All known utilities will be shown and accounted for on the plans. Should our design require the relocation of an utilities, a utility relocation plan will be provided.

- *Because the proposed development would not have State-maintained streets, Section 6.4.3 of the Manual, which pertains to the inspection and acceptance of commercial entrances, applies. Construction inspection responsibilities shall be in accordance with Figure 6.4.3-a. DelDOT's preliminary reading of this figure is that the project requires Level I inspection and that a construction inspection agreement will not be needed.*

We have advised our client and agree with this assessment.

- *Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.*

Drainage easements will be provided as described if necessary.

Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

- *The Department of Natural Resources and Environmental Control did not submit comments regarding this application. If the development of this property requires permits from a DNREC section, please contact the DNREC regulatory agency directly.*

Sediment and Stormwater plans will be submitted to the Sussex Conservation District. An NOI application will be filed with DNREC.

State Historic Preservation Office – Contact Carlton Hall 736-7404

- *There is a known dwelling (S10404) located on the southwestern part of the parcel and archaeological site (S00465) located on the southeastern part of the parcel in the project area.*

We thank SHPO for providing the information and will review the forms for additional information.

- *If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law. Prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, to avoid those sites or areas.*

The Developer is aware of the Unmarked Human Burials and Human Skeletal Remains Law.

- *Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, within or near the boundary, of a historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to see more information, please review the following websites: www.history.delaware.gov/preservation/umhr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml*

As mentioned above, the Developer is aware of the law and the potential for unmarked graves on site.

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

We will ensure any compliance with the above if there is federal involvement and will advise the Developer of such requirements.

Recommendations/Additional Information

*This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.*

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *At the PLUS meeting, the applicant's engineer stated that Tax Parcel No. 330-11.00-43.00 had been added to the project. The added lands should enable a better entrance design but could, depending on the increase in the site traffic, affect the scope of the TIS. The developer's traffic engineer should contact Mr. Claudy Joinville, a project engineer in DelDOT's Development Coordination Section, to determine how, if at all, the scope would change. Mr. Joinville may be reached at (302) 760-2124 or Claudy,Joinville@state.de.us.*

The TIS is currently in progress and already assumed the addition of Tax Parcel No. 330-11.00-43.00. We agree the added lands enables a better entrance design which will be depicted on our preliminary plan submittal to the City of Milford as well as our initial submittal to DelDOT.

Mr. Rob Pierce
City of Milford Planning and Zoning
June 4, 2018
Page 9 of 9

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal street or driveway with no direct access to South Rehoboth Boulevard or Beaver Dam Road.*

The proposed pump station will have internal access.

- *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*

All comments will be addressed prior to plan submittals.

- *Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available on our website at <http://www.deldot.gov/Business/subdivisions/index.shtml>.*

Plans will be submitted via the PDCA, with appropriate review fees paid.

- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision date of December 8,, 2017. The notes can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.*

The most recent Standard General Notes will be used as applicable.

On behalf of the Developer, we thank the Office of State Planning and other State Departments for their comments. If the City of Milford has any questions or requires additional information, please do not hesitate to contact me at (302) 424-1441, or via e-mail at anm@dbfinc.com.

Respectfully Submitted,
Davis, Bowen & Friedel, Inc.

Ashton N. McLaughlin, P.E.
Civil Engineer

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CC: Constance C. Holland, AICP, Office of State Planning
Nick Hammonds, Windward Communities, LLC



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

April 2, 2019

Mr. D.J. Hughes
Davis, Bowen & Friedel, Inc.
1 Park Avenue
Milford, DE 19963

Dear Mr. Hughes:

The enclosed Traffic Impact Study (TIS) review letter for the proposed **Windward on the River** (Tax Parcels 330-7.00-33.00, 330-11.00-42.00, 42.01, 43.00 & 264.00) development has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TIS to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this review letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2167.

Sincerely,

Troy Brestel
Project Engineer

TEB:km

Enclosures

cc with enclosures: Mr. Ring Lardner, Davis, Bowen & Friedel, Inc.
Ms. Constance C. Holland, Office of State Planning Coordination
Mr. Rob Pierce, City of Milford
Mr. Andrew Parker, McCormick Taylor, Inc.
DelDOT Distribution

DelDOT Distribution

Brad Eaby, Deputy Attorney General

Drew Boyce, Director, Planning

Mark Luszcz, Chief Traffic Engineer, Traffic, DOTS

Michael Simmons, Assistant Director, Project Development South, DOTS

J. Marc Coté, Assistant Director, Development Coordination

T. William Brockenbrough, Jr., County Coordinator, Development Coordination

Peter Haag, Traffic Studies Manager, Traffic, DOTS

Alastair Probert, South District Engineer, South District

Gemez Norwood, South District Public Works Manager, South District

Susanne Laws, Sussex Subdivision Review Coordinator, Development Coordination

David Dooley, Service Development Planner, Delaware Transit Corporation

Mark Galipo, Traffic Engineer, Traffic, DOTS

Sarah Coakley, Principal Planner, Statewide & Regional Planning

Anthony Aglio, Planning Supervisor, Statewide & Regional Planning

Derek Sapp, Sussex County Subdivision Reviewer, Development Coordination

Claudy Joinville, Project Engineer, Development Coordination



April 1, 2019

Mr. Troy E. Brestel
Project Engineer
DelDOT Division of Planning
P.O. Box 778
Dover, DE 19903

RE: Agreement No. 1773
Traffic Impact Study Services
Task No. 1A Subtask 14A – Windward on the River

Dear Mr. Brestel:

McCormick Taylor has completed its review of the Traffic Impact Study (TIS) for the Windward on the River mixed-use development prepared by Davis, Bowen & Friedel, Inc. (DBF) dated November 2018. DBF prepared the report in a manner generally consistent with DelDOT's Development Coordination Manual.

The TIS evaluates the impacts of the Windward on the River mixed-use development, proposed to be located on the southwest side of Beaver Dam Road (Sussex Road 209) and on the northeast side of S. Rehoboth Boulevard (Sussex Road 14) within the City of Milford in Sussex County, Delaware. The proposed development would consist of 264 multi-family dwelling units, 8,400 square feet of general office space, 17,600 square feet of shopping center, and two high-turnover sit-down restaurants totaling 13,300 square feet. Two access points are proposed: one full-movement access on Beaver Dam Road and one full-movement access on S. Rehoboth Boulevard. Construction is anticipated to be complete by 2026.

The subject land consists of five parcels totaling 37.4 acres and having three different zoning designations. The land is currently zoned R3 (Garden Apartments / Townhouses), C1 (Community Neighborhood Commercial), and C3 (Highway Commercial) within the City of Milford. No rezoning is needed or sought to permit the proposed development.

Currently, there are no DelDOT capital projects within the area of study.

Based on our review, we have the following comments and recommendations:

The following intersection exhibits level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements:

<i>Intersection</i>	<i>Existing Traffic Control</i>	<i>Situations for which deficiencies occur</i>
S. Rehoboth Boulevard and 2 nd Street	One-way stop control (T-intersection)	2018 AM existing (case 1); 2026 AM and PM without and with Windward on the River (cases 2-4)

The unsignalized intersection of S. Rehoboth Boulevard and 2nd Street experiences LOS deficiencies during existing conditions that would become worse under future conditions. With the added traffic from Windward on the River at this intersection, the eastbound 2nd Street approach, which has one shared left/right-turn lane, is expected to operate at LOS F with a 95th percentile queue of approximately 13 vehicles (325 feet). There is also an existing pattern of crashes at this intersection involving rear-end collisions along the northbound 2nd Street approach, which is attributed to the lack of a northbound left-turn lane.

To mitigate both the operational and safety concerns, the complete remedy would be to widen both the eastbound approach and the northbound approach to create separate turn lanes. However, for a number of reasons including right-of-way and utility constraints, DelDOT has determined that there is no reasonable improvement the developer can make at this intersection to sufficiently address the issues.

Should the City of Milford choose to approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan by note or illustration. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer should improve Beaver Dam Road along the site frontage to provide eleven-foot travel lanes. The developer should provide a bituminous concrete overlay to the existing travel lanes, at DelDOT’s discretion. DelDOT should analyze the existing lane’s pavement section and recommend an overlay thickness to the developer’s engineer if necessary.

2. The developer should construct the full site access on S. Rehoboth Boulevard. The proposed configuration is shown in the table below.

Approach	Current Configuration	Proposed Configuration
Northbound S. Rehoboth Boulevard	One through lane	One through lane and one right-turn lane
Southbound S. Rehoboth Boulevard	One through lane	One left-turn lane and one through lane
Westbound Site Access	Does not exist	One left-turn lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review process.

Approach	Left-Turn Lane	Right-Turn Lane
Northbound S. Rehoboth Boulevard	N/A	240 feet *
Southbound S. Rehoboth Boulevard	120 feet *	N/A
Westbound Site Access	N/A	50 feet **

* turn-lane length based on DelDOT's *Auxiliary Lane Worksheet*

** turn-lane length based on storage length per queuing analysis, with 50-foot minimum

3. The developer should construct the full site access on Beaver Dam Road. The proposed configuration is shown in the table below.

Approach	Current Configuration	Proposed Configuration
Northbound Beaver Dam Road	One through lane	One shared through/left-turn lane
Southbound Beaver Dam Road	One through lane	One through lane and one right-turn lane
Eastbound Site Access	Does not exist	One shared left/right-turn lane

While the recommended minimum length (excluding taper) of the southbound Beaver Dam Road right-turn lane is 110 feet per DelDOT's *Auxiliary Lane Worksheet*, DelDOT has determined that a shorter turn lane would be acceptable due to the nearby existing residential driveway. The developer must submit a Design Deviation Form to DelDOT and coordinate with DelDOT's Development Coordination Section to determine the final turn lane length and other design details during the site plan review process.

4. The following bicycle, pedestrian, and transit improvements should be included:
 - a. Adjacent to the proposed right-turn lanes on northbound S. Rehoboth Boulevard and southbound Beaver Dam Road at the proposed site entrances, a minimum of a five-foot bicycle lane should be dedicated and striped with appropriate markings for bicyclists through the turn lane in order to facilitate safe and unimpeded bicycle travel.
 - b. Appropriate bicycle symbols, directional arrows, pavement markings, and signing should be included along bicycle facilities and turn lanes within the project limits.
 - c. Utility covers should be made flush with the pavement.
 - d. Bicycle parking should be provided near the building entrances. Where the building architecture provides for an awning or other overhang, the bicycle parking should be covered.
 - e. A minimum 15-foot wide easement from the edge of the right-of-way should be dedicated to DelDOT within the site frontages along S. Rehoboth Boulevard and Beaver Dam Road.
 - f. Within the easements along S. Rehoboth Boulevard and Beaver Dam Road, a minimum of a five-foot wide sidewalk that meets current AASHTO and ADA standards should be constructed along the site frontages. Each sidewalk should have a minimum of a five-foot buffer from the roadway. Along S. Rehoboth Boulevard, at both ends of the site frontage, the sidewalk should connect to the shoulder in accordance with DelDOT's *Shared Use Path and/or Sidewalk Termination Policy* dated June 19, 2014. Along Beaver Dam Road, the sidewalk should connect to the adjacent property to the north, but is not required to connect to the adjacent property to the south. The developer should coordinate with DelDOT's Development Coordination Section to determine exact location and details of the sidewalk connections at the property boundaries.
 - g. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings within the development. Type 3 curb ramps are discouraged.
 - h. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be constructed within the development. These sidewalks should each be a minimum of five feet wide (with a minimum of a five-foot buffer from the roadway) and should meet current AASHTO and ADA standards. These internal sidewalks should connect to the proposed sidewalks along S. Rehoboth Boulevard and Beaver Dam Road.
 - i. Where internal sidewalks are located alongside of parking spaces, a buffer should be added to prevent vehicular overhang onto the sidewalk.
 - j. The developer should coordinate with the Delaware Transit Corporation (DTC) regarding the possibility of including bus stops to be located near the proposed site entrance on S. Rehoboth Boulevard.

Improvements in this TIS may be considered “significant” under DelDOT’s *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT’s website at http://deldot.gov/Publications/manuals/de_mutcd/index.shtml.



Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DeDOT's subdivision review process.

Additional details on our review of this TIS are attached. Please contact me at (610) 640-3500 or through e-mail at ajparker@mccormicktaylor.com if you have any questions concerning this review.

Sincerely,

McCormick Taylor, Inc.

A handwritten signature in black ink, appearing to read "Andrew J. Parker".

Andrew J. Parker, P.E., PTOE
Project Manager

Enclosure

General Information

Report date: November 2018

Prepared by: Davis, Bowen & Friedel, Inc. (DBF)

Prepared for: Jack Lingo Asset Management, LLC

Tax parcel: 330-7.00-33.00 and 330-11.00-42.00, 42.01, 43.00, and 264.00

Generally consistent with DelDOT's Development Coordination Manual: Yes

Project Description and Background

Description: The proposed mixed-use development would consist of 264 multi-family dwelling units, 8,400 square feet of general office space, 17,600 square feet of shopping center, and two high-turnover sit-down restaurants totaling 13,300 square feet.

Location: The Windward on the River development is proposed to be located on the southwest side of Beaver Dam Road (Sussex Road 209) and on the northeast side of S. Rehoboth Boulevard (Sussex Road 14) within the City of Milford in Sussex County, Delaware. A site location map is included on page 7.

Amount of land to be developed: approximately 37.4 acres of land

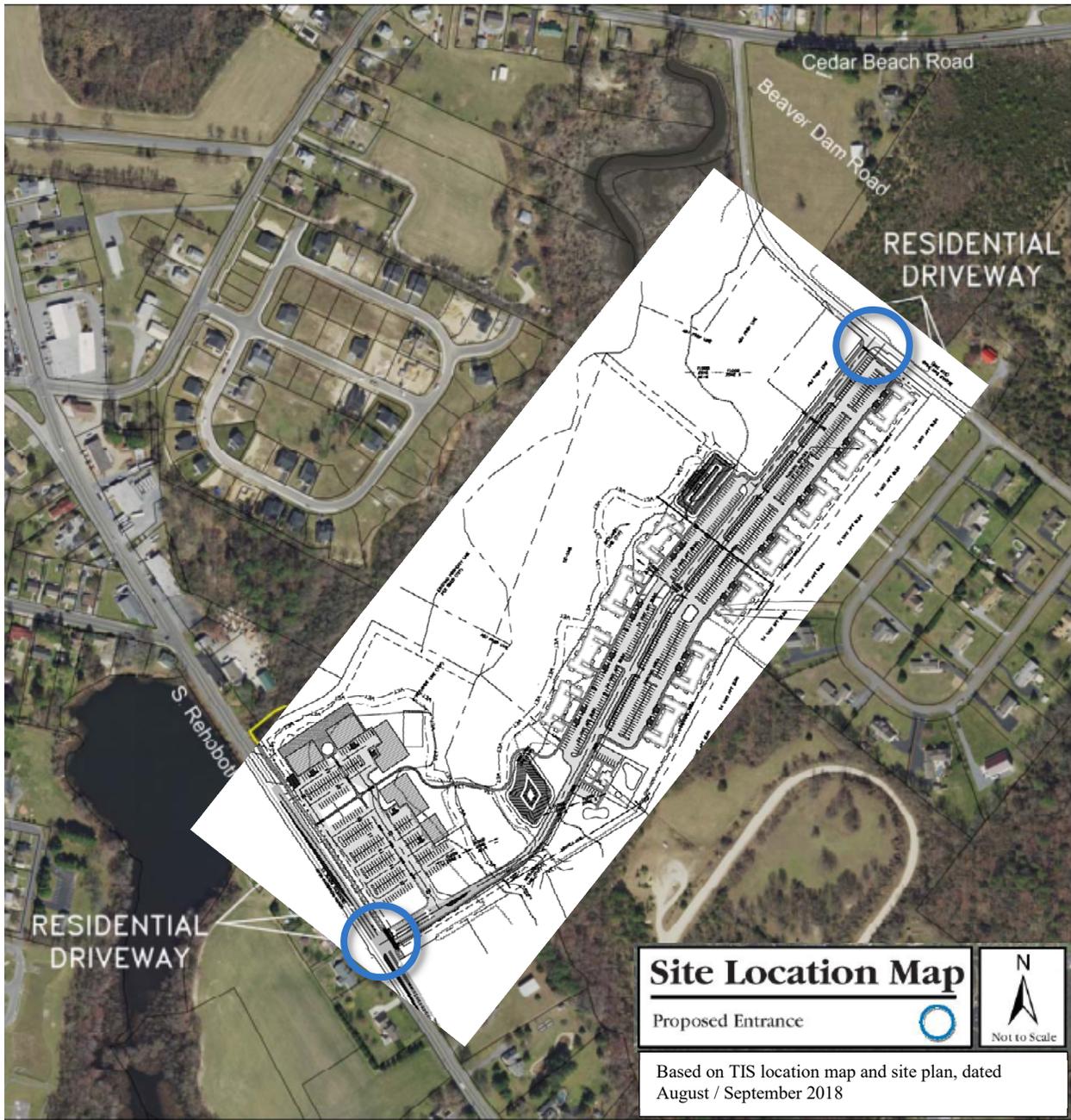
Land use approval(s) needed: Subdivision approval. The land is currently zoned R3 (Garden Apartments / Townhouses), C1 (Community Neighborhood Commercial), and C3 (Highway Commercial) within the City of Milford. No rezoning is needed or sought to permit the proposed development.

Proposed completion date: 2026

Proposed access locations: Two access points are proposed: one full-movement access on Beaver Dam Road and one full-movement access on S. Rehoboth Boulevard.

Daily Traffic Volumes (per DelDOT Traffic Summary 2017):

- 2017 Average Annual Daily Traffic on Beaver Dam Road: 632 vpd
- 2017 Average Annual Daily Traffic on S. Rehoboth Boulevard: 10,666 vpd



2015 Delaware Strategies for State Policies and Spending

Location with respect to the Strategies for State Policies and Spending Map of Delaware:

The proposed Windward on the River development is located within Investment Levels 1, 2, and 3. A portion of the property is also designated as an Out of Play area.

Investment Level 1

Areas of the state designated as Investment Level 1 are most prepared for growth and are where the state can make cost-effective infrastructure investments in schools, roads, and public safety. In these areas, state investments and policies should support and encourage a wide range of uses and densities, promote a variety of transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity. Investment Level 1 areas are often municipalities, towns, or urban/urbanizing places. Density is generally higher than in the surrounding areas. Overall, it is the state's intent to use its spending and management tools to maintain and enhance community character, to promote well-designed and efficient new growth, and to facilitate redevelopment in Investment Level 1 Areas.

Investment Level 2

Investment Level 2 has many diverse characteristics. These areas can be composed of less developed areas within municipalities, rapidly growing areas in the counties that have or will have public water and wastewater services and utilities, areas that are generally adjacent to or near Investment Level 1 Areas, smaller towns and rural villages that should grow consistently with their historic character, and suburban areas with public water, wastewater, and utility services. These areas have been shown to be the most active portion of Delaware's developed landscape. They serve as transition areas between Level 1 and the state's more open, less populated areas. They generally contain a limited variety of housing types, predominantly detached single-family dwellings.

In Investment Level 2 Areas, like Investment Level 1 Areas, state investments and policies should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity.

Investments should encourage departure from the typical single-family-dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact, mixed-use development where applicable. Overall, the State's intent is to use its spending and management tools to promote well-designed development in these areas. Such development provides for a variety of housing types, user-friendly transportation systems, and provides essential open spaces and recreational facilities, other public facilities, and services to promote a sense of community. Level 2 Areas would be a prime location for designating "pre-permitted areas."

Investment Level 3

Investment Level 3 areas fall into two categories. The first category covers land that is in the long-term growth plans of counties or municipalities, but where development is not necessary to accommodate expected short-term population growth. The second category includes lands that are adjacent to fast growing Investment Level 1 and 2 areas but are often impacted by environmentally sensitive features, agricultural-preservation issues, or other infrastructure issues. From a housing perspective, Investment Level 3 areas are characterized by low density and rural homes.

Out of Play

The 2015 Delaware Strategies for State Policies and Spending map indicates an Out of Play area on a portion of the property near Deep Branch. This area is not expected to be used for private development due to environmental constraints. The development of sites containing Out of Play areas should consider natural resources and the environment, emphasizing the protection of critical natural habitat, wildlife, and stormwater management/drainage areas.

Proposed Development's Compatibility with Strategies for State Policies and Spending:

The proposed mixed-use Windward on the River development is located on property designated as Investment Levels 1, 2 and 3 and an Out of Play area. The proposed development would include multi-family dwelling units, relatively small amounts of office space and retail space, and two restaurants. Nearby land uses primarily include residential, open space, agricultural, and commercial/service businesses. The proposed development is generally compatible with neighboring land uses, and consistent with the character of Investment Level 1 areas. The *Strategies for State Policies and Spending* document encourages making use of existing infrastructure through infill development and redevelopment of underutilized tracts in Investment Level 1 areas, which describes this development. Similarly, the development is generally consistent with Investment Level 2 areas. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. The Investment Level 3 portion of the site is very small and contains a branch of a wetland area. It is completely surrounded by Investment Level 1 and 2 areas. The proposed site layout indicates that no buildings will be placed in the Investment Level 3 area.

Provided that design of the site properly takes into account the Out of Play areas, the proposed development generally appears to comply with the guidelines for Investment Levels as described in the 2015 "Strategies for State Policies and Spending."

Comprehensive Plan

Sussex County Comprehensive Plan:

(Source: Sussex County Comprehensive Plan Update, June 2008)

The Sussex County Comprehensive Plan Future Land Use Map indicates that the proposed Windward on the River is in the City of Milford, a municipality. Sussex County strongly favors directing development to municipalities that desire it. The specific permitted uses and densities

governing new construction within an incorporated municipality will continue to be governed by that municipality's zoning ordinance, its public water and sewer capacities, and its comprehensive planning policies.

City of Milford Comprehensive Plan:

(Source: City of Milford Comprehensive Plan, January 2018 Update)

The City of Milford's Comprehensive Plan Future Land Use Map indicates that the location of the proposed Windward on the River site is planned as primarily Moderate Density Residential and Commercial areas, and a small portion of Low Density Residential. Based on the proposed site layout, it would appear that the proposed residential area and commercial/office area fits within the intended future land uses for this location.

The City of Milford zoning map shows that the proposed development will be located on lands currently zoned R3 (Garden Apartments / Townhouses), C1 (Community Neighborhood Commercial), and C3 (Highway Commercial). Based on the City of Milford Code of Ordinances §230-11, 230-12, and 230-14, the purposes of these districts are as follows:

- R3: to provide for the orderly development of existing and proposed medium- to high-density residential areas where adequate public facilities exist. The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings and a variety of housing types.
- C1: to provide for limited commercial and professional services activities that can be compatible in a neighborhood setting to provide goods and services to local residents.
- C3: 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.

Based on the above, the proposed uses associated with the Windward on the River development appear to be permitted, although it is noted that the different components of the site must meet the specific criteria for the zoning district in which they are located.

Proposed Development's Compatibility with Comprehensive Plan:

The proposed Windward on the River development appears to comply with the City of Milford's Comprehensive Plan. The development is proposed on land that is planned for residential and commercial use, and the land is currently zoned R3 (Garden Apartments / Townhouses), C1 (Community Neighborhood Commercial), and C3 (Highway Commercial). The proposed mixed-use development generally aligns with both the Future Land Use Map and the existing zoning.

Relevant Projects in the DelDOT Capital Transportation Program

Currently, there are no DelDOT capital projects within the area of study.

Trip Generation

Trip generation for the proposed development was computed using comparable land uses and equations contained in Trip Generation, Tenth Edition, published by the Institute of Transportation Engineers (ITE). The following land uses were utilized to estimate the amount of new traffic generated for this development:

- 264 units of Multifamily Housing (Mid-Rise) Homes (ITE Land Use Code 221)
- 8,400 SF of General Office (ITE Land Use Code 710)
- 17,600 SF of Shopping Center (ITE Land Use Code 820)
- 13,300 SF of High-Turnover Sit-Down Restaurants (ITE Land Use Code 932)

Table 1
WINDWARD ON THE RIVER PEAK HOUR TRIP GENERATION

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour		
	In	Out	Total	In	Out	Total
264 units multifamily housing	23	66	89	68	44	112
8,400 sf general office	29	5	34	2	9	11
17,600 sf shopping center	11	6	17	32	35	78
13,300 sf HTSD restaurants	73	59	132	81	49	130
<i>Internal Capture</i>	-27	-27	-54	-58	-58	-116
Pass-By Trips	0	0	0	-23	-23	-46
TOTAL EXTERNAL TRIPS	109	109	218	102	56	158

Table 2
WINDWARD ON THE RIVER DAILY TRIP GENERATION

Land Use	Weekday Daily		
	In	Out	Total
264 units multifamily housing	719	719	1438
8,400 sf general office	48	48	96
17,600 sf shopping center	332	332	664
13,300 sf HTSD restaurants	746	746	1492
TOTAL TRIPS	1845	1845	3690

Overview of TIS

Intersections examined:

- 1) S. Rehoboth Boulevard & Proposed Site Entrance A
- 2) Beaver Dam Road & Proposed Site Entrance B
- 3) S. Rehoboth Boulevard & Kirby Road (Sussex Road 209)
- 4) S. Rehoboth Boulevard & 2nd Street (Sussex Road 95)
- 5) S. Rehoboth Boulevard & SE Front Street (Sussex Road 36) / Cedar Beach Road (Sussex Road 36)
- 6) Cedar Beach Road & Beaver Dam Road

Conditions examined:

- 1) 2018 existing conditions (case 1)
- 2) 2026 without Windward on the River (case 2)
- 3) 2026 with Windward on the River (case 3)
- 4) 2026 with Windward on the River and Mispillion Landing development (case 4)

Peak hours evaluated: Weekday morning and evening peak hours

Committed developments considered:

- 1) Bayhealth Milford Campus (350,000 sf hospital and ambulatory care facility)
- 2) Nemours – Bayhealth (85,000 sf medical/dental office)
- 3) Hearthstone Manor I (*total*: 178 single-family detached houses and 952 condominiums; *unbuilt*: 94 single-family detached houses and 536 condominiums)
- 4) Hearthstone Manor II (1,105 condominiums and 118 single-family detached houses)
- 5) West Shores at New Milford (112 single-family detached houses)
- 6) Wickersham (200 townhouses)
- 7) Mispillion Landing (102 apartments) – INCLUDED IN CASE 4 ONLY

Intersection Descriptions

1) S. Rehoboth Boulevard & Proposed Site Entrance A

Type of Control: no existing intersection; proposed one-way stop (T-intersection)

Northbound approach: (S. Rehoboth Boulevard) existing one through lane; proposed one through lane and one right-turn lane

Southbound approach: (S. Rehoboth Boulevard) existing one through lane; proposed one left-turn lane and one through lane

Westbound approach: (Proposed Site Entrance A) proposed one left-turn lane and one right-turn lane, stop-controlled

- 2) **Beaver Dam Road & Proposed Site Entrance B**
Type of Control: no existing intersection; proposed one-way stop (T-intersection)
Northbound approach: (Beaver Dam Road) existing one through lane; proposed one shared through/left-turn lane
Southbound approach: (Beaver Dam Road) existing one through lane; proposed one through lane and one right-turn lane
Eastbound approach: (Proposed Site Entrance B) proposed one shared left/right-turn lane, stop-controlled

- 3) **S. Rehoboth Boulevard & Kirby Road**
Type of Control: one-way stop (T-intersection)
Northbound approach: (S. Rehoboth Boulevard) one shared through/right-turn lane
Southbound approach: (S. Rehoboth Boulevard) one shared through/left-turn lane
Westbound approach: (Kirby Road) one shared left/right-turn lane, stop-controlled

- 4) **S. Rehoboth Boulevard & 2nd Street**
Type of Control: one-way stop (T-intersection)
Northbound approach: (S. Rehoboth Boulevard) one shared through/left-turn lane
Southbound approach: (S. Rehoboth Boulevard) one shared through/right-turn lane
Eastbound approach: (2nd Street) one shared left/right-turn lane, stop-controlled

- 5) **S. Rehoboth Boulevard & SE Front Street / Cedar Beach Road**
Type of Control: signalized four-leg intersection
Northbound approach: (S. Rehoboth Boulevard) one shared through/left-turn lane and one right-turn lane
Southbound approach: (S. Rehoboth Boulevard) one shared through/left-turn lane and one right-turn lane
Eastbound approach: (SE Front Street) one shared through/left-turn lane and one channelized yield-controlled right-turn lane
Westbound approach: (Cedar Beach Road) one shared left/through/right-turn lane

- 6) **Cedar Beach Road & Beaver Dam Road**
Type of Control: one-way stop (T-intersection)
Northbound approach: (Beaver Dam Road) one shared left/right-turn lane, stop-controlled
Eastbound approach: (Cedar Beach Road) one shared through/right-turn lane
Westbound approach: (Cedar Beach Road) one shared through/left-turn lane

Safety Evaluation

Crash Data: McCormick Taylor reviewed the Delaware Crash Analysis Reporting System (CARS) data that was provided in Appendix A of the TIS. The data includes reportable crashes that occurred at or near study area intersections over the five-year period from April 27, 2013 through April 27, 2018. Of particular concern for safety evaluations are fatal crashes and crashes involving pedestrians or pedalcyclists. During the study period, no fatal crashes were reported

and no crashes involved pedestrians, pedacyclists, or motorcycles. A breakdown of all crashes by intersection is provided below.

1. S. Rehoboth Boulevard & Proposed Site Entrance A

Since this intersection does not currently exist, it was not included in the crash data analysis.

2. Beaver Dam Road & Proposed Site Entrance B

Since this intersection does not currently exist, it was not included in the crash data analysis.

3. S. Rehoboth Boulevard & Kirby Road

At this intersection there was a total of one (1) crash over the five-year period. This crash did not result in personal injury, and was not alcohol related. The crash type was sideswipe same-direction. It occurred during daylight hours with dry surface conditions. The primary contributing circumstance was driver inattention/distraction/fatigue.

4. S. Rehoboth Boulevard & 2nd Street

At this intersection there was a total of thirteen (13) crashes. Of those, five (38%) resulted in personal injury. There were no alcohol-related crashes. The types of crashes were rear-end (77%), head-on (8%), angle (8%), and sideswipe same direction (8%). The rear-end crash percentage equates to 10 crashes, 8 of which were in the northbound direction of S. Rehoboth Boulevard presumably involving vehicles that stopped or slowed to make a left-turn from the shared lane. The crashes occurred during daylight (69%) hours and non-daylight (31%) hours with dry (69%), wet (8%), icy (15%), and “other” (8%) surface conditions. The most common primary contributing circumstances included driver inattention/distraction/fatigue (54%) and following too close (15%).

5. S. Rehoboth Boulevard & SE Front Street / Cedar Beach Road

At this intersection there was a total of eleven (11) crashes. Of those, one (9%) resulted in personal injury and it was an alcohol-related crash. There were no other personal injury or alcohol-related crashes. The types of crashes were angle (55%) and rear-end (45%). The crashes occurred during daylight (82%) hours and non-daylight (18%) hours with dry (82%) and wet (18%) surface conditions. The most common primary contributing circumstances included failed to yield right of way (36%) and driver inattention/distraction/fatigue (36%).

6. Cedar Beach Road & Beaver Dam Road

At this intersection there was a total of five crashes. Of those, one (20%) resulted in personal injury. There was one alcohol-related crash. All five crashes had an indicated crash type of not a collision between two vehicles (100%). The crashes occurred during daylight (80%) hours and dark-not lighted (20%) hours with dry (80%) or wet (20%) surface conditions. The primary contributing circumstances included driver inattention/distraction/fatigue (40%), driving in a

careless/reckless manner (20%), mechanical defects (20%), and “other” (20%). While we are unable to determine the exact number, it appears that several of these crashes involved a vehicle hitting the guardrail on Cedar Beach Road just west of Beaver Dam Road.

Sight Distance: Vegetation and fencing on the northwest corner of S. Rehoboth Boulevard & Kirby Road may obstruct sight distance for drivers looking right when stopped on Kirby Road, although it appears there is room for drivers to move up closer to S. Rehoboth Boulevard to improve their sight distance. Also, at the other two existing intersections on S. Rehoboth Boulevard, there are buildings and parking areas on the corners of both intersections that may limit sight distance. None of these conditions are severe or especially concerning.

The study area generally consists of straight and flat roadways in the vicinity of the existing study intersections and proposed site entrances, and there are few potential visual obstructions (other than the ones mentioned above). Sight distance appears adequate throughout the study area. No problematic sight distance issues have been reported or indicated by crash data, and no major problems were noted during field observations.

Transit, Pedestrian, and Bicycle Facilities

Existing transit service: Delaware Transit Corporation (DTC) currently serves the Milford area with three DART bus routes, and the only one that goes along either site frontage is DART route 307 (Intercounty: Lewes – Dover), which is a new route that began service in December 2018 and runs along S. Rehoboth Boulevard. The nearest existing stops on this route are at the Milford Super Walmart and the Bayhealth Sussex Campus, both of which are more than 1.5 miles from the proposed Windward on the River site. Two other routes nearby are DART routes 303 (Intercounty: Dover – Georgetown) and 210 (Milford Circulator), both of which have stops along Walnut Street about one mile away (as the crow flies) as the closest ones to the proposed site. Routes 303 and 210 don’t run along either site frontage of Windward on the River.

Planned transit service: There are currently no known plans to provide additional transit service along either S. Rehoboth Boulevard or Beaver Dam Road near the proposed development.

Existing bicycle and pedestrian facilities: According to the Sussex County bicycle map, S. Rehoboth Boulevard is classified as a Connector Bicycle Route. It is noted as a high-traffic road with a bikeway. Beaver Dam Road is an undesignated road, in terms of bicycling routes. There are no existing marked bicycle lanes within the study area. There are however, 10-12’ wide shoulders on both sides of S. Rehoboth Boulevard throughout the study area. There are no shoulders on Beaver Dam Road

Existing pedestrian facilities in the study area include sidewalks along both sides of 2nd Street and SE Front Street, west of S. Rehoboth Boulevard only, as well as a stretch of Cedar Beach Road east of S. Rehoboth Boulevard. There are no crosswalks or pedestrian signals/push buttons at any of the study area intersections.

Planned bicycle and pedestrian facilities: DBF contacted a representative of DelDOT's Local Systems Planning Section to determine pedestrian and bicycle accommodations for the proposed development. John Fiori originally requested a 10' shared-use path along the site frontage of both S. Rehoboth Boulevard and Beaver Dam Road, but upon further coordination these requirements were reduced to a 5' sidewalk along S. Rehoboth Boulevard only. He indicated that easements would be required along the frontages. He requested that entrance improvements incorporate bicycle and pedestrian facilities, and that an internal sidewalk/path connection be provided. He requested separate bike parking in the retail areas, and recommended an internal trail system within the development for recreational use.

Previous Comments

All comments from DelDOT's scoping letter, traffic count review, preliminary TIS (PTIS) review and other correspondence appear to be addressed in the final TIS submission.

General HCS Analysis Comments

(see table footnotes on the following pages for specific comments)

- 1) For signalized intersections, the TIS and McCormick Taylor applied heavy vehicle factors (HV) by lane group using existing data. The TIS and McCormick Taylor generally assumed future HV to be the same as existing HV at all intersections. Both the TIS and McCormick Taylor assumed 3% HV for future movements to and from the proposed site access points (as per DelDOT's Development Coordination Manual).
- 2) For existing conditions, the TIS and McCormick Taylor determined and utilized overall intersection peak hour factors (PHF). For future conditions, the TIS and McCormick Taylor assumed existing PHF or 0.92, whichever was greater. At the site entrances, future PHF were based on the DelDOT Development Coordination Manual.
- 3) For analyses of all intersections, the TIS and McCormick Taylor used a base saturation flow rate of 1,750 pc/hr/ln per DelDOT's Development Coordination Manual for the weekday peak hours.
- 4) The TIS and McCormick Taylor used different signal timings when analyzing the signalized intersections in some cases.
- 5) The TIS and McCormick Taylor generally input Right-Turn-on-Red (RTOR) volumes for signalized intersection analyses, using existing RTOR volumes for existing and future analyses.

Table 3
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Windward on the River
Report dated November 2018
Prepared by DBF, Inc.

Proposed Unsignalized Intersection ¹ One-Way Stop Control (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
S. Rehoboth Boulevard & Proposed Site Entrance A				
2026 with Windward on the River (case 4)				
Southbound S. Rehoboth Boulevard – Left	A (9.7)	A (9.5)	A (9.6)	A (9.5)
Westbound Site Driveway	C (21.6)	D (26.6)	C (21.6)	D (26.3)

¹ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 4
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Windward on the River
Report dated November 2018
Prepared by DBF, Inc.

Proposed Unsignalized Intersection ² One-Way Stop Control (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
Beaver Dam Road & Proposed Site Entrance B				
2026 with Windward on the River (case 4)				
Northbound Beaver Dam Road – Left	A (7.3)	A (7.4)	A (7.3)	A (7.4)
Eastbound Site Driveway	A (8.9)	A (9.0)	A (8.9)	A (9.0)

² For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 5
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Windward on the River
Report dated November 2018
Prepared by DBF, Inc.

Unsignalized Intersection ³ One-Way Stop Control (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
S. Rehoboth Boulevard & Kirby Road				
2018 existing (case 1)				
Southbound S. Rehoboth Boulevard – Left	A (9.1)	A (8.6)	A (9.1)	A (8.6)
Westbound Kirby Road	C (16.7)	C (16.3)	C (16.7)	C (16.3)
2026 without Windward on the River (case 2)				
Southbound S. Rehoboth Boulevard – Left	A (9.6)	A (9.1)	A (9.6)	A (9.1)
Westbound Kirby Road	C (20.2)	C (21.2)	C (20.2)	C (21.1)
2026 with Windward on the River (case 3)				
Southbound S. Rehoboth Boulevard – Left	A (9.7)	A (9.2)	A (9.7)	A (9.2)
Westbound Kirby Road	C (23.0)	C (23.4)	C (22.9)	C (23.3)
2026 with Windward on the River & ML (case 4)				
Southbound S. Rehoboth Boulevard – Left	A (9.7)	A (9.2)	A (9.7)	A (9.2)
Westbound Kirby Road	C (23.1)	C (23.6)	C (23.0)	C (23.5)

³ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 6
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Windward on the River
Report dated November 2018
Prepared by DBF, Inc.

Unsignalized Intersection ⁴ One-Way Stop Control (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
S. Rehoboth Boulevard & 2nd Street				
2018 existing (case 1)				
Northbound S. Rehoboth Boulevard – Left	A (8.6)	A (8.9)	A (8.6)	A (8.9)
Eastbound 2 nd Street	E (37.3)	C (20.7)	E (37.3)	C (20.7)
2026 without Windward on the River (case 2)				
Northbound S. Rehoboth Boulevard – Left	A (8.9)	A (9.7)	A (8.9)	A (9.7)
Eastbound 2 nd Street	F (72.0)	E (38.0)	F (70.4)	E (38.0)
2026 without Windward on the River (case 2) with Improvement Option 1 ⁵				
Northbound S. Rehoboth Boulevard – Left	A (8.9)	A (9.7)	A (8.9)	A (9.7)
Eastbound 2 nd Street	D (26.5)	C (21.7)	D (26.5)	C (21.7)
2026 with Windward on the River (case 3)				
Northbound S. Rehoboth Boulevard – Left	A (9.2)	A (9.9)	A (9.2)	A (9.9)
Eastbound 2 nd Street	F (134.1)	F (50.8)	F (134.1)	F (50.8)
2026 with Windward on the River (case 3) with Improvement Option 1 ⁵				
Northbound S. Rehoboth Boulevard – Left	A (9.2)	A (9.9)	A (9.2)	A (9.9)
Eastbound 2 nd Street	D (33.9)	C (24.0)	D (33.9)	C (24.0)
2026 with Windward on the River & ML (case 4)				
Northbound S. Rehoboth Boulevard – Left	A (9.2)	A (9.9)	A (9.2)	A (9.9)
Eastbound 2 nd Street	F (138.9)	F (56.0)	F (138.9) ⁶	F (56.0) ⁶
2026 with Windward on the River & ML (case 4) with Improvement Option 1 ⁵				
Northbound S. Rehoboth Boulevard – Left	A (9.2)	A (9.9)	A (9.2)	A (9.9)
Eastbound 2 nd Street	D (34.5)	C (24.9)	D (34.4) ⁷	C (24.9) ⁷

⁴ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

⁵ Improvement Option 1 consists of adding a left-turn lane along northbound S. Rehoboth Boulevard and modifying the eastbound 2nd Street approach to provide separate dedicated left and right-turn lanes.

⁶ The 95th percentile queue length on the eastbound approach during the Case 4 AM peak hour is expected to be approximately 13 vehicles (325 feet) long. For the Case 4 PM peak hour, it is expected to be approx. 6 vehicles long.

⁷ The 95th percentile queue length on the eastbound approach during the Case 4 AM peak hour (with Improvement Option 1) is expected to be approximately 4 vehicles (100 feet) long. For the Case 4 PM peak hour (with Improvement Option 1), it is expected to be approx. 2 vehicles long.

Table 7
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Windward on the River
Report dated November 2018
Prepared by DBF, Inc.

Signalized Intersection ⁸	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
S. Rehoboth Boulevard & SE Front Street / Cedar Beach Road				
2018 existing (case 1)	B (16.5)	B (16.3)	B (11.0)	A (8.0)
2026 without Windward on the River (case 2)	B (17.6)	B (19.5)	B (11.2)	A (8.8)
2026 with Windward on the River (case 3)	B (19.7)	C (22.8)	B (12.0)	A (9.2)
2026 with Windward on the River & ML (case 4)	B (19.9)	C (23.6)	B (12.0)	A (9.2)

⁸ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 8
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Windward on the River
Report dated November 2018
Prepared by DBF, Inc.

Unsignalized Intersection ⁹ One-Way Stop Control (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
Cedar Beach Road & Beaver Dam Road				
2018 existing (case 1)				
Northbound Beaver Dam Road	A (10.0-)	B (10.4)	A (10.0-)	B (10.4)
Westbound Cedar Beach Road – Left	A (7.7)	A (7.7)	A (7.7)	A (7.7)
2026 without Windward on the River (case 2)				
Northbound Beaver Dam Road	B (10.1)	B (10.6)	B (10.1)	B (10.5)
Westbound Cedar Beach Road – Left	A (7.8)	A (7.7)	A (7.8)	A (7.7)
2026 with Windward on the River (case 3)				
Northbound Beaver Dam Road	B (10.3)	B (10.6)	B (10.3)	B (10.6)
Westbound Cedar Beach Road – Left	A (7.8)	A (7.7)	A (7.8)	A (7.7)
2026 with Windward on the River & ML (case 4)				
Northbound Beaver Dam Road	B (10.3)	B (10.6)	B (10.3)	B (10.6)
Westbound Cedar Beach Road – Left	A (7.8)	A (7.7)	A (7.8)	A (7.7)

⁹ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

City of Milford, Delaware
Development Advisory Committee

Comment Sheet



DATE OF REVIEW: April 1, 2019

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

INDIVIDUAL REVIEWERS: **Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services**
Dennett E. Pridgeon, CFPS, CFPE, CFI, Sr. Fire Protection Specialist
Jefferson L. Cerri, CFI, Sr. Fire Protection Specialist
Joseph Moran, CFI, Sr. Fire Protection Specialist
Desiree B. McCall, CFI, Sr. Fire Protection Specialist

AGENCY PHONE NUMBERS: **302-856-5298, Fax: 302-856-5800**

RE: WINDWARD ON THE RIVER (18-018)

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)
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly and Business)
- 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 S Rehoboth Blvd 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, 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

§ 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.
- (19) Aquarium.

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, with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 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.

§ 230-12. - C-1 Community (Neighborhood) Commercial District.

In a C-1 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 C-1 District will provide for limited commercial and professional services activities that can be compatible in a neighborhood setting to provide goods and services to local residents.
- B. Permitted uses. Permitted uses for the C-1 District shall be as follows:
 - (1) Single-family dwellings.
 - (2) Offices for professional services and administrative activities.
 - (3) Branch offices only of financial institutions and banks.
 - (4) Barbershops and beauty shops.
 - (5) Studio - workshop, including sales.
 - (6) Retail food stores, such as bakeries, candy and convenience stores (without gas pumps) and grocery meat markets.
 - (7) Restaurants, excluding fast-food service or franchised food service operated restaurants.
 - (8) Retail sales and specialty stores.
 - (9) Repair and servicing, indoor and off site, of any article for sale which is permitted in this district.
 - (10) Public parking lot.
 - (11) Off-street parking as an accessory use.

- (12) Antique shop or bookstore.
 - (13) 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 and gas facilities.
 - (14) Community recreation center, as a nonprofit community service.
 - (15) Laundromats.
 - (16) Neighborhood shopping centers, to include only those uses permitted in this section, as listed above, and subject to the following special requirements:
 - (a) Maximum lot size for the grouping of stores shall be 1 1/2 acres.
 - (b) Maximum floor area for any single permitted establishment within the neighborhood shopping center shall be 30,000 square feet.
 - (c) Minimum lot width shall be at least 250 feet.
 - (d) Minimum distance between any building or accessory use, except parking, and any residential district shall be 50 feet.
 - (e) Minimum distance between any access driveway (including ingress or egress points) and any residential district shall be 50 feet.
- 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) Convenience stores with gas pumps.
 - (2) Community residential treatment program.
 - (3) All dwellings other than single-family with a maximum density of 12 units per acre.
- D. Area regulations.
- (1) Minimum lot area shall be 3,630 square feet.
 - (2) Maximum lot coverage shall be 80%.
 - (3) Minimum lot width shall be 30 feet.
 - (4) Height of buildings shall not exceed three stories or 35 feet.
 - (5) Minimum building setback shall be 10 feet.
 - (6) Side yards shall be at least five feet in width.
 - (7) Minimum rear yard shall be 25 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.

ARTICLE IV - Off-Street Parking and Loading

§ 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 [Amended 7-14-1997]	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, R-3 and R-8 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 or R-8 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, R-3 and R-8 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-1, OB-1 and OC-1.

- (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 feet 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, R-3 or R-8 District or any lot developed or approved for development for residential use, there shall be a 50-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.

§ 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.

§ 230-52. - 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.

CITY OF MILFORD

NOTICE OF PUBLIC HEARING

Planning Commission Hearing: Tuesday, May 14, 2019 at 7:00 p.m.

City Council Hearing: Tuesday, May 28, 2019 at 7:00 p.m.

Notice is hereby given that the Planning Commission and City Council will hold Public Hearings to allow interested parties to participate in the discussion and consideration of the following zoning matter:

Ordinance 2019-14

Windward Communities LLC-Commercial for a Conditional Use

On behalf of Property Owners Janet R. Swain, Gilbert C. & Irene D. Simpson and Jesse & Joyce Webb

Current Zoning: C-3 (Highway Commercial District) C-1 (Neighborhood Commercial District)

Present Use: Single Family Dwelling, Outdoor Recreation, Small Engine Repair Shop

Proposed Use: Shopping Center, Office, Retail & Restaurant

Area: 7.99 +/- acres of land

East side of South Rehoboth Boulevard approximately 350 feet south of the Southeast Second Street Intersection

Tax Map & Parcel Numbers: 3-30-11.00-042.00, 3-30-11.00-042.01,

3-30-11.00-043.00, 3-30-7.00-033.00 (portion of)

Whereas, the City of Milford Planning Commission reviewed and made recommendations on Ordinance 2019-14 following a Public Hearing on Tuesday, May 14, 2019; and

Whereas, Milford City Council held a Public Hearing on Tuesday, May 28, 2019 to allow for additional debate and further review of the Zoning Ordinance; and

Whereas, it is deemed in the best interest of the City of Milford to allow a Conditional Use to permit a Shopping Center, Office, Retail and Restaurant, as described in the application.

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

Section 1. Following the adoption of Ordinance 2019-14, and upon its effective date, Windward Communities LLC is hereby granted a Conditional Use Permit, in accordance with Chapter 230, to allow a Shopping Center, Office, Retail and Restaurant, east of the South Rehoboth Boulevard and south of Southeast Second Street intersection, in accordance with the 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.

City Council Introduction: May 13, 2019

Planning Commission Review & Public Hearing: May 14, 2019

City Council Public Hearing: May 28, 2019

Proposed Effective Date: June 7, 2019

Additional information regarding the application and City of Milford Zoning Code may be obtained by accessing the City website at cityofmilford.com or by calling 302-424-8396.

Advertised:

Milford Beacon April 10, 2019

Readvertised:

Milford Beacon April 24, 2019



DATA SHEET FOR PFEIFFER ENTERPRISES

Planning Commission Meeting: May 14, 2019

Application Number / Name	:	19-006 / Pfeiffer Enterprises
Applicant	:	Larry M. & Linda H. Pfeiffer 647 McCauley Pond Road Harrington, DE 19952
Owner	:	Pfeiffer Enterprises 647 McCauley Pond Road Harrington, DE 19952
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District(s)	:	R-2 (Residential District)
Proposed Zoning District(s)	:	C-1 (Neighborhood Commercial District)
Present Use	:	Vacant Retail
Proposed Use	:	Barbershop
Size and Location	:	0.207 +/- acres of land located along the west side of N. Rehoboth Boulevard addressed as 292 N. Rehoboth Boulevard
Tax Map & Parcel(s)	:	MD-16-174.18-02-56.00
ENC:		Staff Analysis Report Exhibit A – Location & Zoning Map Exhibit B – Survey



STAFF REPORT
April 2, 2019

Application Number / Name	:	19-006 / Pfeiffer Enterprises
Present Comprehensive Plan Designation	:	Commercial
Present Zoning District(s)	:	R-2 (Residential District)
Proposed Zoning District(s)	:	C-1 (Neighborhood Commercial District)
Present Use	:	Vacant Retail
Proposed Use	:	Barbershop
Size and Location	:	0.207 +/- acres of land located along the west side of N. Rehoboth Boulevard addressed as 292 N. Rehoboth Boulevard
Tax Map & Parcel(s)	:	MD-16-174.18-02-56.00

I. BACKGROUND INFORMATION:

- The applicant proposes to rezone the above referenced parcel from R-2 (Residential District) to C-1 (Neighborhood Commercial District). The property contains an existing building that was formerly used for retail but has been vacant for more than 12 months. The applicant proposes to sell the property to an investor interested in opening a Barbershop.

II. STAFF ANALYSIS:

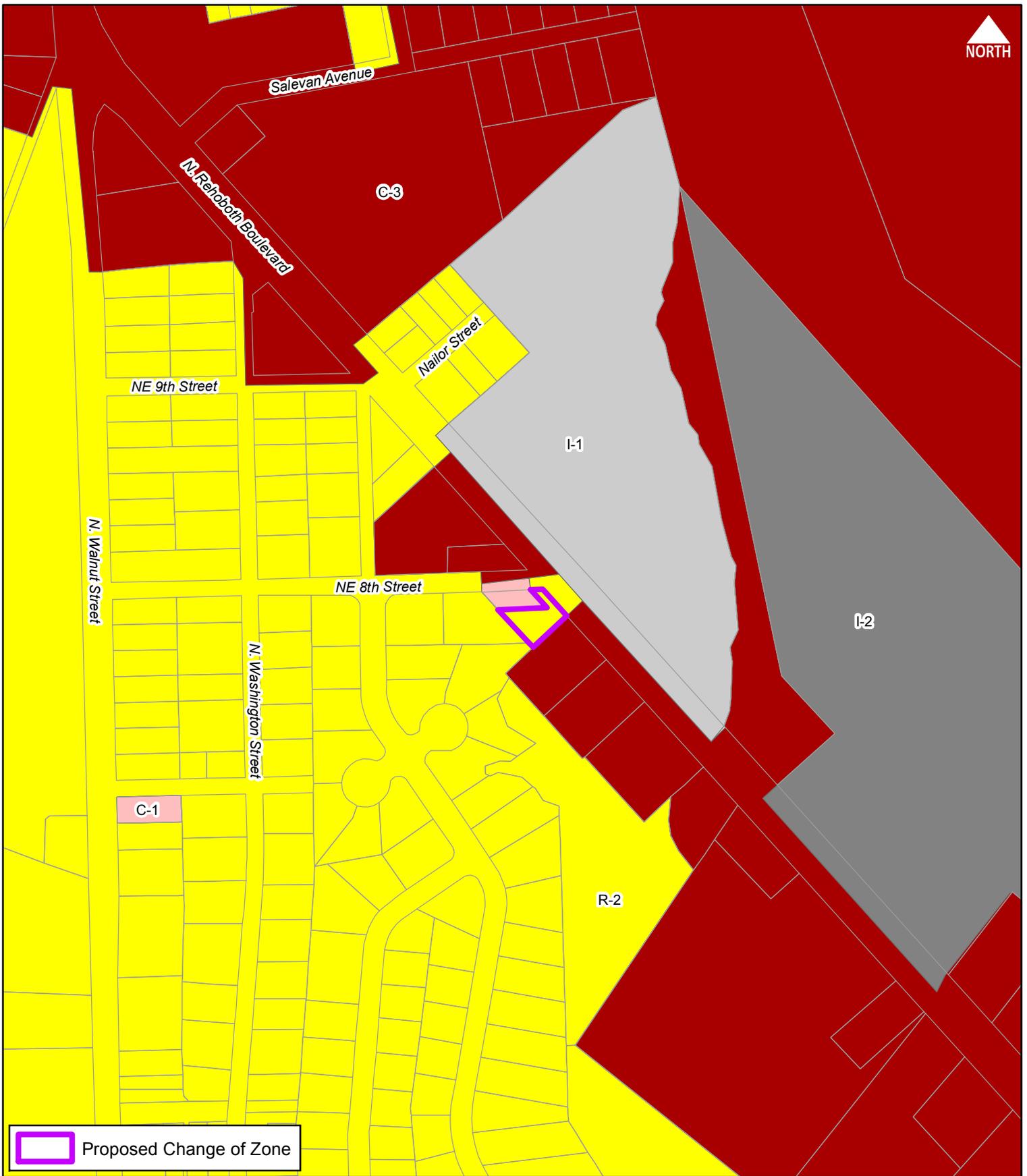
Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request to amend the Zoning Map:

- The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps. The Future Land Use designation for the property is Commercial, for which C-1 (Neighborhood Commercial) is a suitable zoning designation.
- The property to the north is zoned C-1 (Neighborhood Commercial) while the property to the south is zoned C-3 (Highway Commercial).

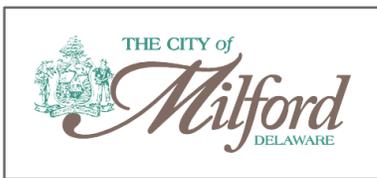
- The property contains 9,545 square feet and meets the minimum lot area requirement of 3,630 square feet.
- The property has 80 +/- feet of street frontage along N. Rehoboth Boulevard and meets the lot width requirement of 30 feet.
- The existing building meets the C-1 front (10 feet), rear (25 feet) and side (5 feet) yard setback requirements.
- Any future use of the property must comply with Chapter 230 and the C-1 (Neighborhood Commercial District) zoning use and area regulations as adopted at the time of building permit issuance. This would include meeting the City's off-street parking and loading requirements, obtaining State of Delaware Department of Transportation approval for the entrance, obtaining State Fire Marshal's Office approval for the parking lot.

III. AGENCY COMMENTS:

- DelDOT – No comments solicited
- Kent Conservation District – No comments solicited.
- State Fire Marshall – No comments solicited.



 Proposed Change of Zone



Scale:  Feet
0 150 300

Drawn by: WRP Date: 04/02/19

Title:
**Change of Zone
Pfeiffer Enterprises
Location & Zoning Map**

Filepath: ChangeZone_Pfeiffer.mxd



EIGHTH STREET @ 50' WIDE

REHOBOTH BOULEVARD (SHR 21) @ 100' WIDE

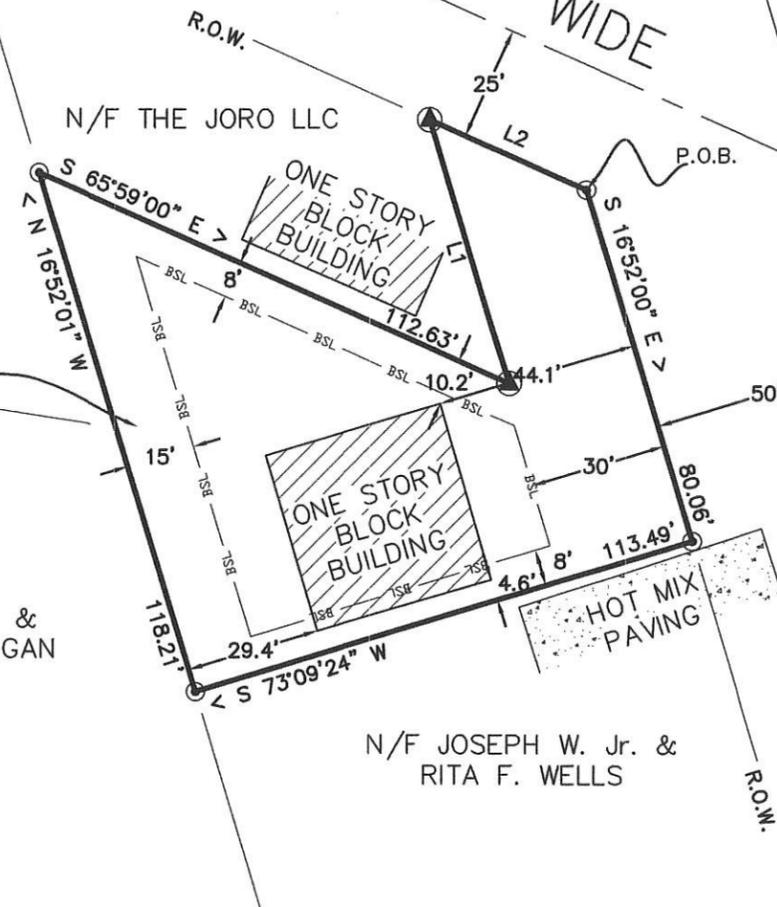
LINE	BEARING	DISTANCE
L1	N 16°52'00" W	60.05'
L2	S 65°59'05" E	37.48'

N/F DAVID B. DOLAN &
ANGELA N. FEYERABEND

AREA =
9,545 SQ. FT. ±

N/F GARY B. &
SUSAN E. MORGAN

N/F JOSEPH W. Jr. &
RITA F. WELLS



LEGEND:

FOUND IRON PIPE

SET CAPPED REBAR

CENTER LINE OF ROAD

BUILDING SETBACK LINE

Property of:
LARRY PFEIFFER

MILFORD HUNDRED

DATE: 24 SEPTEMBER 2004

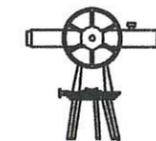
KENT COUNTY, DELAWARE

W.O.: 04-6-196

Charles D. Murphy Associates, Inc.

T.M.: MD-16-174.18-02-56.00-000

Land Surveyors
14 South Maple Avenue
Milford, Delaware 19963
(302) 422-7327
P.L.S. 551



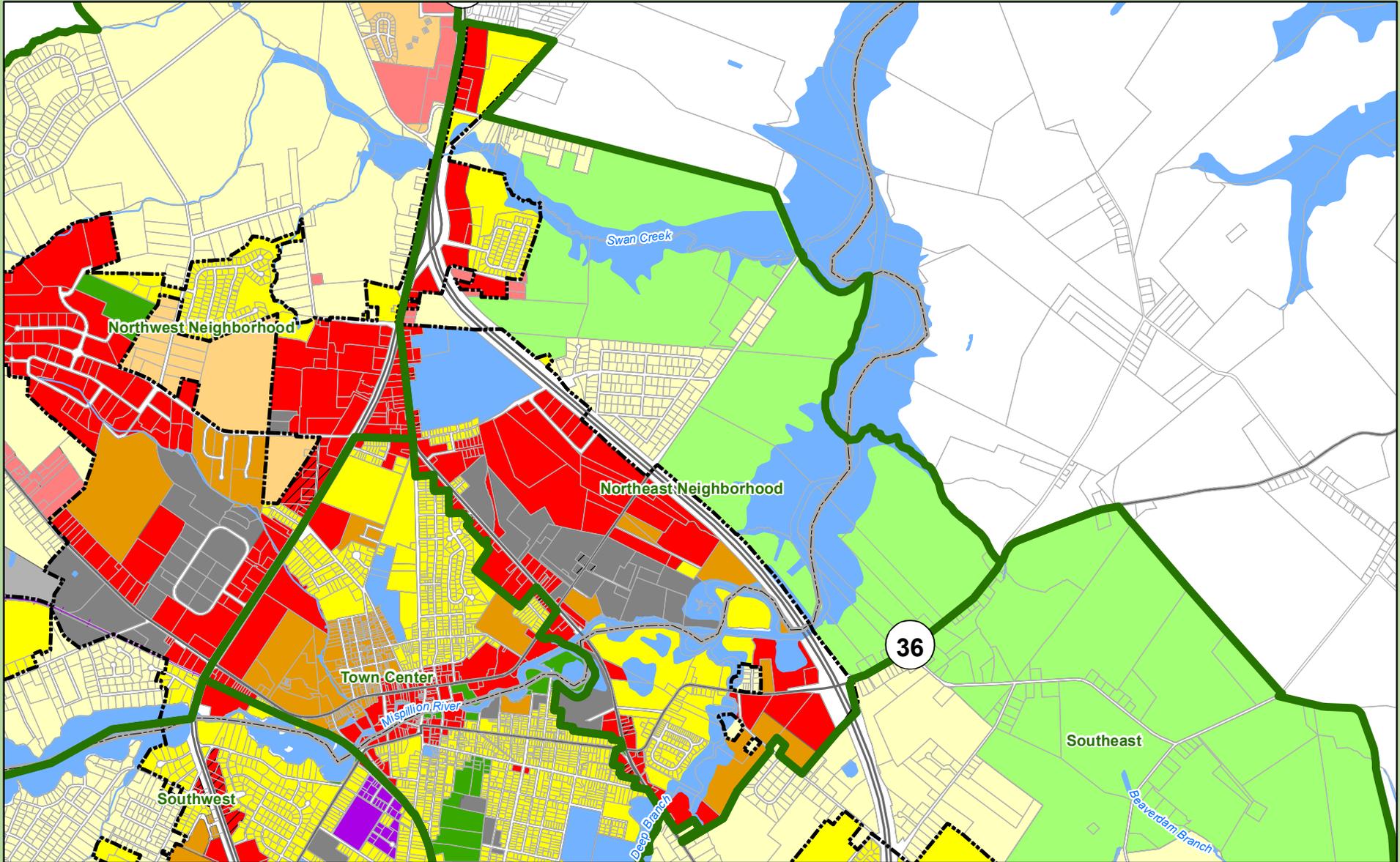
F.B.: 389-72 DRAWN BY:
JSW

DISK: LPFEIFFER

SCALE: 1" = 40'

SOURCE OF BEARING: SURVEY BY CHARLES D. MURPHY, Jr.
DATED 27 JULY 1977

SURVEY CLASSIFICATION: URBAN



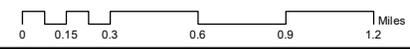
Neighborhoods	Employment	Municipal Boundary
Land Use Type	Proposed Employment	County Boundaries
Open Space	Institutional	State Parcels
Proposed Open Space	Commercial	Routes
Low Density Residential	Proposed Commercial	Rail Lines
Proposed Low Density Residential	Industrial	Hydrology
Moderate Density Residential	Proposed Industrial	Bodies of Water
Proposed Moderate Density Residential	Transition Area	

City of Milford, Delaware

Future Land Use

Northeast Neighborhood

Adopted Jan. 22, 2018, Certified TBD



Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.
 DRAFT Future Landuse - City of Milford, Delaware 01/18.
 Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.
 Hydrology - USGS and EPA, FirstMap 01/18.

Note: This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.



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§ 230-12. - C-1 Community (Neighborhood) Commercial District.

In a C-1 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 C-1 District will provide for limited commercial and professional services activities that can be compatible in a neighborhood setting to provide goods and services to local residents.
- B. Permitted uses. Permitted uses for the C-1 District shall be as follows:
- (1) Single-family dwellings.
 - (2) Offices for professional services and administrative activities.
 - (3) Branch offices only of financial institutions and banks.
 - (4) Barbershops and beauty shops.
 - (5) Studio - workshop, including sales.
 - (6) Retail food stores, such as bakeries, candy and convenience stores (without gas pumps) and grocery meat markets.
 - (7) Restaurants, excluding fast-food service or franchised food service operated restaurants.
 - (8) Retail sales and specialty stores.
 - (9) Repair and servicing, indoor and off site, of any article for sale which is permitted in this district.
 - (10) Public parking lot.
 - (11) Off-street parking as an accessory use.
 - (12) Antique shop or bookstore.
 - (13) 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 and gas facilities.
 - (14) Community recreation center, as a nonprofit community service.
 - (15) Laundromats.
 - (16) Neighborhood shopping centers, to include only those uses permitted in this section, as listed above, and subject to the following special requirements:
 - (a) Maximum lot size for the grouping of stores shall be 1 1/2 acres.
 - (b) Maximum floor area for any single permitted establishment within the neighborhood shopping center shall be 30,000 square feet.
 - (c) Minimum lot width shall be at least 250 feet.
 - (d) Minimum distance between any building or accessory use, except parking, and any residential district shall be 50 feet.
 - (e) Minimum distance between any access driveway (including ingress or egress points) and any residential district shall be 50 feet.
- 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) Convenience stores with gas pumps.
 - (2) Community residential treatment program.

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

D. Area regulations.

- (1) Minimum lot area shall be 3,630 square feet.
- (2) Maximum lot coverage shall be 80%.
- (3) Minimum lot width shall be 30 feet.
- (4) Height of buildings shall not exceed three stories or 35 feet.
- (5) Minimum building setback shall be 10 feet.
- (6) Side yards shall be at least five feet in width.
- (7) Minimum rear yard shall be 25 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.

ARTICLE XII - Amendments

§ 230-58. - Procedure.

- A. The City Council may, from time to time, on its own motion or the motion of the Planning Commission or on petition by an owner, amend, supplement, change, modify or repeal the zoning regulations, restrictions and boundaries in a manner in accordance with the procedure provided.
- B. All proposals for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the City Council, except those originating on motion of the Planning Commission, shall be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall study all proposals, whether originating with the Commission or otherwise, conduct a public hearing, after having given notice required for the agenda of the Commission, and report its findings and recommendations to the City Council.
- C. The Planning Commission is granted the authority to require, as a condition to consideration of any proposal other than one originating with the City Council, that a petition be submitted accompanied by such maps, charts, sketches and other information as the Commission deems necessary for the proper and effective consideration of such proposal and to refuse to consider any proposal not complying with such requirement.
- D. No proposed amendment, change, modification or repeal of any zoning regulation, restriction or boundary shall become effective until after a public hearing shall have been held by the City Council at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Milford. In case of an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.
- E. In the event of a protest against such changes signed by 20% or more of property owners within 200 feet of the proposed change, such amendment shall not become effective except by the favorable vote of 3/4 of all the members of the City Council.
- F. If, after due consideration, a proposal is denied, such proposal shall not be eligible for reconsideration for a period of one year after final action by the City Council, except upon the favorable vote of 3/4 of the Planning Commission or City Council.

§ 230-59. - Hearing; notice required.

No change or amendment shall become effective until after a public hearing at which parties in interest and citizens shall have had an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the City of Milford. In all cases in which a proposed amendment would change the Zoning Map, notice of the amendment shall be sent by mail to all property owners of record whose property is proposed to be changed by the amendment and all property owners within 200 feet of the proposed change.

§ 230-60. - Fee.

A nonrefundable fee as set forth in § 230-57 shall accompany each application or petition, except for those petitions which have been initiated by the City Council or by the Planning Commission.

CITY OF MILFORD

NOTICE OF PUBLIC HEARING

Planning Commission Hearing: Tuesday, May 14, 2019 @ 7:00 p.m.
City Council Hearing: Tuesday, May 28, 2019 @ 7:00 p.m.

Notice is hereby given that the Planning Commission and City Council will hold Public Hearings to allow interested parties to participate in the discussion and consideration of the following zoning matter:

Ordinance 2019-15

Change of Zone

Larry M. & Linda H. Pfeiffer on behalf of Pfeiffer Enterprises

Current Zoning: R-2 (Residential District)

Proposed Zoning: C-1 (Neighborhood Commercial District)

Present Use: Vacant Retail

Proposed Use: Barbershop

Size/Location: .207 +/- acres of land located along the west side of North Rehoboth Boulevard
more commonly known as 292 North Rehoboth Boulevard

Tax Map & Parcel: MD-16-174.18-02-56.00

Whereas, the City of Milford Planning Commission reviewed and made recommendations on Ordinance 2019-15 following a Public Hearing on Tuesday, May 14, 2019; and

Whereas, Milford City Council held a Public Hearing on Tuesday, May 28, 2019 to allow for additional debate and further review of the Zoning Ordinance; and

Whereas, it is deemed in the best interest of the City of Milford to permit the Change of Zone from R-2 (Residential District) to C-1 (Neighborhood Commercial District, as described in the application.

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

Section 1. Following adoption of Ordinance 2019-15, and upon the effective date, the property owned by Larry M. and Linda H. Pfeiffer on behalf of Pfeiffer Enterprises at 292 North Rehoboth Boulevard, Milford, Delaware, is hereby zoned C-1 Community Neighborhood Commercial District in accordance with Chapter 230 §230-12.

Section 2. Dates.

City Council Introduction: May 13, 2019

Planning Commission Review & Public Hearing: May 14, 2019

City Council Public Hearing: May 28, 2019

Proposed Effective Date: June 7, 2019

Additional information regarding the application and City of Milford Zoning Code may be obtained by accessing the City website at cityofmilford.com or by calling 302-424-8396.

Advertised:

Milford Beacon April 10, 2019

Readvertised:

Milford Beacon April 24, 2019

DATA SHEET FOR MAVIS DISCOUNT TIRES

Planning Commission Meeting: May 14, 2019

Application Number / Name	:	19-007 / Mavis Discount Tires
Applicant	:	LC Management 105 Foulk Road Wilmington, DE 19803
Owner	:	Shawnee Farm, LLC 105 Foulk Road Wilmington, DE 19803
Application Type	:	Preliminary Conditional Use Site Plan
Comprehensive Plan Designation	:	Commercial
Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Vacant Land
Proposed Use	:	Car Repair Shop
Area and Location	:	1.63 +/- acres of land located along Lexus Drive within the Cypress Hall Commercial Shopping Center
Property Identification Numbers	:	1-30-3.00-261.04

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



STAFF REPORT
April 29, 2019

Application Number / Name	:	19-007 / Mavis Discount Tires
Present Comprehensive Plan Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Vacant
Proposed Use	:	Car Repair Shop
Tax Map & Parcel	:	1-30-3.00-261.04
Size and Location	:	1.63 +/- acres of land located along Lexus Drive within the Cypress Hall Shopping Center

I. BACKGROUND INFORMATION:

- The subject parcel is Parcel 2 of the recorded Cypress Hall Commercial subdivision, which was approved by City Council on June 27, 2011.
- The applicant proposes to construct a 6,979 square foot “car repair shop” as shown on the provided site plan. The site will gain access via Lexus Drive.
- Chapter 230-14(C)(7) states “car repair shops” are a conditional use subject to special requirements set forth by City Council.

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 the Conditional Use Preliminary Site Plan:

- The Preliminary Site Plan application meets all use and area regulations set forth in Chapter 230 Zoning.
- The plans have been reviewed for general compliance with the City’s Standard Construction Specifications by the Public Works Department.

- The applicant has not provided an interconnection with the adjoining parcels. The entrance at the northwest corner of the parcel will only serve the property to the north for future development. The City will require a cross-access easement in favor of the parcel to the north be recorded on the final site plan.
- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

A. The presence of adjoining similar uses.

The property is surrounded by developing commercial uses. The properties to the north, west and south are zoned C-3 (Highway Commercial). The property is bounded by Route 113 to the east. The properties on the east side of Route 113 are zoned C-1 and R-1 and contain both small commercial offices and residential uses. The property to the west contains the existing Cypress Hall Commercial Shopping center. The parcels to the north and south are vacant commercial outparcels for the Cypress Hall Commercial Shopping Center.

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

The proposed use is only allowed by conditional use approval within the C-3 Highway Commercial zoning district.

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

The Comprehensive Plan designates this area as Highway Commercial. The proposed use is consistent with the land use plan for the Comprehensive Plan and addresses additional goals and objectives related to economic development and business growth.

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

The site is located adjacent to similar commercially zoned property where screening is not necessary. The applicant has provided some screening around the trash enclosure and some trees on the site for aesthetics.

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

The proposed use should not detract from other permitted uses in the district and the proposed use is compatible with the adjacent commercial lands and large shopping center.

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

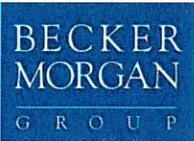
The site is located along an established City road and contains an existing entrance that was designed and installed as part of the overall commercial shopping center. The site exceeds the minimum parking standards. Landscape screening is not necessary based on

the adjacent uses, however, the applicant has provided some screening around the trash enclosure.

- The following comments must be addressed prior to final site plan approval:
 - Final Site Plan approval will require approvals or no objection letters from the State Fire Marshal's Office and Sussex Conservation District;
 - Address Preliminary Site Plan and Conditional Use review comments (a copy of which is provided in the packet);
 - Applicant must obtain final approval of engineering plans from the City Engineer; and,
 - Additional department and agency comments outlined in Section III.

III. AGENCY COMMENTS:

- **DelDOT Planning, Development Coordination**
No comments provided.
- **Delaware Health and Social Services – Division of Public Health**
Contact: William Milliken – 302-741-8646
No comments Provided.
- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**
No comments provided.
- **Sussex Conservation District**
Contact: Jessica Watson
No comments provided.
- **Delaware State Fire Marshal's Office**
Contact: Duane Fox – 302-856-5298
See attached comments.
- **Carlisle Fire Company**
No comments provided.
- **City of Milford Public Works Department**
Contact: Mark Whitfield – 302-422-1110
No comments provided.
- **City of Milford Parks and Recreation Department**
No comments provided.
- **City of Milford Police Department**
No comments provided.
- **Milford School District**
No comments provided.



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NEWARK, DELAWARE 19711
302.369.3700

PORT EXCHANGE
312 WEST MAIN STREET, SUITE 300
SALISBURY, MARYLAND 21801
410.546.9100
FAX 410.546.5824

ARCHITECTURE & PLANNING

3205 RANDALL PARKWAY, SUITE 211
WILMINGTON, NORTH CAROLINA 28403
910.341.7600
FAX 910.341.7506

www.beckermorgan.com

April 4, 2019

Mr. Rob Pierce
City of Milford Planning & Zoning
City Hall
201 S. Walnut Street
Milford, Delaware 19963

RE: **Summary of Proposal for Conditional Use**
MAVIS TIRE CENTER
Milford, Delaware
2019009.00

Mr. Pierce:

The developer, Shawnee Farm LLC., requests that the property located on tax parcel numbers 1- 30-3.00-261.04, existing zoning C3- Highway Commercial, be granted a conditional use for the proposed use of a car repair shop in accordance with Chapter 230 Section 14 Subsection C7 of the City of Milford Municipal Code. The site currently is an undeveloped lot and the developer, Shawnee Farm LLC. will be seeking to construct a new 6,979 s.f. Mavis Tire Center. New curbing, parking areas, drive aisles, dumpster enclosure and landscaping will also be constructed. The relationship of the arrangement of building is north, south with site entrance from the east off of Lexus drive and fronting South Dupont Highway to the west. Adjoining properties are undeveloped pad sites within the Cypress Hall Commercial development. The new store hours of operation are as follows: 8am-6:30pm M-F / 8am to 8:30pm Thurs / 8am-6pm Sat / 9am-5pm Sun with 16 total staff to be employed.

Feel free to contact me with any questions or concerns.

Sincerely,

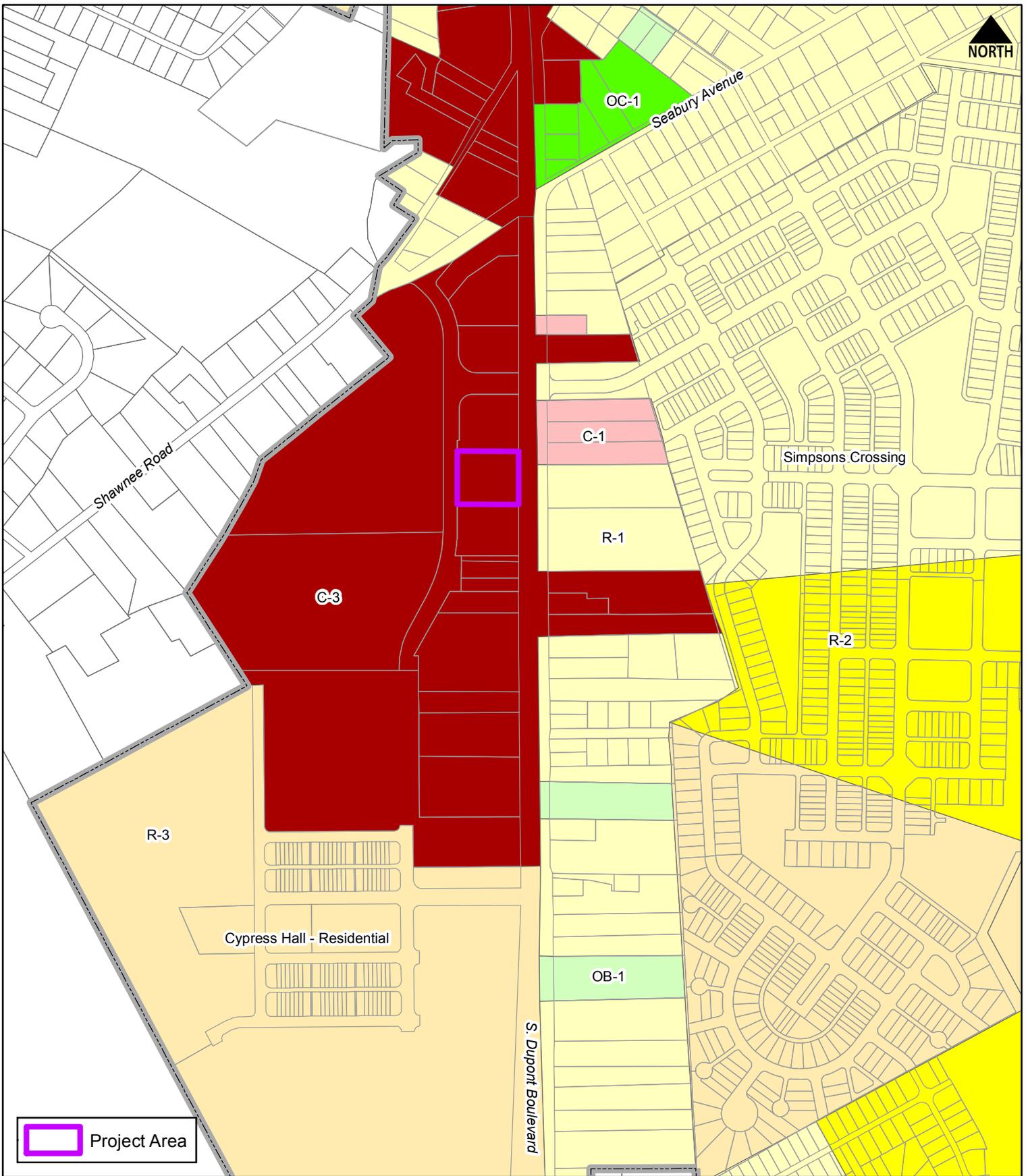
BECKER MORGAN GROUP, INC.

Daniel S. Gordon
Civil Technician

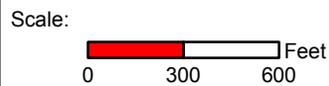
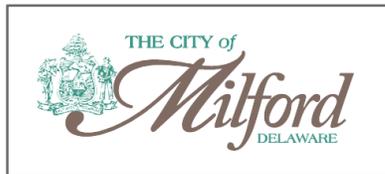
DSG/rlh

Cc: William Krapf / LC Management

[201900900aj-ltr-Con-Use Letter.docx](#)



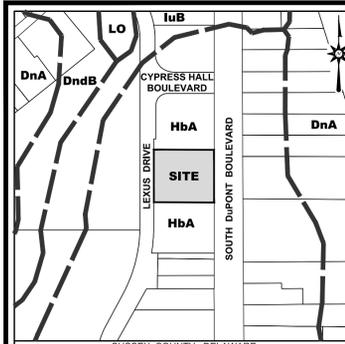
 Project Area



Drawn by: WRP Date: 04/01/19

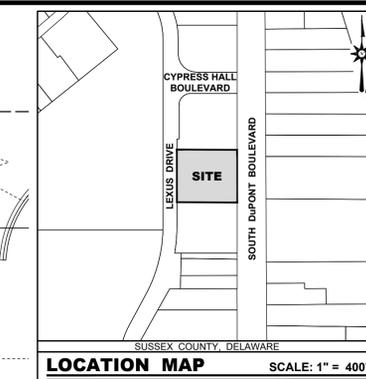
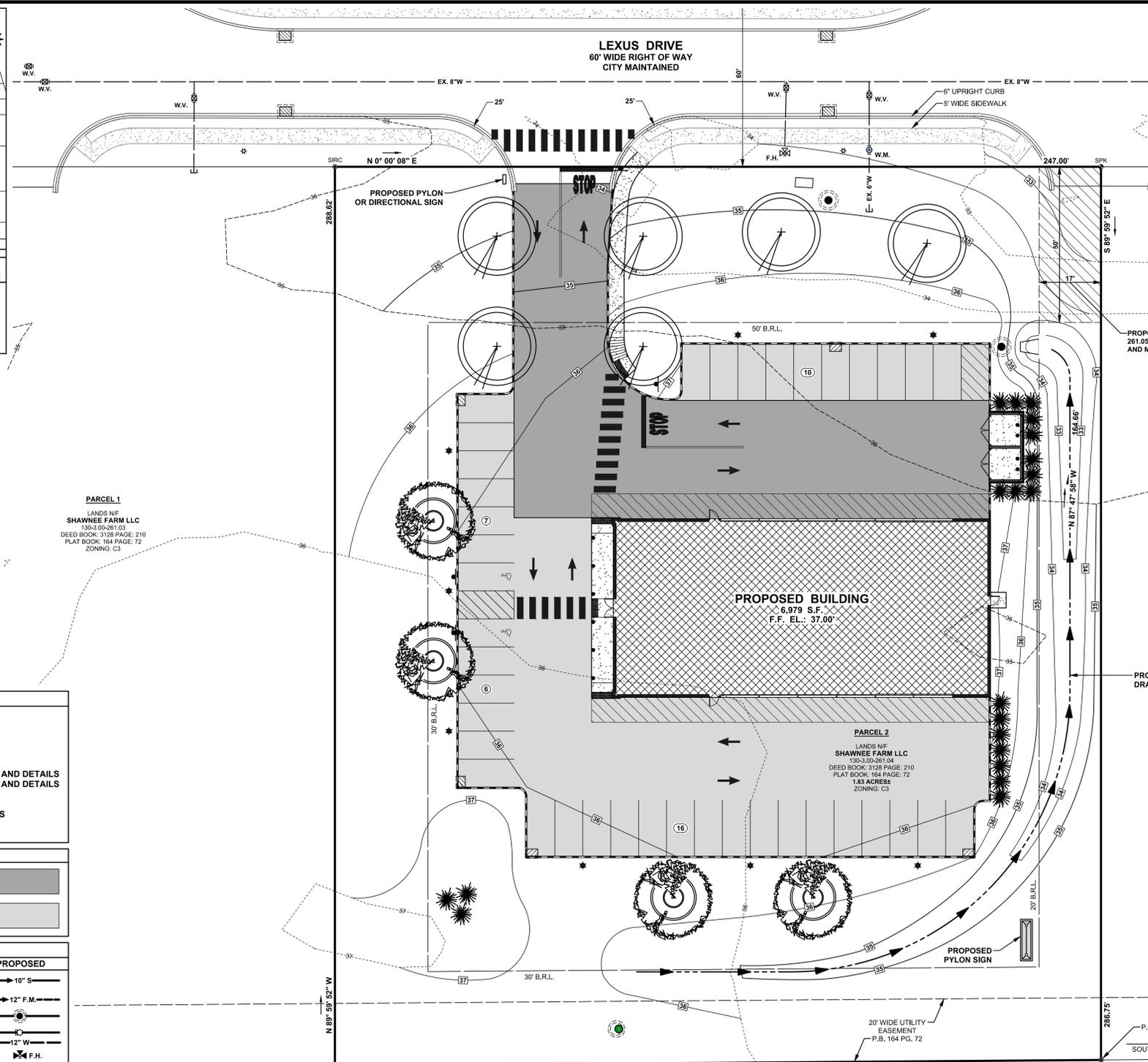
Title:
Preliminary Conditional Use Site Plan
Mavis Discount Tires
Location & Zoning Map

Filepath: PreliminarySitePlan_MavisDiscountTires.mxd

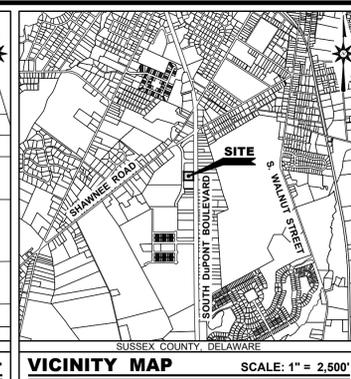


SOIL SURVEY MAP SCALE: 1" = 400'

SOIL MAP TAKEN FROM "USDA WEB SOIL SURVEY" (WEBSOILSURVEY.NRCS.USDA.GOV)
 HbA - HAMBROOK SANDY LOAM, 0 TO 2 PERCENT SLOPES
 LuB - INGLESIDE-URBAN LAND COMPLEX, 0 TO 5 PERCENT SLOPES
 LO - LONGMARSH AND INDIANTOWN SOILS, FREQUENTLY FLOODED
 DndA - DOWNER LOAMY SAND, 0 TO 2 PERCENT SLOPES
 DndB - DOWNER LOAMY SAND, 2 TO 5 PERCENT SLOPE, NORTHERN TIDEWATER AREA



LOCATION MAP SCALE: 1" = 400'



VICINITY MAP SCALE: 1" = 2,500'

SHEET INDEX

C-001	COVER SHEET
C-101	DEMOLITION PLAN
C-201	SITE PLAN
C-301	UTILITY PLAN
C-401	GRADING PLAN
C-501	EROSION AND SEDIMENT CONTROL PLAN
C-502	EROSION AND SEDIMENT CONTROL - NOTES AND DETAILS
C-503	EROSION AND SEDIMENT CONTROL - NOTES AND DETAILS
C-901	CONSTRUCTION DETAILS
C-902	CONSTRUCTION DETAILS
C-903	CONSTRUCTION DETAILS & GENERAL NOTES
C-904	CONSTRUCTION DETAILS
L-101	LANDSCAPE PLAN

PAVEMENT LEGEND

AREA OF HEAVY DUTY PAVEMENT	[Symbol]
AREA OF LIGHT DUTY PAVEMENT	[Symbol]

LEGEND

ITEM	EXISTING	PROPOSED
SANITARY GRAVITY SEWER LINE, SIZE & FLOW DIRECTION	EX. 10" S	10" S
SANITARY SEWER FORCE MAIN, SIZE & FLOW DIRECTION	EX. 10" F.M.	12" F.M.
SANITARY SEWER MANHOLE (S.M.H.)	[Symbol]	[Symbol]
SANITARY SEWER CLEANOUT	EX. 10" W	12" W
WATER MAIN & SIZE	EX. 10" W	12" W
FIRE HYDRANT	[Symbol]	[Symbol]
WATER VALVE (W.V.) OR METER (W.M.)	W.M. W.V.	W.M. W.V.
STORM DRAIN MANHOLE (S.D.M.H.)	[Symbol]	[Symbol]
STORM DRAIN LINE (CMP OR RCP)	[Symbol]	[Symbol]
CATCH BASIN	[Symbol]	[Symbol]
UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE OR ELECTRIC OR BOTH)	U.E.	U.E.
UNDERGROUND ELECTRIC	U.T.	U.T.
UNDERGROUND TELEPHONE	EX. 2" G	2" G
UNDERGROUND GAS MAIN	N/A	2" G
PAVEMENT TO BE REMOVED	[Symbol]	[Symbol]
CONCRETE CURB & GUTTER	[Symbol]	[Symbol]
CONCRETE SIDEWALK, SLAB / PAVING	[Symbol]	[Symbol]
IMPERVIOUS SURFACED ROAD, DRIVE OR LOT	[Symbol]	[Symbol]
INDIVIDUAL TREE OR BUSH	EVERGREEN DECIDUOUS	N/A
WIRE FENCE	[Symbol]	[Symbol]
CHAINLINK FENCE	[Symbol]	[Symbol]
STOCKADE FENCE	[Symbol]	[Symbol]
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)	[Symbol]	[Symbol]
DRAINAGE DITCH OR SWALE	[Symbol]	[Symbol]
EMBANKMENT SIDESLOPES (DOWN)	[Symbol]	[Symbol]
CONTOUR	49	55
ELEVATION SPOT SHOT	43.55	25.00 T.C. 25.00 B.C.
BENCH MARK	[Symbol]	[Symbol]
PROPERTY OR RIGHT-OF-WAY LINE	[Symbol]	N/A
CENTERLINE	[Symbol]	[Symbol]
LIGHT POLE	[Symbol]	[Symbol]
CONSTRUCTION NOTE	N/A	[Symbol]

PARCEL 1
 LANDS N/F
 SHAWNEE FARM LLC
 130-3.00-261.03
 DEED BOOK: 3128 PAGE: 210
 PLAT BOOK: 164 PAGE: 72
 ZONING: C3

PARCEL 2
 LANDS N/F
 SHAWNEE FARM LLC
 130-3.00-261.04
 DEED BOOK: 3128 PAGE: 210
 PLAT BOOK: 164 PAGE: 72
 1.63 ACRES
 ZONING: C3

PARCEL 3
 LANDS N/F
 SHAWNEE FARM LLC
 130-3.00-261.05
 DEED BOOK: 3128 PAGE: 210
 PLAT BOOK: 164 PAGE: 72
 ZONING: C3

THE PURPOSE OF THIS PLAN IS TO CONSTRUCT A NEW 6,979 S.F. BUILDING FOR A MAVIS TIRE CENTER AND DEVELOP ALL OF PARCEL 2 AS SHOWN ON THE CYPRESS HALL COMMERCIAL RECORD PLAN.

SITE DATA

1. OWNER OF RECORD:	SHAWNEE FARM LLC 105 FOULK ROAD WILMINGTON, DE. 19803 (302) 426-1088
2. ENGINEER / SURVEYOR:	BECKER MORGAN GROUP INC. 309 SOUTH GOVERNORS AVENUE DOVER, DE. 19904 (302) 734-7950
3. PROPERTY MAP NUMBER:	130-3.00-261.04
4. ZONING CLASSIFICATION:	EXISTING: C3 / CITY OF MILFORD PROPOSED: C3 / CITY OF MILFORD
5. DEED SUMMARY:	DEED BOOK: 3128 PAGE: 210
6. PLAT REFERENCE:	PLAT BOOK: 164 PAGE: 72
7. PRESENT USE:	UNDEVELOPED LOT
8. PROPOSED USE:	CAR REPAIR SHOP
9. LOT AREA:	1.63 ACRES±
10. PROPOSED BUILDING:	BUILDING: 6,979 S.F. 80% MAX COVERAGE EXISTING: 1,163 S.F.
11. IMPERVIOUS COVERAGE:	PROPOSED: 29,866 S.F. (69 ACRES) OR 42% IMPERVIOUS
12. PARKING CALCULATIONS:	1 SPACE PER 200 S.F. OF FLOOR AREA USED FOR SALES 1 SPACE PER 2 EMPLOYEES REQUIRED: 1,653 S.F. / 200 S.F. = 9 STALLS 20 EMPLOYEES/ 2 = 10 STALLS 19 STALLS
13. SETBACKS:	PROVIDED: 39 STALLS HANDICAPPED: 25 TO 50 STALLS REQUIRES 2 SPACES PROVIDED: 2 STALLS LOADING BERTHS: 5,000 S.F. TO 7,999 S.F. OF FLOOR AREA REQUIRES REQUIRED: 1 LOADING BERTH C3/ HIGHWAY COMMERCIAL DISTRICT FRONT: 30 FT. SIDE: 20 FT. MINIMUM, AGGREGATE OF 50 FT. REAR: 50 FT.
14. LANDSCAPE REQUIREMENT:	15' WIDE LANDSCAPE BUFFER WHEN ADJACENT TO A RESIDENTIAL USE
15. BUILDING HEIGHT:	PERMITTED: 35' OR THREE STORIES PROPOSED: 22' - 4'
16. SOURCE OF WATER:	CITY OF MILFORD
17. SOURCE OF SEWER:	CITY OF MILFORD
18. SOURCE OF GAS:	CHESAPEAKE UTILITIES
19. SOURCE OF ELECTRIC:	CITY OF MILFORD
20. SURVEY BENCHMARK:	NGS MONUMENTATION VERTICAL: NAVD 88 HORIZONTAL: NAD 83 (2011) - CORS
21. MONUMENTATION:	EXISTING: 2 FOUND PROPOSED: 4 TO BE SET
22. ESTIMATED EDUs:	3
23. TOTAL DISTURBED AREA:	1.6 ACRES
24. BUILDING CONST. TYPE:	VB
25. WATERSHED:	UPPER MISPELLION RIVER
26. SUSSEX COUNTY HUNDRED:	CEDAR CREEK HUNDRED

GENERAL NOTES :

- TOPOGRAPHIC SURVEY DATA SHOWN HEREON WAS PREPARED BY BECKER MORGAN GROUP, DOVER, DE., IN JANUARY 2019. VERTICAL DATUM IS BASED ON NAVD 88. HORIZONTAL DATUM IS BASED ON DELAWARE STATE PLANE NAD 83, GPS DERIVED FROM N.G.S. HORIZONTAL CONTROL MONUMENTS.
- THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.
- THIS PARCEL IS NOT WITHIN THE ONE HUNDRED YEAR FLOOD PLAIN BASED ON FEMA FIRM MAP #10005C0039J, PANEL 39 OF 660, DATED JANUARY 6, 2005.
- THE EXISTING UTILITIES SHOWN WERE TAKEN FROM THE BEST AVAILABLE RECORDS. THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELAWARE (1-800-292-8555) TO VERIFY THEIR EXACT LOCATION PRIOR TO THE START OF ANY CONSTRUCTION. ANY DAMAGE INCURRED TO ANY UTILITIES SHALL BE REPAIRED IMMEDIATELY AT THE CONTRACTORS EXPENSE. IF THE CONTRACTOR RELIES ON THE UTILITY LOCATIONS SHOWN HEREON, HE DOES SO AT HIS OWN RISK AND WILL NOT BE ENTITLED TO ADDITIONAL COMPENSATION DUE TO TIME DELAYS FROM SAID RELIANCE.
- ALL ROADS, PARKING AND OTHER PAVED AREAS WILL BE PRIVATELY OWNED AND MAINTAINED AND ARE NOT INTENDED FOR DEDICATION.
- DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING EXCAVATION MUST BE REMOVED AND PROPERLY DISCARDED.
- ALL HANDICAPPED PARKING DEMARCATION, STALLS, AND BUILDING ACCESSIBLE ROUTES SHALL COMPLY WITH THE "AMERICAN WITH DISABILITIES ACT".
- THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENT FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
- BEFORE THE CONTRACTOR CAN BEGIN CONSTRUCTION HE MUST OBTAIN THE PROPER PERMITS AND/OR APPROVALS FROM THE CITY OF MILFORD (C.O.M.), SUSSEX CONSERVATION DISTRICT (S.C.D.), AND ALL APPROPRIATE STATE AND COUNTY AGENCIES.
- ALL CONSTRUCTION METHODS AND MATERIALS SHALL BE ACCORDING TO THE CITY OF MILFORD AND THE STATE OF DELAWARE STANDARDS AND CONSTRUCTION SPECIFICATIONS.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR PURPOSES OF PERIODIC SITE INSPECTION.
- ALL DISTURBED AREAS WITH THE STATE RIGHT-OF-WAY, BUT NOT IN THE PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED, AND SEEDDED.
- PLAN LOCATION AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY THE PUBLIC WORKS ENGINEER.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- ALL STEEL USED IN CATCH BASINS MUST BE 60 KSI.
- HYDRANT CONNECTIONS BY THE CONTRACTOR ARE PROHIBITED.
- NO STATE OR FEDERAL WETLANDS FOUND ON THIS PROJECT SITE.
- THIS SITE IS NOT WITH IN A WELL HEAD PROTECTION AREA.
- THIS SITE DOES NOT FALL WITHIN A SOURCE WATER PROTECTION AREA.

SOUTH DuPONT BOULEVARD
 US ROUTE 113 / S113 (STATE MAINTAINED)
 205' RIGHT OF WAY

OWNERS CERTIFICATION

WE, SHAWNEE FARM LLC HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE _____ DATE _____

ENGINEERS CERTIFICATION

I, J. MICHAEL RIEMANN, HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

J. MICHAEL RIEMANN P.E. NO. 13772 DATE _____

CITY OF MILFORD APPROVAL

ERIC NOENBERG CITY MANAGER DATE _____

CITY PLANNING DEPARTMENT APPROVAL

PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE MOST RECENTLY ADOPTED AND/OR CERTIFIED VERSIONS OF THE CITY OF MILFORD'S CODE OF ORDINANCES AND COMPREHENSIVE LAND USE PLAN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.

CITY ENGINEER APPROVAL

CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE CITY OF MILFORD'S STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.

 CITY ENGINEER DATE _____

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Dover, DE
 309 S. Governors Ave.
 Dover, DE. 19904
 Ph. 302.734.7950
 Fax 302.734.7965

Salisbury, MD
 312 West Main St. Suite 300
 Salisbury, MD 21801
 Ph. 410.546.9100
 Fax 410.546.5824

Wilmington, NC
 3333 Jaeckle Drive, Suite 120
 Wilmington, North Carolina 28403
 Ph. 910.341.7600
 Fax 910.341.7506

www.beckermorgan.com



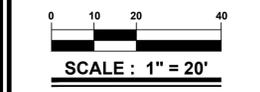
PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
 TOWN OF MILFORD
 SUSSEX COUNTY, DE.

SHEET TITLE

COVER SHEET

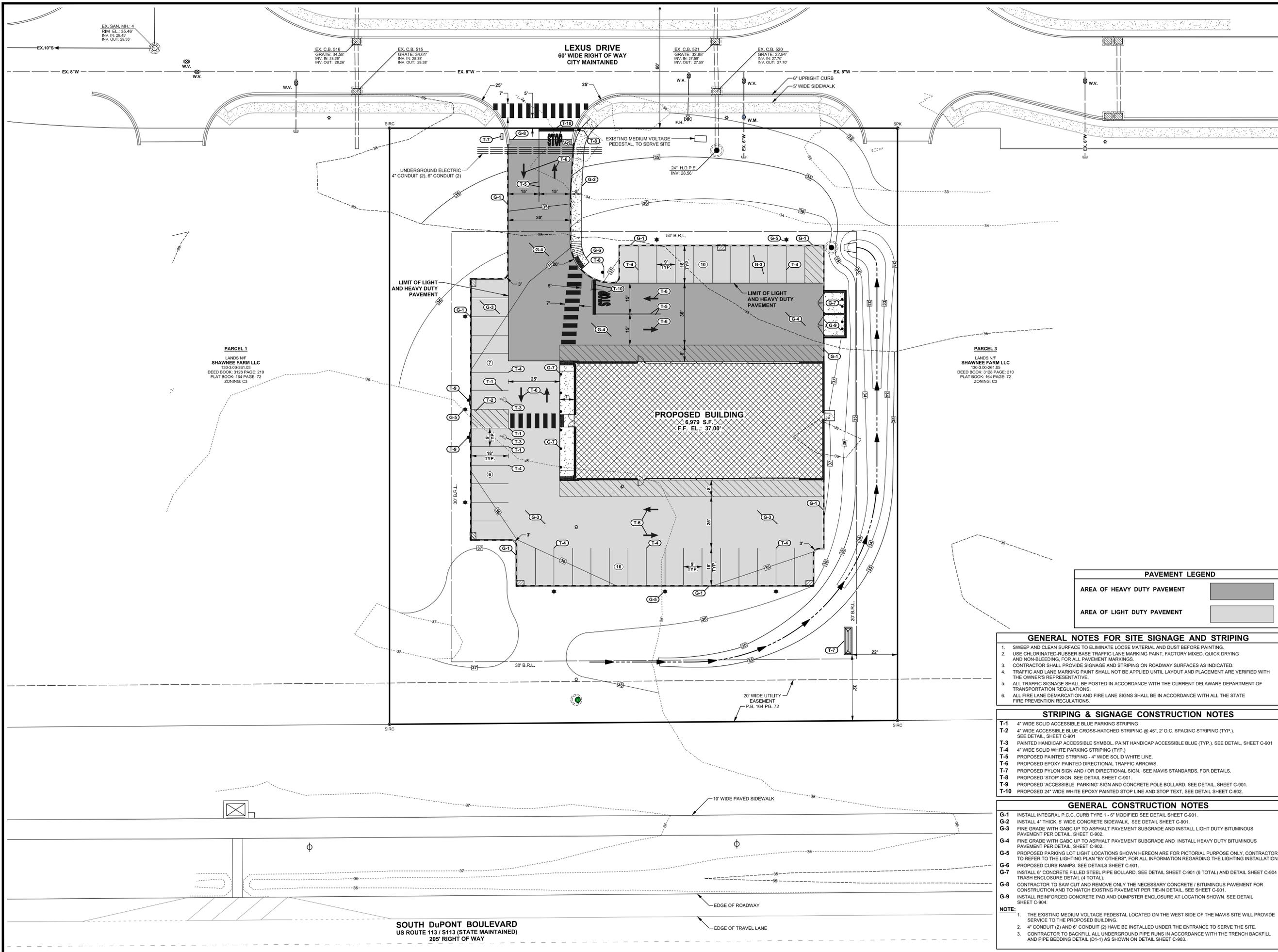


ISSUE BLOCK

MARK	DATE	DESCRIPTION
1	04/04/19	PLAN REVISION PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019

PROJECT NO.: 2019009.00
 DATE: 02/06/2019
 SCALE: 1" = 20'
 DRAWN BY: D.S.G. / PROJ. MGR.: S.T.F.
 SHEET

C-001
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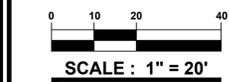
PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

SITE PLAN



ISSUE BLOCK

NO.	DATE	DESCRIPTION
1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019

PROJECT NO.: 2019009.00

DATE: 02/06/2019

SCALE: 1" = 20'

DRAWN BY: D.S.G. **PROJ. MGR.:** S.T.F.

SHEET
C-201

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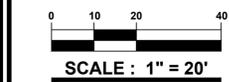
PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

UTILITY PLAN



ISSUE BLOCK

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PROJECT NO.: 2019009.00

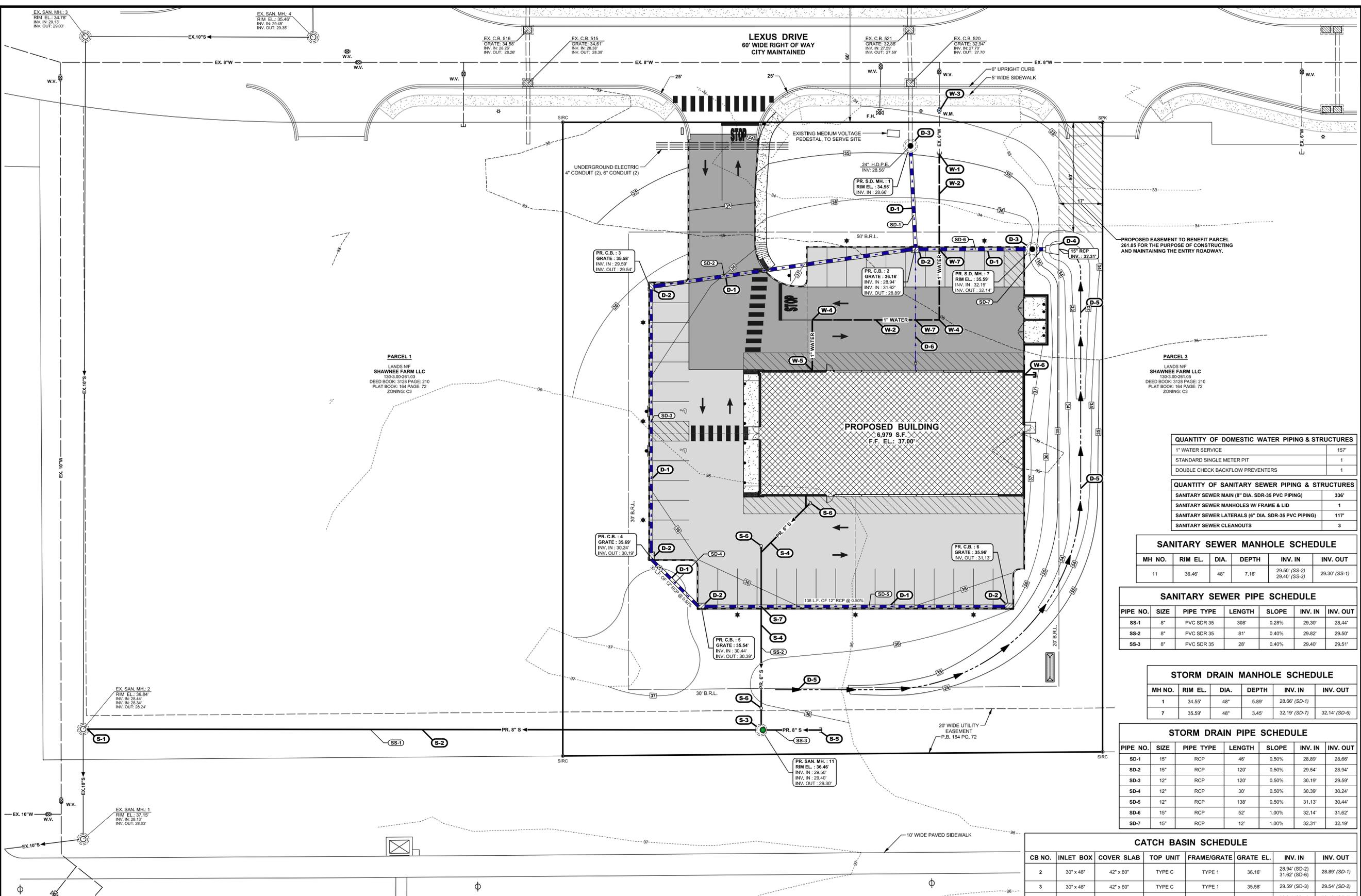
DATE: 02/06/2019

SCALE: 1" = 20'

DRAWN BY: D.S.G. PROJ. MGR.: S.T.F.

SHEET
C-301

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QUANTITY OF DOMESTIC WATER PIPING & STRUCTURES

1" WATER SERVICE	157'
STANDARD SINGLE METER PIT	1
DOUBLE CHECK BACKFLOW PREVENTERS	1

QUANTITY OF SANITARY SEWER PIPING & STRUCTURES

SANITARY SEWER MAIN (8" DIA. SDR-35 PVC PIPING)	336'
SANITARY SEWER MANHOLES W/ FRAME & LID	1
SANITARY SEWER LATERALS (6" DIA. SDR-35 PVC PIPING)	117'
SANITARY SEWER CLEANOUTS	3

SANITARY SEWER MANHOLE SCHEDULE

MH NO.	RIM EL.	DIA.	DEPTH	INV. IN	INV. OUT
11	36.46'	48"	7.16'	29.50' (SS-2) 29.40' (SS-3)	28.30' (SS-1)

SANITARY SEWER PIPE SCHEDULE

PIPE NO.	SIZE	PIPE TYPE	LENGTH	SLOPE	INV. IN	INV. OUT
SS-1	8"	PVC SDR 35	308'	0.28%	29.30'	28.44'
SS-2	8"	PVC SDR 35	81'	0.40%	29.82'	29.50'
SS-3	8"	PVC SDR 35	28'	0.40%	29.40'	29.51'

STORM DRAIN MANHOLE SCHEDULE

MH NO.	RIM EL.	DIA.	DEPTH	INV. IN	INV. OUT
1	34.55'	48"	5.89'	28.66' (SD-1)	
7	35.59'	48"	3.45'	32.19' (SD-7)	32.14' (SD-6)

STORM DRAIN PIPE SCHEDULE

PIPE NO.	SIZE	PIPE TYPE	LENGTH	SLOPE	INV. IN	INV. OUT
SD-1	15"	RCP	46'	0.50%	28.89'	28.66'
SD-2	15"	RCP	120'	0.50%	29.54'	28.94'
SD-3	12"	RCP	120'	0.50%	30.19'	29.59'
SD-4	12"	RCP	30'	0.50%	30.39'	30.24'
SD-5	12"	RCP	138'	0.50%	31.13'	30.44'
SD-6	15"	RCP	52'	1.00%	32.14'	31.62'
SD-7	15"	RCP	12'	1.00%	32.31'	32.19'

CATCH BASIN SCHEDULE

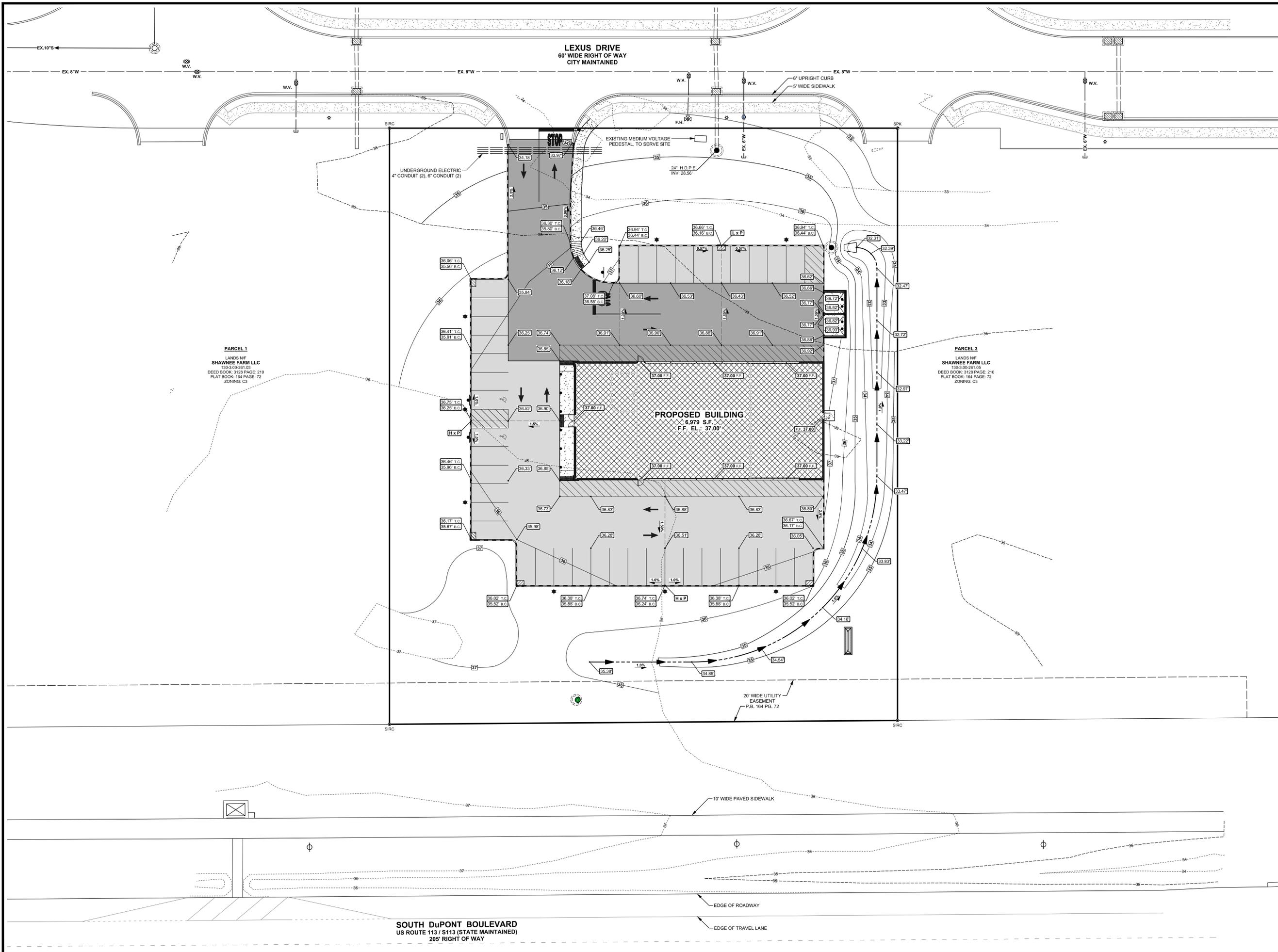
CB NO.	INLET BOX	COVER SLAB	TOP UNIT	FRAME/GRATE	GRATE EL.	INV. IN	INV. OUT
2	30" x 48"	42" x 60"	TYPE C	TYPE 1	36.16'	28.94' (SD-2) 31.62' (SD-6)	28.89' (SD-1)
3	30" x 48"	42" x 60"	TYPE C	TYPE 1	35.58'	29.59' (SD-3)	29.54' (SD-2)
4	48" x 48"	60" x 60"	TYPE C	TYPE 1	35.69'	30.24' (SD-4)	30.19' (SD-3)
5	48" x 48"	60" x 60"	TYPE C	TYPE 1	35.54'	30.44' (SD-5)	30.39' (SD-4)
6	24" x 34"			TYPE 1	35.96'		31.13' (SD-5)

- FIRE MARSHAL GENERAL NOTES**
- ALL FIRE LINES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS (DPSFR).
 - ADDRESS NUMBERS OF AT LEAST 12 INCHES IN HEIGHT MUST BE PLACED ON THE STREET SIDE OF THE BUILDING VISIBLE FROM THE STREET.
 - ANY NATURAL OF LP GAS BOTTLES, METERS, REGULATORS, ETC. MUST HAVE IMPACT PROTECTION.
 - ANY GAS FIRED HVAC EQUIPMENT MUST BE EQUIPPED WITH EMERGENCY CUT OFF SWITCHES REMOTELY LOCATED.
 - AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.
 - OCCUPANCY DEFINITION PER NFPA 101: BUSINESS
 - CONSTRUCTION TYPE PER NFPA 220: TYPE VB

- DOMESTIC WATER SYSTEM CONSTRUCTION NOTES**
- W-1** CONTRACTOR TO CONNECT THE PROPOSED 1" COPPER DOMESTIC WATER SERVICE TO THE EXISTING 6" WATER STUB PROVIDED AT THE LOCATION SHOWN.
 - W-2** INSTALL 1" S.D.R. 9 POLYETHYLENE WITH #12 SOLID STRAND COATED TRACER WIRE (48" MIN. COVER) SEE BUILDING PLUMBING PLANS.
 - W-3** INSTALL STANDARD SINGLE METER PIT. PURCHASE TO BE COORDINATED WITH THE CITY OF MILFORD PUBLIC WORKS DEPARTMENT. SEE DETAIL SHEET C-903.
 - W-4** INSTALL 1"x1" ELBOW AT LOCATION SHOWN.
 - W-5** LEAD FREE, DOUBLE CHECK BACKFLOW PREVENTERS SHALL BE INSTALLED ON EACH INDIVIDUAL POTABLE WATER SERVICE, INSIDE THE BUILDINGS. APPROVED MANUFACTURERS ARE APOLLO VALVES AND WATTS WATER TECHNOLOGIES. THESE DEVICES SHALL BE OWNED BY THE PROPERTY OWNER BUT THE CITY SHALL HAVE THE RIGHT TO INSPECT THEM AND THEIR MAINTENANCE RECORDS AS THEY MAY FIND NECESSARY.
 - W-6** INSTALL IRRIGATION LINE WITH IRRIGATION WATER METER AT LOCATION SHOWN, REFER TO IRRIGATION PLAN BY OTHERS FOR ALL INFORMATION REGARDING THE IRRIGATION INSTALLATION.
 - W-7** DEFLECT WATER SERVICE UNDER OTHER UTILITIES WHERE IN CONFLICT (TYP.). MAINTAIN MINIMUM 48" COVER AND 18" VERTICAL SEPARATION FROM OTHER UTILITIES. SEE DETAIL SHEET C-902.

- STORM SEWER CONSTRUCTION NOTES**
- D-1** INSTALL PROPOSED STORM DRAIN PIPE (TYP.). SEE THIS SHEET FOR PIPE SCHEDULES FOR PIPE SIZES, MATERIALS AND INVERTS.
 - D-2** INSTALL PROPOSED STORM DRAIN CATCH BASIN (TYP.). SEE THIS SHEET FOR CATCH BASIN SCHEDULES FOR TYPE, SIZE, GRATE AND INVERTS.
 - D-3** INSTALL PROPOSED STORM DRAIN MANHOLE WITH FRAME AND COVER AT THE INVERTS AND ELEVATIONS SHOWN HEREON (TYP.) - SEE PRECAST CONCRETE MANHOLE DETAIL, SHEETS C-902.
 - D-4** PROPOSED FLARED END SECTION, SIZE AND MATERIAL TO MATCH CONNECTING PIPE (TYP.). INSTALL SAFETY GRATE ON UPSTREAM END OF ALL FLARED END SECTIONS. SEE DETAIL SHEET C-902.
 - D-5** CONSTRUCT GRASSED SWALE WITH 4" WIDE BOTTOM AND VARYING SIDE SLOPES.
 - D-6** INSTALL PROPOSED 6" DOWN SPOUT DRAINAGE SYSTEM WITH CLEAN OUT. REFER TO ARCHITECTURAL PLANS FOR TIE-IN LOCATION.
- *ALL STORM DRAIN CONNECTIONS TO BE WATER TIGHT. UTILIZE ADS WATERSTOP DETAIL FOR CONNECTING H.D.P.E. PIPE TO CONCRETE STRUCTURES.

- SANITARY SEWER CONSTRUCTION NOTES**
- S-1** CONTRACTOR TO FIELD VERIFY INVERT ELEVATION OF THE EXISTING 8" SANITARY SEWER STUB TO ASSURE POSITIVE DRAINAGE PRIOR TO THE INSTALLATION OF THE PROPOSED 8" PVC SDR 35 SANITARY SEWER MAIN.
 - S-2** INSTALL PROPOSED 8" PVC SDR 35 SANITARY SEWER MAIN AT THE LOCATION SHOWN.
 - S-3** INSTALL SANITARY SEWER MANHOLE WITH FRAME AND COVER AT THE INVERTS AND ELEVATIONS SHOWN HEREON (TYP.).
 - S-4** INSTALL A 6" PVC SDR 35 SANITARY SEWER LATERAL (1.0% MINIMUM SLOPE) WITH CLEANOUTS AT THE LOCATION SHOWN.
 - S-5** INSTALL PROPOSED 8" PVC SDR 35 SANITARY SEWER MAIN (25') AND CAP AT THE LOCATION SHOWN, TO SERVE PARCEL 3.
 - S-6** INSTALL SANITARY SEWER CLEANOUT WITH CAST IRON COVER SURROUNDED BY AN 18" DIAMETER CONCRETE PAD AT THE LOCATION SHOWN. SEE DETAIL SHEET C-901.
 - S-7** SANITARY SEWER LATERAL AND STORM DRAIN CROSSING TO MAINTAIN A MINIMUM OF 12" VERTICAL SEPARATION, OTHERWISE SANITARY LATERAL SHALL BE ENCASED IN CONCRETE.



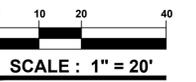
PROJECT TITLE

**MAVIS
DISCOUNT
TIRES**

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

GRADING PLAN



ISSUE BLOCK

NO.	DATE	DESCRIPTION
1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019

PROJECT NO.: 2019009.00

DATE: 02/06/2019

SCALE: 1" = 20'

DRAWN BY: D.S.G. PROJ. MGR.: S.T.F.

SHEET

C-401

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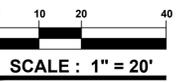
PROJECT TITLE

**MAVIS
DISCOUNT
TIRES**

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

**EROSION AND
SEDIMENT
CONTROL PLAN**



ISSUE BLOCK

MARK	DATE	DESCRIPTION
1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019
LAYER STATE: C-501		

PROJECT NO.: 2019009.00

DATE: 02/06/2019

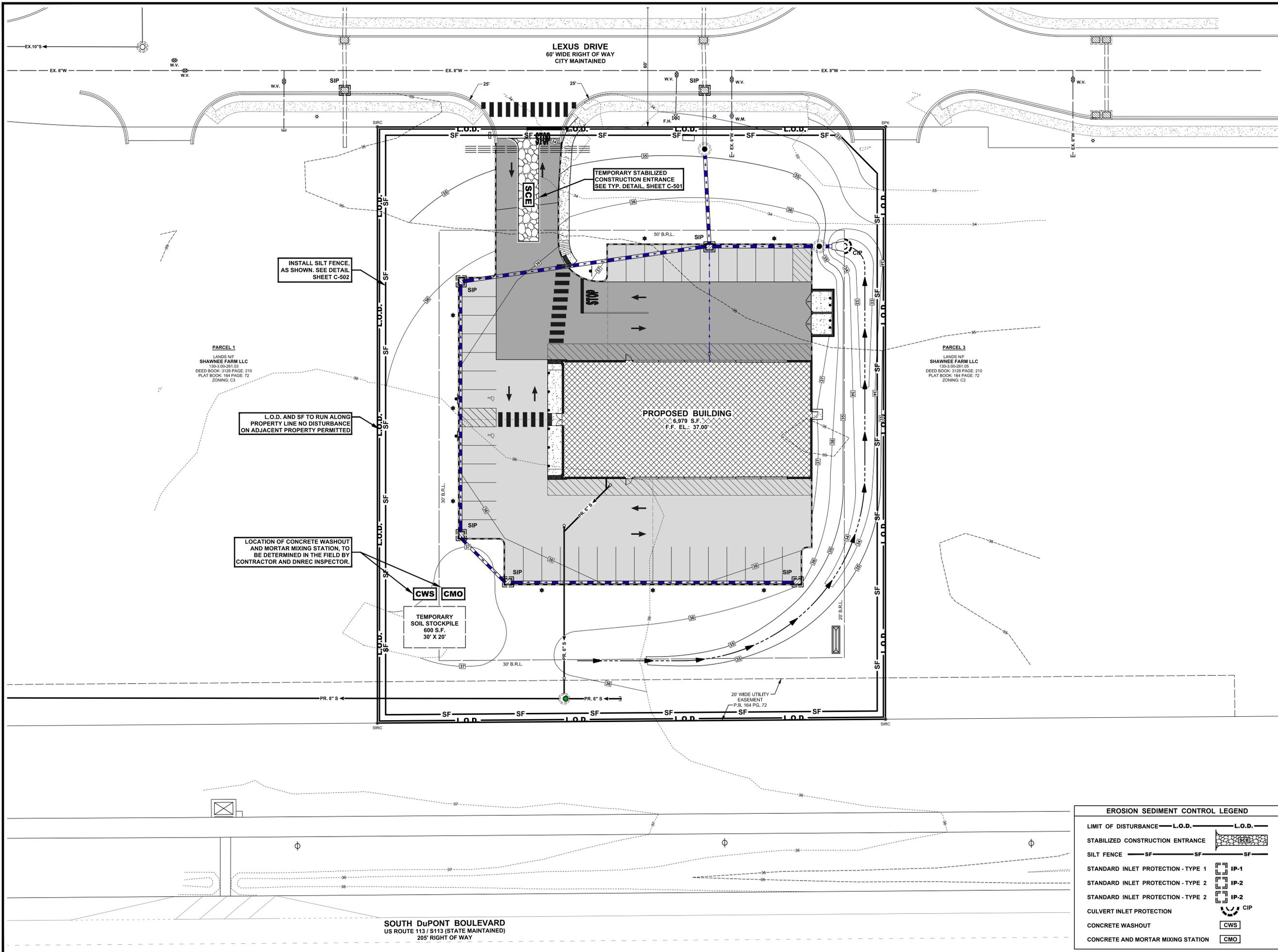
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SHEET

C-501

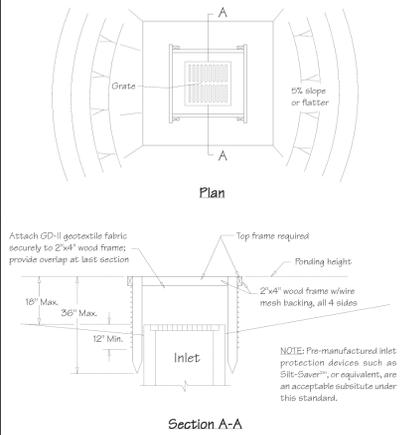
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EROSION SEDIMENT CONTROL LEGEND

LIMIT OF DISTURBANCE — L.O.D. — L.O.D. —	
STABILIZED CONSTRUCTION ENTRANCE	[SCE]
SILT FENCE — SF — SF — SF —	
STANDARD INLET PROTECTION - TYPE 1	[IP-1]
STANDARD INLET PROTECTION - TYPE 2	[IP-2]
STANDARD INLET PROTECTION - TYPE 2	[IP-2]
CULVERT INLET PROTECTION	[CIP]
CONCRETE WASHOUT	[CWS]
CONCRETE AND MORTAR MIXING STATION	[CMO]

Standard Detail & Specifications
Inlet Protection - Type 1



Source: Adapted from Erosion Draw Manual J. McCullough & Assoc.	Symbol: IP-1	Detail No. DE-ESC-3.1.5.1 Sheet 1 of 2 Date: 12/03
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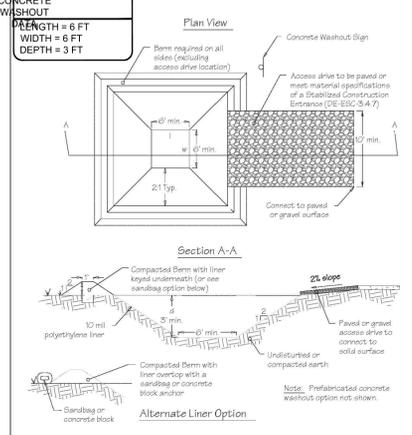
Standard Detail & Specifications
Inlet Protection - Type 1

- Construction Notes:**
- Excavate completely around inlet to a depth of 18" below grate elevation.
 - Drive 2" x 4" post 1" into ground at four corners of inlet. Place nail strips between posts on ends of inlet. Assemble top portion of 2" x 4" frame using overlap joint shown. Top of frame (weir) must be 6" below edge of roadway adjacent to inlet.
 - Stretch wire mesh tightly around frame and fasten securely. Ends must meet at post.
 - Stretch geotextile fabric tightly over wire mesh, the cloth must extend from top of frame to 18" below inlet grate elevation. Fasten securely to frame. Ends must meet at post, be overlapped and folded, then fastened down.
 - Backfill around inlet in compacted 6" layers until at least 12" of geotextile fabric is buried.
 - If the inlet is not in a low point, construct a compacted earth dike in the ditchline below it. The top of this dike is to be at least 6" higher than the top of frame (weir).
 - This structure must be inspected frequently and the filter fabric replaced when clogged.

- Materials:**
- Wooden frame is to be constructed of 2" x 4" construction grade lumber.
 - Wire mesh must be of sufficient strength to support filter fabric with water fully impounded against it.
 - Geotextile fabric: Type GD-II

Source: Adapted from Erosion Draw Manual J. McCullough & Assoc.	Symbol: IP-1	Detail No. DE-ESC-3.1.5.1 Sheet 1 of 2 Date: 12/03
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Standard Detail & Specifications
Concrete Washout



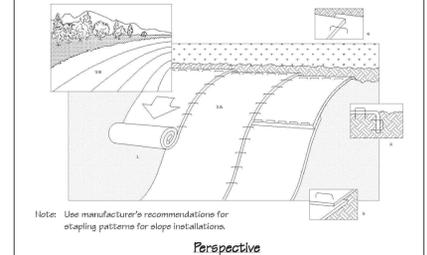
Source: Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	Symbol: CW	Detail No. DE-ESC-3.6.2 Sheet 1 of 2 Date: 03/13
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Standard Detail & Specifications
Concrete Washout

- Construction Notes:**
- Locate washout area a minimum of 50 feet from open channels, storm drain inlets, wetlands or waterbodies.
 - Locate washout area so that it is accessible to concrete equipment (berms with a minimum 10 foot wide gravel accessway), but so it is not in a highly active construction area causing accidental damage.
 - Minimum dimensions for prefabricated units are 4 feet by 4 feet by 1 foot with a minimum 4 mil polyethylene plastic liner. Minimum dimensions for constructed concrete washout areas are 6 feet by 6 feet by 3 feet deep, with a minimum 10 mil polyethylene liner, 2:1 slopes, and a 1 foot high by 1 foot wide compacted fill berm.
 - The liner must be free of tears or holes and placed over smooth surfaces to prevent puncturing. For excavated washouts, anchor the liner underneath the berm or overlap with sandbags or concrete blocks to hold in place.
 - Provide a sign designating the washout area, and for large construction sites, provide signs throughout directing traffic to its location.
 - Allow washed out concrete mixture to harden through evaporation of the wastewater. Once the facility has reached 75 percent of its capacity, remove the hardened concrete by reusing the broken aggregate onsite, recycling, or disposing of offsite. The hardened material can be buried on site with a minimum of 1 foot of clean, compacted fill.
 - Apply a new liner before reusing the station for additional washouts after maintenance has occurred.

Source: Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	Symbol: CW	Detail No. DE-ESC-3.6.2 Sheet 1 of 2 Date: 03/13
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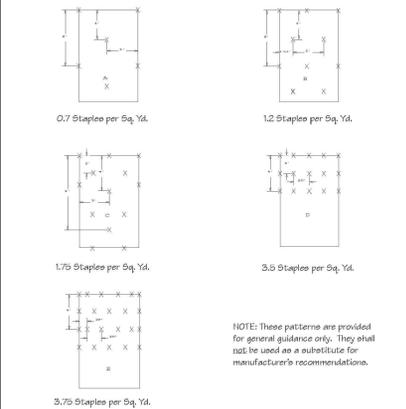
Standard Detail & Specifications
Stabilization Matting - Slope



- Construction Notes:**
- Prepare soil before installing matting, including application of lime, fertilizer, and seed.
 - Begin at the top of the slope by anchoring the mat in a 6" deep X 6" wide trench. Backfill and compact trench after stapling.
 - Roll the mats (A) down or (B) horizontally across the slope.
 - The edges of parallel mats must be stapled with approx. 2" overlap.
 - When mats must be spliced down the slope, place mats end over end (single style) with approx. 4" overlap. Staple through overlapped area, approx. 12" apart.

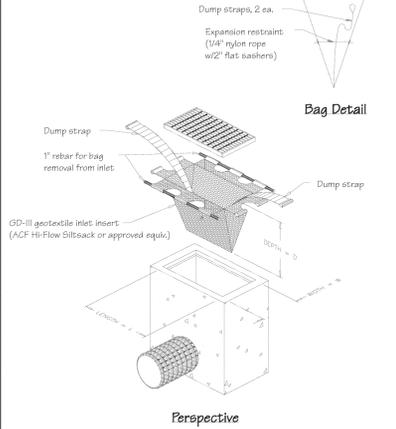
Source: Adapted from North American Green, Inc.	Symbol: SM-S	Detail No. DE-ESC-3.4.6.1 Sheet 1 of 2 Effective April 2016
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Standard Detail & Specifications
Stabilization Matting - Slope



Source: Adapted from North American Green, Inc.	Symbol: SM-S	Detail No. DE-ESC-3.4.6.1 Sheet 2 of 2 Effective April 2016
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Standard Detail & Specifications
Inlet Protection - Type 2



Source: Adapted from ACF Products, Inc.	Symbol: IP-2	Detail No. DE-ESC-3.1.5.2 Sheet 1 of 2 Date: 12/03
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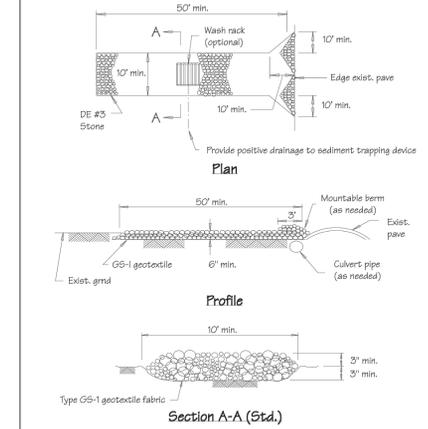
Standard Detail & Specifications
Inlet Protection - Type 2

- Notes:**
- This practice shall only be used in situations in which Inlet Protection - Type 1 cannot be used due to site constraints. These include, but are not limited to partially completed parking areas, streets, roads, etc.
 - It may be necessary to transition from Type 1 to Type 2 Inlet Protection as construction proceeds.
 - For areas where there is a concern for oil run-off or spills, insert shall meet one of the above specifications with an oil-absorbent pillow or shall be made completely from an oil-absorbent material with a woven pillow.

- Materials:**
- The geotextile inlet insert shall meet or exceed the specifications of Type GD-III geotextile in accordance with Appendix A-3 of the Delaware Erosion & Sediment Control Handbook.

Source: Adapted from ACF Products, Inc.	Symbol: IP-2	Detail No. DE-ESC-3.1.5.2 Sheet 1 of 2 Date: 12/03
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Standard Detail & Specifications
Stabilized Construct. Entrance



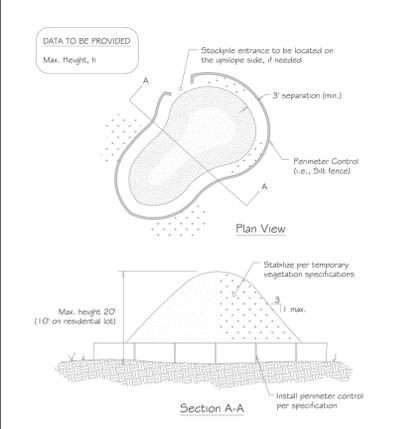
Source: Adapted from VA ESC Handbook	Symbol: SCE	Detail No. DE-ESC-3.4.7 Sheet 1 of 2 Date: 12/03
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Standard Detail & Specifications
Stabilized Construct. Entrance

- Construction Notes:**
- Stone size - Use DE #3 stone.
 - Length - As required, but not less than 50 feet (except on a single residence lot where a 30 foot minimum length would apply).
 - Thickness - Not less than size (s) inches.
 - Width - Ten (10) foot minimum, but not less than the full width at points where ingress or egress occurs.
 - Geotextile - Type GS-I, placed over the entire area prior to placing of stone.
 - Surface Water - All surface water flowing or diverted toward construction entrances shall be piped across the entrance. If piping is impractical, a mountable berm with 5:1 slopes will be permitted.
 - Maintenance - The entrance shall be maintained in a condition which will prevent tracking or blowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand and repair and/or cleanup of any measures used to trap sediment. All sediment spilled, dropped, or tracked onto public rights-of-way must be removed immediately.
 - Washing - Vehicle wheels shall be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it shall be done on an area stabilized with stone and which drains into an approved sediment trapping device.
 - Inspection - Periodic inspection and needed maintenance shall be provided after each rain.

Source: Adapted from VA ESC Handbook	Symbol: SCE	Detail No. DE-ESC-3.4.7 Sheet 2 of 2 Date: 12/03
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Standard Detail & Specifications
Soil Stockpile



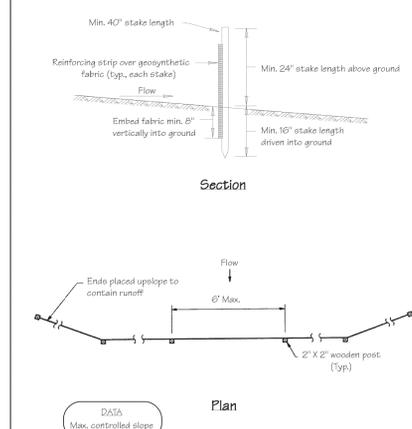
Source: Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	Symbol: SP	Detail No. DE-ESC-3.7.3 Sheet 1 of 2 Date: 03/13
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Standard Detail & Specifications
Soil Stockpile

- Construction Notes:**
- Locate stockpiles so that they are 50 feet from any storm drain inlet, open channel, wetland or waterbody. Redirect any concentrated flow around the stockpile using an approved erosion and sediment control measure.
 - Secure the perimeter of the stockpile with an approved erosion and sediment control perimeter device.
 - If stockpile is to remain inactive for more than 14 calendar days, the stockpile must be vegetated. Follow the temporary vegetation specifications. The vegetation chosen shall last the duration of the stockpile; the stockpile shall be restabilized if the temporary vegetation dies or erosion results.

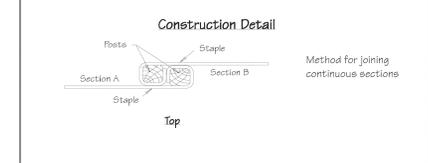
Source: Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	Symbol: SP	Detail No. DE-ESC-3.7.3 Sheet 1 of 2 Date: 03/13
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Standard Detail & Specifications
Silt Fence



Source: Adapted from MD Sds. & Specs. for ESC	Symbol: SF	Detail No. DE-ESC-3.1.2.1 Sheet 1 of 2 Date: 6/05
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Standard Detail & Specifications
Silt Fence



- Construction Notes:**
- Geosynthetic fabric to be fastened securely to fence posts with wire ties or staples.
 - When two sections of filter cloth adjoin each other they shall be overlapped by six inches and folded.
 - Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.

- Materials:**
- Stakes: Steel I-beam T or U or 2" x 2" hardwood
 - Geosynthetic Fabric: Type GD-I
 - Reinforcing strip: Wooden lath, plastic strip or other approved equivalent
 - Prefabricated Unit: Geofab, Envirofence, or approved equivalent

Source: Adapted from MD Sds. & Specs. for ESC	Symbol: SF	Detail No. DE-ESC-3.1.2.1 Sheet 1 of 2 Date: 6/05
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Standard Detail & Specifications
Dust Control

- Temporary Methods:**
- Mulches - See **DE-ESC-3.4.5**, Standard Detail and Specifications for Mulching.
 - Vegetative cover - See **DE-ESC-3.4.3**, Std. Detail and Specifications for Vegetative Stabilization.
 - Adhesives - Use on mineral soils only (not effective on muck soils). Keep traffic off these areas. The following table may be used for general guidance.

Type of Emulsion	Water Dilution	Type of Nozzle	Apply Gd/Ac.
Latex emulsion	12.5:1	Fine spray	235
Resin-in-water emulsion	4:1	Fine spray	300
Acrylic emulsion (non-traffic)	7:1	Coarse spray	450
Acrylic emulsion (traffic)	3.5:1	Coarse spray	350

- Tillage - For emergency temporary treatment, scarify the soil surface to prevent or reduce the amount of blowing dust until a more appropriate solution can be implemented. Begin the tillage operation on the windward side of the site using a chisel-type plow for best results.
- Sprinkling - Sprinkle site with water until the surface is moist. Repeat as needed.
- Calcium Chloride - Apply as flakes or granular material with a spreader at a rate that will keep the soil surface moist. Re-apply as necessary.
- Barriers - Place barriers such as solid board fences, snow fences, hay bales, etc. at right angles to the prevailing air currents at intervals of approx. 10X their height!

- Permanent Methods:**
- Vegetative cover - See **DE-ESC-3.4.3**, Std. Detail and Specifications for Vegetative Stabilization.
 - Stone - Apply layer of crushed stone or coarse gravel to protect soil surface.

Source: Adapted from VA ESC Handbook	Symbol: SF	Detail No. DE-ESC-3.4.8 Sheet 1 of 1 Date: 12/03
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ARCHITECTURE
ENGINEERING

Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury, MD
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington, NC
3333 Jaceckle Drive, Suite 120
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com

PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

EROSION AND SEDIMENT CONTROL - NOTES AND DETAILS

ISSUE BLOCK	NO.	DATE	DESCRIPTION
	1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019

MARK DATE DESCRIPTION

PROJECT NO.: 2019009.00

DATE: 02/06/2019

SCALE: N.T.S.

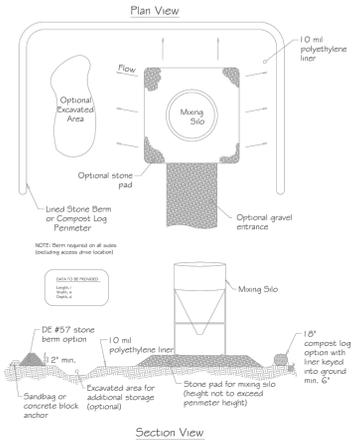
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SHEET

C-502

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Standard Detail & Specifications
Concrete Mixing Operation



Source: Adapted from MN/DOT Concrete Manual, Chap. 4
Symbol: **CMO**
Detail No: **DE-ESC-3.6.3**
Sheet 1 of 2
Date: 03/13

Standard Detail & Specifications
Concrete Mixing Operation

Construction Notes:

1. Locate concrete mixing and containment area a minimum of 50 feet from open channels, stormdrain inlets, wetlands or waterbodies.
2. Locate concrete mixing and containment area so that it is accessible to telescopic lifts (service with a minimum 10 foot wide gravel or paved accessway), but so it is not in a highly active construction area causing accidental damage.
3. Minimum volume for installed containment areas are 3.5 cubic feet per cubic foot of mixing capacity. The installed containment area must encompass the storage silo and mixing unit, and be surrounded on three sides minimum by a 12" high stone berm DE #57 or 18" compost log.
4. The 10-mil poly liner must be free of tears or holes and placed over smooth surfaces to prevent puncturing. The liner shall cover the perimeter control and be secured on the backside using cement or sand bags, or keyed into the ground a minimum of 6".
5. Allow cementitious waste to harden through evaporation of the wastewater. Once the facility has reached 75 percent of its capacity, remove the hardened concrete by reusing the broken aggregate onsite, recycling, or disposing of offsite. The hardened material can be buried on site with minimum of 1 foot of clean, compacted fill.
6. Apply a new liner before reusing the station for additional mixing after maintenance has occurred.

Source: Adapted from MN/DOT Concrete Manual, Chap. 4
Symbol: **CMO**
Detail No: **DE-ESC-3.6.3**
Sheet 2 of 2
Date: 03/13

Standard Detail & Specifications
Topsailing

Construction Notes:

1. Site Preparation (Where Topsoil is to be added)

- Note: When topsailing, maintain needed erosion and sediment control practices such as diversions, grade stabilization structures, berms, dikes, waterways and sediment basins.
- a. Grading - Grades on the areas to be topsailed which have been previously established shall be maintained.
 - b. Liming - Where the topsoil is either highly acid or composed of heavy clays, ground limestone shall be spread at the rate of 4-8 tons/acre (200-400 pounds per 1,000 square feet). Lime shall be distributed uniformly over designated areas and worked into the soil in conjunction with tillage operations as described in the following procedures.
 - c. Tilling - After the areas to be topsailed have been brought to grade, and immediately prior to dumping and spreading the topsoil, the subgrade shall be loosened by discing or by scarifying to a depth of at least 3 inches to permit bonding of the topsoil to the subsoil. Pack by passing a bulldozer up and down over the entire surface area of the slope to create horizontal erosion check slots to prevent topsoil from sliding down the slope.

2. Topsoil Material and Application

Note: Topsoil salvaged from the existing site may often be used but it should meet the same standards as set forth in these specifications. The depth of topsoil to be salvaged shall be no more than the depth described as a representative profile for that particular soil type as described in the soil survey published by USDA-SCS in cooperation with Delaware Agricultural Experimental Station.

Source: USDA - NRCS
Symbol:
Detail No: **DE-ESC-3.4.1**
Sheet 1 of 2
Effective April 2016

Standard Detail & Specifications
Topsailing

Construction Notes (cont.)

- a. Materials - Topsoil shall be a loam, sandy loam, clay loam, silt loam, sandy clay loam, loamy sand or other soil as approved by an agronomist or soil scientist. It shall not have a mixture of contrasting textured subsoil and contain no more than 5 percent by volume of cinders, stones, slag, coarse fragment, gravel, sticks, roots, trash or other extraneous materials larger than 1-1/2 inches in diameter. Topsoil must be free of plants or plant parts of bermudagrass, quackgrass, Johnsongrass, nutsedge, poison ivy, thistles, or others as specified. All topsoil shall be tested by a reputable laboratory for organic matter content, pH and soluble salts. A pH of 6.0 to 7.5 and an organic content of not less than 1.5 percent by weight is required. If pH value is less than 6.0 lime shall be applied and incorporated with the topsoil to adjust the pH to 6.5 or higher. Topsoil containing soluble salts greater than 500 parts per million shall not be used.

Note: No sod or seed shall be placed on soil which has been treated with soil sterilants or chemicals used for weed control until sufficient time has elapsed to permit dissipation of toxic materials.

- b. Grading - The topsoil shall be uniformly distributed and compacted to a minimum of four (4) inches. Spreading shall be performed in such a manner that sodding or seeding can proceed with a minimum of additional preparation and tillage. Any irregularities in the surface resulting from topsailing or other operations shall be corrected in order to prevent the formation of depressions or water pockets. Topsoil shall not be placed while in frozen or muddy condition, when the subgrade is excessively wet, or in a condition that may otherwise be detrimental to proper grading and seedbed preparation.

Note: Topsoil substitutes or amendments as approved by a qualified agronomist or soil scientist, may be used in lieu of natural topsoil. Compost material used to improve the percentage of organic matter shall be provided by a certified supplier.

Compost amendments that are intended to meet specific post-construction stormwater management goals shall further meet the requirements of **Appendix 3.06.2 Post Construction Stormwater Management BMP Standards and Specifications, Section 14.0 Soil Amendments.**

Source: USDA - NRCS
Symbol:
Detail No: **DE-ESC-3.4.1**
Sheet 2 of 2
Effective April 2016

Standard Detail & Specifications
Culvert Inlet Protection

Construction Notes

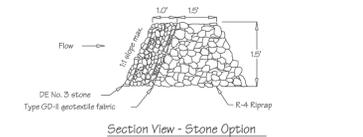
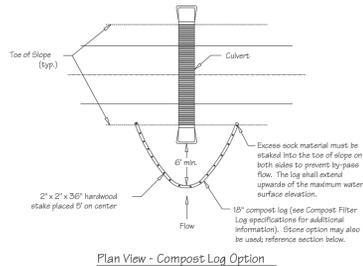
1. Compost logs shall be designed and installed in accordance with the Standard Detail and Specifications for Compost Logs DE-ES-3.1.7.
2. If compost logs can not be installed properly or flow conditions exceed the design capabilities of the compost logs, the stone option shall be employed. Additional filtration may be provided by using a Type GD-II geotextile incorporated into the design as an option.
3. Placement of the compost log or stone barrier should be in a "horseshoe" shape and provide a minimum of 6 feet of clearance from the culvert inlet.

Materials

1. **Stakes:** 2" x 2" x 36" hardwood.
2. **Compost media:** See requirements in Standard Detail and Specifications for Compost Logs DE-ES-3.1.7.
3. **Filler sock:** See requirements in Standard Detail and Specifications for Compost Logs DE-ES-3.1.7.
4. **Geotextile:** Type GD-II for stone/riprap option.
5. **Stone:** DE No. 3 for stone/riprap option.
6. **Riprap:** R-6 for stone/riprap option.

Source: Adapted from VA ESC Handbook & FiltracSM International
Symbol: **CIP**
Detail No: **DE-ESC-3.1.6**
Sheet 1 of 2
Date: 03/13

Standard Detail & Specifications
Culvert Inlet Protection



Source: Adapted from VA ESC Handbook & FiltracSM International
Symbol: **CIP**
Detail No: **DE-ESC-3.1.6**
Sheet 1 of 2
Date: 03/13



ARCHITECTURE
ENGINEERING

Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury, MD
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington, NC
3333 Jaceckle Drive, Suite 120
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

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PROJECT TITLE

**MAVIS
DISCOUNT
TIRES**

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

**EROSION AND
SEDIMENT
CONTROL - NOTES
AND DETAILS**

ISSUE BLOCK

1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019
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MARK	DATE	DESCRIPTION
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PROJECT NO.: **2019009.00**

DATE: **02/06/2019**

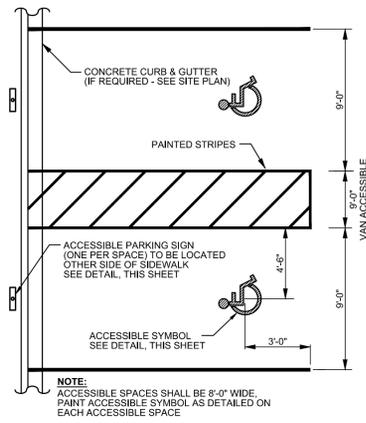
SCALE: **N.T.S.**

DRAWN BY: **D.S.G.** | PROJ. MGR.: **S.T.F.**

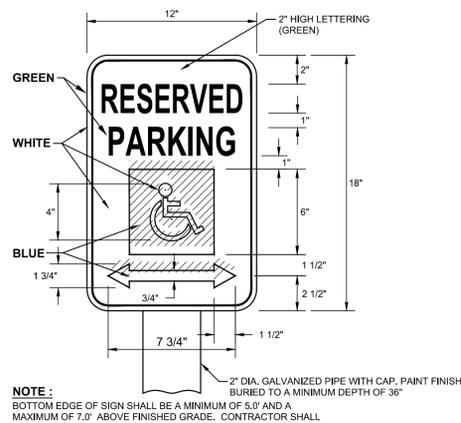
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C-503

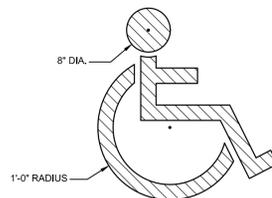
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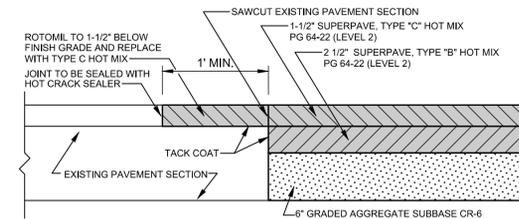
ACCESSIBLE PARKING SPACE PLAN
NO SCALE BMG NO.: SW-4B



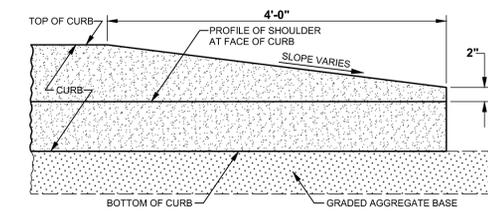
ACCESSIBLE PARKING SIGN DETAIL
NO SCALE BMG NO.: SW-4C



ACCESSIBLE SYMBOL DETAIL
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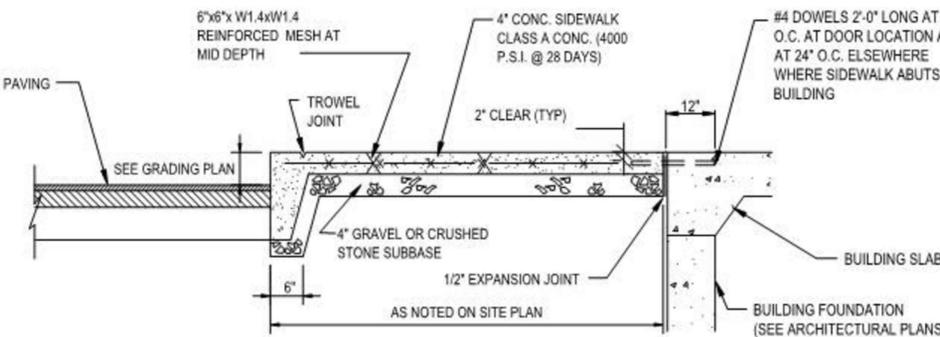


PAVEMENT TIE-IN SECTION - LIGHT DUTY
NO SCALE BMG NO.: SW-2D

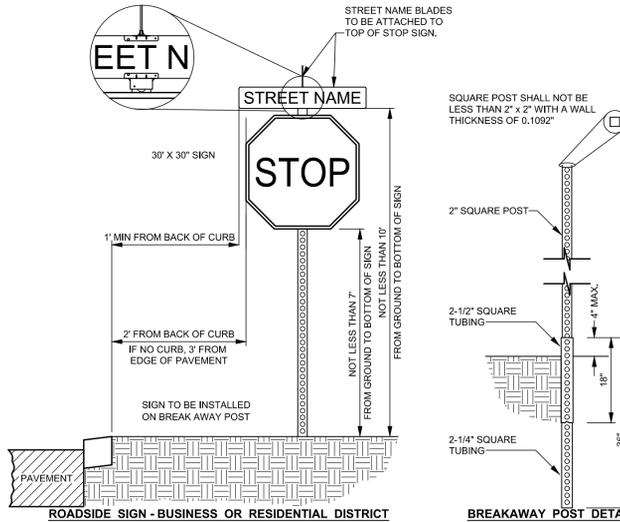


CURB TAPER DETAIL
NO SCALE DELDOT ACCESS MANUAL - PAGE 4-3 BMG NO.: SW-1C

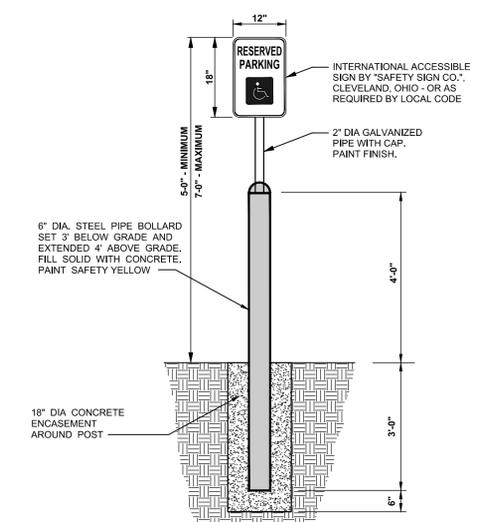
- NOTE:**
1. PROVIDE EXPANSION JOINTS AT 20' MAXIMUM DISTANCES. EXPANSION JOINTS TO BE PLACED BETWEEN ADJACENT SLABS, AT BUILDING LINE, AT CURBS OR AT PENETRATING STRUCTURES.
 2. TRANSVERSE FALSE JOINTS AT 5' INTERVALS.
 3. EXPANSION JOINTS ARE TO BE LESS THAN 1/2" WIDE PREMOLDED BITUMINOUS MATERIAL. SLOPE ACROSS SIDEWALK TO BE 1/4" PER FOOT TOWARDS PAVEMENT.
 4. REFER TO GEOTECHNICAL REPORT FOR SITE - SPECIFIC SIDEWALK SPECIFICATIONS WHICH MAY REQUIRE ADDITIONAL STONE OR CONCRETE THICKNESS AND/OR UNDERDRAIN.



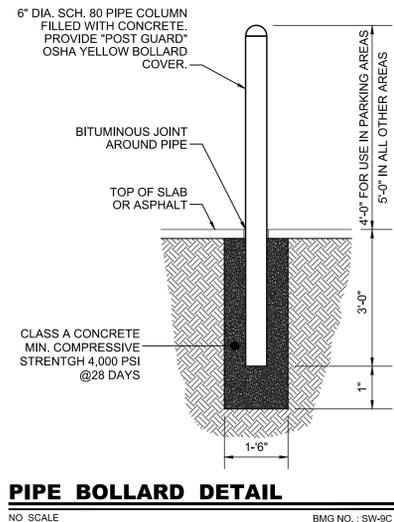
TYPICAL SIDEWALK DETAIL
NO SCALE MAVIS



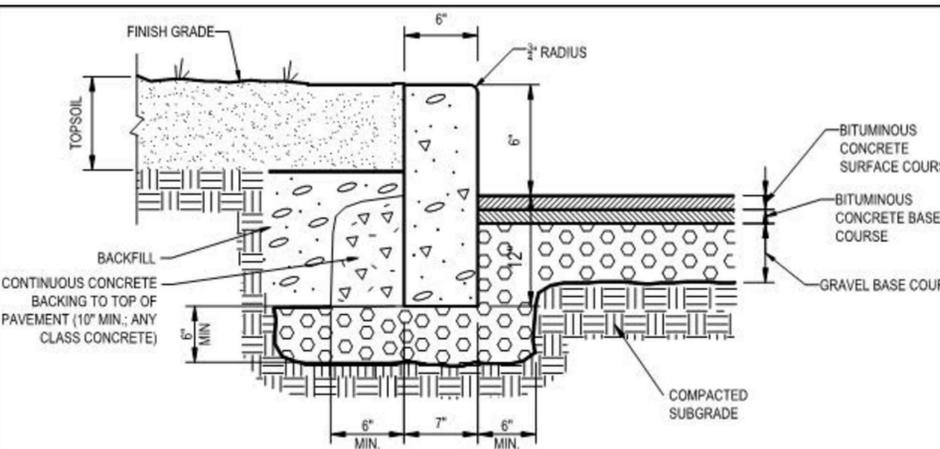
STOP SIGN & BREAKAWAY POST (W/ STREET NAMES)
NO SCALE BMG NO.:



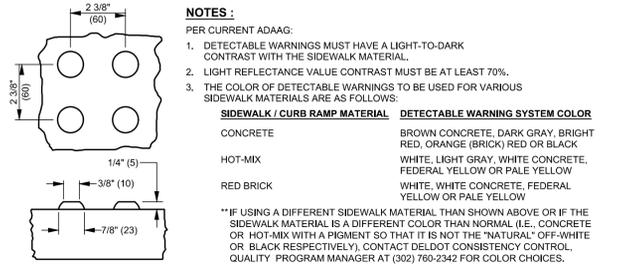
BOLLARD DETAIL AT HANDICAP PARKING
NO SCALE BMG NO.: SW-5E



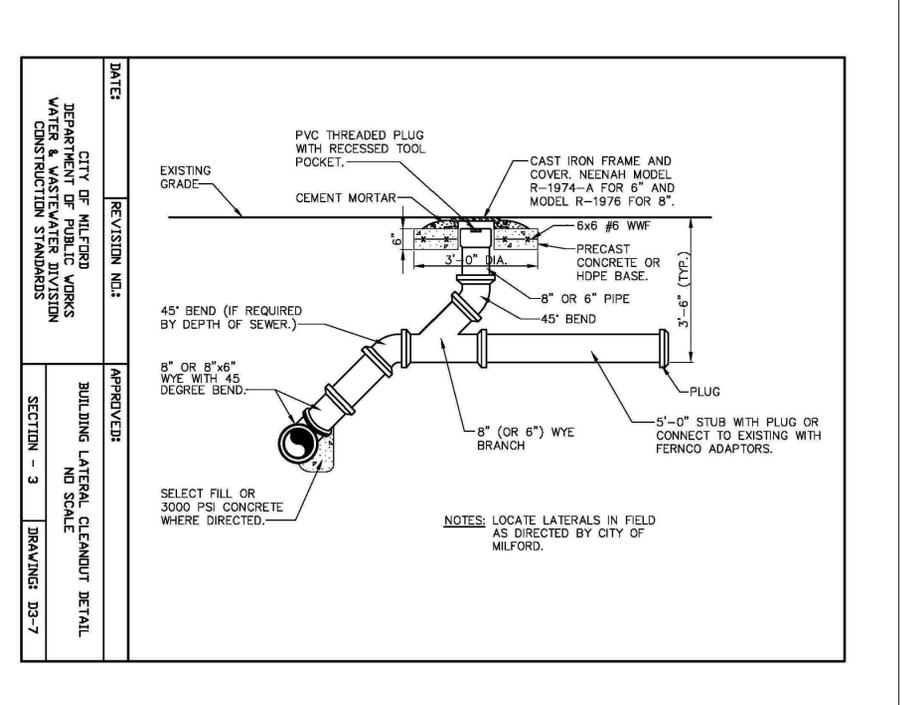
PIPE BOLLARD DETAIL
NO SCALE BMG NO.: SW-6C



PRECAST CONCRETE CURB DETAIL
NO SCALE MAVIS



DETECTABLE WARNINGS - TRUNCATED DOME
NO SCALE BMG NO.: SW-4A



CONSTRUCTION DETAILS
NO SCALE

BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING
Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965
Salisbury, MD
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824
Wilmington, NC
3333 Jaeckle Drive, Suite 120
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506
www.beckermorgan.com

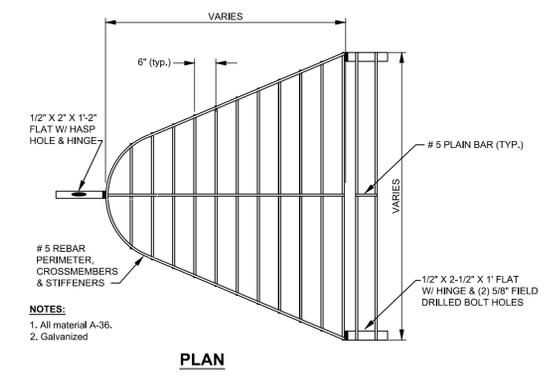
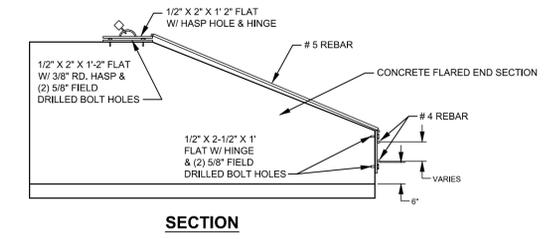
PROJECT TITLE
MAVIS DISCOUNT TIRES
PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE
CONSTRUCTION DETAILS

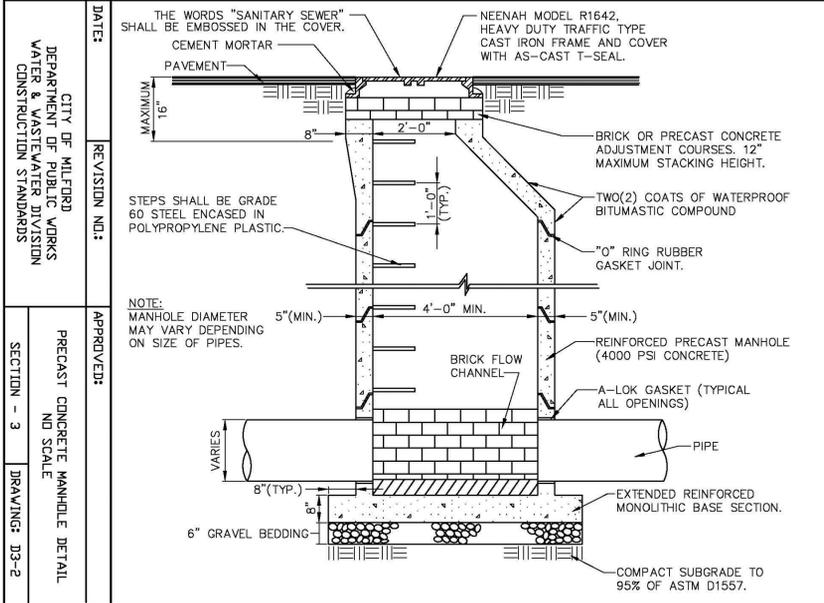
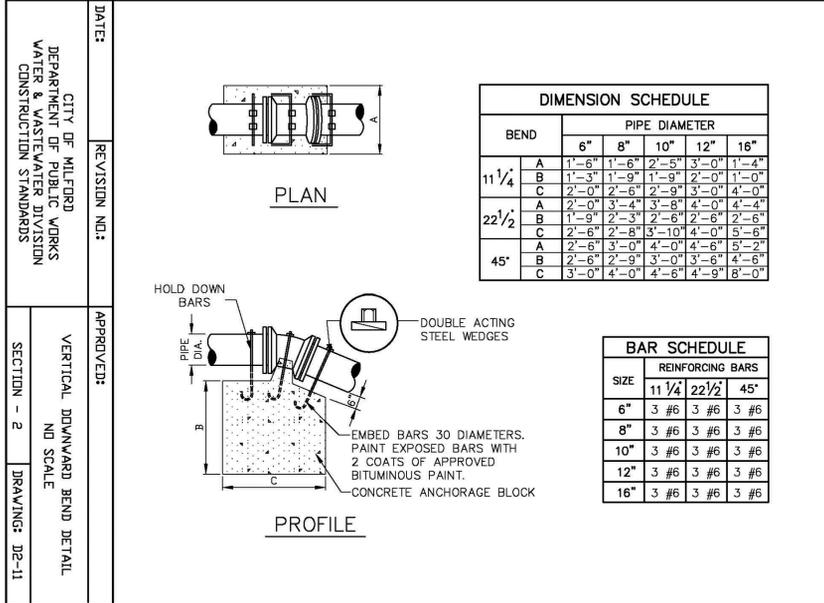
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PROJECT NO.: 2019009.00
DATE: 02/06/2019
SCALE: N.T.S.
DRAWN BY: D.S.G. PROJ. MGR.: S.T.F.
SHEET

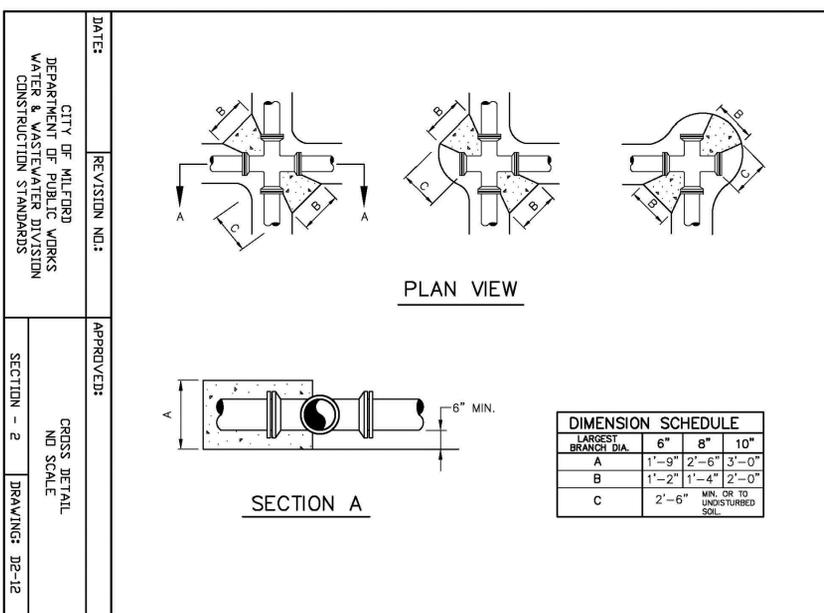
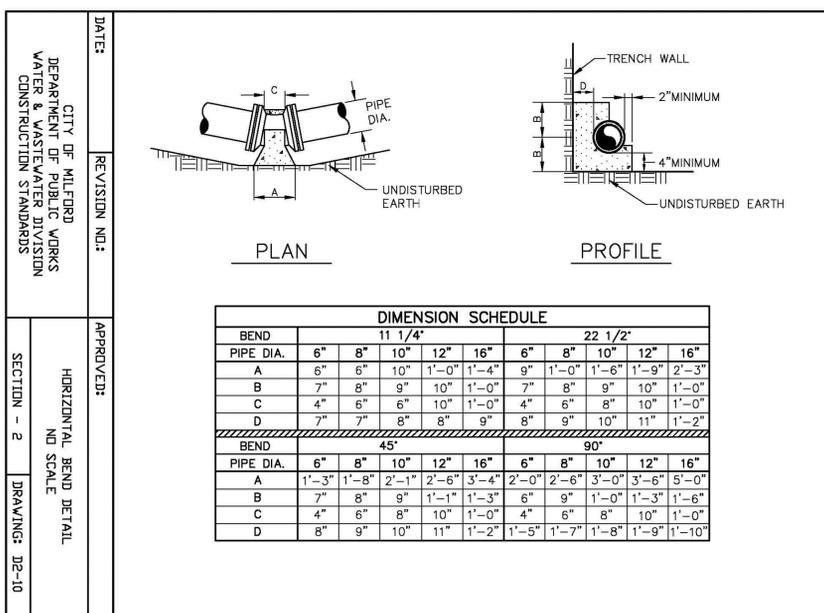
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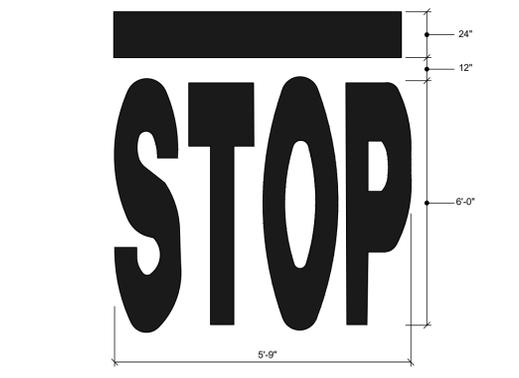
FLARED END SECTION CHILD SAFETY RACK
NO SCALE BMG NO. : SD-09



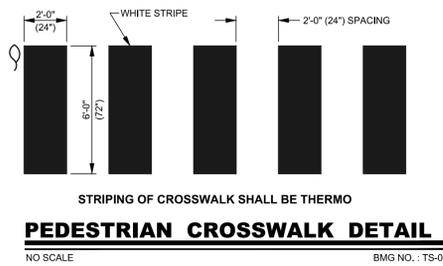
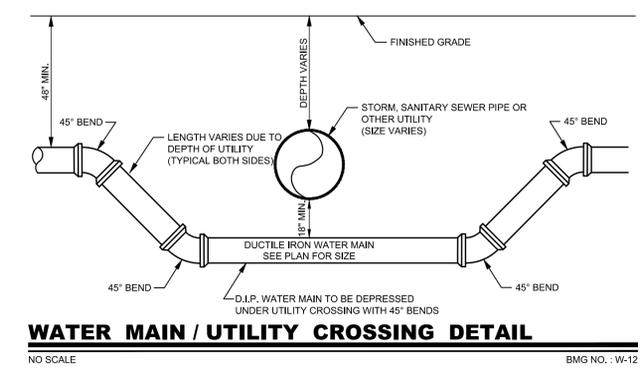
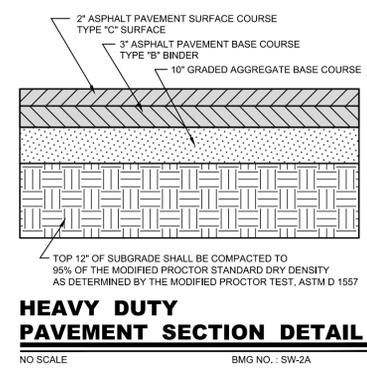
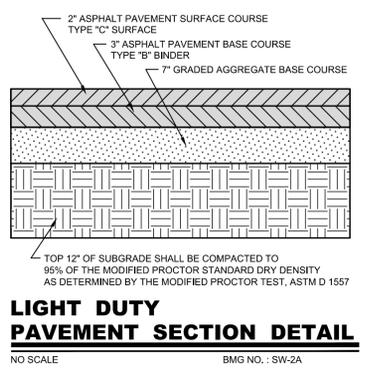
PRECAST CONCRETE MANHOLE DETAIL
NO SCALE DRAWING: DJ-2



CROSS DETAIL
NO SCALE DRAWING: DJ-12



STOP BAR DETAIL
NO SCALE



PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

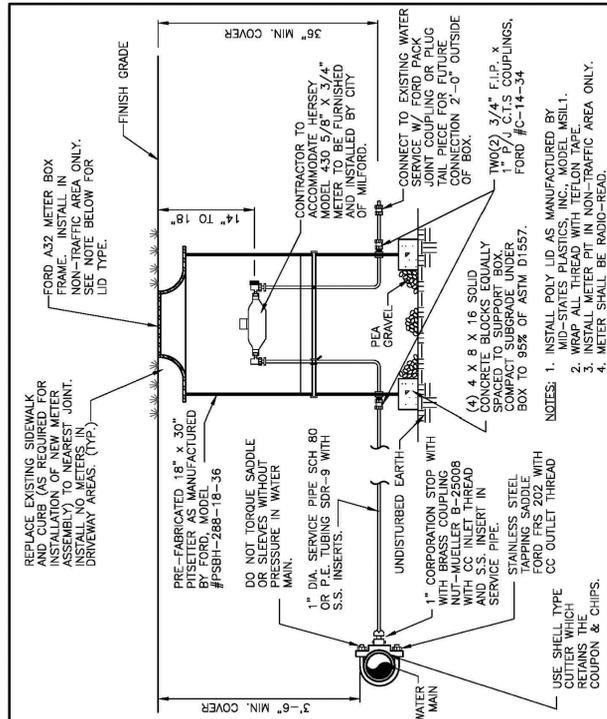
CONSTRUCTION DETAILS

ISSUE BLOCK

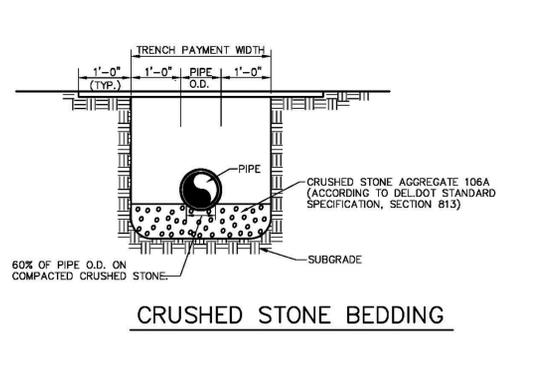
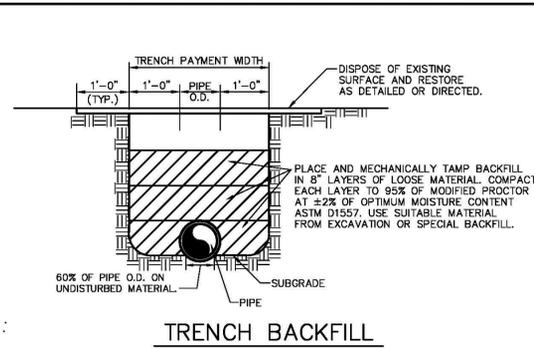
MARK	DATE	DESCRIPTION
1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019

PROJECT NO.: 2019009.00
DATE: 02/06/2019
SCALE: N.T.S.
DRAWN BY: D.S.G. PROJ. MGR.: S.T.F.

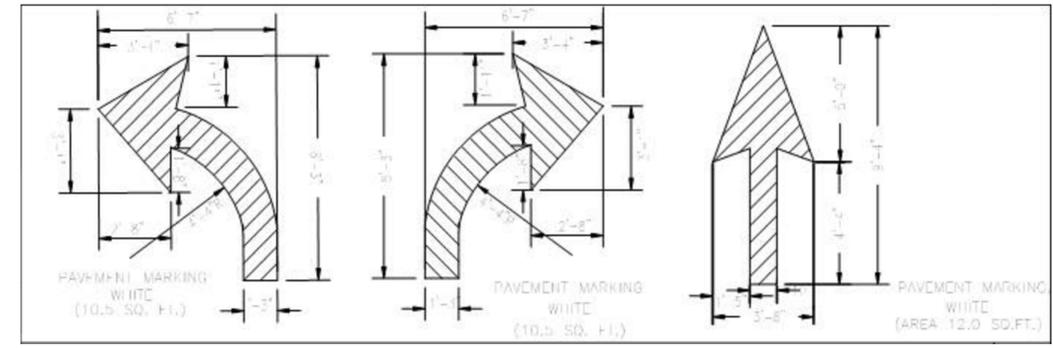
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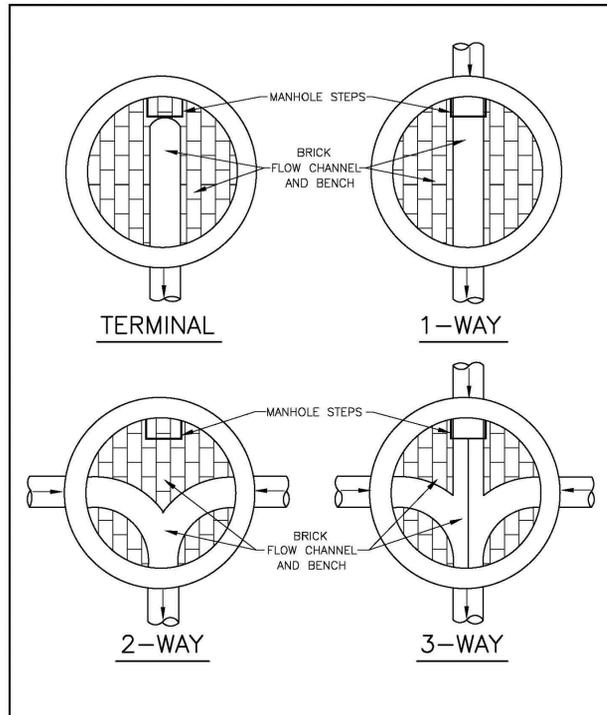
DATE:	REVISION NO.:	APPROVED:
CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS WATER & WASTEWATER DIVISION CONSTRUCTION STANDARDS		STANDARD SINGLE METER PIT DETAIL (PREFABRICATED) NO SCALE
SECTION - 2		DRAWING: D2-1



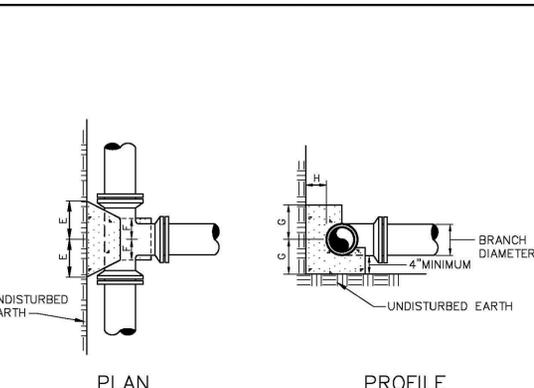
DATE:	REVISION NO.:	APPROVED:
CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS WATER & WASTEWATER DIVISION CONSTRUCTION STANDARDS		TRENCH BACKFILL & PIPE BEDDING DETAIL NO SCALE
SECTION - 1		DRAWING: D1-1



PRECAST CONCRETE CURB DETAIL
NO SCALE



DATE:	REVISION NO.:	APPROVED:
CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS WATER & WASTEWATER DIVISION CONSTRUCTION STANDARDS		TYPICAL MANHOLE FLOW CHANNEL DETAIL NO SCALE
SECTION - 3		DRAWING: D3-6



DATE:		REVISION NO.:		APPROVED:	
CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS WATER & WASTEWATER DIVISION CONSTRUCTION STANDARDS					
TEE AND WYE DETAIL NO SCALE					
SECTION - 2		DRAWING: D2-9			

BRANCH DIA.	6"	8"	10"	12"	16"
E	8"	10"	1'-0"	1'-3"	1'-8"
F	6"	8"	8"	8"	10"
G	7"	9"	1'-0"	1'-2"	1'-6"
H	8"	9"	10"	1'-0"	1'-2"

GENERAL NOTES:

- THE BOUNDARY INFORMATION SHOWN ON THESE DRAWINGS IS BASED ON A SURVEY PERFORMED BY THE BECKER MORGAN GROUP IN JANUARY 2018. THE BOUNDARY IS BASED ON A PREVIOUS SURVEY, ENTITLED CYPRESS HALL COMMERCIAL AND RECORDED IN THE SUSSEX COUNTY RECORDER OF DEEDS OFFICE, PLAT BOOK 164, PAGE 72.
- A TOPOGRAPHIC SURVEY WAS PERFORMED BY THE BECKER MORGAN GROUP OF DOVER, DELAWARE IN JANUARY 2019. ELEVATIONS ARE BASED ON NGS CONTROL MONUMENTS, ON VERTICAL DATUM NGVD88.
- HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/91, NGS CONTROL MONUMENTS.
- HYDRIC SOILS ARE NOT INDICATED AS BEING PRESENT ACCORDING TO THE SUSSEX COUNTY SOIL SURVEY. SOILS HAVE BEEN INSPECTED BY _____ A LICENSED WETLANDS SCIENTIST.
- 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 OWNERS 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 HISHER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA (800-282-8555) A MINIMUM OF THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION.
- 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 BACKFILLING TRENCHES.
- THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND 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-IN'S 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 NON-METALLIC 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 FORCE MAINS. WIRE 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 ITEMS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL PRIOR TO THE ORDERING OF AND/OR INSTALLATION OF THE ITEM(S).
- ALL SANITARY SEWER MAINS AND FORCE MAINS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND ALL WATER MAINS SHALL HAVE A 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 FORCE MAINS 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 FORCE MAINS 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 OR SEWER 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 ENCASED THE PIPE IN CONCRETE.
- ALL ROADWAYS ARE TO BE SWEEP 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, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MANMADE 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.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDS OF WATER WILL OCCUR AFTER PAVING IS COMPLETE.
- ALL HANDICAPPED PARKING DEMARCATION, STALLS, AND BUILDING ACCESSIBLE ROUTES SHALL COMPLY WITH THE "AMERICAN WITH DISABILITIES ACT".
- THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION DEVELOPMENT COORDINATION MANUAL, LATEST EDITION.
- ALL FIRE LINES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS. (DSFFR).
- 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 THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THEREO APPLICABLE.
- 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.
- THE OWNER AND/OR THEIR CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE SERVICES OF A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE FOR THE PERMANENTLY RE-ESTABLISHING OF ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKERS (OR MONUMENTS) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.
- 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.
- THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES, INSTALLED WITHIN CITY RIGHT-OF-WAY AND EASEMENTS DEDICATED TO THE CITY, STORM SEWER PIPES AND CATCH BASINS, INSTALLED FULLY WITHIN CITY RIGHT-OF-WAY; ONCE THE FOLLOWING CONDITIONS HAVE BEEN MET:
 - ALL ITEMS HAVE PASSED CITY INSPECTION.
 - THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPIES OF THE RECORD DRAWINGS; AND
 - THE RIGHTS-OF-WAY AND/OR EASEMENTS HAVE BEEN DEEDED TO THE CITY AND RECORDED WITH THE RECORDER OF DEEDS.
- 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 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.
- FINAL APPROVAL FROM THE CITY SHALL BECOME VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERWAY, ALL PROVISIONS OF THE CONDITIONAL USE ARE AUTOMATICALLY RESCINDED.
- THE APPROVAL FROM THE CITY SHALL BECOME VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERWAY, ALL PROVISIONS OF THE CONDITIONAL USE ARE AUTOMATICALLY RESCINDED.
- 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 AND/OR TO POST A COMPLETION GUARANTY FOR ANY IMPROVEMENTS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY. THE GUARANTY SHALL BE IN AN AMOUNT EQUAL TO 100% OF THE COST OF THE IMPROVEMENTS AS ESTIMATED OR APPROVED BY THE CITY ENGINEER. THE GUARANTY SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN AN ESCROW ACCOUNT. THE PUBLIC WORKS AGREEMENT AND THE GUARANTY SHALL BE REVIEWED AND APPROVED BY THE CITY SOLICITOR. THE COMPLETION GUARANTEE SHALL NOT BE RELEASED UNTIL A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE IMPROVEMENTS HAS BEEN SUBMITTED.
- A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE CONSTRUCTION VALUE FOR ANY CONSTRUCTED IMPROVEMENTS AND A PERFORMANCE BOND IN THE AMOUNT OF 125% OF THE CONSTRUCTION VALUE FOR ANY UNCOMPLETED WORK SHALL BE PROVIDED IN ORDER TO ACHIEVE FINAL COMPLETION OF THE IMPROVEMENTS AND RELEASE OF ANY COMPLETION GUARANTY. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR AND ALL CONSTRUCTION VALUES MUST BE SUBMITTED TO, REVIEWED AND APPROVED BY THE CITY ENGINEER PRIOR TO THE ISSUANCE OF ANY BONDS.
- UPON COMPLETION OF THE CONSTRUCTION IMPROVEMENTS AND PRIOR TO THE RELEASE OF ANY DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE CITY ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS). RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROVED DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER OR SURVEYOR. ADDITIONALLY, A CD SHALL BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2018 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL AND NAVD83 VERTICAL CONTROL. RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF THE FOLLOWING:
 - ALL PROPERTY MONUMENTS/MARKERS;
 - SEWER MANHOLE RIM & INVERT ELEVATIONS, WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, PUMP STATION RM, BOTTOM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, FORCE MAIN INVERT ELEVATIONS EVERY 50 FEET, FORCE MAIN AIR RELEASE VALVE RIM & INVERT ELEVATIONS, SEWER CLEANOUT RIM & INVERT ELEVATIONS, AND GREASE TRAP RIM, BOTTOM & INVERT ELEVATIONS;
 - WATER VALVES, FIRE HYDRANTS, METER VAULTS, METER PITS, AND CURB STOPS;
 - STORM SEWER CATCH BASIN AND/OR MANHOLE GRATE, RIM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED; AND
 - ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE CITY.
- PLAN LOCATION AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY THE PUBLIC WORKS ENGINEER.
- ALL ROADS, PARKING AND OTHER PAVED AREAS WILL BE PRIVATELY OWNED AND MAINTAINED AND ARE NOT INTENDED FOR DEDICATION.
- ALL STEEL USED IN CATCH BASINS MUST BE 60 KSI.
- HYDRANT CONNECTIONS BY THE CONTRACTOR ARE PROHIBITED.
- THE CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS DEPARTMENT AT (302) 422-1110 A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HISHER REPRESENTATIVE SHALL BE IN ATTENDANCE.
- THIS SITE DOES NOT FALL WITHIN A SOURCE WATER PROTECTION AREA.
- NO STATE OR FEDERAL WETLANDS FOUND ON THIS PROJECT SITE.
- THIS SITE IS NOT WITHIN A WELL HEAD PROTECTION AREA.
- BEFORE THE CONTRACTOR CAN BEGIN CONSTRUCTION HE MUST OBTAIN THE PROPER PERMITS AND/OR APPROVALS FROM THE CITY OF MILFORD (C.O.M.), SUSSEX CONSERVATION DISTRICT (S.C.D.), AND ALL APPROPRIATE STATE AND COUNTY AGENCIES.



ARCHITECTURE
ENGINEERING

Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury, MD
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington, NC
3333 Jaeckle Drive, Suite 120
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com

PROJECT TITLE

**MAVIS
DISCOUNT
TIRES**

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

**CONSTRUCTION
DETAILS &
GENERAL NOTES**

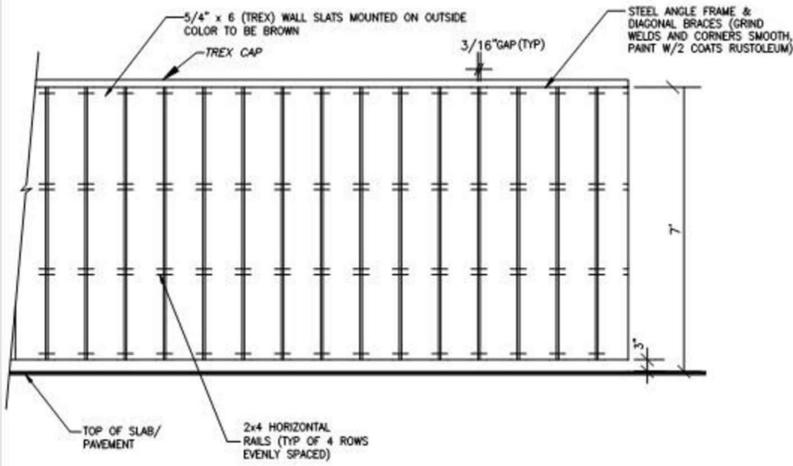
ISSUE BLOCK

MARK	DATE	DESCRIPTION
1	04/04/19	PLAN REVISION PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019
LAYER STATE: 0.00		
PROJECT NO.: 2019009.00		
DATE: 02/06/2019		
SCALE: N.T.S.		
DRAWN BY: D.S.G. PROJ. MGR.: S.T.F.		

C-903

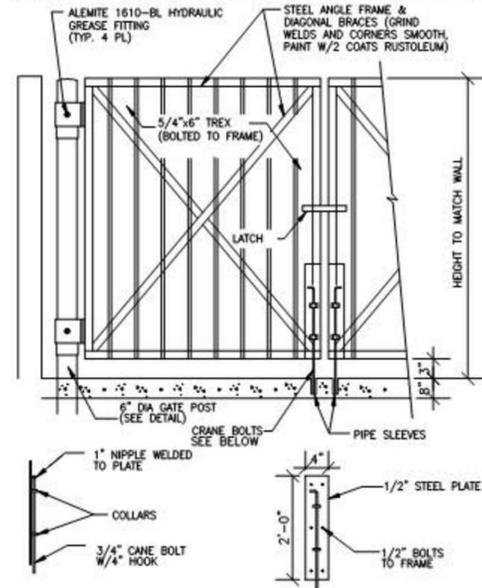
COPYRIGHT: 2019

(NOTE: FOUNDATION DESIGN TO BE PROVIDED BY CONTRACTOR)

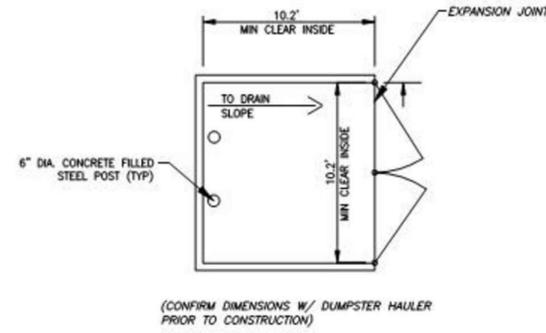


TRASH ENCLOSURE TYPICAL ELEVATION

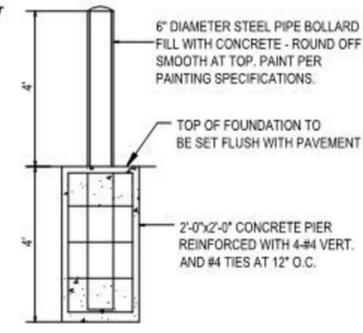
(NOTE: FOUNDATION DESIGN TO BE PROVIDED BY CONTRACTOR)



TRASH ENCLOSURE GATE & MOUNTING



TRASH ENCLOSURE LAYOUT



TRASH ENCLOSURE BOLLARD

TRASH ENCLOSURE DETAILS

N.T.S.

PROJECT TITLE

**MAVIS
DISCOUNT
TIRES**

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

**CONSTRUCTION
DETAILS**

ISSUE BLOCK

NO.	DATE	DESCRIPTION

1 04/04/19 PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019

MARK DATE DESCRIPTION

PROJECT NO.: 2019009.00

DATE: 02/06/2019

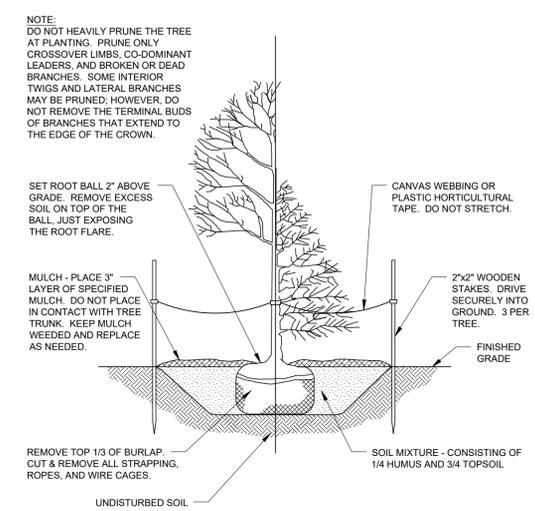
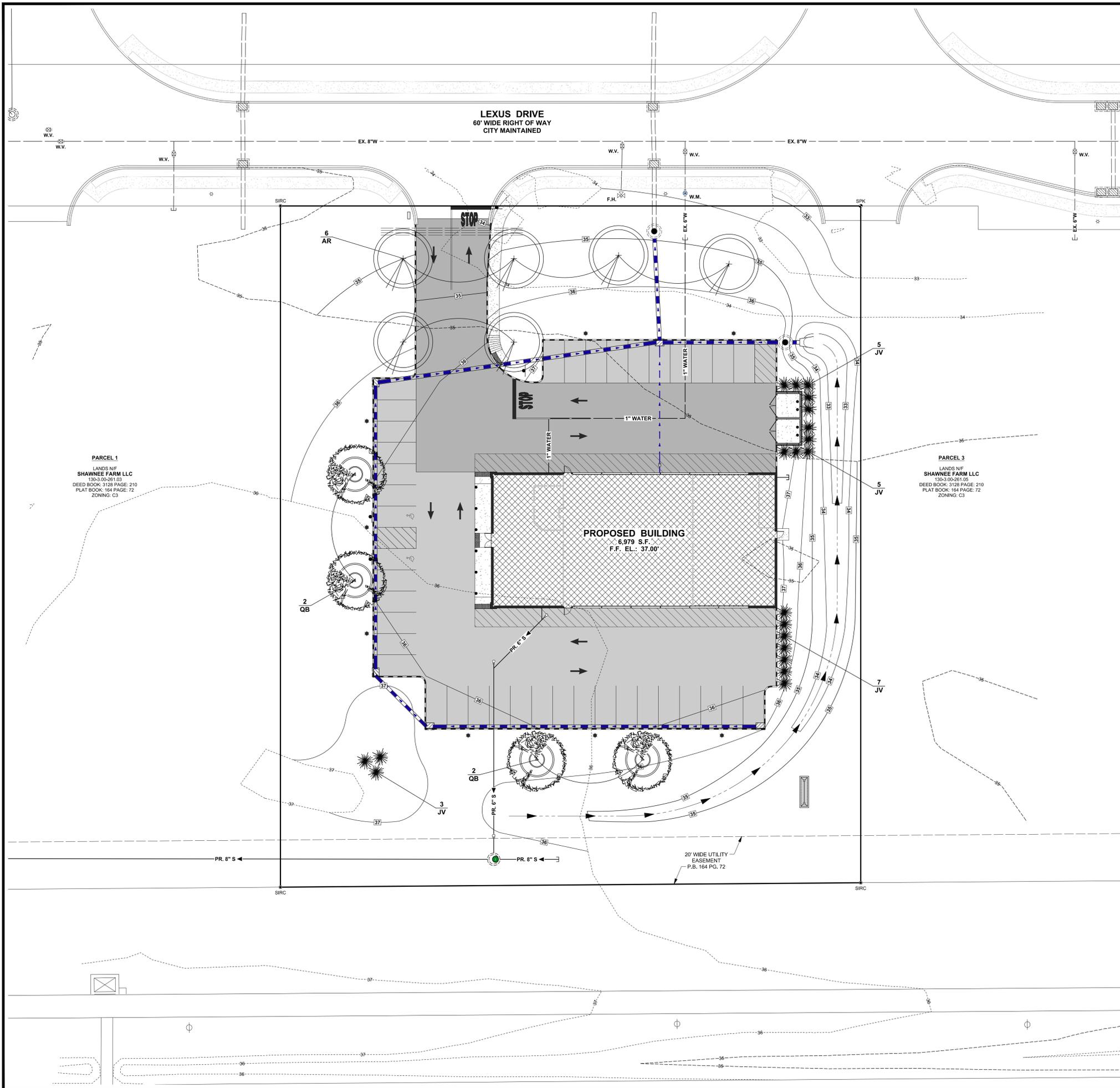
SCALE: N.T.S.

DRAWN BY: D.S.G. PROJ. MGR.: S.T.F.

SHEET

C-904

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TREE PLANTING DETAIL

NO SCALE BMG NO.: L-01

PLANT LIST					
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
SHADE TREES					
AR	6	ACER RUBRUM 'OCTOBER GLORY'	RED MAPLE	2-2 1/2" CAL	B&B
QB	4	QUERCUS BICOLOR	SWAMP WHITE OAK	2-2 1/2" CAL	B&B
ORNAMENTAL TREES					
EVERGREEN TREES					
JV	20	JUNIPERUS VIRGINIANA	EASTERN REDCEDAR	6' - 8'	B&B
SHRUBS / GRASSES					
TOTAL: 23 TREES					

LANDSCAPE ARCHITECTS CERTIFICATION

I, CHAD D. CARTER, RLA, ASLA, HEREBY CERTIFY THAT I AM A LANDSCAPE ARCHITECT IN THE STATE OF DELAWARE. THAT THE LANDSCAPING INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF, REPRESENTS GOOD LANDSCAPING PRACTICES.

CHAD D. CARTER, RLA, ASLA S1-499 DATE

- GENERAL LANDSCAPE NOTES :**
- QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 7'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE DETAIL SHOWN.
PLANT MATERIALS DELIVERED TO THE SITE IN UNCOVERED TRUCKS WILL BE REJECTED.
UNACCEPTABLE PLANT MATERIALS: MATERIALS WHICH HAVE DAMAGED OR CROOKED LEADERS, DEFORMED GROWTH HABIT, ABRASIONS OF THE BARK, SUN SCALD, WINDBURN, DISFIGURING NOT COMPLETELY CALLOSED WILL BE REJECTED. IN ADDITION, TREES HAVING THEIR CENTRAL LEADERS HEADED BACK WILL ALSO BE REJECTED. PLANTS WITH LOOSE OR CRACKED ROOT BALL OR CONTAINERS WILL BE REJECTED.
 - ALL PLANTS SHALL BE PLANTED IN TOPSOIL THAT IS THOROUGHLY WATERED AND TAMPED AS BACKFILLING PROGRESSES. NOTHING BUT SUITABLE TOPSOIL, FREE OF DRY SOD, STIFF CLAY, LITTER, STONES IN EXCESS OF ONE (1) INCH DIAMETER, ETC. SHALL BE USED FOR PLANTING.
MULCH FOR PLANTING BEDS SHALL BE SHREDDED HARDWOOD BARK MULCH UNLESS OTHERWISE SPECIFIED ON THE PLANS AND SHALL HAVE NO LEAVES, YOUNG GREEN GROWTH, BRANCHES, TWIGS, GREATER IN DIAMETER OF 1/2", WEEDS, SHAWINGS OR FOREIGN MATERIAL SUCH AS STONES, ETC. SHALL BE MIXED WITH THE MULCH. ALL SHRUB MASSES SHALL BE PLANTED IN CONTINUOUS MULCHED BEDS WITH A LIGHTLY COMPACTED DEPTH OF THREE (3) INCHES. ALL CONTAINER PLANTS ARE TO HAVE ROOTS CUT ON FOUR SIDES AND/ OR SPREAD OUT IN NEW SOIL MIXTURE.
 - ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN AND NOTES.)
 - LANDSCAPE BEDS NOT DEFINED BY CURBS, SIDEWALKS, WALLS OR OTHER STRUCTURES SHALL BE ENCLOSED BY ALUMINUM EDGING UNLESS OTHERWISE INDICATED.
 - AREAS DISTURBED BY LANDSCAPE OPERATIONS SHALL BE GRADED TO MATCH EXISTING TOPSOIL AND SEED OR SOD AS REQUIRED.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
 - NO PLANT, EXCEPT GROUNDCOVERS, SHALL BE WITHIN THREE (3) FEET FROM SIDEWALKS.
 - NO TREE SHALL BE PLANTED CLOSER THAN TEN (10) FEET FROM ANY STRUCTURE OR BUILDING.
 - NO TREE SHALL BE PLANTED WITHIN TEN (10) FEET OF UNDERGROUND UTILITIES OR FIRE HYDRANTS.
 - ONLY TREES THAT REACH A HEIGHT AND SIZE AT MATURITY OF SMALL TO MEDIUM SHALL BE PLANTED UNDER POWER LINES.
 - THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON, UNLESS THE OWNER AGREES TO MAINTAIN AND WATER THEM.
 - TREES TO REMAIN ON-SITE SHALL BE PROTECTED WITH SNOW FENCE DURING CONSTRUCTION (SEE DETAIL). SNOW FENCING TO BE MAINTAINED DURING CONSTRUCTION BY CONTRACTOR.
 - THE PLANTING PLAN SHALL TAKE PRECEDENCE OVER THE PLANT SCHEDULE SHOULD ANY PLANT QUANTITY DISCREPANCIES OCCUR.
 - NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER AND/ OR THE LANDSCAPE ARCHITECT.
 - ALL NEW TREES SHALL BE GUARANTEED TO SURVIVE FOR ONE FULL YEAR AFTER INSTALLATION (FULL COST). ALL STAKES AND GUYS SHALL BE REMOVED FROM TREES AND SITE AS EARLY AS THREE (3) MONTHS, BUT NO LONGER THAN ONE (1) YEAR AFTER PLANTING.

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury, MD
312 West Main St. Suite 300
Salisbury, MD 21801
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Fax 410.546.5824

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3333 Jaeckle Drive, Suite 120
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Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com



PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

LANDSCAPE PLAN

0 10 20 40
SCALE : 1" = 20'

ISSUE BLOCK		
NO.	DATE	DESCRIPTION
1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019
PROJECT NO.: 2019009.00 DATE: 02/06/2019 SCALE: 1" = 20' DRAWN BY: C.D.C. PROJ. MGR.: S.T.F.		
SHEET		
L-101		
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ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENTS' SUCCESS

April 11, 2019

Mr. Rob Pierce, AICP
City Planner
City of Milford
180 Vickers Drive
Milford, DE 19963

RE: Preliminary Site Plan/ Submission #2
MAVIS DISCOUNT TIRES / SHAWNEE FARMS LLC
Milford, Delaware
2019009.00

Mr. Pierce:

We are hereby submitting the Preliminary Site Plan for your review and comments. This plan has been revised to address comments previously made by the Town and its reviewers. The comments are addressed as follows:

General

1. Final Site Plan approval will require approvals and/or letters of no objection from Sussex Conservation District, State Fire Marshal's Office and City Engineer.
Comment: Comment acknowledged.
2. Final Site Plan approval will require a lighting plan showing proposed foot-candle conditions.
Comment: Comment acknowledged.
3. Provide the completed Land Use Application Cover Sheet, Preliminary Site Plan and Conditional Use applications along with a check for \$1,400 for the review fee. Make sure the conditional use checklist items are provided.
Comment: All items are provided as a part of this submission.

C-001

4. Incorporate the attached City Certification Statements.
Comment: plan has been revised per your comment.
5. Incorporate the attached General Site Plan notes.
Comment: plan has been revised per your comment.
6. Data Column: The proposed use should be Car Repair Shop instead of retail.
Comment: plan has been revised per your comment.

BECKER MORGAN GROUP, INC.
ARCHITECTURE & ENGINEERING

309 SOUTH GOVERNORS
AVENUE
DOVER, DE 19904
302.734.7950
FAX 302.734.7965

PORT EXCHANGE
SUITE 300
312 WEST MAIN STREET
SALISBURY, MD 21801
410.546.9100
FAX 410.546.5824

ARCHITECTURE & PLANNING

SUITE 211
3205 RANDALL PARKWAY
WILMINGTON, NC 28403
910.341.7600
FAX 910.342.7506

www.beckermorgan.com

7. Data Column: Provide the proposed impervious coverage condition.
Comment: plan has been revised per your comment.
8. Data Column: The reference to signage can be removed from the data column. Show the sign location on the site plan for review.
Comment: plan has been revised per your comment.
9. Data Column: Provide the proposed building height.
Comment: plan has been revised per your comment.
10. Data Column: Provide the source of natural gas.
Comment: plan has been revised per your comment.
11. Data Column: Provide the total area disturbed.
Comment: plan has been revised per your comment.
12. Data Column: Provide the building construction type.
Comment: plan has been revised per your comment.
13. Data Column: Provide the estimated number of EDUs for the building.
Comment: plan has been revised per your comment.
14. Data Column: Sheets C-301 through C-904 are listed in the cover sheet legend but were not provided for review.
Comment: C-301 through C-904 will be a part of the next submission.
15. Sheet C-101 is listed as a demolition sheet in the sheet index but is labeled site plan on the actual sheet.
Comment: Sheet title has been corrected per your comment.
16. Label S. Dupont Boulevard as State Maintained. Label Lexus Drive as City Maintained.
Comment: plan has been revised per your comment.
17. Fix the center plan view based on Site Plan comments for future sheets.
Comment: plan has been revised per your comment.
18. Label the cross-access easement and which parcel it benefits.
Comment: plan has been revised per your comment.

C-101

19. Is this sheet an existing conditions/demolition sheet or a site plan?

Comment: The plan is meant to be demolition and has been revised per your comment.

20. Show the existing sanitary sewer pipe and manholes constructed within the 20 foot wide utility easement. See attached CAD file.

Comment: The sewer pipe and manhole you are referring to have yet to be installed and are proposed to be installed as a part of this plan.

21. Label S. Dupont Boulevard as State Maintained. Label Lexus Drive as City Maintained.

Comment: plan has been revised per your comment.

C-201

22. Label S. Dupont Boulevard as State Maintained. Label Lexus Drive as City Maintained.

Comment: plan has been revised per your comment.

23. Label the sanitary sewer manhole and piping as existing or proposed.

Comment: Under ground utilities have been turned off in the C-201 layer state and are show on sheet C-301.

24. Provide a sanitary sewer cleanout with cast iron cover surrounded by an 18" diameter concrete pad at the edge of the 20' wide utility easement. This will be where the City's maintenance responsibility ends.

Comment: plan has been revised per your comment.

25. Show the remaining water service line. Move the water meter to the existing sidewalk located along Lexus Drive.

Comment: plan has been revised per your comment.

26. Show the cross-access easement on the subject parcel to benefit parcel 261.05.

Comment: plan has been revised per your comment.

27. Label the ADA parking signs located at the head of each parking space.

Comment: plan has been revised per your comment.

28. Provide a trash enclosure detail with final site plan submission.

Comment: plan has been revised per your comment.

29. The applicant should consider planting a few additional trees in the front and rear yard areas.

Comment: plan has been revised per your comment.



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Sincerely,

BECKER MORGAN GROUP, INC.

A handwritten signature in blue ink, appearing to read "D. S. Gordon".

Daniel S. Gordon
Civil Technician

DSG/rlh

Cc: William Krapf, LC Management

201900900a1-prelim-comment-resp-ltr.doc

City of Milford, Delaware
Development Advisory Committee

Comment Sheet



DATE OF REVIEW: April 2, 2019

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

INDIVIDUAL REVIEWERS: **Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services**
Dennett E. Pridgeon, CFPS, CFPE, CFI, Sr. Fire Protection Specialist
Jefferson L. Cerri, CFI, Sr. Fire Protection Specialist
Joseph Moran, CFI, Sr. Fire Protection Specialist
Desiree B. McCall, CFI, Sr. Fire Protection Specialist

AGENCY PHONE NUMBERS: **302-856-5298, Fax: 302-856-5800**

RE: MAVIS DISCOUNT TIRES (19-007)

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 Lexus Drive 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, 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

§ 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.

(19) Aquarium.

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, with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 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.

ARTICLE IV - Off-Street Parking and Loading

§ 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 [Amended 7-14-1997]	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, R-3 and R-8 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 or R-8 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, R-3 and R-8 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-1, OB-1 and OC-1.

- (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 feet 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, R-3 or R-8 District or any lot developed or approved for development for residential use, there shall be a 50-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.

§ 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

§ 230-52. - 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.

CITY OF MILFORD

NOTICE OF PUBLIC HEARING

Planning Commission Hearing: Tuesday, May 14, 2019 @ 7:00 p.m.
City Council Hearing: Tuesday, May 28, 2019 @ 7:00 p.m.

Notice is hereby given that the Planning Commission and City Council will hold Public Hearings to allow interested parties to participate in the discussion and consideration of the following zoning matter:

Ordinance 2019-16

Mavis Discount Tires for a Conditional Use
Owner Shawnee Farm LLC on behalf of Applicant LC Management
Current Zone: C-3 (Highway Commercial District)
Present Use: Vacant Land
Proposed Use: Car Repair Shop
Size/Location: 1.63 +/- acres of land located along Lexus Drive
within the Cypress Hall Commercial Shopping Center
Tax Map & Parcel Numbers: 1-30-3.00-261.04

Whereas, the City of Milford Planning Commission reviewed and made recommendations on Ordinance 2019-16 following a Public Hearing on Tuesday, May 14, 2019; and

Whereas, Milford City Council held a Public Hearing on Tuesday, May 28, 2019 to allow for additional debate and further review of the Zoning Ordinance; and

Whereas, it is deemed in the best interest of the City of Milford to allow a Conditional Use to permit a Car Repair Shop in a C-3 Zoning Designation, as permitted in the Zoning Code §230-14.

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

Section 1. Following the adoption of Ordinance 2019-16, and upon its effective date, LC Management is hereby granted a Conditional Use Permit for a Car Repair Shop, on 1.63 +/- acres of land located along Lexus Drive within the Cypress Hall Commercial Shopping Center, in accordance with the Zoning Code of the City of Milford, 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.

City Council Introduction: May 13, 2019

Planning Commission Review & Public Hearing: May 14, 2019

City Council Public Hearing: May 28, 2019

Proposed Effective Date: June 7, 2019

Additional information regarding the application and City of Milford Zoning Code may be obtained by accessing the City website at cityofmilford.com or by calling 302-424-8396.



DATA SHEET FOR GROWMARK FS

Planning Commission Meeting: May 14, 2019

Application Number / Name	:	19-010 / Growmark FS
Applicant	:	Growmark FS 308 NE Front Street Milford, DE 19963
Owner	:	Same
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District(s)	:	I-2 (General Industrial District)
Proposed Zoning District(s)	:	C-3 (Highway Commercial District)
Present Use	:	Vacant Warehouse
Proposed Use	:	Retail
Size and Location	:	1.494 +/- acres of land located along the north side of NE Front Street at the corner of NE Fourth Street and NW Front Street.
Tax Map & Parcel(s)	:	MD-16-183.10-04-23.00 & 70.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Survey



STAFF REPORT
April 5, 2019

Application Number / Name	:	19-010 / Growmark FS
Present Comprehensive Plan Designation	:	Commercial
Present Zoning District(s)	:	I-2 (General Industrial District)
Proposed Zoning District(s)	:	C-3 (Highway Commercial District)
Present Use	:	Vacant Warehouse
Proposed Use	:	Retail
Size and Location	:	1.494 +/- acres of land located along the North side of NE Front Street at the corner of NE Fourth Street and NE Front Street.
Tax Map & Parcel(s)	:	MD-16-183.10-04-23.00 & 70.00

I. BACKGROUND INFORMATION:

- The applicant proposes to rezone the above referenced parcels from I-2 (General Industrial District) to C-3 (Highway Commercial District). The property contains an existing vacant warehouse building that is to be renovated into retail space. There is also a storage building on the north side of the property that would remain. The property owner proposes to subdivide the property into two parcels of land as shown on the attached survey, which will be reviewed administratively by the Planning Department.

II. STAFF ANALYSIS:

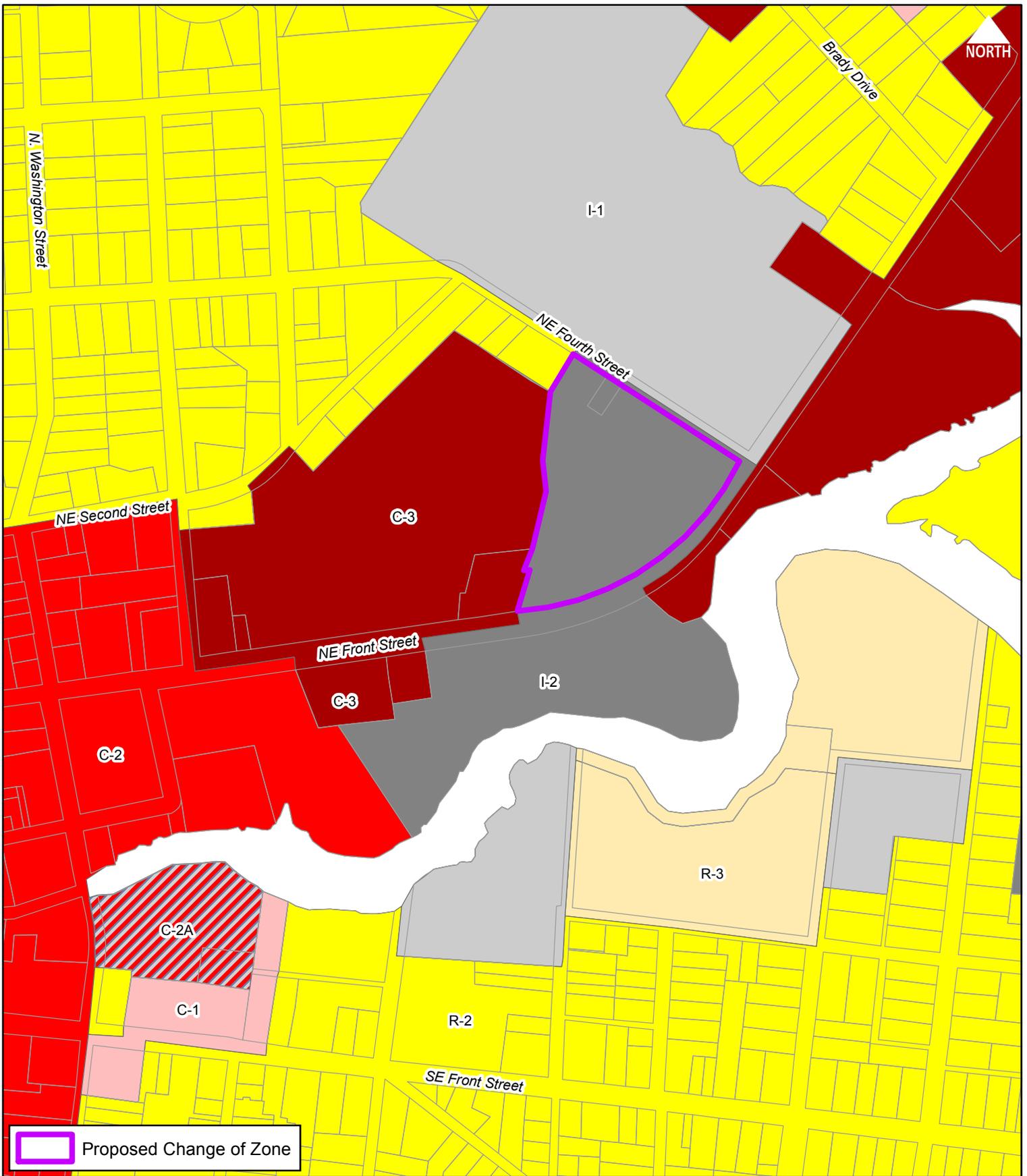
Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request to amend the Zoning Map:

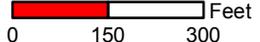
- The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps. The Future Land Use designation for the property is Commercial, for which C-3 (Highway Commercial) is a suitable zoning designation.

- The property to the west (Riverwalk Plaza Shopping Center) is zoned C-3. The properties to the south are zoned I-2 (General Industrial) and C-3 (Highway Commercial). The property to the east is currently zoned I-1 (Limited Industrial) and is the proposed site of the future police station.
- Any future use of the property must comply with Chapter 230 and the C-3 (Highway Commercial District) zoning use and area regulations as adopted at the time of building permit issuance. This would include meeting the City's off-street parking and loading requirements, obtaining State of Delaware Department of Transportation approval for the entrance, obtaining State Fire Marshal's Office approval for the parking lot.

III. AGENCY COMMENTS:

- DelDOT – No comments solicited
- Kent Conservation District – No comments solicited.
- State Fire Marshall – No comments solicited.



	Scale:  Feet 0 150 300	Title: Change of Zone Growmark FS Location & Zoning Map
	Drawn by: WRP Date: 04/05/19	
Filepath: ChangeZone_Growmark.mxd		

NOTES:

- A THIRTY (30) BUILDING RESTRICTION LINE RUNNING ALONG NORTHEAST FOURTH STREET (DELAWARE ROUTE 14) AND NORTHEAST FRONT STREET AS DESCRIBED IN DEED BOOK 12, PAGE 22.
- A TWENTY (20) BUILDING SETBACK LINE RUNNING ALONG THE WESTERLY BOUNDARY LINE AS DESCRIBED IN DEED BOOK 12, PAGE 22.
- TAX PARCEL MD-16-183-10-04-00-000 WAS CONVEYED TO MILFORD FERTILIZER COMPANY, A DELAWARE CORPORATION, PER DEED BOOK 229, PAGE 144, RECORDED IN THE OFFICE OF RECORDER OF DEEDS IN AND FOR KENT COUNTY, STATE OF DELAWARE, AUGUST 21, 1990. PARCEL LOCATED BY APPROXIMATION.
- ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- AN ADDITIONAL 10 FEET OF RIGHT OF WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE AS PER THIS PLAT.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
- THIS PROPERTY IS NOT IMPACTED BY WETLANDS.
- THIS PROPERTY HAS AN ABSENCE OF SOURCE WATER PROTECTION AREAS.
- THIS PLAN IS VALID ONLY WHEN SIGNED IN RED INK AND EMBOSSED WITH A RAISED IMPRESSION SEAL AND WAS PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARD OF ACCURACY FOR A RURAL CLASSIFICATION.
- NO EASEMENTS OTHER THAN SHOWN WERE PROVIDED.
- VERTICAL DATUM: NAVD88 HORIZONTAL DATUM: NAD83 (NAD2011), EPOCH 2010

LEGEND

BOUNDARY LINE	---
CENTERLINE OF ROADWAY	---
RIGHT-OF-WAY	---
PERMANENT EASEMENT	++ ++ ++
BUILDING SETBACK LINE	BSL BSL
FLOOD ZONE	ZONE AE
OVER HEAD ELECTRIC	OHE OHE
STORMWATER PIPE	STORM
BITUMINOUS CONCRETE	▨
CEMENT CONCRETE	▨
IRON PIPE FOUND	○
CAPPED REBAR SET/FND.	●
MAG NAIL SET	⊙
UTILITY POLE	⊕
WELL	⊕
FIRE HYDRANT	⊕

ROAD TRAFFIC DATA:
 FUNCTIONAL CLASSIFICATION.....MINOR ARTERIAL
 POSTED SPEED LIMIT.....25 MPH
 AADT(2017) DELDOT TRAFFIC SUMMARY.....6,124
 10 YEAR PROJECTED AADT.....6966
 10 YEAR PROJECTED AADT +SITE ADT=.....7047
 DIRECTIONAL SPLIT.....59%/41%
 PEAK HOUR 10.1% X 7047.....712 VPH
 TRUCK PERCENTAGE= 6.28%.....6.22% X 712=44.3

SITE TRIP GENERATION:
 SOURCE.....ITE TRIP GENERATION MANUAL 10TH ED.
 USE.....GEN. OFFICE BUILDING
 ITE USE CASE.....710
 GENERATOR.....9.74 TRIPS PER DAY
 GROSS RENTABLE AREA/1000 SQ.FT.....4.0
 TRIPS.....39 (4.0 X 9.74)
 ENTRANCE TYPE.....FULL INGRESS/EGRESS
 PEAK HOUR 10.1%.....4 TRIPS

SOURCE.....DAILY TRANSACTIONS EXISTING LOCATION
 USE.....PET BOUTIQUE, DAYCARE AND SPA
 GENERATOR.....42 TRIPS PER DAY DOUBLED FOR
 21 AVG. DAILY TRANSACTIONS
 GROSS FLOOR AREA.....10,000 SQ. FT.
 TRIPS.....ACTUAL
 PEAK HOUR 10.1%.....5 TRIPS

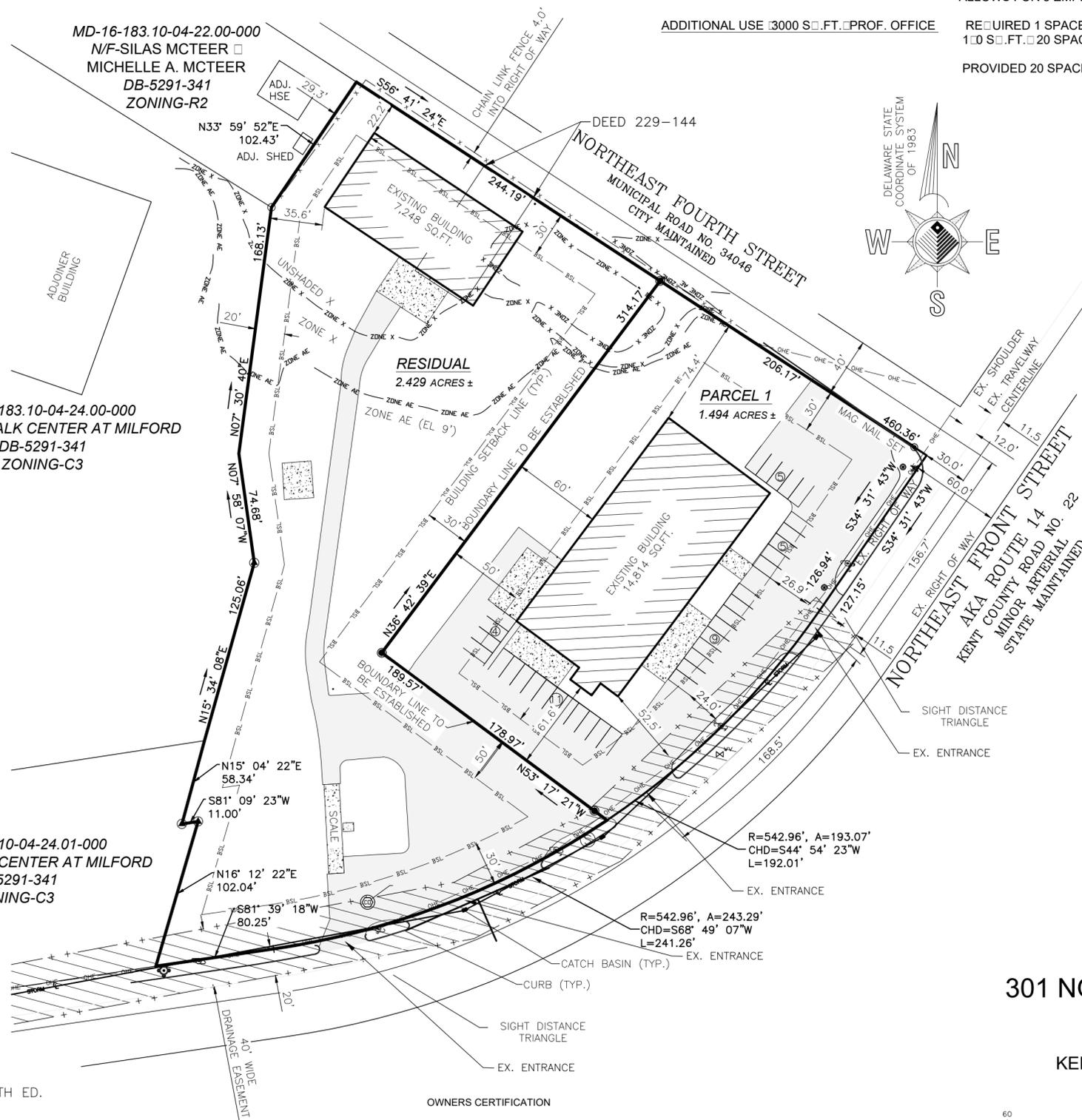
PET BOUTIQUE DATA FROM CASH REGISTER RECEIPTS

NORTHEAST FRONT STREET AADT= 6,124
 DIAGRAM REPRESENTS COMBINED USAGE

MD-16-183-10-04-22.00-000
 N/F-SILAS MCTEER
 MICHELLE A. MCTEER
 DB-5291-341
 ZONING-R2

MD-16-183-10-04-24.00-000
 N/F-RIVER WALK CENTER AT MILFORD
 DB-5291-341
 ZONING-C3

MD-16-183-10-04-24.01-000
 N/F-RIVER WALK CENTER AT MILFORD
 DB-5291-341
 ZONING-C3



OWNERS CERTIFICATION

WE, GROWMARK FS, INC. HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE SUBDIVISION OF THE PARCEL LOCATED AT 308 NE FRONT ST., AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THAT THIS PLAN IS TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

 AUTHORIZED SIGNATURE DATE

SURVEYOR'S CERTIFICATION

I, ROBERT W. NASH, P.L.S., HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR 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 SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

 ROBERT W. NASH, PLS DATE

PARKING RATIONALE

PROPOSED USE 1000 SQ.FT. RETAIL

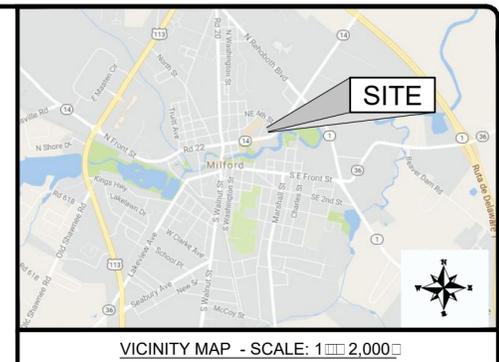
REQUIRED SPACES AND 1 FOR EACH 2 EMPLOYEES

PROVIDED 9 SPACES, ALLOWS FOR 8 EMPLOYEES

ADDITIONAL USE 3000 SQ.FT. PROF. OFFICE

REQUIRED 1 SPACE PER 100 SQ.FT. 20 SPACES

PROVIDED 20 SPACES



DATA COLUMN

• PARCEL:	MD-16-183-10-04-23.00-00001
• CURRENT OWNER:	GROWMARK FS, INC.
• ADDRESS:	308 NE FRONT ST MILFORD, DE 19963
• SOURCE OF TITLE:	DB-12-22
• AREA:	
• PRE ADJUSTMENT GROSS:	3.999 ACRES±
• POST ADJUSTMENT PARCEL 1 RESIDUE:	1.436 ACRES±
• PARCEL NET DEDICATION:	2.488 ACRES±
• PARCEL 1 RESIDUE:	3.924 ACRES±
• DEDICATION:	0.0± ACRES±
• No. EXISTING PARCELS:	1 PARCELS
• No. PROPOSED PARCELS:	2 PARCEL
• MONUMENTS:	4 FOUND, 4 PROPOSED
• EXISTING EASEMENTS:	PB-B-139
• EXISTING ZONING:	
• PARCEL 1 RESIDUE:	I-2 GENERAL INDUSTRIAL
• FUTURE ZONING PARCEL 1 RESIDUE:	I-2 GENERAL INDUSTRIAL
• PARCEL 1 RESIDUE:	C-3 HIGHWAY COMMERCIAL
• FUTURE USE PARCEL 1 RESIDUE:	C-3 HIGHWAY COMMERCIAL
• UTILITIES:	
• FRONTAGE PARCEL 1:	GENERAL INDUSTRIAL
• NE FRONT ST.:	GENERAL INDUSTRIAL
• NE FOURTH ST.:	GENERAL INDUSTRIAL
• RESIDUE:	
• NE FRONT ST.:	323.4 FEET
• NE FOURTH ST.:	244.19 FEET
• FEMA FLOOD MAP MAP REVISED FLOOD ZONE:	1000-C0041K MARCH 16, 2011 AE ELEV. 9' 2' M.P.H.
• POSTED SPEED LIMIT:	
• C-3 HIGHWAY COMMERCIAL DISTRICT:	
• MIN. LOT AREA:	1 ACRE
• MIN. LOT FRONTAGE:	10 FEET / 10 FEET CORNER
• MAX. BUILDING HEIGHT:	3 FEET / 3 STORIES
• MAX. IMPERVIOUS COVERAGE:	80%
• MIN. FRONT SETBACK:	30 FEET
• MIN. REAR SETBACK:	20 FEET
• MIN. SIDE SETBACK:	20 FEET
• I-2 GENERAL INDUSTRIAL DISTRICT:	
• MIN. LOT AREA:	2.0 ACRE
• MIN. LOT FRONTAGE:	10 FEET
• MAX. BUILDING HEIGHT:	10 FEET
• MAX. IMPERVIOUS COVERAGE:	10%
• MIN. FRONT SETBACK:	10 FEET
• MIN. REAR SETBACK:	10 FEET
• MIN. SIDE SETBACK:	10 FEET

RE ZONING PLAN
 FOR PROPERTY KNOWN AS
301 NORTH EAST FRONT STREET
 SITUATE IN
 CITY OF MILFORD
 KENT COUNTY - STATE OF DELAWARE
 GRAPHIC SCALE



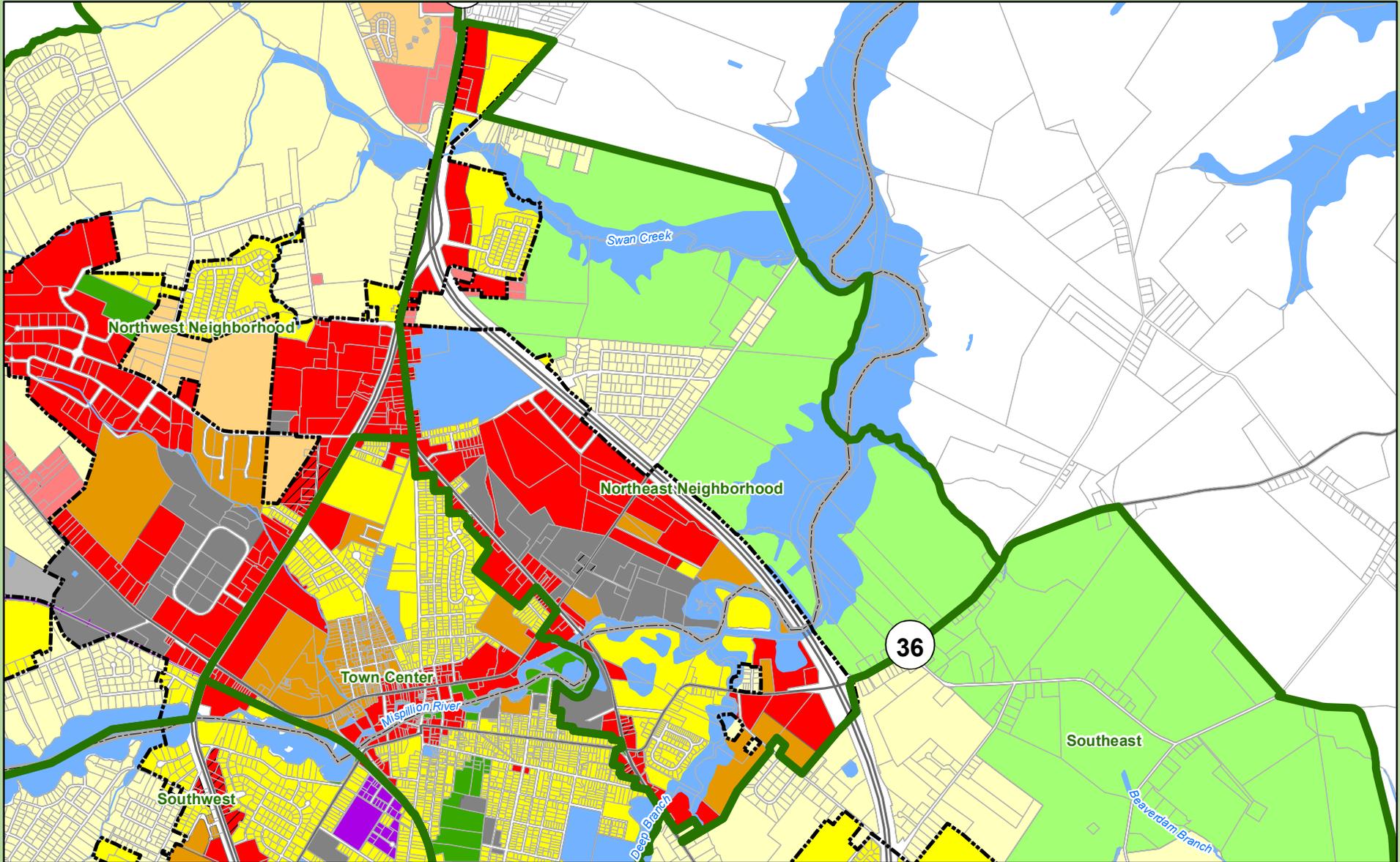
DATE	COMMENTS MILFORD	DTG
DATE	REVISION	CHKD
DATE	REVISION	CHKD

MERESTONE CONSULTANTS, INC.
 ENGINEERS - PLANNERS - SURVEYORS

21 WEST WOODMILL DRIVE WILMINGTON, DE 19808
 PHONE: 302-992-9000 FAX: 302-992-9111

3316 CROSSING AVENUE, UNIT 1 FIVE POINTS SQUARE LEWES, DE 19958
 PHONE: 302-226-8800 FAX: 302-992-9111

DATE: 13 JUNE 2011 SHEET: 1 OF 1



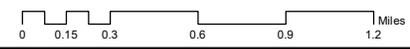
Neighborhoods	Employment	Municipal Boundary
Land Use Type	Proposed Employment	County Boundaries
Open Space	Institutional	State Parcels
Proposed Open Space	Commercial	Routes
Low Density Residential	Proposed Commercial	Rail Lines
Proposed Low Density Residential	Industrial	Hydrology
Moderate Density Residential	Proposed Industrial	Bodies of Water
Proposed Moderate Density Residential	Transition Area	

City of Milford, Delaware

Future Land Use

Northeast Neighborhood

Adopted Jan. 22, 2018, Certified TBD



Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.
 DRAFT Future Landuse - City of Milford, Delaware 01/18.
 Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.
 Hydrology - USGS and EPA, FirstMap 01/18.

Note: This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.



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§ 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.

(19) Aquarium.

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, with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 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.

ARTICLE XII - Amendments

§ 230-58. - Procedure.

A. The City Council may, from time to time, on its own motion or the motion of the Planning Commission or on petition by an owner, amend, supplement, change, modify or repeal the zoning regulations, restrictions and boundaries in a manner in accordance with the procedure provided.

B. All proposals for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the City Council, except those originating on motion of the Planning Commission, shall be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall study all proposals, whether originating with the Commission or otherwise, conduct a public hearing, after having given notice required for the agenda of the Commission, and report its findings and recommendations to the City Council.

C. The Planning Commission is granted the authority to require, as a condition to consideration of any proposal other than one originating with the City Council, that a petition be submitted accompanied by such maps, charts, sketches and other information as the Commission deems necessary for the proper and effective consideration of such proposal and to refuse to consider any proposal not complying with such requirement.

D. No proposed amendment, change, modification or repeal of any zoning regulation, restriction or boundary shall become effective until after a public hearing shall have been held by the City Council at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Milford. In case of an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.

- E. In the event of a protest against such changes signed by 20% or more of property owners within 200 feet of the proposed change, such amendment shall not become effective except by the favorable vote of 3/4 of all the members of the City Council.
- F. If, after due consideration, a proposal is denied, such proposal shall not be eligible for reconsideration for a period of one year after final action by the City Council, except upon the favorable vote of 3/4 of the Planning Commission or City Council.

§ 230-59. - Hearing; notice required.

No change or amendment shall become effective until after a public hearing at which parties in interest and citizens shall have had an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the City of Milford. In all cases in which a proposed amendment would change the Zoning Map, notice of the amendment shall be sent by mail to all property owners of record whose property is proposed to be changed by the amendment and all property owners within 200 feet of the proposed change.

§ 230-60. - Fee.

A nonrefundable fee as set forth in § 230-57 shall accompany each application or petition, except for those petitions which have been initiated by the City Council or by the Planning Commission.

CITY OF MILFORD

NOTICE OF PUBLIC HEARING

Planning Commission Hearing: Tuesday, May 14, 2019 @ 7:00 p.m.
City Council Hearing: Tuesday, May 28, 2019 @ 7:00 p.m.

Notice is hereby given that the Planning Commission and City Council will hold Public Hearings to allow interested parties to participate in the discussion and consideration of the following zoning matter:

Ordinance 2019-17

Change of Zone

Growmark FS

Current Zoning: I-2 (General Industrial)

Proposed Zoning: C-3 (Highway Commercial)

Present Use: Vacant Warehouse

Proposed Use: Retail

Size/Location: 1.494 +/- acres of land located along the north side of
NE Front Street at the corner of NE Fourth Street and NW Front Streets

Tax Map & Parcel(s): MD-16-183.10-04-23.00 & 70.00

Whereas, the City of Milford Planning Commission reviewed and made recommendations on Ordinance 2019-15 following a Public Hearing on Tuesday, May 14, 2019; and

Whereas, Milford City Council held a Public Hearing on Tuesday, May 28, 2019 to allow for additional debate and further review of the Zoning Ordinance; and

Whereas, it is deemed in the best interest of the City of Milford to permit the Change of Zone from I-2 (General Industrial) to C-3 (Highway Commercial), as described in the application.

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

Section 1. Following adoption of Ordinance 2019-17, and upon the effective date, the property owned and managed by Growmark FS, located on 1.494 +/- acres of land along the north side of NE Front Street at the corner of NE Fourth Street and NW Front Street, is hereby zoned C-3 Highway Commercial in accordance with Chapter 230 §230-14.

Section 2. Dates.

City Council Introduction: May 13, 2019

Planning Commission Review & Public Hearing: May 14, 2019

City Council Public Hearing: May 28, 2019

Proposed Effective Date: June 7, 2019

Additional information regarding the application and the City of Milford Zoning Code may be obtained by accessing the City website at cityofmilford.com or by calling 302-424-8396.

Advertised:

Milford Beacon 04/17/2019

Readvertised:

Milford Beacon 04/24/2019

CITY OF MILFORD
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the following ordinance is under review by Milford City Council:

ORDINANCE 2019-18
CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 67
VOLUNTEER FIRE COMPANIES

Whereas, an Ordinance is required to rescind Chapter 67 of the Code of the City of Milford; and

Whereas, having changed the provisions in Chapter 67, Volunteer Fire Companies is no longer a suitable title; and

Whereas, the Chapters of the City of Milford Code have been conveniently arranged in alphabetical order to facilitate usage; and

Whereas, in order to preserve the alphabetical progression of the Chapters in the City of Milford Code, it was necessary to strike Chapter 67 and insert a new Chapter, entitled Enhancement Funds, to be placed in its proper order.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Whereas, Chapter 67, entitled Volunteer Fire Companies, is hereby rescinded in its entirety, and available for future use.

~~Chapter 67—VOLUNTEER FIRE COMPANIES~~

~~ARTICLE I—Carlisle Volunteer Fire Company Enhancement Funding Program~~

~~§ 67-1.—Grants authorized.~~

~~The City Council of Milford, Delaware, may award to the Carlisle Volunteer Fire Company annual grants which shall be in addition to all other payments made by the City to them. The grants shall be known as the "Carlisle Fire Company Volunteer Firemen's Enhancement Funding Program."~~

~~§ 67-2.—Annual estimate of available funds.~~

~~On or after August 1 of each year, the Carlisle Volunteer Fire Company shall receive from the City Manager of the City of Milford his estimate of the funds that may be available for grants as a result of the imposition of the surcharge described hereinafter.~~

~~§ 67-3.—Surcharge.~~

~~The Enhancement Funding Program grants shall be funded by means of, and there is hereby imposed, a surcharge of .25% of the construction costs shown in the applications for building permits issued by the City Manager. Said surcharge shall be paid to and collected by the City of Milford as are all other building permit fees.~~

~~§ 67-4.—Rules and regulations.~~

~~The City Manager is hereby authorized to promulgate such rules and regulations as he/she deems necessary for the purpose of giving full force and effect to the provisions of this article.~~

~~§ 67-5.—When effective.~~

~~The collection of the surcharge and the award of grants and all other provisions of this article shall take effect immediately upon its adoption by a majority of all of the members of the City Council.~~

Section 2. Dates.

City Council Introduction: May 13, 2018

City Council Review and Public Comments: May 28, 2019

Proposed Adoption: May 28, 2019

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

A complete copy of the Code of the City of Milford is available by request through the City Clerk's office or by accessing the city website at www.cityofmilford.com.

CITY OF MILFORD
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the following ordinance is under review by Milford City Council:

ORDINANCE 2019-19
CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 26
ENHANCEMENT FUNDS

WHEREAS, in 2004, the City of Milford adopted an ordinance as a means of collecting alternative funds for the Carlisle Fire Company; and

WHEREAS, in order to keep pace with the significant increase in the City's population and growth, and to continue providing exceptional municipal services, there is a need to consider other funding methods; and

WHEREAS, it is only reasonable that new development pays its fair share of the impact and that it should not become a burden on the general taxpayer; and

WHEREAS, City Council finds it appropriate to add a surcharge to building permits, at the time of issuance, as a means of collecting supplemental funds for the Milford Police Department and City of Milford General Government Facilities as a result of new and expanded construction.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

The Code of the City of Milford, is hereby amended by adding a new Chapter 26, entitled Enhancement Funds, to read as follows:

Chapter 26 - ENHANCEMENT FUNDS

26.1 Surcharges Authorized.

Enhancement Funds shall be funded by means of surcharges on the construction costs as indicated on the applications for building permits issued by the City, as outlined in this Chapter. Said surcharges shall be paid to and collected by the City as are all other building permit fees for new construction projects, expansion projects or other building projects that increase building size. Enhancement Fund surcharges shall not be required, billed or collected on permits for residential accessory structures, renovations, replacements or similar work that does not increase the building size.

26.2 Rates

A. Carlisle Fire Company Equipment and Facilities:

- (1) City Council may award to the Carlisle Volunteer Fire Company grants for equipment purchases and facility improvements, which shall be in addition to any other payments provided by the City.
- (2) The grants shall be known as the "Carlisle Fire Company Enhancement Fund."

- (3) On or after August 1st of each year, the City Manager shall provide the Carlisle Volunteer Fire Company an estimate of the funds that may be available for grants as a result of the imposed surcharge described hereinafter.
- (4) The surcharge for the "Carlisle Fire Company Enhancement Fund" shall be billed at the rate of 0.25% in accordance with § 26-1.

B. Police and General Government Facilities

- (1) The surcharge, to be used by City Police and General Government, shall be known as "Police and General Government Facilities Enhancement Fund".
- (2) The surcharge for the "Police and General Government" shall be billed at the rate of 0.75% in accordance with § 26-1.

26.3. Rules and Regulations.

The City Manager is hereby authorized to promulgate such rules and regulations as he/she deems necessary for the purpose of giving full force and effect to the provisions of this article.

Section 2. Dates.

City Council Introduction: May 13, 2018

City Council Review and Public Comments: May 28, 2019

Proposed Adoption: May 28, 2019

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

A complete copy of the Code of the City of Milford is available by request through the City Clerk's office or by accessing the city website at www.cityofmilford.com.