



## **CITY COUNCIL AGENDA**

### **Monday, September 27, 2021**

Per the Declaration of a Public Health Emergency issued by Governor Carney on July 13, 2021 and the virtual meeting provisions as provided in Senate Bill 94, Milford City Council and Committees will be held in a hybrid format, unless otherwise indicated on the agenda. Public Comments are encouraged on the items as noted on the agenda. Virtual attendees may alert the City Clerk that they wish to speak at the appropriate time by submitting their name, address, and agenda item on which they would like to comment via the Zoom Q&A function or by using the Raise Your Hand function during the meeting. All written public comments received prior to the meeting will be read into the record.

*This meeting is also available for viewing by the public by accessing the following link:*

*<https://zoom.us/j/94877121629>*

*Members of the public may also dial in by phone using the following number:*

*Call 301 715 8592 Webinar ID: 948 7712 1629*

**6:00 P.M.**

### **COUNCIL WORKSHOP**

Police Staffing Update

Economic Development Update

ADA Transition Plan Update

**7:00 P.M.**

### **COUNCIL MEETING**

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Recognition

Proclamation 2021-16/National Customer Service Week

Proclamation 2021-17/Dysautonomia Awareness Month

Proclamation 2021-18/Public Power Week

Introduction/New Employees

Recognition/Sr Cpl-US Marshal Warrant Officer TJ Webb

Public Hearings ®

ORDINANCE 2021-19

Amending and Adoption of the 2018 City of Milford Comprehensive Plan

Future Land Use Designation Change

John R. Lynch – New Wharf Road

MD-00-174.00-02-64.01

ORDINANCE 2021-20

Amending and Adoption of the 2018 City of Milford Comprehensive Plan

Future Land Use Designation Change

Joel F. Blessing - Holly Hill Road

MD-00-173.00-02-83.00

ORDINANCE 2021-21

Amending and Adoption of the 2018 City of Milford Comprehensive Plan  
Future Land Use Designation Change  
Blessing/Prisco – Milford Harrington Highway  
MD-00-173.00-02-32.00 & MD-00-173.00-02-32.04

ORDINANCE 2021-22

Amending and Adoption of the 2018 City of Milford Comprehensive Plan  
Future Land Use Designation Change  
R&C Fry Farm – Milford-Harrington Highway & Canterbury Road  
MD-16-173.00-01-01.00 & MD-00-173.00-01-49.00

ORDINANCE 2021-15

Legal Owner R&C Fry Farms, LP on behalf of Equitable Owner City of Milford for a Change of Zone from R-3  
Garden Apartment/Townhouse) & C-3 (Highway Commercial) to I-1 (Limited Industrial) and B-P (Business  
Park) on 182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury  
Road.  
Present Use Vacant Land; Proposed Use Industrial Park-Corporate Center  
Tax Map & Parcel MD-16-173.00-01-01.00

ORDINANCE 2021-13

Jaasiel, LLC  
0.304 +/- acres of land located at the northwest corner of the NE Front Street and East Street intersection  
Address: 115 NE Front Street Application Type: Conditional Use  
Comprehensive Plan Designation: Commercial Zoning District: C-2 (Central Business District)  
Present Use Single-Occupancy Retail;  
Proposed Use Mixed Use – (3) Commercial Tenant Spaces and (10) Apartments  
Tax Parcel: MD-16-183.10-03-68.00

Communication & Correspondence

Unfinished Business

New Business

Agreement Approval/Sprint Spectrum LLC/Washington Water Tower  
Award/Project Manager/City ERP project

Executive Session

Motion to Recess into Executive Session

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an  
attorney-at-law, with respect to collective bargaining or pending or potential litigation

Return to Open Session

Potential Vote/Ratification/Police Teamsters Contract

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.



The background of the image is a stylized American flag with a dark blue field containing white stars and alternating red and white horizontal stripes. The flag is slightly wavy, giving it a sense of movement. The text is overlaid on this background in a white, gothic-style font.

# The Pledge of Allegiance

I pledge allegiance to the flag  
of the United States of America,  
and to the republic for which it stands,  
one nation under God,  
indivisible, with liberty and justice for all.



MARK A. WHITFIELD, CITY MANAGER  
201 South Walnut Street  
Milford, DE 19963

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To: Mayor and City Council  
From: Mark Whitfield, City Manager  
Subject: Police Recruitment and Retention  
Date: September 24, 2021 (REVISED 9/27/21)

The Mayor, Chief Brown, Jamesha Williams and I met on September 15 to discuss several options with regard to police recruitment and retention. Several items discussed are captured below, with detailed information added since the meeting. The information will be reviewed at the September 27 Council meeting to obtain feedback from Council on a direction to proceed.

### **Turnover**

The HR Administrator evaluated police personnel turnover over the past three years (January 2018 – present). During the time period, nine officers left City employment and two officers are pending departure. Of the 11 total officers that have left or are leaving:

- 4 were voluntary (all went to other agencies 12/20/2018, 4/1/2021, 7/27/2021, and 10/3/2021),
- 2 were involuntary (terminations 10/12/2018 & 9/9/2019), and
- 5 were retirees (3/10/2018, 1/30/2020, 6/30/2021, 8/6/2021, and 12/31/2021).

Presently, there are no vacancies, but there is a pending vacancy on 10/3/2021, and a pending retirement on 12/31/2021 which will create another vacancy.

### **Retirements**

Presently, six (6) officers are retirement eligible. Additionally, three (3) officers will be retirement eligible within the next year.

### **Complete a Staffing Analysis using Outside Consultant**

Much like the staffing analysis done for City Administration two years ago, a staffing analysis could be completed for the Police Department. A staffing analysis can be used to:

- make adjustments in staffing levels as well as job classifications.
- assist in developing a comprehensive understanding of the department and its staffing, operations, organization and workload, including an analysis of current management techniques.
- identify opportunities for improvement based on best practices.
- identify/project appropriate staffing levels, personnel needs.
- evaluate present ranks, including the number of personnel needed in each rank. Lack of upward movement was noted by a number of officers as the reason for leaving. In comparison, Milford has 5 ranks (Patrolman, Patrolman First Class, Corporal, Senior Corporal and Sergeant. Other similar agencies include one or more of the following additional ranks: Senior Patrolman, Master Corporal, Master Sergeant and Senior Sergeant.
- evaluate the existing separation of IT, human resources, social media and marketing. Presently, the City administration and Police Department have duplicate services in those areas, and an evaluation of unifying those services could be provided.

Staff estimates the cost of the staffing study to be about \$29,000.

### **Implementation of Third Party Exit and Stay Interviews for Police Officers**

Conducting exit and stay interviews can help the City of Milford Police Department determine what employees need to stay satisfied and productive, preventing dissatisfaction and turnover. Exit interviews are designed to gather insight and suggestions after an employee has elected to leave; whereas stay interviews are conducted to help avoid unexpected or undesired employee turnover. Using a third party will provide a non-bias approach for information gathering.

### **Take Home Vehicles**

In our area, the largest agency with take home vehicles is Laurel with 19 officers. The agencies with unions that also have take home vehicles include Camden, Laurel, and Selbyville. All other agencies are non-union. Selbyville and South Bethany have take home vehicles for officers that live within a particular distance of the station/jurisdiction.

The initial purchase of take home vehicles would be eligible under the American Rescue Plan Act. The on-going maintenance, insurance and depreciation expense would result in a \$0.005 tax increase. (See attached information from the Finance Director).

Obtaining vehicles at the present time is problematic due to the chip shortage. Therefore, initiating a take home vehicle program will take time and cannot be implemented immediately.

### **Sign-on Bonuses**

Only three agencies (Dewey Beach, Laurel, Middletown) have sign on bonuses. Middletown noted that the bonus is dependent upon rank certification, and also noted that the sign-on bonus did not increase the number of applicants. Laurel's bonus varied depending upon years of experience as a certified officer, and the officer was required to sign a contract committing to two years of service.

### **Starting Wages**

The City's starting wage is competitive with other agencies across the state. The proposed wage for 2021 (still under negotiations with the Teamsters) is \$52,000. Below are the starting wages for agencies in our area:

Georgetown	\$	51,500
Seaford	\$	49,816
Lewes	\$	49,075
Smyrna	\$	50,608
Dover	\$	52,210
Milford	\$	52,000

Cc: Kenneth Brown, Police Chief  
Terri Hudson, City Clerk  
Louis Vitola, Finance Director  
Jamesha Williams, HR Administrator

Date: September 22, 2021  
To: Mayor and City Council  
Through: Mark A. Whitfield, City Manager  
From: Louis C. Vitola, Finance Director  
Re: American Rescue Plan Act of 2021 (ARPA) Eligibility Update

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Chief Brown approached us separately inquiring whether the purchase of assigned vehicles for Milford patrol officers would qualify for ARPA funding, arguing that the ongoing use of the City's existing fleet of pooled vehicles presents risks to the City's police officers, other City employees, and the public through equipment sharing and human contact. Specifically, at shift turnovers, officers exiting shared vehicles may unknowingly contaminate interior vehicle surfaces and equipment, presenting a risk of infection to the incoming officers. Further, again at shift turnover, the incoming and outgoing officers physically occupy locker and changing facilities simultaneously, which presents health risks. The investment in a fleet of assigned vehicles would prevent vehicle and equipment sharing and would sharply reduce, if not eliminate, the twice-daily instances of close contact during shift changes. Indeed, the police department and dispatch personnel were among the divisions of City employees most severely impacted by COVID infections, which impacted public safety operations and threatened the health and wellbeing of Milford employees and residents.

The US Treasury (UST) is responsible for the promulgation of ARPA restrictions and funding eligibility guidance. UST has put forth guidance in the form of the Interim Final Rule, effective May 17, 2021 (the "Rule")<sup>1</sup>, and in the form of responses to Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions through July 19, 2021 (the "FAQ")<sup>2</sup>.

The Chief's question can be answered affirmatively - yes, ARPA funding may be used to support the initial investment to expand the fleet - based on the following walk-through of the Rule and the FAQ:

1. ARPA funding may be used "to respond to the public health emergency with respect to COVID-19 or its negative economic impacts" and "...to assess whether a program or service is included in...eligible uses...consider whether and how the use would respond to the COVID-19 public health emergency." Finally, such assessment must "...first, identify a need or negative impact of the...emergency and, second, identify how the program...addresses the identified impact."<sup>3</sup>
  - The police department and all civilian employees housed at police headquarters face an increased health risk due to the critical nature of public safety work; patrol officers and other sworn officers are classified as essential personnel<sup>4</sup> and must continue to respond to calls throughout the pandemic, which in turn jeopardizes the health of coworkers, other employees and the public.
  - The assigned vehicle program would respond to the department's specific health emergency by sharply reducing the risk of infection through shared vehicles, equipment and locker facilities.

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<sup>1</sup> <https://www.govinfo.gov/content/pkg/FR-2021-05-17/pdf/2021-10283.pdf>

<sup>2</sup> <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

<sup>3</sup> Interim Final Rule, May 17, 2021, p. 26788 (p. 3 of 39 of linked file in note 1), Paragraph II-A

<sup>4</sup> Interim Final Rule, May 17, 2021, p. 26820 (p. 35 of 39 of linked file in note 1), Part 35, Subpart A, §35.3 Definitions

2. In communities where...increased difficulty in accessing or providing services to respond to or mitigate the effects of violence is a result of the pandemic, [cities] may use funds to address that harm. This spending may include...investing in technology and equipment to allow law enforcement to more efficiently and effectively respond...<sup>5</sup>
- The City of Milford has faced increased difficulty in providing services to respond to calls due to the impact the pandemic has had on staffing levels, both directly in the form of COVID-19 outbreaks among sworn officers and dispatchers, and indirectly in the form of the impact the pandemic has had on employment levels in general.
  - The assigned vehicle program involves an investment in technology and equipment that would permit Milford's officers to more efficiently respond through the avoidance of lost time at shift changeover associated with vehicle disinfection, vehicle walkthrough and signoff, uniform changing, etc.

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<sup>5</sup> FAQ 4.8, p. 22, paragraph 2



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To: Mark Whitfield, City Manager  
 From: Louis C. Vitola, Finance Director  
 Date: September 23, 2021  
 Re: Update to April 2021 Analysis of Pooled vs Assigned Patrol Vehicles

### Executive Summary

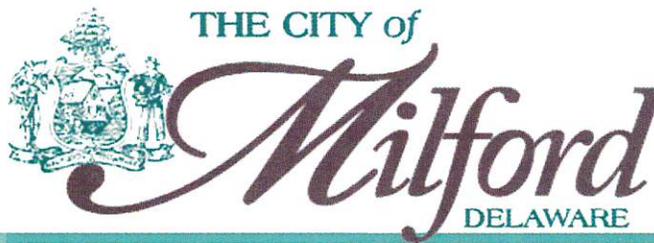
An update to the April 2021 analysis of pooled vs assigned patrol vehicles reveals that one-time cost avoidance achieved using ARPA funding to expand the fleet in year one of the assigned patrol vehicle program would not be great enough to achieve long-term savings or avoid a tax increase. While the economics are improved versus the initial analysis, the assigned vehicle program would still require a property tax increase of \$0.005 per \$100 of assessed value (AV).

### Analysis

The April 2021 review of incremental costs net of operational savings over a 40-year period (enclosed) concluded that a transition from the current pooled patrol vehicle system to an assigned vehicle program would result in additional costs of approximately \$3.5 million and require a property tax increase of \$0.009 per \$100 of assessed value. Since then, guidelines for eligible uses of funding through the American Rescue Plan Act of 2021 (ARPA) were released. I believe that the purchase of police vehicles in the context of an assigned patrol vehicle program implementation is eligible for ARPA funding as outlined in the memo dated September 22, 2021, also enclosed. However, the savings achieved by applying ARPA funding to the initial vehicle purchases avoids assigned vehicle program costs in only the first year of the program. This update of the initial 40-year analysis was required to determine whether a net savings can be achieved in the long-run to avoid a property tax increase. The updated analysis advanced the purchase of all 15 new vehicles into the first year of the program at a cost of \$1 million, offset completely by ARPA funding for a net zero initial investment. Aside from updating the tax data for consistency with the FY22 tax rate and taxable assessment, all other variables and assumptions remained constant for comparability. The updated analysis confirmed that the use of ARPA funding in year one, while improving the overall economics of the assigned vehicle proposal, falls short of generating the net savings required to eliminate a tax increase. The required tax increase would fall from \$0.009 to \$0.005 per \$100 of assessed values (AV). However, the updated analysis ignores the opportunity cost associated with the consumption of the ARPA funding on a new initiative versus an existing initiative, which impairs the City's ability to apply ARPA funding strategically to suppress property tax rate increases for two years and prolong the life of general fund and utility fund reserves. In other words, the revised tax increase should be interpreted as "at least \$0.005" per \$100 of AV.

### Summary of Analysis

	Net Total	Property Tax Increase	Notes
<b>Additional Costs for Assigned Fleet Net of all Operational Savings (40-yr Analysis)</b>	\$ 1,895,595		The net additional costs of \$1.9 million do not support the transition to assigned vehicles. "Hard cost" increases of \$11.6 million were offset by \$8.4 million in savings, resulting in \$3.2 million in additional costs, which are mitigated by an assumed level of \$1.3 million in turnover-related "soft" savings, netting the total cost increases at \$1.9 million, excluding the savings potential of the reduced building size (though the trade-off in building scope is no longer anticipated regardless).
<b>Average Annual Cost</b>	\$ 47,390	\$ 0.005	This is an unfunded cost of the general fund, which has been operating at a deficit and which is forecast to deplete its reserves. Therefore, the assigned vehicle program funding would require a property tax increase equivalent to the average annual costs of the program, or about \$0.005 per \$100 of AV. While improved from the initial analysis due to the application of \$1 million in ARPA funding, a net positive long-run cost persists. Further, the use of ARPA for a new program represents an opportunity cost of applying ARPA funding elsewhere, resulting in the City's forfeiture of property tax suppression and acceleration of general fund reserve depletion.



To: Mark Whitfield, City Manager  
From: Louis C. Vitola, Finance Director  
Date: April 8, 2021  
Re: Analysis of Cost Impact of Transition from Pooled to Assigned Patrol Vehicles

Executive Summary

A review of incremental costs net of operational savings over a 40-year period concludes that a transition from the current pooled patrol vehicle system to an assigned vehicle program would result in additional costs of approximately \$3.5 million and require a property tax increase of \$0.009 per \$100 of assessed value. Reducing the scope of the planned police facility would avoid nearly \$0.8 million in construction and financing costs over 40 years, but such savings are not sufficient to offset the incremental costs, and a property tax increase of \$0.007 per \$100 of assessed value would still be required to support the additional costs of the initiative.

Summary of Analysis

	Net Total	Property Tax Increase	Notes
<b>A</b> Additional Costs for Assigned Fleet Net of all Operational Savings (40-yr Analysis)	\$ 3,516,505		The net additional costs of \$3.5 million (and NPV of \$2.1 million, which expresses the costs net of savings on an "apples to apples" basis), do not support the transition to assigned vehicles. "Hard cost" increases of \$13.2 million were offset by \$8.4 million in savings, resulting in \$4.8 million in additional costs, which are mitigated by an assumed level of \$1.3 million in turnover-related "soft" savings, netting the total cost increases at \$3.5 million, excluding the savings potential of the reduced building size.
Average Annual Cost	\$ 87,913	\$ 0.009	This is an unfunded cost of the general fund, which has been operating at a deficit and which is forecast to deplete its reserves. Therefore, the assigned vehicle program funding would require a property tax increase equivalent to the average annual costs of the program, or about \$0.009 per \$100 of AV.
<b>B</b> Potential Building Savings (40-yr Analysis)	\$ (758,368)		The potential building savings of \$510,000 would also save interest costs over and above the avoided construction costs over the financing term of 40 years.
Average Annual Cost	\$ (18,959)	\$ (0.002)	The property tax equivalent savings attributable to the avoided construction costs equals \$0.002.
<b>A - B</b> Additional Costs for Assigned Fleet Net of all Operational Savings and Net of Building Savings	\$ 2,758,137		If the building scope is reduced, the savings fall short of mitigating the net cost increase required to transition from pooled vehicles to assigned vehicles.
Average Annual Cost	\$ 68,953	\$ 0.007	The net property tax increase required to support the assigned vehicle program is \$0.007 per \$100 of AV

Property Tax Implications (from row A above)

Assessed Value	Annual/Monthly Impact	Assessed Value	Annual/Monthly Impact	Assessed Value	Annual/Monthly Impact
\$ 150,000	\$ 14 / \$ 1	\$ 250,000	\$ 24 / \$ 2	\$ 400,000	\$ 38 / \$ 3
\$ 200,000	\$ 19 / \$ 2	\$ 300,000	\$ 28 / \$ 2	\$ 500,000	\$ 47 / \$ 4

**POLICE DEPARTMENT TURNOVER-1/1/2018-PRESENT**

<u>EE</u>	<u>DOH</u>	<u>TERM</u>	<u>RANK</u>	<u>REASON</u>	<u>POLICE DEPARTMENT</u>	<u>RESIDENCE</u>
<b>1</b>	<b>10/19/2015</b>	<b>12/20/2018</b>	<b>CPL</b>	<b><u>Voluntary</u></b>	<b><i>New Castle City, now at New Castle County</i></b>	<b><i>Middletown</i></b>
2	8/1/2017	10/12/2018	PTL	Closed Litigation	N/A	
3	8/20/2018	9/9/2019	PTL	Involuntary Termination (Pr	N/A	
4	1/17/2017	3/10/2018	PFC	Retirement	N/A	
5**	6/15/1998	1/30/2020	SSG	Retirement	Working in a new position as a Lieutenant	
<b>6</b>	<b>12/4/2017</b>	<b>4/1/2021</b>	<b>PFC</b>	<b><u>Voluntary</u></b>	<b><i>New Castle County</i></b>	<b><i>Millsboro</i></b>
7**	12/22/2003	6/30/2021	SSG	Retirement	Working a casual/seasonal job with the State	
<b>8</b>	<b>3/14/2016</b>	<b>7/27/2021</b>	<b>SR CPL</b>	<b><u>Voluntary</u></b>	<b><i>Delaware Natural Resources (DNREC)</i></b>	<b><i>Milton</i></b>
9	7/28/2000	8/6/2021	SSG	Retirement	New job status was not provided	
10	8/18/1989	12/31/2021	CPT	Retirement	N/A	
<b>11</b>	<b>9/12/2016</b>	<b>10/3/2021</b>	<b>CPL</b>	<b><u>Voluntary</u></b>	<b><i>Milton</i></b>	<b><i>Millsboro</i></b>

\*\*Notes: EE did not have 20 years of service. EE purchased years of service with the Pension Office using their 457b funds to meet eligibility.

Town/City	Population	Operating Budget	Police Cost Per Capita	Number of Officers		Officers per 1000 Capita	Take Home Vehicles	Sign On Bonus	Residency Requirement	Comments Take Home Vehicles
				Union	Non Union					
Bethany Beach	854	\$1,900,000	\$2,225	0	10	11.71	X			
Bridgeville	2048	\$700,850	\$342	0	8	3.91	X			
Camden	3484	N/A	N/A	9	0	2.58	X			
Clayton	3282	\$1,176,562	\$358	0	10	3.05	X			
Dewey Beach	332	\$1,644,490	\$4,953	0	10FT/8PT	43.47	X	\$2,000		
Dover	37523	\$14,800,000	\$394	104	2	2.82			*	Lieutenant and Captain
Felton	1355	\$521,520	\$385	0	4	2.95				
Fenwick Island	505	\$838,384	\$1,660	0	7	13.86	X			Chief, Lieutenant. All other officers when on duty
Frankford	867	\$116,326.00	\$134	0	1FT/1PT	2.01				Chief
Greenwood	1225	\$420,763.00	\$343	0	3	2.45	X		30 miles max	
Harrington	3652	\$1,333,959	\$365	8	4	3.29	X			
Laurel	4179	\$1,998,368	\$478	17	2	4.55	X	\$3000 - \$10,000		
Lewes	3198	\$1,661,200	\$519	15	2	5.32				Chief, Lieutenant, Detective
Middletown	21692	\$6,265,521	\$289	37	1	1.75		\$7000 - \$10,000		In-State Lieutenants, Captain, Chief, K9, Detective
Milford	11111	\$5,800,000	\$522	32	5	3.33				Chief, Lieutenant, Captain, Detective, K9 Only
Millsboro	4342	\$2,000,000	\$461	14	3	3.92			Within Sussex	Sergeant or above, Dectective
Milton	2893	\$1,000,000	\$346	0	8	2.77	X			
Newark	33448	\$16,418,866	\$491	69	3	2.15				Chief of Police, Command Staff and on-call detective
Ocean View	2272	\$1,900,000	\$836	0	12	5.28	X			
Rehoboth	1400	\$3,100,000	\$2,214	16	3	13.57				Chief, Lieutenants, and detective only
Seaford	7715	\$3,859,903	\$500	27	2	3.76				
Selbyville	2444	\$1,269,463	\$519	8FT/6PT	0	4.50	x			Must live within 18 miles of jurisdiction for take home car
Smyrna	11484	\$6,116,967	\$533	18	6	2.09			45 min max	Chief, 3 Lieutenants, and 2 detectives only
South Bethany	426	\$685,972	\$1,610	0	7	16.43	X			Must live within 30 miles of town hall for take home car
Wyoming	1381	\$300,000	\$217	0	2	1.45	X			

\* - \$1000 bonus for officers living within City

NOTE: Cheswold, Dagsboro, Ellendale and Frederica did not respond. Delaware City is in the process of creating a police force.

TOWN/CITY	HIRING INCENTIVE	COMMENTS
Dewey Beach**	\$2,000	
Dover**	No	
Georgetown**	No	
Laurel**	Yes	2-4 yrs COPT - \$3,000; 5-9yrs COPT - \$5,000; 10 plus yrs COPT - \$10,000. There are terms that are in place, and officer must sign contract committing to a m
Lewes**	No	
Middletown**	Not a standard practice	A sign-on bonus between \$7,000-\$10,000 was provided to some applicants based on the certified officer's rank and experience. This incentive did not incre.
Milford**	No	
Newark**	No	
Rehoboth**	No	
Seaford**	No	
Selbyville**	No	
Smyrna**	No	

\*\*Confirmed 9/17/2021



# Economic Development & Community Engagement Update

Sara M. Pletcher

City of Milford

Economic Development & Community Engagement Administrator

September 27, 2021

# Economic Development - confirmed

- Euphoric Herbals expanding warehouse in Business Park
  - Bayside Gymnastics opening in Riverwalk Plaza
  - Esthetician opening in new construction multi-use building on N. Washington St.
  - Large grocery store chain leasing warehouse space for home delivery
- 6 ribbon cuttings
    - La Vaquita Butcher Shop
    - Village Café
    - GlassHowes
    - Cookie's Paper Petals
    - Euphoric Herbals Apothecary
    - Next Level Nutrition



# Economic Development – promising

- Henlopen Sea Salt looking for production space
- Chef Bill Clifton interested in opening a restaurant in Downtown Milford
- UD DATI Office looking at Milford Wellness Village
- Food Bank looking to split up operation during construction
- Axe throwing company eyeing Milford for brick & mortar
- Retail developer interested in Milford commercial zones
- Site Readiness Funds



# Business Resources

- Monthly e-newsletter
- Milford Advantages flyer
- Signed contract with Accrisoft for economic development-specific website – [growinmilford.com](http://growinmilford.com)
- Building inventory knowledge
- Connected to county & state tourism & economic development groups
  - DPP, KEP, Chamber Task Force, Kent County Tourism, SEDAC
- New employee orientation presentations
- DEMEC & UD Trainings
- Key Account Program Manager





THE CITY of

# Milford

DELAWARE



2018 Village of the Year

River Town • Art Town • Home Town • Business Town

## Milford Advantages

Milford's proximity to the Delaware beaches and designation as a Downtown Development District (DDD) has enabled the City to experience exponential growth in economic development and housing stock. Additionally, the City is nestled between Route 1 and Route 113 making it an attractive location for industries, and businesses serving Pennsylvania, New Jersey, New York, Maryland and Virginia.

### Downtown Development District

- Up to 20% State DDD Rebate on Qualified Real Property Investments
- Includes State of Delaware Historic Preservation Tax Credit Program
- Waiver of sewer, water and electric impact fees
- Waiver of building permit fee and other associated City fees
- Tax Abatement
- Realty Transfer tax waiver for first-time homebuyers
- Land Installment Contract

### Efficiency Smart

The City of Milford, in partnership with the Delaware Municipal Electric Corporation (DEMEC), offers Efficiency Smart to help its businesses reduce their energy use and save money. Whether you rent or own your building, Efficiency Smart can help your business save energy and money through energy efficiency improvements. You can receive incentives on many energy efficiency improvements, such as:

- Lighting and lighting controls
- Refrigeration
- HVAC
- Compressed air systems
- Motor controls

### Downtown Milford, Inc. Business Resources

- Business must be within Downtown Milford, Inc.'s program boundaries
  - Small Business Loan
  - Five for Free Paint Grant Program
  - Sign, Awning & Facade Enhancement Matching Grant Program
- [www.downtownmilford.org/business-resources](http://www.downtownmilford.org/business-resources)

### Opportunity Zone

Opportunity Zones are an economic development tool designed as revitalization programs in economically-distressed communities in Delaware and in other communities by providing tax benefits to investors.

Governor John Carney selected the Kent County side of Milford as Opportunity Zone in April 2018. These Opportunity Zones are designated by the U.S. Department of the Treasury.

### Specific Economic Development Incentive Programs

The City of Milford offers three Specific Economic Development Incentive Programs (SEDIP):

- Greater Milford Business Complex Incentive Program
- Downtown Development District Incentive Program
- Citywide Job Creation and Capital Investment Program

Incentive options may be made available for any SEDIP offered such as impact fee waivers or reduction, permit and fee waivers or reduction, installment land contract and tax abatements.

### Contact

Sara M. Pletcher  
Economic Development & Community Engagement  
Administrator  
spletcher@milford-de.gov  
O: 302.725.2068  
C: 302.519.6767



THE CITY of

# Milford

DELAWARE

River Town • Art Town • Home Town • Business Town

## Apply for a RUN-DE Loan Today!

Rise Up Now Delaware (RUN-DE) is a revolving loan fund available that provides additional access to capital for Delaware-based small businesses with 2-99 full-time employees and a demonstrated annual revenue of at least \$12,500 prior to March 13, 2020.



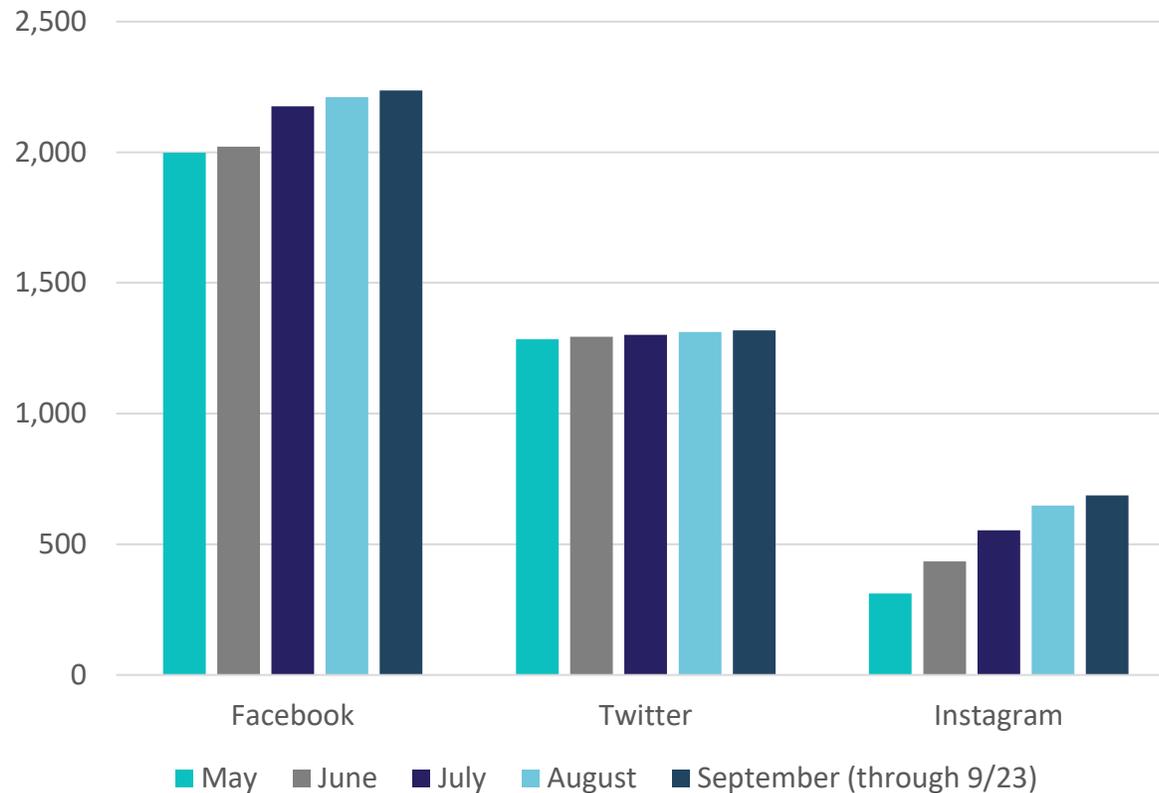
- Eligible businesses must meet all of the following criteria:
- Business was cash flow positive prior to March 13, 2020 with annual revenue equal to or greater than \$12,500
  - Business employed 2-99 full-time employees prior to March 13, 2020
  - Business can demonstrate future viability and commitment to hiring and/or creating full-time, permanent jobs
  - Business can clearly articulate an eligible proposed use of any awarded RUN-DE Loan proceeds
  - Business certifies that they have been unsuccessful in obtaining capital through traditional lending





# Social Media/Website

## City of Milford Social Growth



## Website Visits



## Other City social channels:

- NextDoor
- LinkedIn
- YouTube
- P&R Facebook page





Questions?

## Overview of ADA Transition Plan Progress

September 27<sup>th</sup>, 2021

In Fall of 2020, Disability Access Consultants, LLC (DAC) was contracted to conduct a comprehensive review of City programs, services, activities, policies, buildings, parks, accessible on-street parking and public rights-of-way. These findings, along with a review of accessibility to the City's programs and activities will form to serve as the impetus to build the City of Milford's ADA Transition Plan.

As the project was kicked off in early Spring of 2021, in order to glean a baseline of program readiness and awareness, surveys were taken from both the Public (Individuals and Organizations) and Employees of the City of Milford.

Collecting and compiling the public and employee surveys, tabulating the physical property reviews, and evaluating public access to programs and activities along with effectiveness of the media that supports this access, DAC completed their first draft of the ADA Transition Plan for the City of Milford. This draft will be made available for public review and comment on October 15<sup>th</sup>, 2021 through the City's website and by reference in the City's established social media outlets for a period of 45 days.

The draft Transition document that will be publicly advertised, soliciting input for the ADA Transition Plan beginning on October 15<sup>th</sup>, 2021 includes the following elements:

1. A review of all physical attributes in the City's Rights of Way and Buildings, along with a review of access (physical and virtual) - by persons with disabilities - to programs and activities that occur in the City's facilities;
2. A detailed outline of the methods to be utilized to remove these barriers and make the facilities buildings and programs accessible.
3. A schedule for taking the necessary steps to achieve compliance with Title II of the ADA and the interim steps that will be taken during each year of the transition period.
4. The formal identification of the designated person (s) responsible for the plan's implementation (usually referred to as the ADA Coordinator and/or ADA/504 Coordinator).

After the public comment period has concluded at end of business day on Tuesday, November 30, 2021, input and changes received during the comment period will be taken into consideration and ultimately incorporated into the transition plan which will be finalized and published for public review at any time via the City's website or in person at City Hall. Each forthcoming year and on an ongoing basis, after conclusion and Council ratification of the annual budget process, the Transition Plan document will be updated to record the level of completion of those activities that had been specifically planned for the previous year along with additions to the Plan to be achieved for the forthcoming year. The additions for the forthcoming year will then be made available for Public input and comment for a period of 30 days. After the comment period, input received will be considered and where appropriate included in the next year's Transition Plan document. This final document will then serve as the annual Transition Plan manifest for the remainder of that budget year.

# City of Milford



## PROCLAMATION 2021-16 NATIONAL CUSTOMER SERVICE WEEK

WHEREAS, National Customer Service Week was first championed by the International Customer Service Association in 1984, proclaimed a National Event by Congress in 1992, and is now celebrated the first full week of October every year; and

WHEREAS, Customer Service Professionals work the front lines and are often the first to meet new customers and make a positive impact on behalf of the City; and

WHEREAS, Through the use of responsive policies and procedures, and by demonstrating simple courtesy, Customer Service Professionals go a long way toward ensuring customer satisfaction; and

WHEREAS, Having the passion to serve Milford's customers by supporting the City's efforts to deliver safe and reliable power, clean drinking water, sanitary wastewater and solid waste collection and disposal by maintaining a positive attitude when facing adversity, are personal goals of every Customer Service Professional in the City of Milford; and

WHEREAS, We celebrate National Customer Service Week to recognize the phenomenal job that our Customer Service Professionals do fifty-two weeks a year and because they understand their significance to the City of Milford; and

WHEREAS, The theme of this year's National Customer Service Week is "The Power of Service" to recognize the difference our customer service professionals made in the lives of the people they serve by overcoming the operational challenges presented by the COVID-19 pandemic, and especially by becoming that reassuring and comforting voice to customers facing adversity, and

WHEREAS, We applaud the value of the friendly, face-to-face, personal service our Customer Service Professionals eagerly provide to residents, property owners, businesses, and industries within our City by constantly looking for ways to assist and improve.

NOW, THEREFORE, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim October 4-8, 2021 to be National Customer Service Week in the City of Milford.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Milford to be affixed this 27<sup>th</sup> day of September 2021.

Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson

# City of Milford



## PROCLAMATION 2021-18

### PUBLIC POWER WEEK

WHEREAS, we, the citizens of the City of Milford, place high value on local choice over community services and therefore have chosen to operate a community-owned, not-for-profit electric utility and, as customers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, the City of Milford Electric Division provides our homes, businesses, schools, and social service and local government agencies with reliable, efficient, and safe electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, the Electric Division is a valuable community asset that contributes to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, the Electric Division is dependable and trustworthy whose local operation provides many consumer protections and continues to make our community a better place to live and work, and contributes to protecting the global environment.

NOW, THEREFORE, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the week of October 3-9, 2021, be designated Public Power Week to recognize the Electric Division for its contributions to the community and to educate consumer-owners, policy makers, and employees on the benefits of public power; and

BE IT FURTHER RESOLVED: that the City of Milford Electric Division will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since the utility was created to serve all residents of the City of Milford; and

BE IT FURTHER RESOLVED: that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power and the best practices for consumers, business, the community, and the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Milford to be affixed this 27th day of September 2021.

---

Mayor Arthur J. Campbell

Attest:

---

City Clerk Teresa K. Hudson

# City of Milford



## PROCLAMATION 2021-17 DYSAUTONOMIA AWARENESS MONTH

- WHEREAS, Dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for "automatic" bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control and more;
- WHEREAS, Dysautonomia impacts over 70 million people around the world, and includes conditions such as Diabetic Autonomic Neuropathy, Vasovagal Syncope, Pure Autonomic Failure, and Postural Orthostatic Tachycardia Syndrome;
- WHEREAS, Dysautonomia impacts people of any age, gender, race or background, including many individuals living in the City of Milford, Delaware;
- WHEREAS, Dysautonomia can be very disabling and this disability can result in social isolation, stress on the families of those impacted, and financial hardship;
- WHEREAS, Some forms of Dysautonomia can result in death, causing tremendous pain and suffering for those impacted and their loved ones;
- WHEREAS, Increased awareness about Dysautonomia will help patients get diagnosed and treated earlier, save lives, and foster support for individuals and families coping with Dysautonomia in our community;
- WHEREAS, Dysautonomia International, a 501(c)(3) nonprofit organization that advocates on behalf of patients living with Dysautonomia, encourages communities to celebrate Dysautonomia Awareness Month each October around the world;
- WHEREAS, We seek to recognize the contributions of medical professionals, patients and family members who are working to educate our citizenry about Dysautonomia in the City of Milford.
- NOW, THEREFORE, BE IT RESOLVED, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the month of October 2021 to be Dysautonomia Awareness Month in the City of Milford.
- IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Milford to be affixed this 27<sup>th</sup> day of September 2021.

---

Mayor Arthur J. Campbell

Attest:

---

City Clerk Teresa K. Hudson

**CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS**

Planning Commission Hearing: Tuesday, September 21, 2021 @ 7:00 PM

City Council Hearing: Monday, September 27, 2021 @ 7:00 PM

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, September 21, 2021 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 27, 2021 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2021-19**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
JOHN R. LYNCH - NEW WHARF ROAD  
MD-00-174.00-02-64.01  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702 Comprehensive Development Plan of the Delaware Code, the City of Milford adopted Ordinance 2017-24 the '2018 Comprehensive Plan' on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, during a PLUS review on June 23, 2021, the Planning Director prepared and consulted with the Office of State Planning the ninth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use, which will permit the future land use designation of one property to an alternate future land use designation; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the ninth 2018 Comprehensive Plan amendment on September 21, 2021 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the ninth amendment of the 2018 Comprehensive Plan on September 27, 2021 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted September 27, 2021 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on October 7, 2021.

Planning Commission Review & Public Hearing: September 21, 2021

City Council Introduction: September 13, 2021

City Council Review & Public Hearing: September 27, 2021

Adoption: September 27, 2021

Effective: October 7, 2021

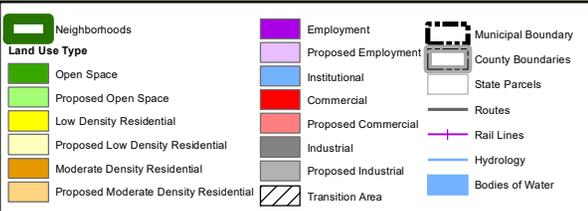
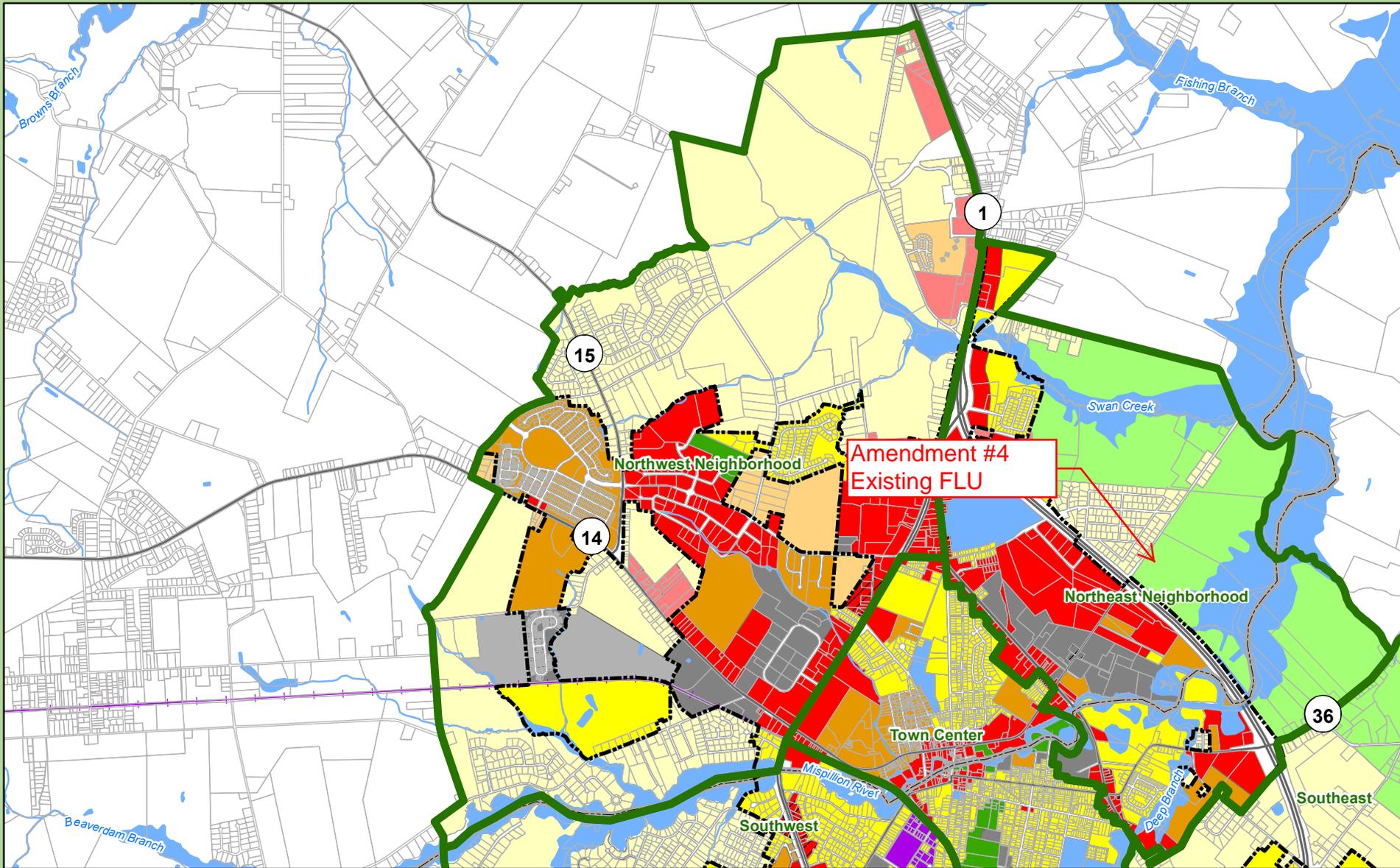
**SYNOPSIS:**

John R. Lynch, New Wharf Road, Tax Parcel MD-00-174.00-02-64.01; change in future land use designation from open space to low density residential.

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

082021

*Published: Beacon 08/25/21*

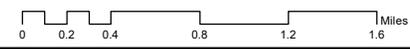


## City of Milford, Delaware

### Future Land Use

#### Northwest Neighborhood

Adopted Jan. 22, 2018, Certified TBD

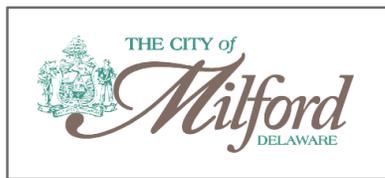
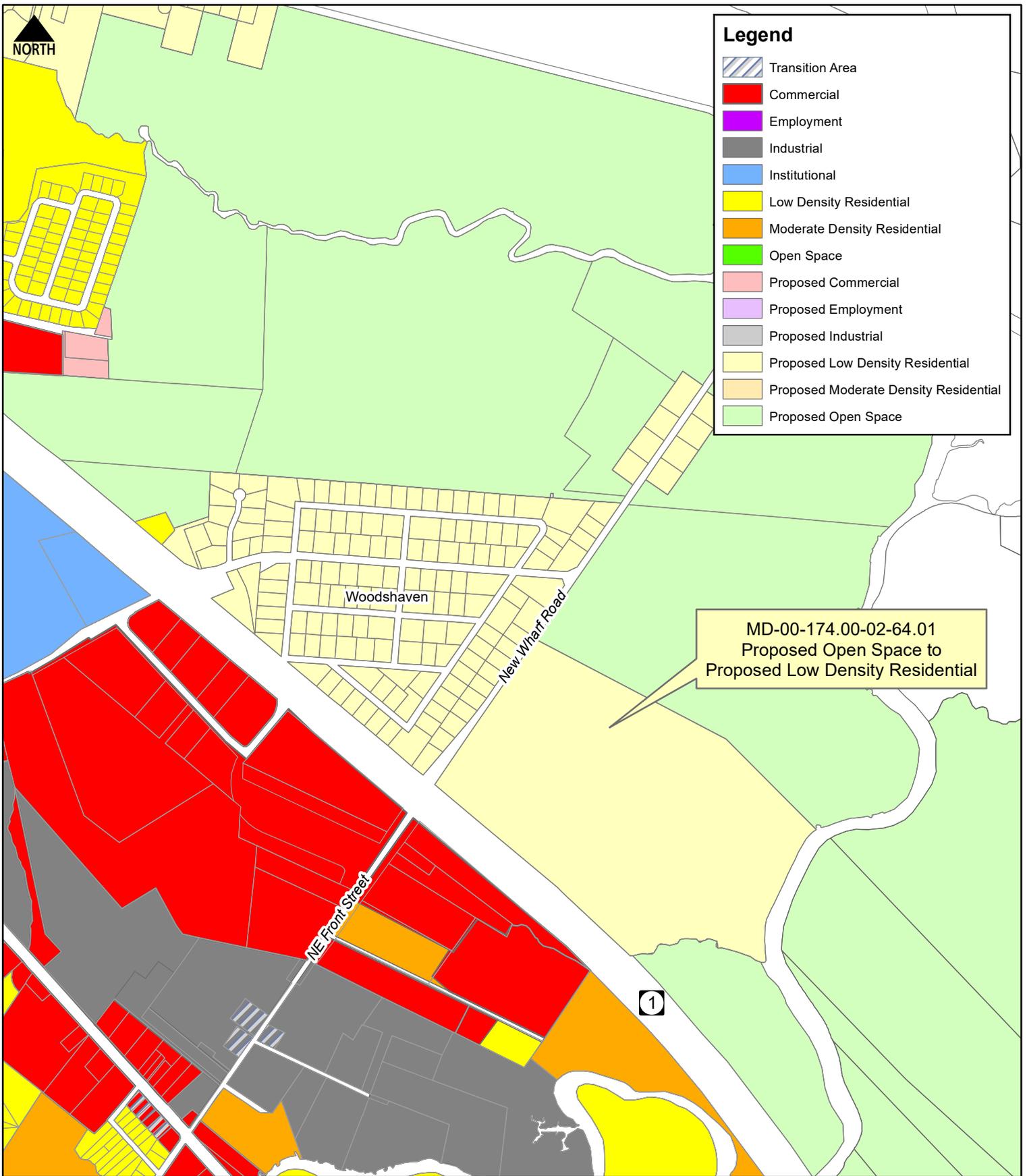


Sources:  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.  
 DRAFT Future Landuse - City of Milford, Delaware 01/18.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.  
 Hydrology - USGS and EPA, FirstMap 01/18.

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Scale: 0 500 1,000 Feet

Drawn by: WRP Date: 05/19/21

Title: Exhibit D  
2021 Comprehensive Plan Amendment  
Future Land Use Map

Filepath: 2021\_CompPlanAmendment\_ExhibitD

CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS  
Planning Commission Hearing: Tuesday, September 21, 2021 @ 7:00 PM  
City Council Hearing: Monday, September 27, 2021 @ 7:00 PM

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, September 21, 2021 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 27, 2021 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2021-20**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
JOEL F. BLESSING – HOLLY HILL ROAD  
MD-00-173.00-02-83.00  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702 Comprehensive Development Plan of the Delaware Code, the City of Milford adopted Ordinance 2017-24 the '2018 Comprehensive Plan' on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, during a PLUS review on June 23, 2021, the Planning Director prepared and consulted with the Office of State Planning the ninth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use, which will permit the future land use designation of one property to an alternate future land use designation; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the ninth 2018 Comprehensive Plan amendment on September 21, 2021 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

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City Council Review & Public Hearing: September 27, 2021  
Adoption: September 27, 2021  
Effective: October 7, 2021

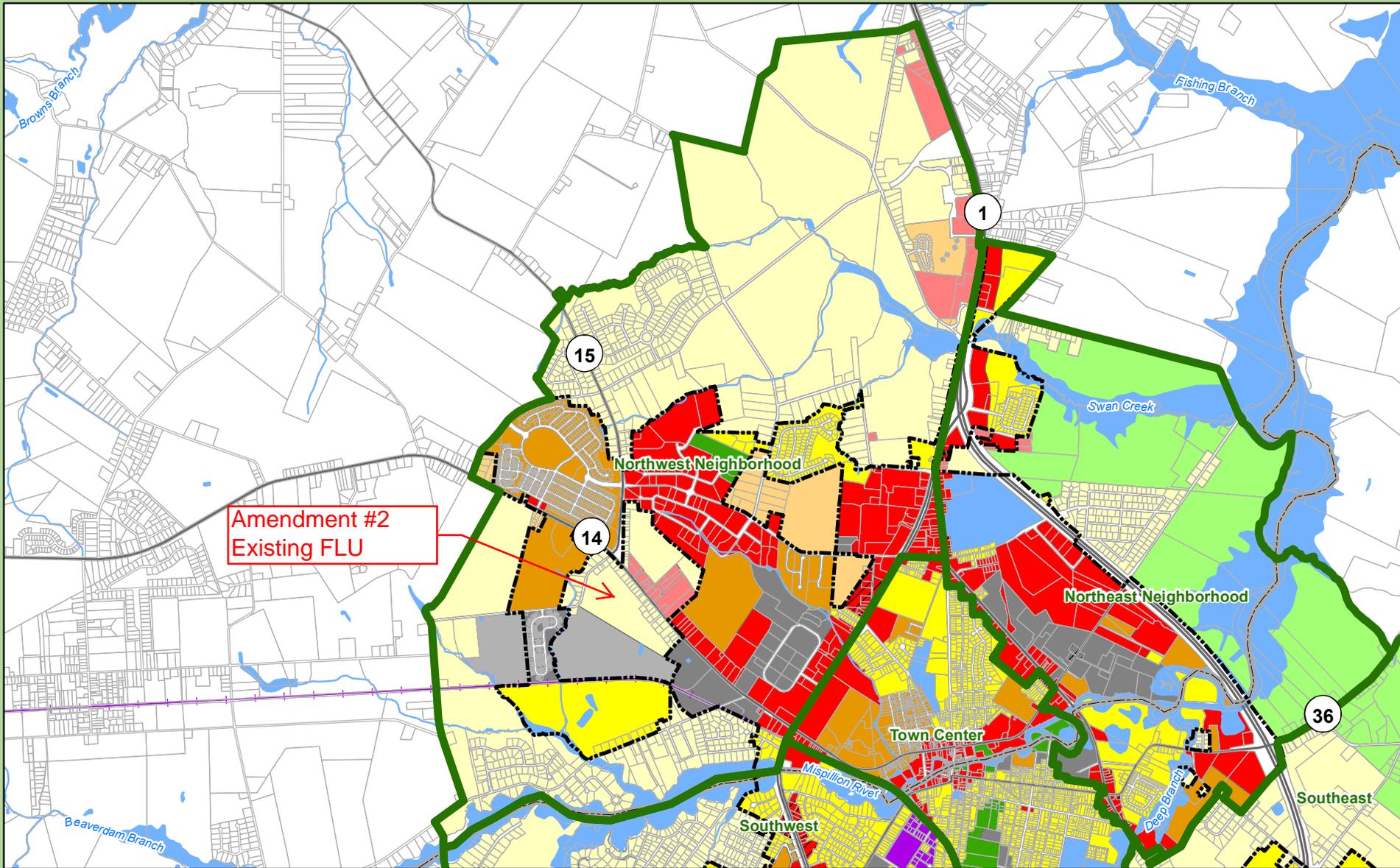
**SYNOPSIS:**

Joel F. Blessing, Holly Hill Road, Tax Parcel MD-00-173.00-02-83.00 portion of; change in future land use designation from low density residential to industrial.

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.3896 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

082021

*Published: Beacon 08/25/21*



**Amendment #2  
Existing FLU**

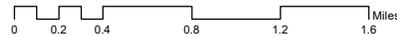
Neighborhoods	Employment	Municipal Boundary
<b>Land Use Type</b>	Proposed Employment	County Boundaries
Open Space	Institutional	State Parcels
Proposed Open Space	Commercial	Routes
Low Density Residential	Proposed Commercial	Rail Lines
Proposed Low Density Residential	Industrial	Hydrology
Moderate Density Residential	Proposed Industrial	Bodies of Water
Proposed Moderate Density Residential	Transition Area	

## City of Milford, Delaware

### Future Land Use

#### Northwest Neighborhood

Adopted Jan. 22, 2018, Certified TBD



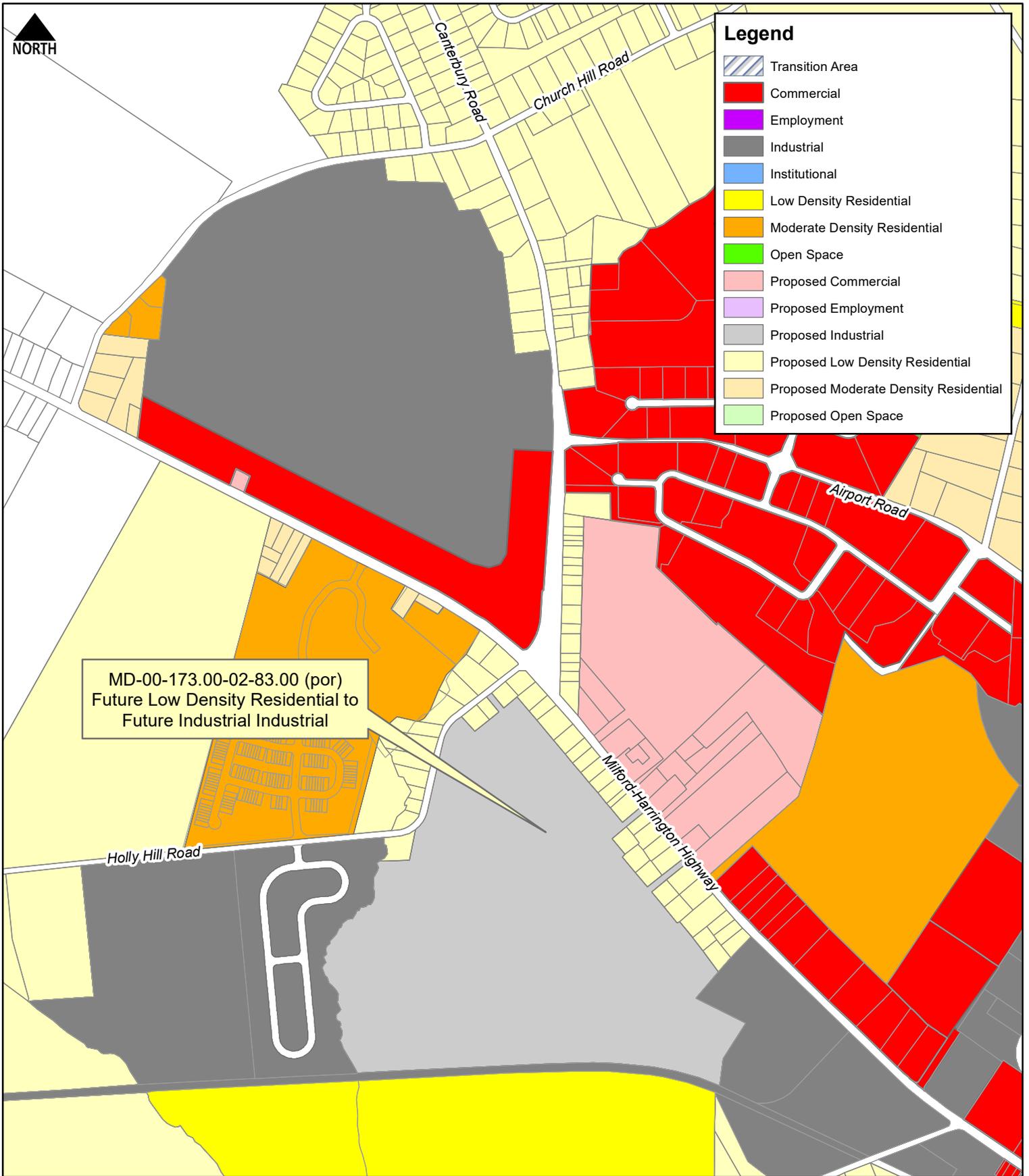
**Sources:**

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.  
 DRAFT Future Landuse - City of Milford, Delaware 01/18.  
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 Hydrology - USGS and EPA, FirstMap 01/18.

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 Institute for Public Administration



	Scale:  Feet 0 500 1,000	Title:  <b>Exhibit B</b> <b>2021 Comprehensive Plan Amendment</b> <b>Future Land Use Map</b>
	Drawn by: WRP      Date: 05/05/21	
Filepath: 2021_CompPlanAmendment_ExhibitB		

CITY OF MILFORD  
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**ORDINANCE 2021-21**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
BLESSING/PRISCO – MILFORD-HARRINGTON HIGHWAY  
MD-00-173.00-02-32.00 & MD-00-173.00-02-32.04  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

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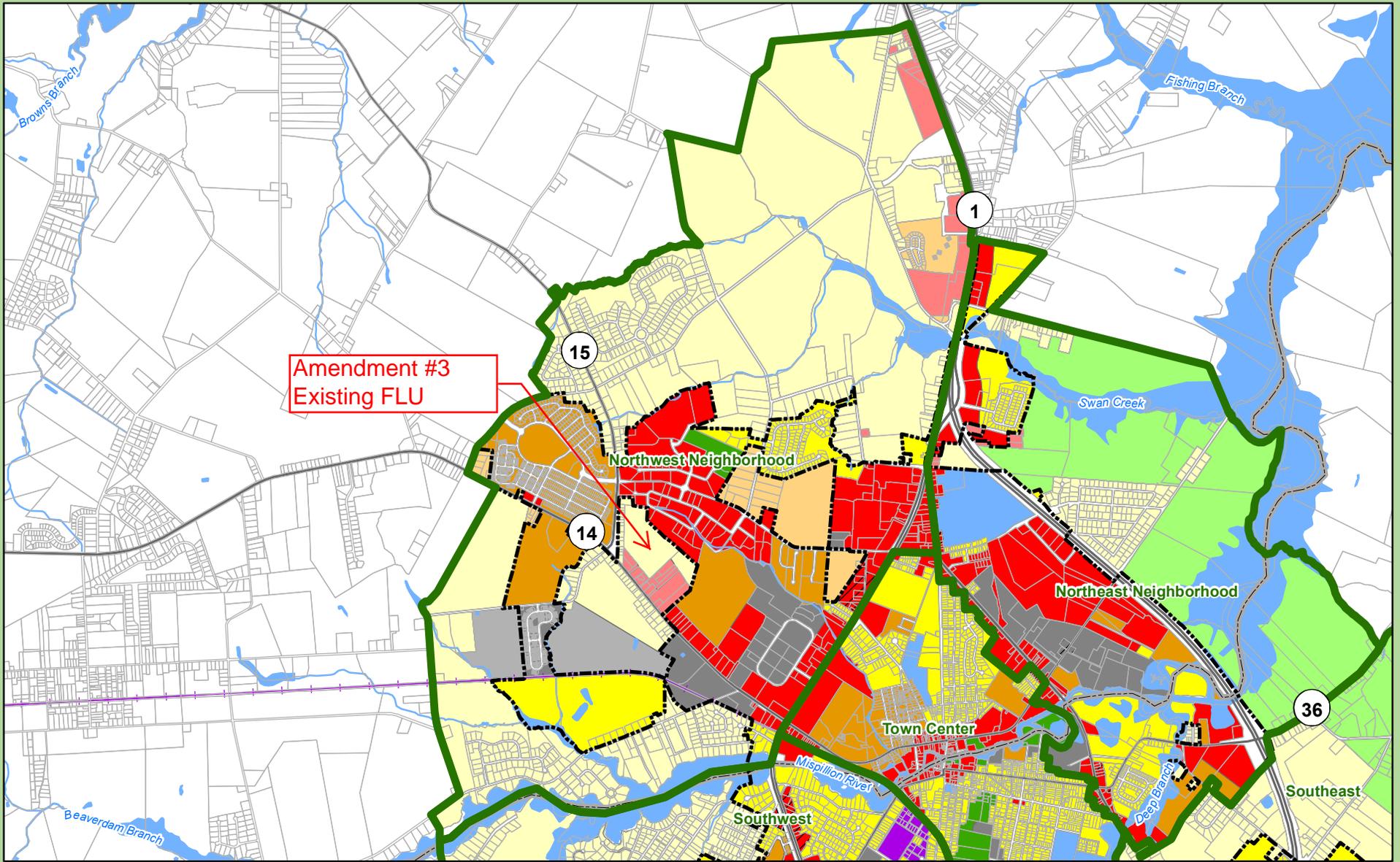
**SYNOPSIS:**

Joel F. Blessing & Ronald J. Prisco, Milford-Harrington Highway, Tax Parcel MD-00-173.00-02-32.00 & MD-00-173.00-02-32.04; change in future land use designation from low density residential to commercial.

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

082021

*Published: Beacon 08/25/2021*



**Amendment #3  
Existing FLU**

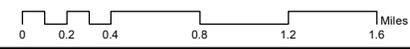
Neighborhoods	Employment	Municipal Boundary
<b>Land Use Type</b>	Proposed Employment	County Boundaries
Open Space	Institutional	State Parcels
Proposed Open Space	Commercial	Routes
Low Density Residential	Proposed Commercial	Rail Lines
Proposed Low Density Residential	Industrial	Hydrology
Moderate Density Residential	Proposed Industrial	Bodies of Water
Proposed Moderate Density Residential	Transition Area	

## City of Milford, Delaware

### Future Land Use

#### Northwest Neighborhood

Adopted Jan. 22, 2018, Certified TBD

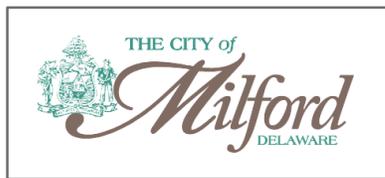
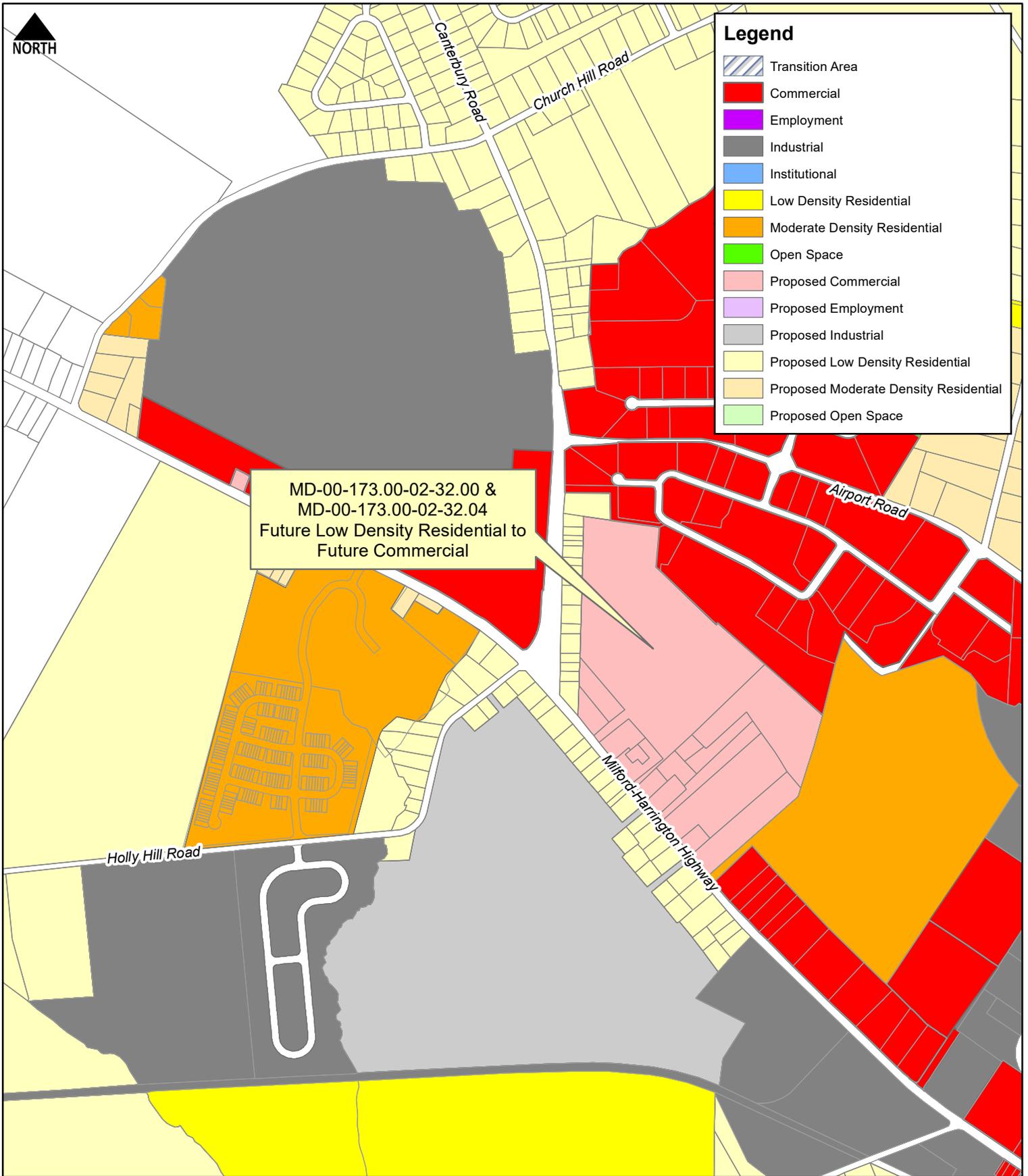


Sources:  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.  
 DRAFT Future Landuse - City of Milford, Delaware 01/18.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.  
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THE CITY OF  
**Milford**  
 DELAWARE

UNIVERSITY OF  
 DELAWARE

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 Institute for Public Administration



Scale: Feet  
0 500 1,000

Drawn by: WRP Date: 05/05/21

Title: **Exhibit C**  
**2021 Comprehensive Plan Amendment**  
**Future Land Use Map**

Filepath: 2021\_CompPlanAmendment\_ExhibitC

**Preliminary Land Use Service (PLUS) Application  
Pre-Update Review Request  
Municipal Comprehensive Plans  
Comprehensive Plan Amendments  
Municipal Ordinances  
Delaware Office of State Planning Coordination**

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**All sections related to your project must be completed.** Incomplete applications could lead to delays in scheduling your review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

**REQUESTED REVIEW: Check one**

Comprehensive Plan Pre-Update Review  
**Complete Sections 1 and 3 only**

Comprehensive Plan or Update  
**Complete Sections 1 and 3 only**

Comprehensive Plan Amendment  
**Complete Sections 1 and 2 only**

Municipal Ordinance Review  
**Complete Sections 1 and 2 only**

**Date of most recently certified comprehensive plan:**

---

**Link to most recently certified comprehensive plan, if available:**

If a link to the plan is not available, you must submit a copy of your plan with this application for a Pre-Update Review or a Comprehensive Plan Amendment.

---

**Preliminary Land Use Service (PLUS) Application  
 Pre-Update Review Request  
 Municipal Comprehensive Plans  
 Comprehensive Plan Amendments  
 Municipal Ordinances  
 Delaware Office of State Planning Coordination**

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**SECTION 1: MUNICIPAL INFORMATION**

<b>Name of Municipality:</b>	
<b>Address:</b>	<b>Contact Person:</b>
	<b>Phone Number:</b>
	<b>Fax Number:</b>
	<b>E-mail Address:</b>

<b>Application prepared by:</b>	
<b>Address:</b>	<b>Contact Person:</b>
	<b>Phone Number:</b>
	<b>Fax Number:</b>
	<b>E-mail Address:</b>

**Preliminary Land Use Service (PLUS) Application  
Pre-Update Review Request  
Municipal Comprehensive Plans  
Comprehensive Plan Amendments  
Municipal Ordinances  
Delaware Office of State Planning Coordination**

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**SECTION 2. COMPREHENSIVE PLAN AMENDMENT OR MUNICIPAL  
ORDINANCE DESCRIPTION**

**Please describe the submission.**

## General Overview

The first three amendment requests involve the expansion of areas for potential industrial and business park uses in the City of Milford along the western limits of the City near existing business park and industrial users and rail. The fourth amendment request was made by a private developer for a potential low density residential development east of Route 1.

### Amendment Request #1 – R&C Fry Farm - Exhibit A

The City is seeking a change in the future land use classification of parcel MD-16-173.00-01-01.00 from Moderate Density Residential/Commercial to Industrial/Commercial as shown on the attached Exhibit A. The intent would be to develop this property as an industrial/business park, with business park and commercial type uses located along the frontage of Route 14 and Route 15. The amendment would also change the Proposed Future Land Use for parcel MD-00-173.00-01-49.00 from Moderate Density Residential to Commercial.

### Amendment Request #2 – Exhibit B

The adopted 2018 Comprehensive Plan Future Land use maps show a portion of parcel MD-00-173.00-02-83.00 as Proposed Industrial Land Use that abuts the existing rail road easement. The City is requesting to change the entire property to Proposed Industrial Land Use to increase the amount of potentially available industrial land adjacent to the existing rail road easement.

### Amendment Request #3 – Exhibit C

The City is seeking a change in the future land use classification for two properties abutting the Greater Milford Business Park to the south from Proposed Low Density Residential to Proposed Commercial. The parcels are MD-00-173.00-02-32.00 & MD-00-173.00-02-32.04. The change in land use would allow for the potential future expansion of the Greater Milford Business Park.

### Amendment Request #4 – Exhibit D

The City received a request from a potential purchaser of Kent County parcel number MD-00-174.00-02-64.01 to change the future land use classification from Open Space to Low Density Residential as shown on the attached Exhibit D. The applicant intends to subdivide the property into low density residential lots if the amendment is approved by the City Council.

CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS  
Planning Commission Hearing: Tuesday, September 21, 2021 @ 7:00 PM  
City Council Hearing: Monday, September 27, 2021 @ 7:00 PM

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, September 21, 2021 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 27, 2021 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2021-22**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
Amendment #6  
R&C FRY FARM – MILFORD-HARRINGTON HIGHWAY & CANTERBURY ROAD  
MD-16-173.00-01-01.00 & MD-00-173.00-01-49.00  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702 Comprehensive Development Plan of the Delaware Code, the City of Milford adopted Ordinance 2017-24 the '2018 Comprehensive Plan' on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, during a PLUS review on June 23, 2021, the Planning Director prepared and consulted with the Office of State Planning the sixth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use, which will permit the future land use designation of one property to an alternate future land use designation; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the sixth 2018 Comprehensive Plan amendment on September 21, 2021 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the sixth amendment of the 2018 Comprehensive Plan on September 27, 2021 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted September 27, 2021 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on October 7, 2021.

Planning Commission Review & Public Hearing: September 21, 2021  
City Council Introduction: September 13, 2021  
City Council Review & Public Hearing: September 27, 2021  
Adoption: September 27, 2021  
Effective: October 7, 2021

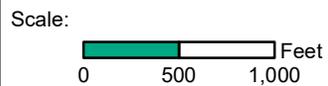
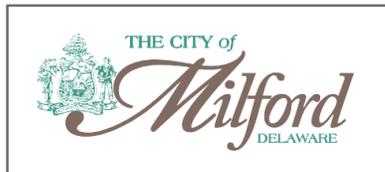
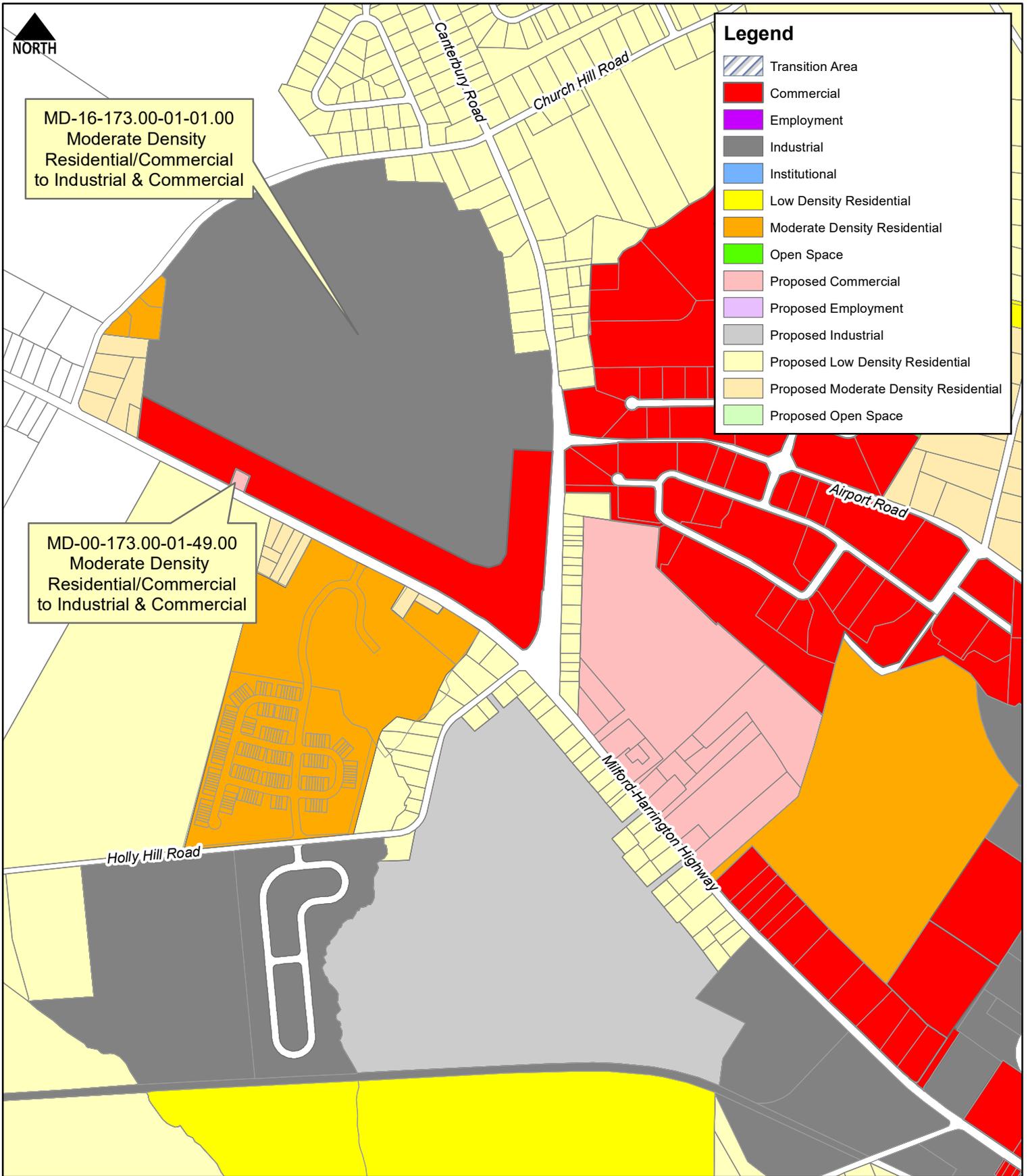
**SYNOPSIS:**

R&C Fry Farm, Milford-Harrington Highway, Tax Parcel MD-16-173.00-01-01.00 & MD-00-173.00-01-49.00; change in future land use designation from moderate density residential & commercial to industrial & commercial)

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

082021

*Published: Beacon 08/25/21*

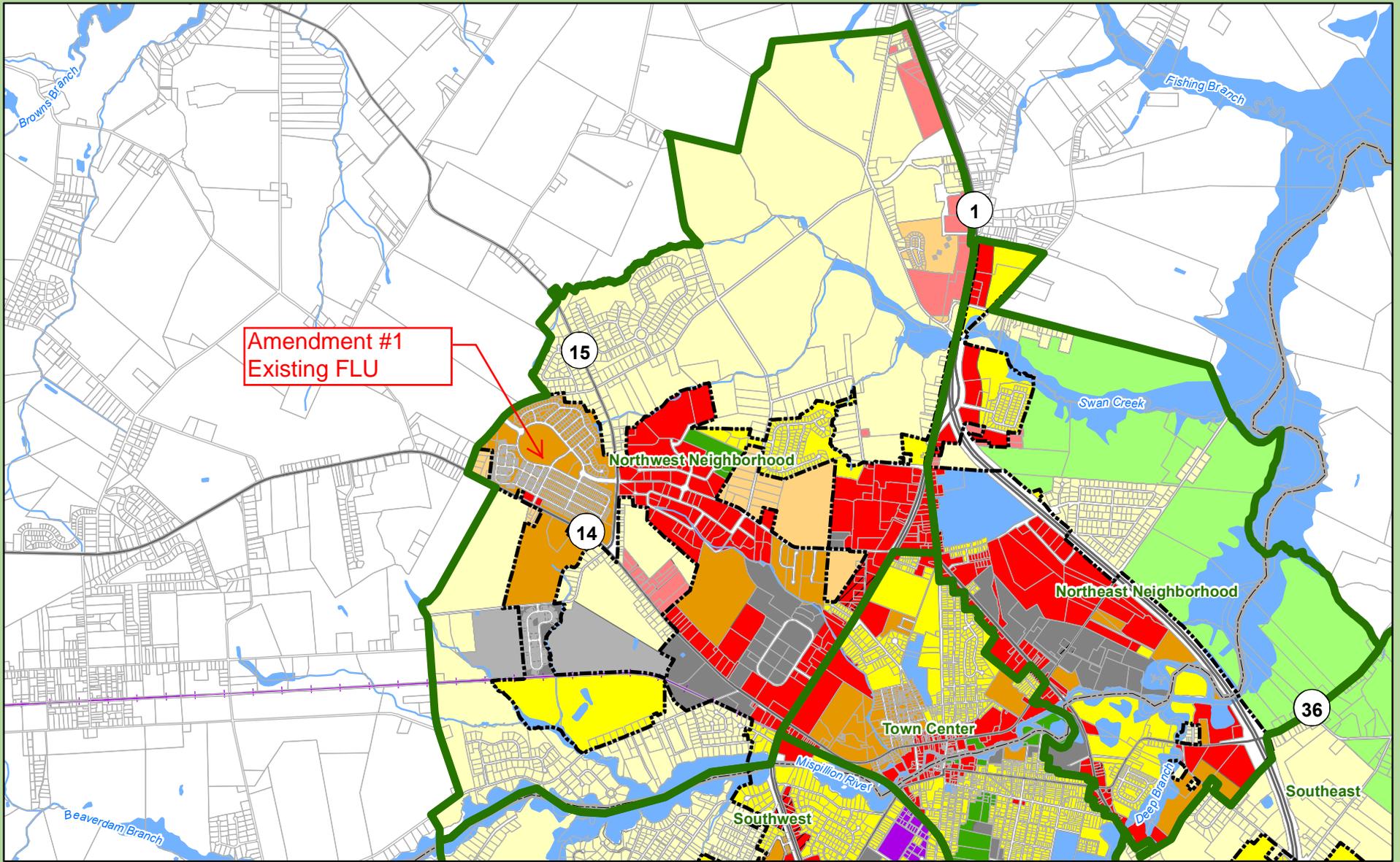


Drawn by: WRP      Date: 05/12/21

Title:

**Exhibit A**  
**2021 Comprehensive Plan Amendment**  
**Future Land Use Map**

Filepath: 2021\_CompPlanAmendment\_ExhibitA



Amendment #1  
Existing FLU

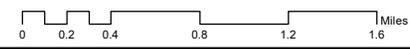
Neighborhoods	Employment	Municipal Boundary
<b>Land Use Type</b>	Proposed Employment	County Boundaries
Open Space	Institutional	State Parcels
Proposed Open Space	Commercial	Routes
Low Density Residential	Proposed Commercial	Rail Lines
Proposed Low Density Residential	Industrial	Hydrology
Moderate Density Residential	Proposed Industrial	Bodies of Water
Proposed Moderate Density Residential	Transition Area	

## City of Milford, Delaware

### Future Land Use

#### Northwest 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.

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CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS  
Planning Commission Hearing: Tuesday, September 21, 2021 @ 7:00 PM  
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A FINAL PUBLIC HEARING is scheduled on Monday, September 27, 2021 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2021-20**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
Amendment #7  
JOEL F. BLESSING – HOLLY HILL ROAD  
MD-00-173.00-02-83.00  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702 Comprehensive Development Plan of the Delaware Code, the City of Milford adopted Ordinance 2017-24 the '2018 Comprehensive Plan' on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, during a PLUS review on June 23, 2021, the Planning Director prepared and consulted with the Office of State Planning the seventh amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use, which will permit the future land use designation of one property to an alternate future land use designation; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the seventh 2018 Comprehensive Plan amendment on September 21, 2021 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the seventh amendment of the 2018 Comprehensive Plan on September 27, 2021 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted September 27, 2021 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on October 7, 2021.

Planning Commission Review & Public Hearing: September 21, 2021  
City Council Introduction: September 13, 2021  
City Council Review & Public Hearing: September 27, 2021  
Adoption: September 27, 2021  
Effective: October 7, 2021

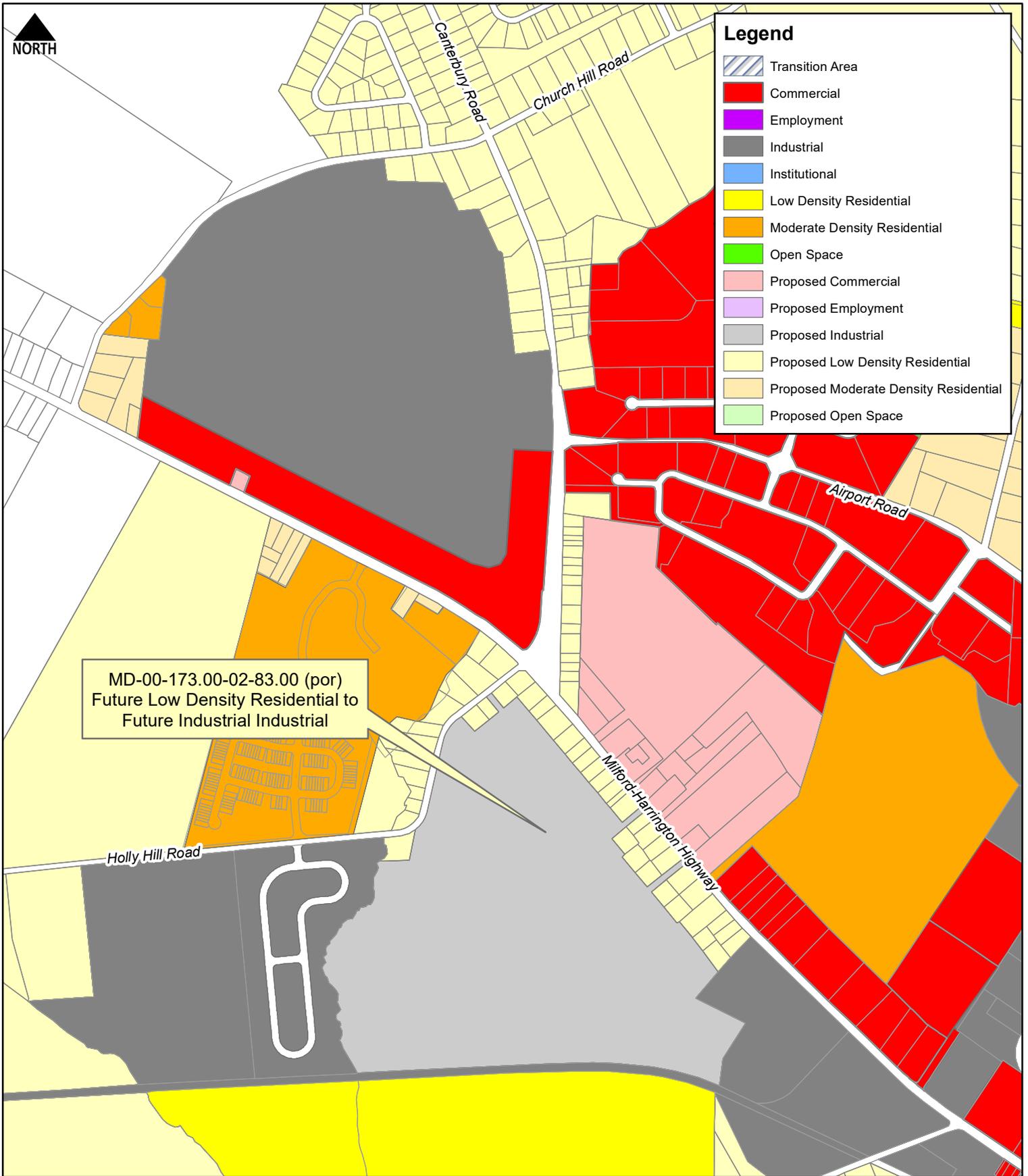
**SYNOPSIS:**

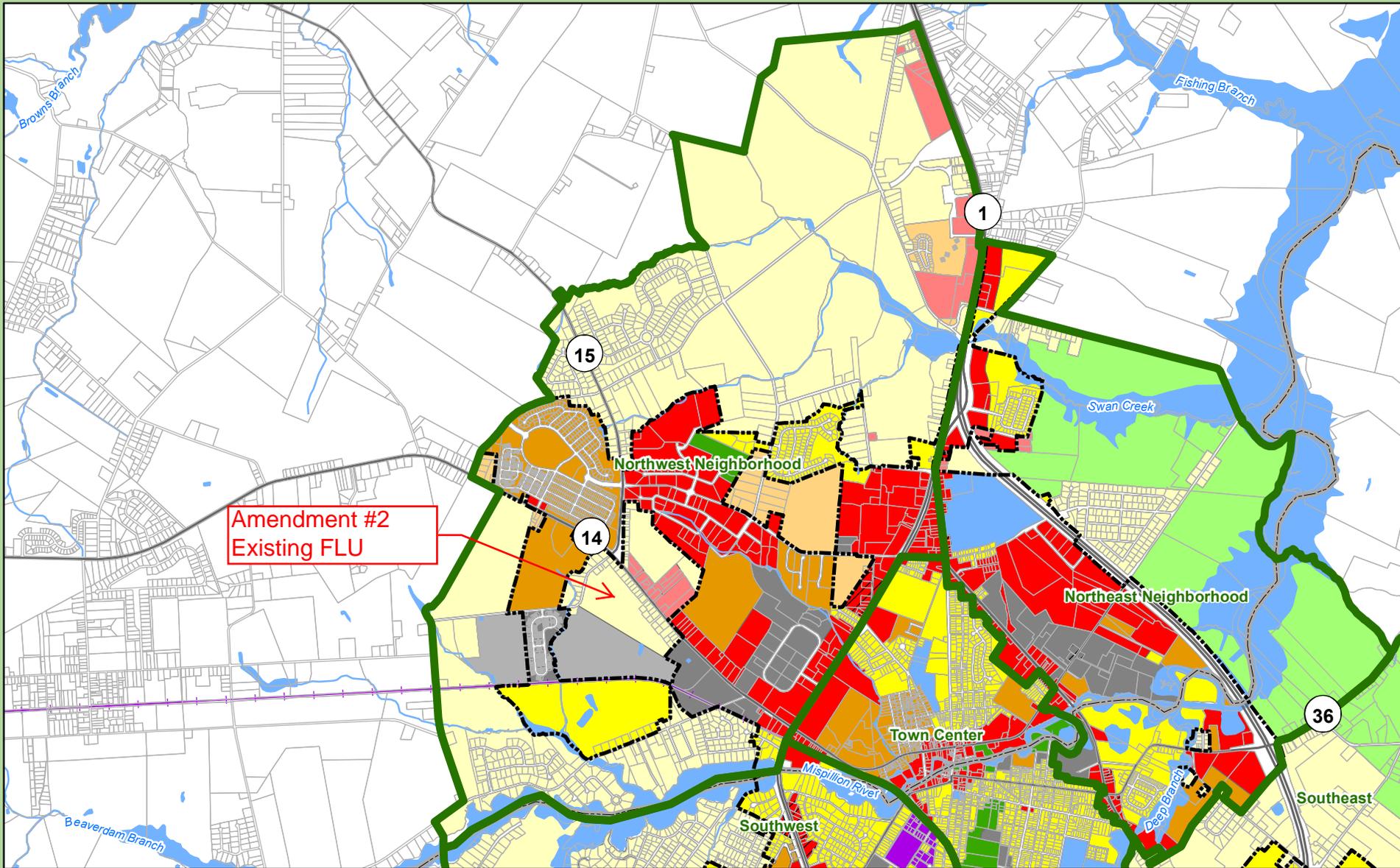
Joel F. Blessing, Holly Hill Road, Tax Parcel MD-00-173.00-02-83.00 portion of; change in future land use designation from low density residential to industrial.

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.3896 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

082021

*Published: Beacon 08/25/21*





**Amendment #2  
Existing FLU**

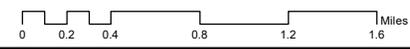
Neighborhoods	Employment	Municipal Boundary
<b>Land Use Type</b>	Proposed Employment	County Boundaries
Open Space	Institutional	State Parcels
Proposed Open Space	Commercial	Routes
Low Density Residential	Proposed Commercial	Rail Lines
Proposed Low Density Residential	Industrial	Hydrology
Moderate Density Residential	Proposed Industrial	Bodies of Water
Proposed Moderate Density Residential	Transition Area	

## City of Milford, Delaware

### Future Land Use

#### Northwest 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.

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CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, September 21, 2021 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 27, 2021 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2021-21**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
Amendment #8  
BLESSING/PRISCO – MILFORD-HARRINGTON HIGHWAY  
MD-00-173.00-02-32.00 & MD-00-173.00-02-32.04  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702 Comprehensive Development Plan of the Delaware Code, the City of Milford adopted Ordinance 2017-24 the '2018 Comprehensive Plan' on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, during a PLUS review on June 23, 2021, the Planning Director prepared and consulted with the Office of State Planning the eighth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use, which will permit the future land use designation of one property to an alternate future land use designation; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the eighth 2018 Comprehensive Plan amendment on September 21, 2021 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the eighth amendment of the 2018 Comprehensive Plan on September 27, 2021 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted September 27, 2021 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on October 7, 2021.

Planning Commission Review & Public Hearing: September 21, 2021

City Council Introduction: September 13, 2021

City Council Review & Public Hearing: September 27, 2021

Adoption: September 27, 2021

Effective: October 7, 2021

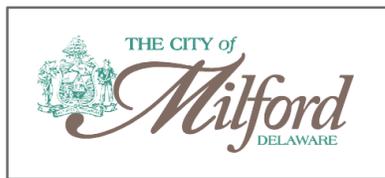
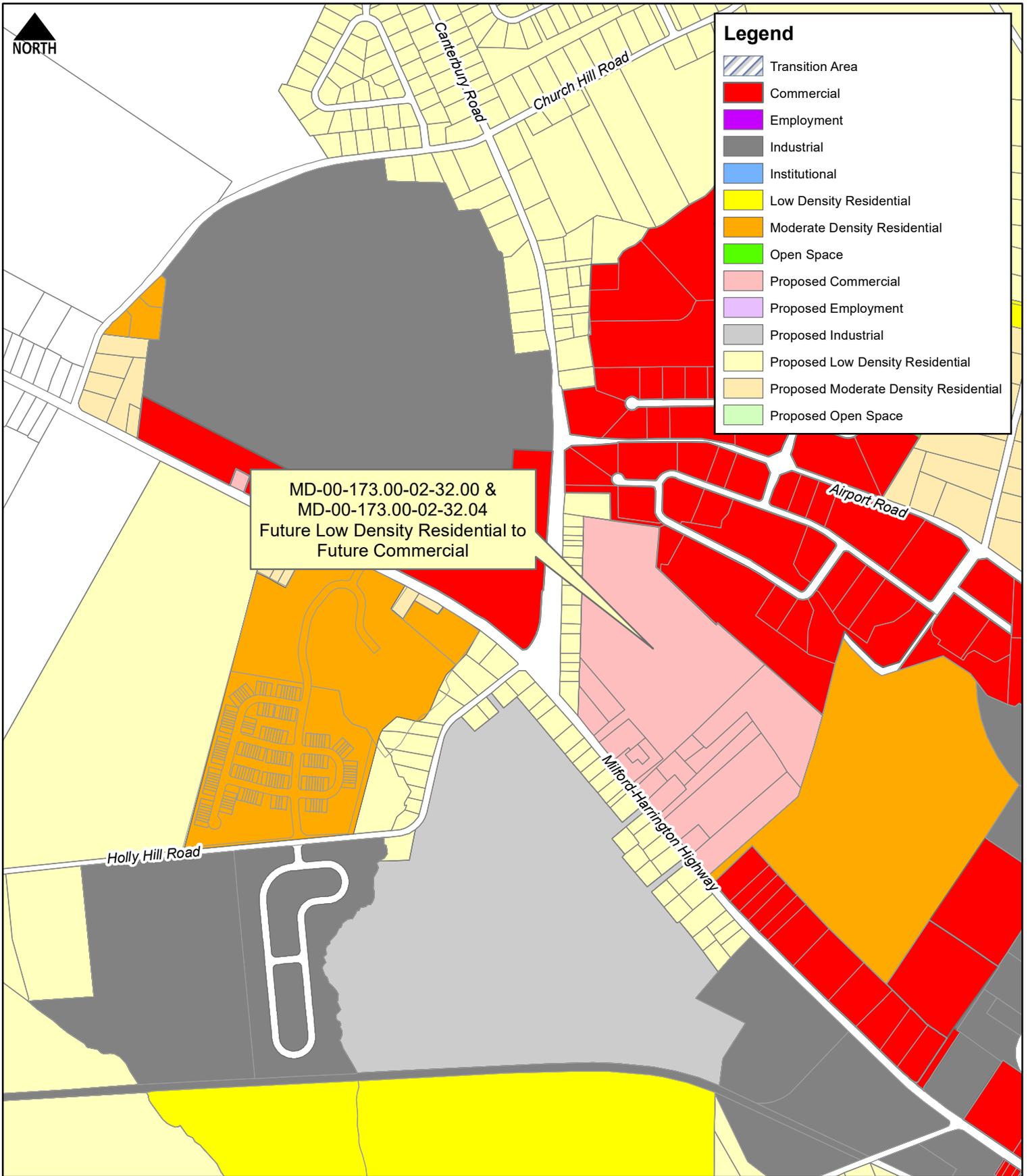
**SYNOPSIS:**

Joel F. Blessing & Ronald J. Prisco, Milford-Harrington Highway, Tax Parcel MD-00-173.00-02-32.00 & MD-00-173.00-02-32.04; change in future land use designation from low density residential to commercial.

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

082021

*Published: Beacon 08/25/2021*

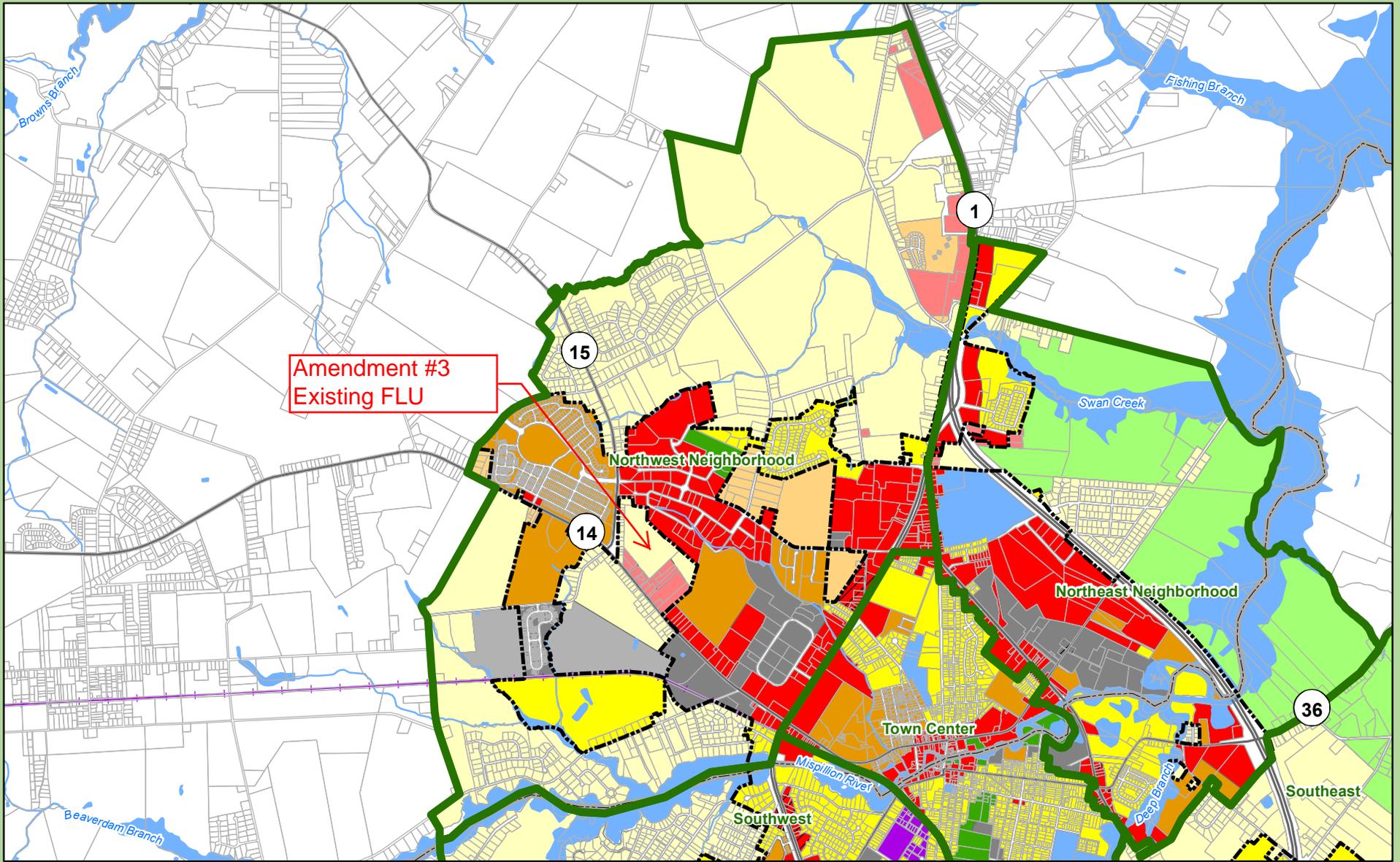


Scale: 0 500 1,000 Feet

Drawn by: WRP Date: 05/05/21

Title: Exhibit C  
2021 Comprehensive Plan Amendment  
Future Land Use Map

Filepath: 2021\_CompPlanAmendment\_ExhibitC



**Amendment #3  
Existing FLU**

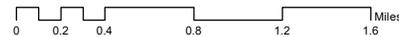
Neighborhoods	Employment	Municipal Boundary
<b>Land Use Type</b>	Proposed Employment	County Boundaries
Open Space	Institutional	State Parcels
Proposed Open Space	Commercial	Routes
Low Density Residential	Proposed Commercial	Rail Lines
Proposed Low Density Residential	Industrial	Hydrology
Moderate Density Residential	Proposed Industrial	Bodies of Water
Proposed Moderate Density Residential	Transition Area	

## City of Milford, Delaware

### Future Land Use

#### Northwest 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.

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 Institute for Public Administration

**CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS**

Planning Commission Hearing: Tuesday, September 21, 2021 @ 7:00 PM

City Council Hearing: Monday, September 27, 2021 @ 7:00 PM

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, September 21, 2021 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 27, 2021 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2021-19**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
Amendment #9  
JOHN R. LYNCH - NEW WHARF ROAD  
MD-00-174.00-02-64.01  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702 Comprehensive Development Plan of the Delaware Code, the City of Milford adopted Ordinance 2017-24 the '2018 Comprehensive Plan' on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, during a PLUS review on June 23, 2021, the Planning Director prepared and consulted with the Office of State Planning the ninth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use, which will permit the future land use designation of one property to an alternate future land use designation; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the ninth 2018 Comprehensive Plan amendment on September 21, 2021 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the ninth amendment of the 2018 Comprehensive Plan on September 27, 2021 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted September 27, 2021 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on October 7, 2021.

Planning Commission Review & Public Hearing: September 21, 2021

City Council Introduction: September 13, 2021

City Council Review & Public Hearing: September 27, 2021

Adoption: September 27, 2021

Effective: October 7, 2021

**SYNOPSIS:**

John R. Lynch, New Wharf Road, Tax Parcel MD-00-174.00-02-64.01; change in future land use designation from open space to low density residential.

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

082021

*Published: Beacon 08/25/21*



ARCHITECTURE  
ENGINEERING

PLANNING OUR  
CLIENTS' SUCCESS

May 18, 2021

Mr. Rob Pierce  
Planning Director  
City of Milford  
180 Vickers Drive  
Milford, DE 19963

RE: **Comprehensive Plan Amendment Request**  
**NEW WHARF ROAD PROPERTY**  
Milford, Delaware  
BMG Project No.: 2016256.00

Dear Mr. Pierce:

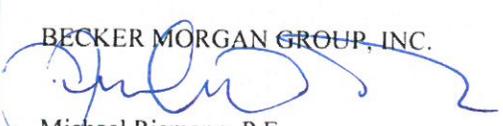
Becker Morgan Group, Inc. is hereby submitting a Comprehensive Plan Amendment request for the above referenced property on behalf of our client into the City of Milford. The property is currently zoned AR in unincorporated Kent County and is approximately 79.4 acres +/- and is further identified as tax parcel #5-00-17400-02-6401-00001. We request that the Comprehensive Plan be modified to include the area as 79.4 acres +/- of low density residential lands within the City of Milford as part of a Comprehensive Plan update. The property is located on New Wharf Road just east of the Route 1 interchange.

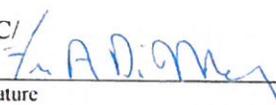
This parcel was considered for annexation in 2013. Since that original consideration, a grade separated interchange has been constructed, providing appropriate transportation infrastructure for the proposed property. Unlike the previous plan where the property was proposed to be highway commercial, the new plan would be to consider the property as low density residential into the City of Milford comprehensive plan. Due to the recently completed interchange, as well as the change of use we feel that inclusion of the property within the City of Milford comprehensive plan would be beneficial to both the property owner and the city alike.

If you have any questions or need any additional information, please do not hesitate to contact me at your earliest convenience.

Sincerely,

BECKER MORGAN GROUP, INC.

  
Michael Riemann, P.E.  
Vice President

CDC/  
  
Signature \_\_\_\_\_

Date

5/18/21

Signature \_\_\_\_\_

Date

Signature \_\_\_\_\_

Date

Cc:  
p2021325ad-ltr-annex.doc

BECKER MORGAN GROUP, INC.

ARCHITECTURE & ENGINEERING

309 SOUTH GOVERNORS AVENUE  
DOVER, DELAWARE 19904  
302.734.7950  
FAX 302.734.7965

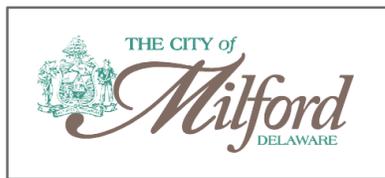
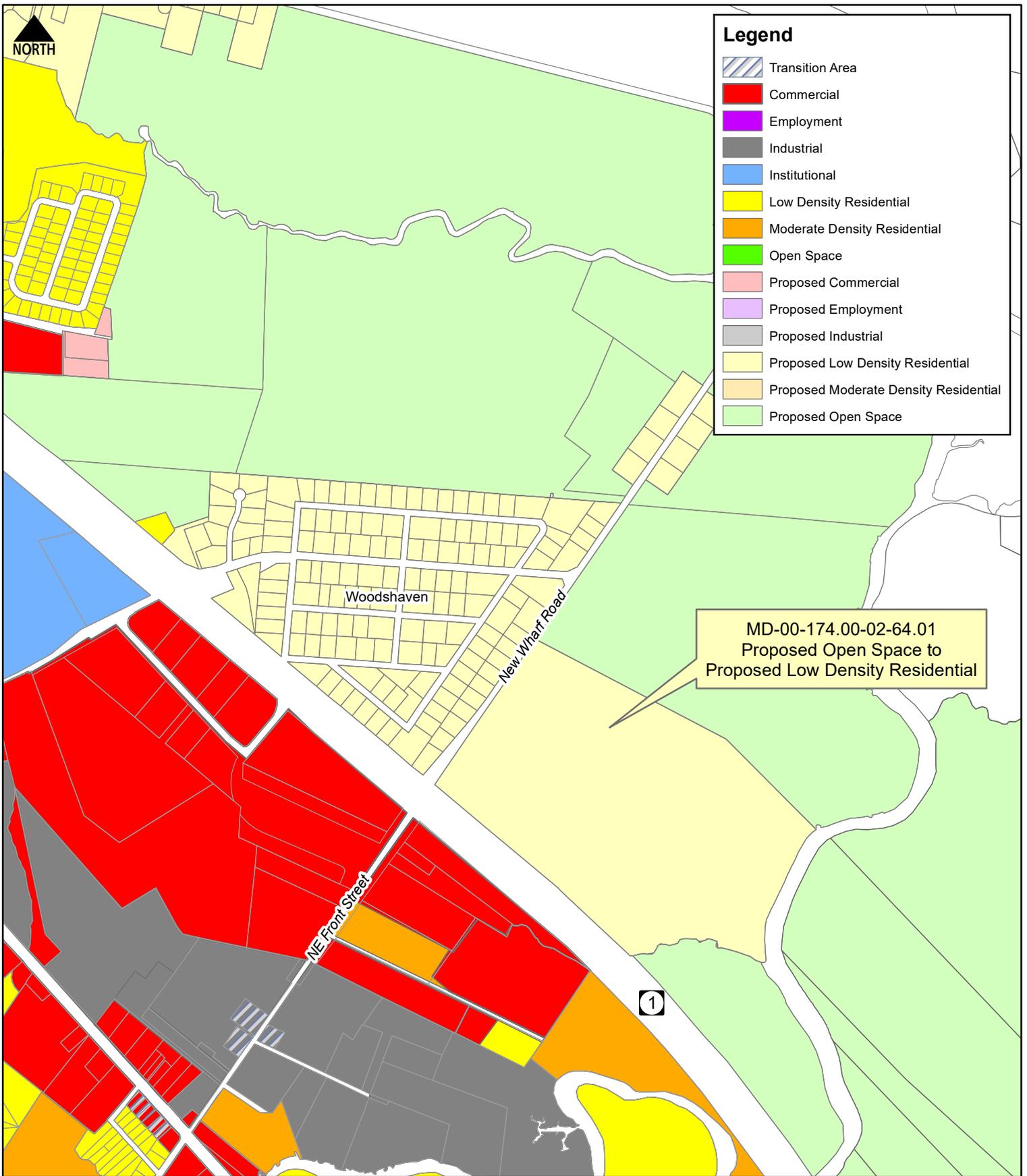
RITTENHOUSE STATION  
250 SOUTH MAIN STREET, SUITE 109  
NEWARK, DELAWARE 19711  
302.369.3700

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

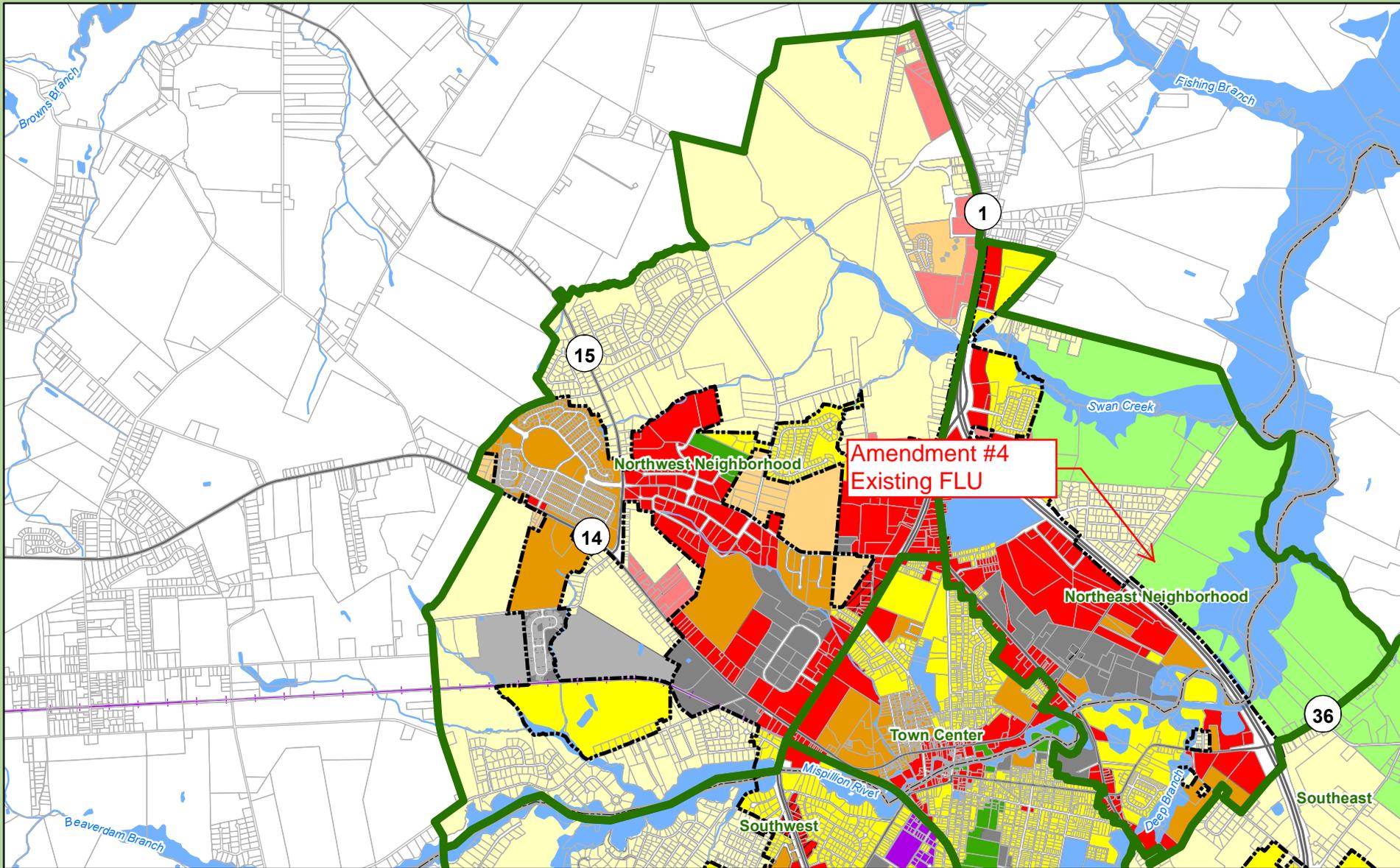


Scale: 0 500 1,000 Feet

Drawn by: WRP Date: 05/19/21

Title: Exhibit D  
2021 Comprehensive Plan Amendment  
Future Land Use Map

Filepath: 2021\_CompPlanAmendment\_ExhibitD



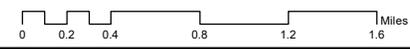
Neighborhoods	Employment	Municipal Boundary
<b>Land Use Type</b>	Proposed Employment	County Boundaries
Open Space	Institutional	State Parcels
Proposed Open Space	Commercial	Routes
Low Density Residential	Proposed Commercial	Rail Lines
Proposed Low Density Residential	Industrial	Hydrology
Moderate Density Residential	Proposed Industrial	Bodies of Water
Proposed Moderate Density Residential	Transition Area	

## City of Milford, Delaware

### Future Land Use

#### Northwest 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.

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 Institute for Public Administration



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

Rob Pierce, AICP  
Planning Director  
City of Milford  
201 S. Walnut Street  
Milford, DE 19963

RE: PLUS review 2021-06-01; City of Milford Comprehensive Plan Amendment

Dear Mr. Pierce:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment(s) for the City of Milford. These proposed amendments would amend the Future Land Use Map to address several parcels. Specifically:

- Amendment Request #1 would change the Future Land Use classification of parcel MD-16-173.00-01-01.00 from Moderate Density Residential/Commercial to Industrial/Commercial.
- Amendment Request #2 would make the entirety of parcel MD-00-173.00-02-83.00 Proposed Industrial Land Use. Currently only a portion of the parcel is mapped as such.
- Amendment Request #3 would change the Future Land Use classification for parcels MD-00-173.00-02-32.00 and MD-00-173.00-02-32.04 from Proposed Low Density Residential to Proposed Commercial.
- Amendment Request #4 would change the Future Land Use classification for parcel MD-00-174.00-02-64.01 from Open Space to Low Density Residential.

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

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

This PLUS application includes a package of four plan amendments that are described above. Here are specific comments on the amendments.

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

- Amendments #1, 2 and 3 are all located on the western side of Milford and include future land use map amendments that would increase lands available for potential commercial or industrial development. These lands are all located within Investment Levels 1 and 2 according to *Strategies for State Policies and Spending*. Investment Level 1 and 2 reflect areas that are already developed in an urban or suburban fashion or where growth is anticipated, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Our office has no objections to these three proposed comprehensive plan amendments. With that being said, the City of Milford is encouraged to carefully consider the comments found in this letter from the other agencies, particularly the comments about traffic, road access and the protection of environmental features on these sites as development occurs.
- Amendment # 4 proposes to change the future land use map East of Route 1, in an Investment Level 4 area according to the *Strategies for State Policies and Spending*. Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved. As noted in the DNREC comments in this letter, the parcel in question contains wetlands and numerous other environmental resources which should be protected and preserved. It is not clear how much development activity would be permitted should the parcel be designated as “low density residential” and annexed into Milford. Very low-density residential development is permitted currently as regulated through Kent County’s zoning and subdivision ordinances. Should the plan be amended, and the parcel annexed, any development activity that is permitted should be designed to protect the environmental features on the site and be consistent with the very low residential densities of the surrounding areas in the County.
- Please note that not objecting to the amendments does not constitute support from state agencies for future development. If it meets the PLUS criteria, any future development not already reviewed through PLUS would need to be reviewed for state agency comment.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- All four of the proposed plan amendments are expected to enable developments that would require plan approvals and permits from DelDOT and could require Traffic Impact Studies (TIS). DelDOT’s regulations regarding plan approvals and TIS are found in the [Development Coordination Manual](https://deldot.gov/Business/subdivisions/index.shtml?dc=changes), available at <https://deldot.gov/Business/subdivisions/index.shtml?dc=changes>. DelDOT will offer more detailed comments, including determinations as to the need for TIS, when presented with subdivision and/or site plans.

- Amendment Request #1, pertaining to the R & C Fry Farm, would enable the development of a 182.67-acre industrial/business park at the west end of Airport Road (a City-maintained street) and bounded by three State-maintained roads, Delaware Route 14 (Milford-Harrington Highway), Delaware Route 15 (Canterbury Road) and Church Hill Road (Kent Road 404). Section 5.2.2 of the Manual provides in part that “When a parcel of land is being developed that fronts on a major and a minor roadway, the access to this parcel should be from the minor roadway and not the major roadway. Exceptions may be considered by the Subdivision Engineer.” In this context, the regulation means that access to the park should be on Church Hill Road, a Local Road, rather than on Delaware Route 14 or 15, both of which are Minor Arterial Roads. DelDOT will provide specific requirements as to access when a site plan is presented but the City should anticipate that the main site access would be on Church Hill Road.

Further regarding Amendment Request #1, an industrial/business park at this location would likely increase traffic on Church Hill Road between the site and the Grade Separated Intersection on Delaware Route 1 at Thompsonville Road (Kent Road 19). DelDOT’s TIS regulations include limits on the scope of such studies such that a TIS for a development on these lands would not normally include the GSI. However, the GSI was designed and built as a safety improvement, not as a capacity improvement, and for that reason, improvements there might be needed. Also, as mentioned above, Church Hill Road is presently a Local Road. It would need to be improved before it could properly accommodate the traffic that an industrial/business park would likely generate.

- Amendment Request #2 would enable the development of a 112.30-acre parcel on the south sides of Delaware Route 14 (Milford- Harrington Highway) and Holly Hill Road (Kent Road 447). Section 5.2.2 of the Manual provides in part that “When a parcel of land is being developed that fronts on a major and a minor roadway, the access to this parcel should be from the minor roadway and not the major roadway. Exceptions may be considered by the Subdivision Engineer.” In this context, the regulation means that access to the industrial lands should be on Holly Hill Road, a Local Road, rather than on Delaware Route 14, which is a Minor Arterial Road. DelDOT will provide specific requirements as to access when a site plan is presented but the City should anticipate that the main site access would be on Holly Hill Road.
- Amendment Request #3 would enable the development of 42.88 acres of commercially zoned land on the north side of Delaware Route 14 (Milford- Harrington Highway) between Delaware Route 15 (Canterbury Road) and Williamsville Road (Kent Road 443). The PLUS application describes the land as an expansion of the Greater Milford Business Park. From discussion at the PLUS meeting, access would be proposed on both Vickers Drive and Delaware Route 14. Section 5.2.2 of the Manual provides in part that “When a parcel of land is being developed that fronts on a major and a minor roadway, the access to this parcel should be from the minor roadway and not the major roadway. Exceptions may be considered by the Subdivision Engineer.” Therefore, if access through the Park to Airport Road (a City-maintained Local Road) is possible, DelDOT

would anticipate requiring that the access be there, that is by way of Vickers Drive, rather than on Delaware Route 14, which is a Minor Arterial Road. DelDOT will provide specific requirements as to access when a site plan is presented but the City should anticipate that the site access would be by way of Airport Road if possible.

- Amendment Request #4 would enable the development of 79.35 acres of residentially zoned land on the east side of Delaware Route 1 at the Grade Separated Intersection of Route 1, NE Front Street and New Wharf Road (both Kent Road 409). Section 5.2.2 of the Manual provides in part that “When a parcel of land is being developed that fronts on a major and a minor roadway, the access to this parcel should be from the minor roadway and not the major roadway. Exceptions may be considered by the Subdivision Engineer.” In this context, the regulation means that access to the residential lands should be on New Wharf Road, a Local Road, rather than on Delaware Route 1, which is a Principal Arterial Road from there south and an Expressway from there north. DelDOT will provide specific requirements as to access when a site plan is presented but the City should anticipate that the main site access would be on New Wharf Road.

Further regarding Amendment Request #4, the subject land is located within the control zone of a Delaware Scenic and Historic Byway (Delaware Bayshore Byway). Delaware State Code Title 17, Chapter 1, Sections 190-194 and Title 17, Chapter 11, Sections 1101-1120 with applicable amendments, all of which regulate outdoor advertising, apply.

### **Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**

#### **Amendment Request 1**

The City of Milford proposes to rezone parcel MD-16-173.00-01-01.00 from Moderate Density Residential/Commercial to Industrial/Commercial, and rezone parcel MD-00-173.00-01-49.00 from Moderate Density Residential to Commercial.

For parcel MD-16-173.00-01-01.00, a 0.36-acre pond connects to an intermittent stream in the northeastern corner of the site. A portion on the eastern side of the parcel lies within an Excellent Groundwater Recharge Area. An analysis of historical data indicates that the forest area located on the northeast corner of the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat. If the parcel is rezoned, the City of Milford should ensure that these resources are preserved in any development proposal.

For parcel MD-00-173.00-01-49.00, DNREC reviewers have no comments, concerns, or objections specific to environmental features on the site.

#### **Amendment Request 2**

The City of Milford proposes to rezone parcel MD-00-173.00-02-83.00 from Industrial and Low Density Residential to entirely Industrial. An active Bald Eagle (*Haliaeetus leucocephalus*) nest

exists on the parcel. Bald eagles and their nests are protected under the federal Bald and Golden Eagle Protection Act (BGEPA). Additionally, the nest itself is protected by state law (7 Del. C. § 739). The U.S. Fish and Wildlife Service (USFWS) developed the *National Bald Eagle Management Guidelines*, to help landowners and others minimize impacts to eagles, including disturbance, which is prohibited by the BGEPA. The guidelines focus on minimizing disturbance through the use of buffer zones (330 feet to 660 feet from a nest) and time-of-year restrictions for certain activities in several categories. The USFWS has jurisdiction regarding Bald Eagles protection via BGEPA and works with landowners regarding all eagle disturbance issues. While this parcel lies in Levels 1 and 2 under Delaware's Strategies for State Policies and Spending, the existence of the bald eagle nest and the surrounding resources make it a poor candidate for rezoning that may result in increased intensity.

For more information, please contact the DNREC Division of Fish & Wildlife at (302) 735-3600 (<https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>).

### Amendment Request 3

The City of Milford proposes to rezone two parcels (MD-00-173.00-02-32.00 & MD-00-173.00-02-32.04) from Low Density Residential to Commercial to allow for the future expansion of the Greater Milford Business Park.

A portion of freshwater forested wetlands is located on the northeastern corner of parcel MD-00-173.00-02-32.00 and the northwestern corner of parcel MD-00-173.00-02-32.04. An Excellent Groundwater Recharge Area lies in a small portion of the southern corner of parcel MD-00-173.00-02-32.00. The parcels lie within Levels 1 and 2 under Delaware's Strategies for State Policies and Spending. Should the rezoning move forward, preservation of these resources and their function and values should be central to a development plan.

### Amendment Request 4

The City of Milford proposes to rezone parcel MD-00-174.00-02-64.01 from Open Space to Low Density Residential.

This proposed change, which would allow more intensive uses on this parcel, is inconsistent with Delaware's Strategies for State Policies and Spending and inconsistent with the environmental features that exist both on and surrounding the site. This parcel lies within an area designated as Level 4 and Out of Play lands. Approximately half of the parcel contains freshwater forested wetlands as well as estuarine/marine wetlands, also mapped as Key Wildlife Habitat in the Delaware Wildlife Action Plan. This area is part of a larger wetland complex consisting of contiguous forest that can support an array of plant and animal species. Although Key Wildlife Habitat designation is non-regulatory, these maps are intended to help guide site-specific conservation planning efforts. The parcel also borders the Mispillion River, which runs along the eastern edge of the site. Most of the parcel is located within the Delaware Ecological Network, a statewide network of interconnected lands of significant ecological value, and the Milford Neck Natural Area. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in

Delaware. Much of the southeastern portion of the site lies within the Special Flood Hazard Area (100-year floodplain) and the 500-year floodplain. These areas are subject to direct impacts from sea level rise at coastal inundation levels as low as 1 foot. Residents will also experience issues with mosquitoes if rezoned to Low Density Residential housing due to the wetlands on and adjacent to this property.

**State Historic Preservation Office – Contact Carlton Hall 736-7400**

Amendment Request #1- R&C Fry Farm – Exhibit A

**Location:** Milford Harrington Highway & Canterbury Rd, Milford (Kent)

Prehistoric archaeological potential is low to moderate. The area is completely well-drained soils, but it is outside favorable distance to a water source. Historic maps show Improvement Branch extending into the parcel, but because of the age of these maps, it may not be accurate.

Comments

Historic archaeological potential is high near where the agricultural complex (Gen. David McMurtrie Gregg) was mapped and the south east corner of the parcel where another complex/several buildings appear in historic aerials (1937 aerial, maybe W. Tharp on 1859 Byles), and low elsewhere. Both archaeological sites would pertain to 19<sup>th</sup> century agricultural complexes. Because of General Gregg's association with the site, there may be a high level of significance. The Delaware SHPO is recommending a Phase I archaeological survey prior to any ground disturbance.

Amendment Request #2 – Exhibit B

**Location:** Milford-Harrington Highway & Holly Hill Rd, Milford.

The adopted 2018 Comprehensive Plan Future Land use maps show a portion of parcel **5-00-173.00-02-83.00-00001** as Proposed Industrial Land Use that abuts the existing railroad easement. The City is requesting to change the entire property to Proposed Industrial Land Use to increase the amount of potentially available industrial land adjacent to the existing railroad easement.

Comments

There are no known archaeological sites or known National Register-listed or eligible properties on the parcel. Prehistoric archaeological potential is high on the western side of the parcel, especially where there is a rise in topography overlooking the stream. The area is all well-drained soils and the streambank location is highly favorable. The eastern half of the parcel is low to moderate due to distance to water. Therefore, the Delaware SHPO recommends a Phase I archaeological survey prior to any ground disturbance.

Historic potential is low to moderate. There are historic farmsteads labeled on Beers (1868)/Byles (1859) maps known as the G. Knight/J.B. Davies and General Torbert/D. Currey. General Torbert, while a significant figure during and after the Civil War, does not appear to have had any structures on the land. No evidence from historic aerials that the G. Knight/J.B.

Davies ag complexes survived into the 20<sup>th</sup> century, but there still may be archaeological evidence of the farmstead. Other archaeological remains throughout the parcel would likely be 19<sup>th</sup> century field scatter.

Amendment Request #3 – Exhibit C

**Location:** Milford Harrington Highway & Canterbury Rd, Milford.

The City is seeking a change in the future land use classification for two properties abutting the Greater Milford Business Park to the south from Proposed Low Density Residential to Proposed Commercial. The parcels are 5-00-173.00-02-32.00-00001 & MD-00-173.00-02-32.04-00001. The change in land use would allow for the potential future expansion of the Greater Milford Business Park.

Comments

Prehistoric archaeological potential is low. Soils are mostly well-drained and some of the parcel is within favorable distance to Mullet Run. However, these areas within favorable distance are comprised of poorly drained soils.

Historic potential is low. There does not appear to be anything on Byles 1859 or Beers 1868 maps. Some buildings appear on 1944 topography, and one building may be on the 1918 topographic map, but they have likely been destroyed by modern construction. There was one recorded structure to the south east corner of the area, but modern construction would have likely destroyed any archaeological remains.

Amendment Request #4 – Exhibit D

**Location:** New Wharf Rd, Milford.

The City received a request from a potential purchaser of Kent County parcel number **5-00-174.00-02-64.01-00001** to change the future land use classification from Open Space to Low Density Residential as shown on the attached Exhibit D. The applicant intends to subdivide the property into low density residential lots if the amendment is approved by the City Council.

Comments

Prehistoric archaeological potential is high in the middle of the parcel, at the top of the streambank overlooking the marshland/river. There is moderate potential in the western side of the parcel, as there is well-drained soil and a projectile point was found when archaeological investigations occurred where the overpass is planned for (DeIDOT 2015). The Delaware SHPO recommends a Phase I survey prior to any ground disturbance.

Historic archaeological potential is moderate on the western edge. There is a known archaeological site, the Potter Estate Tenant Farmstead, on the western edge of the parcel but has since been found ineligible for listing and destroyed by the overpass construction. Elsewhere, the potential is lower. Will likely find field scatter due to destruction of the Potter Estate in the mid-1950s and as evidence of 19<sup>th</sup> century agricultural practices.

If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

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. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

**Department of Agriculture – Contact: Milton Melendez 698-4534**

- The Delaware Department of Agriculture welcomes the opportunity to provide recommendations for this municipal comprehensive plan. The Agriculture/Food System complex is the state's largest industry and its most significant land use.
- As an economic force the agriculture/food system provides more jobs and impacts in the state's economy than any other sector. In addition to the direct economic impacts throughout the state, agriculture and forestry provide billions of dollars in environmental services to the citizens of Delaware in the form of air and water cleansing, weather moderation, carbon sequestration, outdoor recreation, wildlife habitat, scenic vistas – and the list goes on. These services are largely uncompensated and represent a significant contribution to the quality of life and the health of Delaware's citizens and visitors.
- Agriculture and forestry are the state's most important land uses. The majority of the state's private lands are farms. Farms and forests dominate the landscape. This fact alone dictates that these land uses must be a crucial part of the future land use planning in every comprehensive plan. Over three-quarters of the private open space in Delaware is in farms. The maintenance of these land uses is crucial to our future quality of life and the orderly and pleasing development of the state. In addition the State of Delaware is investing millions of taxpayer dollars in the permanent preservation of these lands and all the attendant benefits they provide. Every comprehensive land use plan should account for these factors in balancing future development, preservation of farmland and forest, and the enhancement of the economic activities associated with our working lands.
- Undoubtedly future generations will judge our effectiveness at land use planning by what they see around them. Like Delawareans today they will expect us to balance growth and development with the preservation and enhancement of agriculture and forestry.
- The following proposed steps provides municipal governments with directives that can be implemented to maximize the preservation and longevity of agriculture in your surrounding areas.

#### AGRICULTURE:

- Identify areas within the municipality where agriculture is considered the highest priority land use
- Encourage the protection of prime agricultural land
- Discourage development activities and capital projects incompatible with modern agriculture
- Encourage separation of residential and agricultural areas through the zoning and subdivision process (this includes significant buffering and setback requirements for lands adjacent to agricultural operations)
- Encourage, support, and maintain existing and proposed agricultural support enterprises and ag-related businesses
- Encourage the development of local markets for locally grown foods
- Encourage agricultural use protections and strong right-to-farm policies in agricultural areas
- Establish and support financial incentives that encourage and allow landowners to remain in agriculture
- Promote policies that maintain and foster economic viability within the agricultural sector

#### DENSITY AND EFFICIENT LAND DEVELOPMENT:

- Encourage maximum use of existing and planned infrastructure
- Designate infill areas & project number of units to be constructed in those areas
- Discourage development patterns that promote inefficient use of land (i.e., discourage developments where lots frequently exceed minimum lot size requirements).
- In conjunction with population projections, project acres of residential land needed for a given time period and discourage consumption of land in excess of that need with allowance for reasonable market competition
- Direct growth toward existing population centers.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the town, please notify the office so we can update our records.

PLUS review 2021-06-01

Page 10 of 10

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell", written in a cursive style.

David L. Edgell, AICP  
Director, Office of State Planning Coordination

CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS  
Planning Commission Hearing: Tuesday, September 21, 2021 @ 7:00 PM  
City Council Hearing: Monday, September 27, 2021 @ 7:00 PM

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, September 21, 2021 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 27, 2021 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2021-22**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
R&C FRY FARM – MILFORD-HARRINGTON HIGHWAY & CANTERBURY ROAD  
MD-16-173.00-01-01.00 & MD-00-173.00-01-49.00  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702 Comprehensive Development Plan of the Delaware Code, the City of Milford adopted Ordinance 2017-24 the '2018 Comprehensive Plan' on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, during a PLUS review on June 23, 2021, the Planning Director prepared and consulted with the Office of State Planning the ninth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use, which will permit the future land use designation of one property to an alternate future land use designation; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the ninth 2018 Comprehensive Plan amendment on September 21, 2021 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the ninth amendment of the 2018 Comprehensive Plan on September 27, 2021 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted September 27, 2021 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on October 7, 2021.

Planning Commission Review & Public Hearing: September 21, 2021  
City Council Introduction: September 13, 2021  
City Council Review & Public Hearing: September 27, 2021  
Adoption: September 27, 2021  
Effective: October 7, 2021

**SYNOPSIS:**

R&C Fry Farm, Milford-Harrington Highway, Tax Parcel MD-16-173.00-01-01.00 & MD-00-173.00-01-49.00; change in future land use designation from moderate density residential & commercial to industrial & commercial)

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

082021

*Published: Beacon 08/25/21*

# CITY OF MILFORD

## NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, September 21, 2021 @ 7:00 PM  
City Council Hearing: Monday, September 27, 2021 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by Milford Planning Commission and City Council, with action scheduled to occur on the date(s) and time(s) so indicated:

### ORDINANCE 2021-15

Legal Owner R&C Fry Farms, LP on behalf of Equitable Owner City of Milford for a Change of Zone from R-3 Garden Apartment/Townhouse) & C-3 (Highway Commercial) to I-1 (Limited Industrial) and B-P (Business Park) on 182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury Road.

Present Use Vacant Land; Proposed Use Industrial Park-Corporate Center  
r/Applicant proposes to convert the former medical office into a single-family detached dwelling.  
Tax Map & Parcel MD-16-173.00-01-01.00

WHEREAS, the equitable owners of the property, as described herein, have petitioned the City of Milford Planning and Zoning Office for a Change of Zone from R-3 & C-3 to I-1 & BP, to permit an Industrial Park/Corporate Center on 182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury Road; and

WHEREAS, the Change of Zone request is consistent with the Adopted 2018 Comprehensive Plan Future Land Use Maps, as amended, whose designation for the property is Industrial/Commercial; and

WHEREAS, the City of Milford Planning Commission considered the application during their meeting on Tuesday, September 21, 2021, at which time interested parties publicly commented on the application allowing an informed recommendation to be forwarded to City Council; and

WHEREAS, Milford City Council held a Public Hearing on September 27, 2021 to allow for additional public comment and further review of the application, after which a final determination was made; and

WHEREAS, as required by Chapter 230, the Public Notice was published in the Milford Beacon on August 25, 2021 and provided to property owners within 200 feet of the subject parcel; and

WHEREAS, this Ordinance becomes effective ten days following the date of its adoption.

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

*Section 1.* The adoption of this Ordinance hereby grants Legal Owner R&C Fry Farms, LP a Change of Zone from R-3 & C-3 to I-1 & BP on 182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury Road, Kent County, Milford, Delaware, Tax Map & Parcel MD-16-173.00-01-01.00.

*Section 2.* Any future use of the property must comply with Article III of the City Zoning Code §230-16.-I-1 Limited Industrial District and §230-19.1.-BP Business Park District.

*Section 3.* Scheduled Dates.

City Council Introduction: Monday, September 13, 2021

Planning Commission Review & Public Hearing: Tuesday, September 21, 2021

City Council Public Hearing: Monday, September 27, 2021

Effective: Ten (10) Days following Adoption

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302.424.8396.

Advertised: *Milford Beacon 08.25.21*

## DATA SHEET FOR R&C FRY FARMS, LP

Planning Commission Meeting: September 21, 2021

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<b>Application Number / Name</b>	:	21-032 / R&C Fry Farms, LP
<b>Applicant</b>	:	City of Milford 201 S. Walnut Street Milford, DE 19963
<b>Owner</b>	:	R&C Fry Farms, LP 5699 Griffiths Lake Drive Milford, DE 19963
<b>Application Type</b>	:	Change of Zone
<b>Present Comprehensive Plan Map Designation</b>	:	Industrial Commercial
<b>Present Zoning District(s)</b>	:	R-3 (Garden Apartment & Townhouse) C-3 (Highway Commercial)
<b>Proposed Zoning District(s)</b>	:	I-1 (Limited Industrial) BP (Business Park)
<b>Present Use</b>	:	Vacant Land
<b>Proposed Use</b>	:	Industrial Park/Corporate Center
<b>Size and Location</b>	:	182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury Road.
<b>Tax Map &amp; Parcel(s)</b>	:	MD-16-173.00-01-01.00

ENC: Staff Analysis Report  
Exhibit A – Location & Zoning Map  
Exhibit B – Comprehensive Plan Exhibit



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**STAFF REPORT**  
**August 24, 2021**

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<b>Application Number / Name</b>	:	21-032 / R&C Fry Farms, LP
<b>Present Comprehensive Plan Designation</b>	:	Industrial Commercial
<b>Present Zoning District(s)</b>	:	R-3 (Garden Apartment & Townhouse) C-3 (Highway Commercial)
<b>Proposed Zoning District(s)</b>	:	I-1 (Limited Industrial) BP (Business Park)
<b>Present Use</b>	:	Vacant
<b>Proposed Use</b>	:	Industrial Park/Corporate Center
<b>Size and Location</b>	:	182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury Road.
<b>Tax Map &amp; Parcel(s)</b>	:	MD-16-173.00-01-01.00

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**I. BACKGROUND INFORMATION:**

- The City of Milford has entered into a sales agreement with R&C Fry Farms, LLC to purchase the 182-acre property and develop an industrial park and corporate center.
- The City is seeking to rezone the property to BP Business Park for the frontage along Canterbury Road south of the Airport Road intersection and the road frontage of Milford-Harrington Highway. The BP zoned area will extend approximately 300 feet onto the property as shown on the provided exhibit. The remainder of the property would be rezoned to I-1 Limited Industrial.
- The property previously contained a recorded residential subdivision known as Homestead which contained 151 single-family detached dwellings, 82 duplex dwellings, 276 townhouse dwellings, 148 villa units and 400 condominiums for a total of 1,057 residential units. Homestead was voluntarily dissolved by the property owner in 2017.

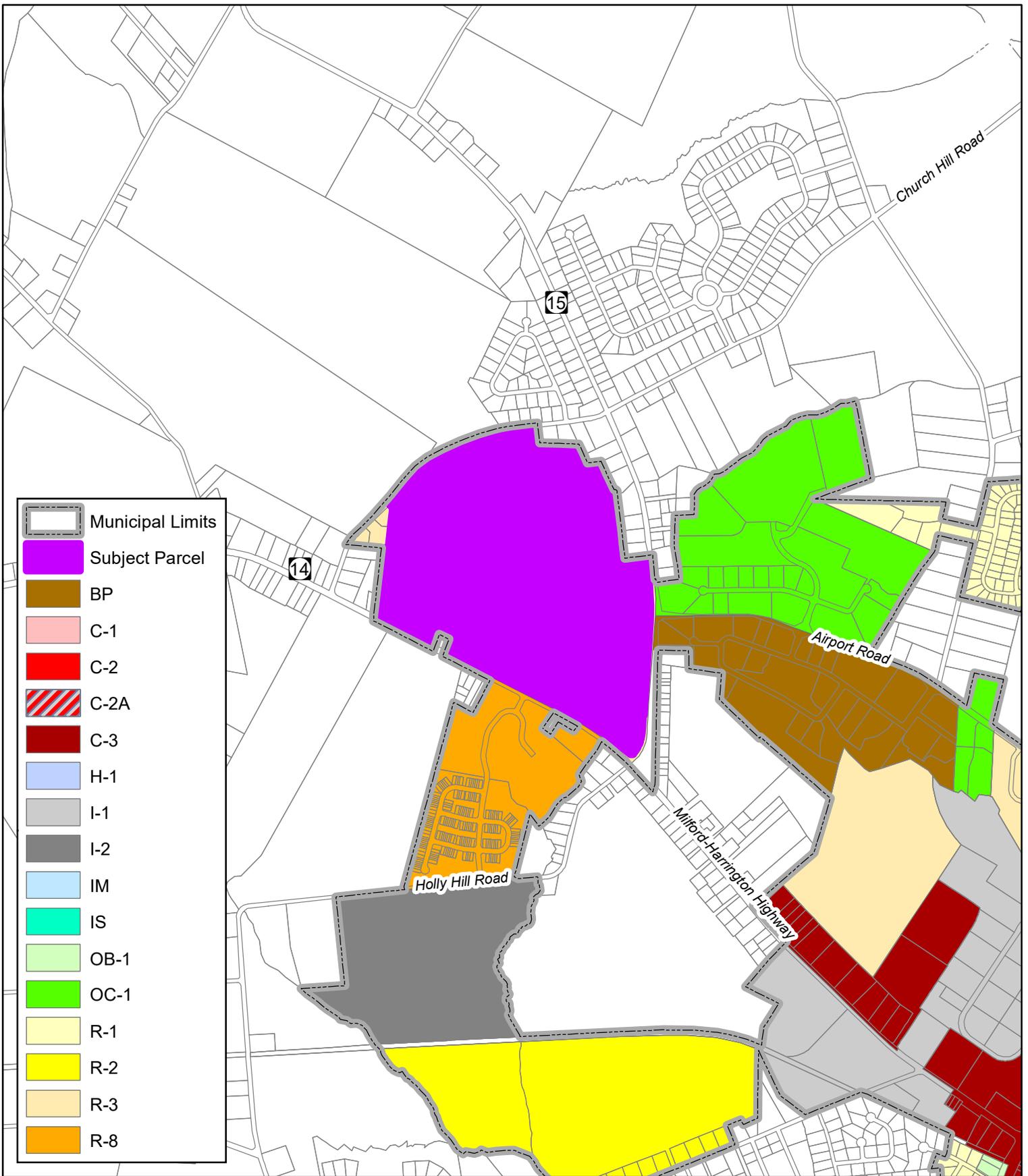
## **II. STAFF ANALYSIS:**

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:

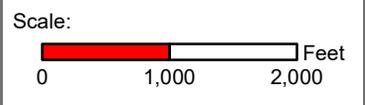
- The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps, as amended. The Future Land Use designation for the property is a combination of Commercial and Industrial, for which BP Business Park and I-1 Limited Industrial are suitable zoning designations.
- The properties to the north and west are zoned residential and are located within the unincorporated areas of Kent County. The properties to the south are zoned residential in Kent County and R-8 inside the City of Milford. The properties to the east are zoned a combination of residential in Kent County and OC-1 Office Complex and BP Business Park within the City of Milford. The western portion of the City contains other lands zoned industrial, primarily located south of the subject parcel along Holly Hill Road and Route 14.
- Any future use of the property must comply with Chapter 230 Zoning and must comply with the zoning use and area regulations as adopted at the time of building permit issuance.

## **III. AGENCY COMMENTS:**

- DelDOT – See attached PLUS comments.
- Sussex Conservation District – No comments solicited.
- State Fire Marshall – No comments solicited.



-  Municipal Limits
-  Subject Parcel
-  BP
-  C-1
-  C-2
-  C-2A
-  C-3
-  H-1
-  I-1
-  I-2
-  IM
-  IS
-  OB-1
-  OC-1
-  R-1
-  R-2
-  R-3
-  R-8

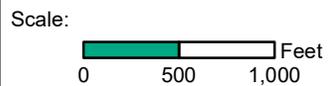
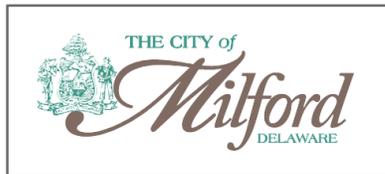
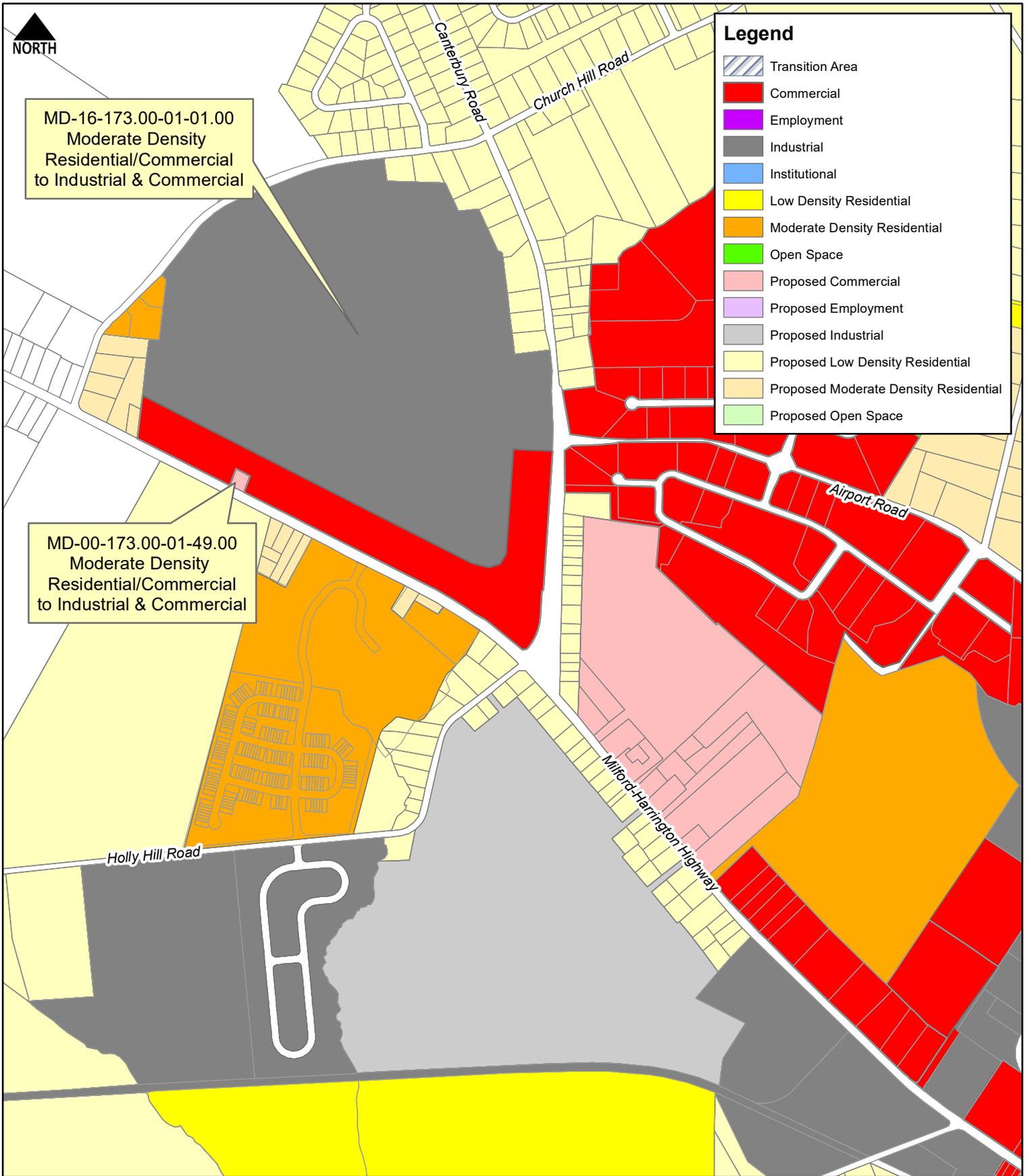


Drawn by: WRP      Date: 08/23/21

Title:

**Change of Zone  
R&C Fry Farm, LP  
Location & Zoning Map**

Filepath:      ChangeZone\_RCFryFarm.mxd



Drawn by: WRP      Date: 05/12/21

Title:

**Exhibit A**  
**2021 Comprehensive Plan Amendment**  
**Future Land Use Map**

Filepath: 2021\_CompPlanAmendment\_ExhibitA



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

Rob Pierce, AICP  
Planning Director  
City of Milford  
201 S. Walnut Street  
Milford, DE 19963

RE: PLUS review 2021-06-01; City of Milford Comprehensive Plan Amendment

Dear Mr. Pierce:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment(s) for the City of Milford. These proposed amendments would amend the Future Land Use Map to address several parcels. Specifically:

- Amendment Request #1 would change the Future Land Use classification of parcel MD-16-173.00-01-01.00 from Moderate Density Residential/Commercial to Industrial/Commercial.
- Amendment Request #2 would make the entirety of parcel MD-00-173.00-02-83.00 Proposed Industrial Land Use. Currently only a portion of the parcel is mapped as such.
- Amendment Request #3 would change the Future Land Use classification for parcels MD-00-173.00-02-32.00 and MD-00-173.00-02-32.04 from Proposed Low Density Residential to Proposed Commercial.
- Amendment Request #4 would change the Future Land Use classification for parcel MD-00-174.00-02-64.01 from Open Space to Low Density Residential.

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

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

This PLUS application includes a package of four plan amendments that are described above. Here are specific comments on the amendments.

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

- Amendments #1, 2 and 3 are all located on the western side of Milford and include future land use map amendments that would increase lands available for potential commercial or industrial development. These lands are all located within Investment Levels 1 and 2 according to *Strategies for State Policies and Spending*. Investment Level 1 and 2 reflect areas that are already developed in an urban or suburban fashion or where growth is anticipated, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Our office has no objections to these three proposed comprehensive plan amendments. With that being said, the City of Milford is encouraged to carefully consider the comments found in this letter from the other agencies, particularly the comments about traffic, road access and the protection of environmental features on these sites as development occurs.
- Amendment # 4 proposes to change the future land use map East of Route 1, in an Investment Level 4 area according to the *Strategies for State Policies and Spending*. Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved. As noted in the DNREC comments in this letter, the parcel in question contains wetlands and numerous other environmental resources which should be protected and preserved. It is not clear how much development activity would be permitted should the parcel be designated as “low density residential” and annexed into Milford. Very low-density residential development is permitted currently as regulated through Kent County’s zoning and subdivision ordinances. Should the plan be amended, and the parcel annexed, any development activity that is permitted should be designed to protect the environmental features on the site and be consistent with the very low residential densities of the surrounding areas in the County.
- Please note that not objecting to the amendments does not constitute support from state agencies for future development. If it meets the PLUS criteria, any future development not already reviewed through PLUS would need to be reviewed for state agency comment.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- All four of the proposed plan amendments are expected to enable developments that would require plan approvals and permits from DelDOT and could require Traffic Impact Studies (TIS). DelDOT’s regulations regarding plan approvals and TIS are found in the [Development Coordination Manual](https://deldot.gov/Business/subdivisions/index.shtml?dc=changes), available at <https://deldot.gov/Business/subdivisions/index.shtml?dc=changes>. DelDOT will offer more detailed comments, including determinations as to the need for TIS, when presented with subdivision and/or site plans.

- Amendment Request #1, pertaining to the R & C Fry Farm, would enable the development of a 182.67-acre industrial/business park at the west end of Airport Road (a City-maintained street) and bounded by three State-maintained roads, Delaware Route 14 (Milford-Harrington Highway), Delaware Route 15 (Canterbury Road) and Church Hill Road (Kent Road 404). Section 5.2.2 of the Manual provides in part that “When a parcel of land is being developed that fronts on a major and a minor roadway, the access to this parcel should be from the minor roadway and not the major roadway. Exceptions may be considered by the Subdivision Engineer.” In this context, the regulation means that access to the park should be on Church Hill Road, a Local Road, rather than on Delaware Route 14 or 15, both of which are Minor Arterial Roads. DelDOT will provide specific requirements as to access when a site plan is presented but the City should anticipate that the main site access would be on Church Hill Road.

Further regarding Amendment Request #1, an industrial/business park at this location would likely increase traffic on Church Hill Road between the site and the Grade Separated Intersection on Delaware Route 1 at Thompsonville Road (Kent Road 19). DelDOT’s TIS regulations include limits on the scope of such studies such that a TIS for a development on these lands would not normally include the GSI. However, the GSI was designed and built as a safety improvement, not as a capacity improvement, and for that reason, improvements there might be needed. Also, as mentioned above, Church Hill Road is presently a Local Road. It would need to be improved before it could properly accommodate the traffic that an industrial/business park would likely generate.

- Amendment Request #2 would enable the development of a 112.30-acre parcel on the south sides of Delaware Route 14 (Milford- Harrington Highway) and Holly Hill Road (Kent Road 447). Section 5.2.2 of the Manual provides in part that “When a parcel of land is being developed that fronts on a major and a minor roadway, the access to this parcel should be from the minor roadway and not the major roadway. Exceptions may be considered by the Subdivision Engineer.” In this context, the regulation means that access to the industrial lands should be on Holly Hill Road, a Local Road, rather than on Delaware Route 14, which is a Minor Arterial Road. DelDOT will provide specific requirements as to access when a site plan is presented but the City should anticipate that the main site access would be on Holly Hill Road.
- Amendment Request #3 would enable the development of 42.88 acres of commercially zoned land on the north side of Delaware Route 14 (Milford- Harrington Highway) between Delaware Route 15 (Canterbury Road) and Williamsville Road (Kent Road 443). The PLUS application describes the land as an expansion of the Greater Milford Business Park. From discussion at the PLUS meeting, access would be proposed on both Vickers Drive and Delaware Route 14. Section 5.2.2 of the Manual provides in part that “When a parcel of land is being developed that fronts on a major and a minor roadway, the access to this parcel should be from the minor roadway and not the major roadway. Exceptions may be considered by the Subdivision Engineer.” Therefore, if access through the Park to Airport Road (a City-maintained Local Road) is possible, DelDOT

would anticipate requiring that the access be there, that is by way of Vickers Drive, rather than on Delaware Route 14, which is a Minor Arterial Road. DelDOT will provide specific requirements as to access when a site plan is presented but the City should anticipate that the site access would be by way of Airport Road if possible.

- Amendment Request #4 would enable the development of 79.35 acres of residentially zoned land on the east side of Delaware Route 1 at the Grade Separated Intersection of Route 1, NE Front Street and New Wharf Road (both Kent Road 409). Section 5.2.2 of the Manual provides in part that “When a parcel of land is being developed that fronts on a major and a minor roadway, the access to this parcel should be from the minor roadway and not the major roadway. Exceptions may be considered by the Subdivision Engineer.” In this context, the regulation means that access to the residential lands should be on New Wharf Road, a Local Road, rather than on Delaware Route 1, which is a Principal Arterial Road from there south and an Expressway from there north. DelDOT will provide specific requirements as to access when a site plan is presented but the City should anticipate that the main site access would be on New Wharf Road.

Further regarding Amendment Request #4, the subject land is located within the control zone of a Delaware Scenic and Historic Byway (Delaware Bayshore Byway). Delaware State Code Title 17, Chapter 1, Sections 190-194 and Title 17, Chapter 11, Sections 1101-1120 with applicable amendments, all of which regulate outdoor advertising, apply.

### **Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**

#### **Amendment Request 1**

The City of Milford proposes to rezone parcel MD-16-173.00-01-01.00 from Moderate Density Residential/Commercial to Industrial/Commercial, and rezone parcel MD-00-173.00-01-49.00 from Moderate Density Residential to Commercial.

For parcel MD-16-173.00-01-01.00, a 0.36-acre pond connects to an intermittent stream in the northeastern corner of the site. A portion on the eastern side of the parcel lies within an Excellent Groundwater Recharge Area. An analysis of historical data indicates that the forest area located on the northeast corner of the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat. If the parcel is rezoned, the City of Milford should ensure that these resources are preserved in any development proposal.

For parcel MD-00-173.00-01-49.00, DNREC reviewers have no comments, concerns, or objections specific to environmental features on the site.

#### **Amendment Request 2**

The City of Milford proposes to rezone parcel MD-00-173.00-02-83.00 from Industrial and Low Density Residential to entirely Industrial. An active Bald Eagle (*Haliaeetus leucocephalus*) nest

exists on the parcel. Bald eagles and their nests are protected under the federal Bald and Golden Eagle Protection Act (BGEPA). Additionally, the nest itself is protected by state law (7 Del. C. § 739). The U.S. Fish and Wildlife Service (USFWS) developed the *National Bald Eagle Management Guidelines*, to help landowners and others minimize impacts to eagles, including disturbance, which is prohibited by the BGEPA. The guidelines focus on minimizing disturbance through the use of buffer zones (330 feet to 660 feet from a nest) and time-of-year restrictions for certain activities in several categories. The USFWS has jurisdiction regarding Bald Eagles protection via BGEPA and works with landowners regarding all eagle disturbance issues. While this parcel lies in Levels 1 and 2 under Delaware's Strategies for State Policies and Spending, the existence of the bald eagle nest and the surrounding resources make it a poor candidate for rezoning that may result in increased intensity.

For more information, please contact the DNREC Division of Fish & Wildlife at (302) 735-3600 (<https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>).

### Amendment Request 3

The City of Milford proposes to rezone two parcels (MD-00-173.00-02-32.00 & MD-00-173.00-02-32.04) from Low Density Residential to Commercial to allow for the future expansion of the Greater Milford Business Park.

A portion of freshwater forested wetlands is located on the northeastern corner of parcel MD-00-173.00-02-32.00 and the northwestern corner of parcel MD-00-173.00-02-32.04. An Excellent Groundwater Recharge Area lies in a small portion of the southern corner of parcel MD-00-173.00-02-32.00. The parcels lie within Levels 1 and 2 under Delaware's Strategies for State Policies and Spending. Should the rezoning move forward, preservation of these resources and their function and values should be central to a development plan.

### Amendment Request 4

The City of Milford proposes to rezone parcel MD-00-174.00-02-64.01 from Open Space to Low Density Residential.

This proposed change, which would allow more intensive uses on this parcel, is inconsistent with Delaware's Strategies for State Policies and Spending and inconsistent with the environmental features that exist both on and surrounding the site. This parcel lies within an area designated as Level 4 and Out of Play lands. Approximately half of the parcel contains freshwater forested wetlands as well as estuarine/marine wetlands, also mapped as Key Wildlife Habitat in the Delaware Wildlife Action Plan. This area is part of a larger wetland complex consisting of contiguous forest that can support an array of plant and animal species. Although Key Wildlife Habitat designation is non-regulatory, these maps are intended to help guide site-specific conservation planning efforts. The parcel also borders the Mispillion River, which runs along the eastern edge of the site. Most of the parcel is located within the Delaware Ecological Network, a statewide network of interconnected lands of significant ecological value, and the Milford Neck Natural Area. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in

Delaware. Much of the southeastern portion of the site lies within the Special Flood Hazard Area (100-year floodplain) and the 500-year floodplain. These areas are subject to direct impacts from sea level rise at coastal inundation levels as low as 1 foot. Residents will also experience issues with mosquitoes if rezoned to Low Density Residential housing due to the wetlands on and adjacent to this property.

**State Historic Preservation Office – Contact Carlton Hall 736-7400**

Amendment Request #1- R&C Fry Farm – Exhibit A

**Location:** Milford Harrington Highway & Canterbury Rd, Milford (Kent)

Prehistoric archaeological potential is low to moderate. The area is completely well-drained soils, but it is outside favorable distance to a water source. Historic maps show Improvement Branch extending into the parcel, but because of the age of these maps, it may not be accurate.

Comments

Historic archaeological potential is high near where the agricultural complex (Gen. David McMurtrie Gregg) was mapped and the south east corner of the parcel where another complex/several buildings appear in historic aerials (1937 aerial, maybe W. Tharp on 1859 Byles), and low elsewhere. Both archaeological sites would pertain to 19<sup>th</sup> century agricultural complexes. Because of General Gregg's association with the site, there may be a high level of significance. The Delaware SHPO is recommending a Phase I archaeological survey prior to any ground disturbance.

Amendment Request #2 – Exhibit B

**Location:** Milford-Harrington Highway & Holly Hill Rd, Milford.

The adopted 2018 Comprehensive Plan Future Land use maps show a portion of parcel **5-00-173.00-02-83.00-00001** as Proposed Industrial Land Use that abuts the existing railroad easement. The City is requesting to change the entire property to Proposed Industrial Land Use to increase the amount of potentially available industrial land adjacent to the existing railroad easement.

Comments

There are no known archaeological sites or known National Register-listed or eligible properties on the parcel. Prehistoric archaeological potential is high on the western side of the parcel, especially where there is a rise in topography overlooking the stream. The area is all well-drained soils and the streambank location is highly favorable. The eastern half of the parcel is low to moderate due to distance to water. Therefore, the Delaware SHPO recommends a Phase I archaeological survey prior to any ground disturbance.

Historic potential is low to moderate. There are historic farmsteads labeled on Beers (1868)/Byles (1859) maps known as the G. Knight/J.B. Davies and General Torbert/D. Currey. General Torbert, while a significant figure during and after the Civil War, does not appear to have had any structures on the land. No evidence from historic aerials that the G. Knight/J.B.

Davies ag complexes survived into the 20<sup>th</sup> century, but there still may be archaeological evidence of the farmstead. Other archaeological remains throughout the parcel would likely be 19<sup>th</sup> century field scatter.

Amendment Request #3 – Exhibit C

**Location:** Milford Harrington Highway & Canterbury Rd, Milford.

The City is seeking a change in the future land use classification for two properties abutting the Greater Milford Business Park to the south from Proposed Low Density Residential to Proposed Commercial. The parcels are 5-00-173.00-02-32.00-00001 & MD-00-173.00-02-32.04-00001. The change in land use would allow for the potential future expansion of the Greater Milford Business Park.

Comments

Prehistoric archaeological potential is low. Soils are mostly well-drained and some of the parcel is within favorable distance to Mullet Run. However, these areas within favorable distance are comprised of poorly drained soils.

Historic potential is low. There does not appear to be anything on Byles 1859 or Beers 1868 maps. Some buildings appear on 1944 topography, and one building may be on the 1918 topographic map, but they have likely been destroyed by modern construction. There was one recorded structure to the south east corner of the area, but modern construction would have likely destroyed any archaeological remains.

Amendment Request #4 – Exhibit D

**Location:** New Wharf Rd, Milford.

The City received a request from a potential purchaser of Kent County parcel number **5-00-174.00-02-64.01-00001** to change the future land use classification from Open Space to Low Density Residential as shown on the attached Exhibit D. The applicant intends to subdivide the property into low density residential lots if the amendment is approved by the City Council.

Comments

Prehistoric archaeological potential is high in the middle of the parcel, at the top of the streambank overlooking the marshland/river. There is moderate potential in the western side of the parcel, as there is well-drained soil and a projectile point was found when archaeological investigations occurred where the overpass is planned for (DeIDOT 2015). The Delaware SHPO recommends a Phase I survey prior to any ground disturbance.

Historic archaeological potential is moderate on the western edge. There is a known archaeological site, the Potter Estate Tenant Farmstead, on the western edge of the parcel but has since been found ineligible for listing and destroyed by the overpass construction. Elsewhere, the potential is lower. Will likely find field scatter due to destruction of the Potter Estate in the mid-1950s and as evidence of 19<sup>th</sup> century agricultural practices.

If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

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. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

**Department of Agriculture – Contact: Milton Melendez 698-4534**

- The Delaware Department of Agriculture welcomes the opportunity to provide recommendations for this municipal comprehensive plan. The Agriculture/Food System complex is the state's largest industry and its most significant land use.
- As an economic force the agriculture/food system provides more jobs and impacts in the state's economy than any other sector. In addition to the direct economic impacts throughout the state, agriculture and forestry provide billions of dollars in environmental services to the citizens of Delaware in the form of air and water cleansing, weather moderation, carbon sequestration, outdoor recreation, wildlife habitat, scenic vistas – and the list goes on. These services are largely uncompensated and represent a significant contribution to the quality of life and the health of Delaware's citizens and visitors.
- Agriculture and forestry are the state's most important land uses. The majority of the state's private lands are farms. Farms and forests dominate the landscape. This fact alone dictates that these land uses must be a crucial part of the future land use planning in every comprehensive plan. Over three-quarters of the private open space in Delaware is in farms. The maintenance of these land uses is crucial to our future quality of life and the orderly and pleasing development of the state. In addition the State of Delaware is investing millions of taxpayer dollars in the permanent preservation of these lands and all the attendant benefits they provide. Every comprehensive land use plan should account for these factors in balancing future development, preservation of farmland and forest, and the enhancement of the economic activities associated with our working lands.
- Undoubtedly future generations will judge our effectiveness at land use planning by what they see around them. Like Delawareans today they will expect us to balance growth and development with the preservation and enhancement of agriculture and forestry.
- The following proposed steps provides municipal governments with directives that can be implemented to maximize the preservation and longevity of agriculture in your surrounding areas.

#### AGRICULTURE:

- Identify areas within the municipality where agriculture is considered the highest priority land use
- Encourage the protection of prime agricultural land
- Discourage development activities and capital projects incompatible with modern agriculture
- Encourage separation of residential and agricultural areas through the zoning and subdivision process (this includes significant buffering and setback requirements for lands adjacent to agricultural operations)
- Encourage, support, and maintain existing and proposed agricultural support enterprises and ag-related businesses
- Encourage the development of local markets for locally grown foods
- Encourage agricultural use protections and strong right-to-farm policies in agricultural areas
- Establish and support financial incentives that encourage and allow landowners to remain in agriculture
- Promote policies that maintain and foster economic viability within the agricultural sector

#### DENSITY AND EFFICIENT LAND DEVELOPMENT:

- Encourage maximum use of existing and planned infrastructure
- Designate infill areas & project number of units to be constructed in those areas
- Discourage development patterns that promote inefficient use of land (i.e., discourage developments where lots frequently exceed minimum lot size requirements).
- In conjunction with population projections, project acres of residential land needed for a given time period and discourage consumption of land in excess of that need with allowance for reasonable market competition
- Direct growth toward existing population centers.

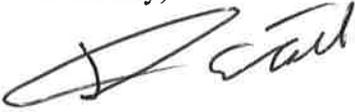
Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the town, please notify the office so we can update our records.

PLUS review 2021-06-01

Page 10 of 10

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell", written in a cursive style.

David L. Edgell, AICP  
Director, Office of State Planning Coordination

§ 230-16. - I-1 Limited Industrial District.

In an I-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.

- A. The purpose of an I-1 Limited Industrial District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas. Also, the purpose is to provide guidelines and performance standards which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.
- B. Permitted uses. Permitted uses of the I-1 District shall be as follows:
- (1) All permitted uses of the OC-1 District and BP District. [Ord. No. 2017-03, § 1, 2-27-2017]
  - (2) Light manufacturing, assembling, converting, altering, finishing, baking, cooking or any other type of processing or storage of an industrial nature for the production and/or distribution of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees.
  - (3) Research, design, testing and development laboratories.
  - (4) Printing, publishing, binding, packaging, storage, warehousing, distribution and trucking terminal operations and trucking schools.
  - (5) Municipal and public services and facilities, such as utility supply areas (i.e., water, sewer and electric), distribution facilities and substations.
  - (6) Truck or large vehicle repair facilities with associated parking area. All fuel and lubricant storage shall be installed in compliance with state and federal regulations and shall not be closer than 500 feet to any school or building(s) used for assembly.
- C. Prohibited uses. The following are expressly prohibited in an I-1 District:
- (1) Residences, except those in existence at the time of adoption of this amendment.
  - (2) Manufacturing uses involving production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); and soaps, including fat rendering.
  - (3) Dumps, junkyards, automobile salvage and dismantling plants/yards, storage areas or operations for the storage or resale of used automotive or other machine parts.
  - (4) Operations involving slaughterhouses, stockyards or slag piles.
  - (5) Storage of explosives and bulk or wholesale storage of gasoline above ground.
  - (6) Quarries, stone crushers, screening plants and all associated uses.
  - (7) The following processes: large-scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.

- D. Conditional uses. The following uses are permitted in the I-1 District, in accordance with the provisions within Article IX (conditional use portion) of this chapter:
- (1) Airfields or airpark facilities.
  - (2) Mini-warehouses or public storage facilities.
  - (3) Radio-television facilities.
  - (4) Craft distillery and microbrewery establishments, provided that:
    - (a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.
    - (b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.
    - (c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.
    - (d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.
    - (e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.
    - (f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:
      - i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
      - ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.
      - iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.
      - iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.

- v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.
  - vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.
  - vii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.
- E. 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.
- (1) Accessory uses shall not be permitted without a principal use.
  - (2) Any uses not permitted, as previously listed, are prohibited.
  - (3) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen, fence or wall.
  - (4) In a planned industrial park or any lands designated as an I-1 District, no building/structure, accessory structure or sign shall be located closer than 200 feet to any nonindustrial district boundary.
  - (5) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article IV of this chapter and are to be deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.
  - (6) All fencing shall be properly maintained.
  - (7) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.
  - (8) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.
  - (9) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).
  - (10) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of the DNREC, State of Delaware.
  - (11) All internal roads, driveways and parking areas (for public, in-house employee or truck/vehicular traffic) shall be paved.
  - (12) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.
  - (13) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.

- (14) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.
- (15) All I-1 District projects and proposals are subject to site plan review by the Planning Commission.

F. Area and height regulations.

- (1) Minimum lot area shall be two acres.
- (2) Maximum lot coverage shall be 60%, with the remainder being that of grass and landscape areas. Parking areas shall be landscaped.
- (3) Minimum lot width shall be 150 feet.
- (4) Maximum building height shall be 50 feet.
- (5) Minimum front yard setback shall be 75 feet.
- (6) Minimum side yard setback shall be 40 feet.
- (7) Minimum rear yard setback shall be 45 feet.
- (8) Off-street parking. See Article IV of this chapter.
- (9) Landscape screening. See Article V of this chapter.
- (10) Signs shall comply with the requirements provided in Article VI of this chapter.
- (11) Accessory structures shall occupy no more than 10% of the lot area.
- (12) Accessory structures shall be located in the rear yard/lot area.
- (13) Accessory structures shall be located at least 45 feet from the rear lot line.

§ 230-19.1. - BP Business Park District.

In a BP 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 indicated:

- A. The purpose of a Business Park District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas while still providing attractive landscaping, on-site recreation and a better working environment. The emphasis will be on employment rather than warehouse space. Also, the purpose is to provide guidelines and performance standards, which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.
- B. Permitted uses. Permitted uses of the BP District shall be as follows:
- (1) Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices and cafeterias for the exclusive use of in-house staff and employees.
  - (2) Research, design, testing and development laboratories.
  - (3) Printing, publishing, binding, packaging, storage, warehousing, distribution and trucking terminal operations and trucking schools.
  - (4) Business, professional or administrative offices.
  - (5) Municipal and public services and facilities, such as utility supply areas (i.e., water, sewer and electric), distribution facilities and substations.
  - (6) Truck or large vehicle repair facilities with associated parking area. All fuel and lubricant storage shall be installed in compliance with state and federal regulations and shall not be any closer than 500 feet from existing residence, residential district, school or building(s) used for assembly.
  - (7) Farm machinery manufacture, sales, storage and repairs.
  - (8) Heating, ventilating, cooling and refrigeration manufacturing.
  - (9) Building contractor yards.
  - (10) Veterinary clinics.
  - (11) Beverage blending, bottling (all types).
  - (12) Boat manufacture and repair (vessels less than five tons), boat sales and service.
  - (13) Dairy operations and dairy products, ice cream and cheese.
  - (14) Fruit and vegetable processing, including canning, preserving, drying and freezing.
  - (15) Greenhouses, commercial, wholesale or retail.
  - (16) Ice manufacture, including dry ice.
  - (17) Sign fabrication and painting shops.
  - (18) Wood product manufacture, including baskets, boxes, crates, barrels and veneer.
- C. Conditional uses. The following uses are permitted in the BP District in accordance with the provisions within Article IX (conditional use portion) of this chapter:
- (1) Public, private or professional schools.

- (2) Schools for vocational training.
- (3) Day-care centers.
- (4) Radio-television facilities.
- (5) Any use not permitted in any other zoning districts.
- (6) Craft distillery and microbrewery establishments, provided that:
  - (a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.
  - (b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.
  - (c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.
  - (d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.
  - (e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.
  - (f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:
    - i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
    - ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.
    - iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.
    - iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.
    - v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the

City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.

- vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.
- vii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

D. Prohibited uses. The following are expressly prohibited in the BP District:

- (1) Residences.
- (2) Manufacturing uses involving production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals; aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); and soaps, including fat rendering.
- (3) Dumps, junkyards, automobile salvage and dismantling plants/yards, storage areas or operations for the storage or resale of used automobile or other machine parts.
- (4) Operations involving slaughterhouses, stockyards or slag piles.
- (5) Storage of explosives and bulk or wholesale storage of gasoline above ground.
- (6) Quarries, stone crushers, screening plants and all associated uses.
- (7) The following processes: refining, smelting and alloying of metal or metal ores; refining petroleum products such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.
- (8) Drilling for the removal of any hydrocarbon substances.

E. 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.

- (1) Accessory uses shall not be permitted without a principal use.
- (2) All uses must be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen that may include a fence or wall.
- (3) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article IV of this chapter and are to be deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.
- (4) All fencing and landscaping shall be properly maintained.
- (5) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.
- (6) All loading and unloading operations shall be conducted at the side or rear of the building. In the loading and unloading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.
- (7) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

- (8) Dust or particle debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).
- (9) Internal roads, driveways and parking areas for public, in-house employee or truck/vehicular traffic shall be paved. All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.
- (10) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.
- (11) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.
- (12) All BP District projects and proposals are subject to site plan review by the Planning Commission.
- (13) Installation of a berm will be required adjacent to any residentially zoned area. The berm shall be constructed as follows: 10 feet from any residential property line, then 60 feet with a six-foot-high berm at 4 to 1 slope, with three rows of trees, including evergreens spaced 15 feet on center along the berm slope adjacent to the residential district, one row of evergreens spaced at 48 feet on center along the toe of the berm and deciduous trees, spaced 192 feet on center along the opposite toe of the berm. The berm may not be required in areas contiguous to residential districts that have an existing mature wooded area that has a minimum depth of 10 feet or where adjacent to road frontage that has a combined right-of-way width of 75 feet.

F. Area and height regulations.

- (1) Minimum area for a business park will be 40 acres.
- (2) Minimum lot area shall be one acre (43,560 square feet).
- (3) Maximum impervious lot coverage shall be 75%, with the remainder being that of grass and landscaped area.
- (4) Minimum lot width shall be 150 feet.
- (5) Maximum building height shall be 50 feet.
- (6) Minimum front yard setback shall be 30 feet.
- (7) Minimum side yard setback shall be 15 feet. The setback shall be computed from the berm line, not the property line.
- (8) Minimum rear yard shall be 25 feet. The setback shall be computed from the berm line, not the property line.
- (9) Parking may be permitted in the setback area but may not be located any closer than five feet from any property line and 15 feet from the right-of-way line. No parking may be permitted within a berm area or a landscaped area. No parking will be permitted on the streets or between public street pavement and the property line.
- (10) Landscape screening. Where adjacent to residential districts, the buffer shall include a landscape screen not less than six feet high. Each planted area of buffer shall retain as much natural vegetation as possible and be planted with indigenous evergreens, deciduous and ornamental trees or shrubs. All landscaping shall be installed within 90 days of occupancy of building, or as soon as weather will allow if such period falls within the winter months. All landscaping shall be properly maintained throughout the life of any use on the lot.

- (11) City water and sewerage shall serve the park. Mains shall be in place at the time of construction on the lot. Service to the lot shall be installed by the City to the property line of the lot after site plan approval.
- (12) No pipe, conduit, cable or line for water, gas, sewerage, steam, electricity or any other energy or service shall be installed or maintained upon a parcel outside of the building above the surface of the ground. All auxiliary machinery, equipment or facilities used on any parcel outside of any building in connection with such energies or services shall be located upon the parcel in such manner and upon such conditions as may be specifically approved by the Planning Commission during site plan review.
- (13) Site will be served by a central stormwater management system. Each lot shall be reviewed by the City Engineer to access the central stormwater area.
- (14) Walls.
  - (a) Exterior front and side walls are subject to site plan approval and must be finished on the exterior with the following:
    - [1] Architectural masonry units, excluding concrete block and cinder block.
    - [2] Natural stone.
    - [3] Precast concrete.
    - [4] Steel.
    - [5] Aluminum.
    - [6] Glass materials or their equivalent.
  - (b) Rear walls may be masonry block if the masonry block wall is appropriately painted. Finished building materials shall be applied to all sides of a building which are visible to the general public as well as from adjacent residential property and streets. Colors shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings. The Planning Commission shall have the sole right to approve or disapprove materials and colors.

G. Signs shall comply with the requirements provided in Article VI of this chapter.

H. Off-street parking and loading.

- (1) Off-street parking and loading shall have a buffer strip of at least five feet wide between it and any adjacent lot.
- (2) A parking space shall not be less than 162 square feet, with a minimum of nine feet wide.
- (3) All parking spaces shall be set back 15 feet from any street line.
- (4) Ground cover, shrubs, trees and landscaped 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.
- (5) 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).
- (6) Aisleway width shall be as required by the Office of the State Fire Marshal.
- (7) All parking spaces for use in conjunction with public parking areas, 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.
- (8) Required off-street parking spaces shall be as per Article IV.

- (9) No building or structure shall be erected in any district for the uses listed in Article IV unless loading space for the accommodation of trucks is provided on the premises in accordance with requirements stated in Article IV.
  - (10) Loading spaces shall not be permitted in any front yard of any property.
  - (11) Areas designated for exterior storage in trailers shall be shown on the site plan. The area will be dimensioned and include the number of units located within the area. Storage will not exceed 30 days.
  - (12) Trash containers and dumpsters must be properly screened and shall be designated on the site plan.
- I. Antennas and satellites shall be shown on the site plan.
  - J. Mailbox receptacles will be placed as required by the Postmaster, Milford, Delaware, and shall be shown on the site plan.
  - K. Chain link fencing may be used in the park.
  - L. No parcel may be subdivided.
  - M. In the event that any purchaser of any parcel of land within the business park 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 therefor as shown on the owner's settlement sheet.
  - N. 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 stormwater management areas, open space, landscaping and berms. Said easement fee must be fixed at a uniform rate based upon the assessment of the parcel and the improvements thereon. The assessments levied by the City of Milford pursuant to this Zoning Code shall be used exclusively for said purposes and for such other purposes as the City deems appropriate.

# CITY OF MILFORD

## NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, September 21, 2021 @ 7:00 PM  
City Council Hearing: Monday, September 27, 2021 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by Milford Planning Commission and City Council, with action scheduled to occur on the date(s) and time(s) so indicated:

### ORDINANCE 2021-15

Legal Owner R&C Fry Farms, LP on behalf of Equitable Owner City of Milford for a Change of Zone from R-3 Garden Apartment/Townhouse) & C-3 (Highway Commercial) to I-1 (Limited Industrial) and B-P (Business Park) on 182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury Road.  
Present Use Vacant Land; Proposed Use Industrial Park-Corporate Center  
Tax Map & Parcel MD-16-173.00-01-01.00

WHEREAS, the equitable owners of the property, as described herein, have petitioned the City of Milford Planning and Zoning Office for a Change of Zone from R-3 & C-3 to I-1 & BP, to permit an Industrial Park/Corporate Center on 182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury Road; and

WHEREAS, the Change of Zone request is consistent with the Adopted 2018 Comprehensive Plan Future Land Use Maps, as amended, whose designation for the property is Industrial/Commercial; and

WHEREAS, the City of Milford Planning Commission considered the application during their meeting on Tuesday, September 21, 2021, at which time interested parties publicly commented on the application allowing an informed recommendation to be forwarded to City Council; and

WHEREAS, Milford City Council held a Public Hearing on September 27, 2021 to allow for additional public comment and further review of the application, after which a final determination was made; and

WHEREAS, as required by Chapter 230, the Public Notice was published in the Milford Beacon on August 25, 2021 and provided to property owners within 200 feet of the subject parcel; and

WHEREAS, this Ordinance becomes effective ten days following the date of its adoption.

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

*Section 1.* The adoption of this Ordinance hereby grants Legal Owner R&C Fry Farms, LP a Change of Zone from R-3 & C-3 to I-1 & BP on 182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury Road, Kent County, Milford, Delaware, Tax Map & Parcel MD-16-173.00-01-01.00.

*Section 2.* Any future use of the property must comply with Article III of the City Zoning Code §230-16.-I-1 Limited Industrial District and §230-19.1.-BP Business Park District.

*Section 3.* Scheduled Dates.

City Council Introduction: Monday, September 13, 2021

Planning Commission Review & Public Hearing: Tuesday, September 21, 2021

City Council Public Hearing: Monday, September 27, 2021

Effective: Ten (10) Days following Adoption

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302.424.8396.

Advertised: *Milford Beacon 08.25.21*

**CITY OF MILFORD  
NOTICE OF PUBLIC HEARING**

Planning Commission Hearing: Tuesday, September 21, 2021 @ 7:00 PM  
City Council Hearing: Monday, September 27, 2021 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City of Milford Planning Commission and City Council, with action scheduled to occur on the date(s) and time(s) so indicated:

**ORDINANCE 2021-13**

Jaasiel, LLC for a Conditional Use

0.304 +/- acres of land located at the northwest corner of the NE Front Street and East Street intersection

Address: 115 NE Front Street

Comprehensive Plan Designation: Commercial Zoning District: C-2 (Central Business District)

Present Use: Single-Occupancy Retail

Proposed Use: Mixed Use – (3) Commercial Tenant Spaces and (10) Apartments

Tax Parcel: MD-16-183.10-03-68.00

WHEREAS, Chapter 230-13(C)(10) states “all dwellings other than single-family with a maximum density of twelve (12) units per acre in conjunction with nonresidential use” may be permitted subject to receiving a conditional use permit by the City Council; and

WHEREAS, Chapter 230-45 states “in any and all zoning districts, multiple permitted uses or mixed uses of a property shall be deemed a conditional use subject to special requirements”; and

WHEREAS, the applicant is converting a one-story single-occupancy commercial building into a two-story mixed-use structure containing three (3) commercial tenant spaces on the first floor and ten (10) residential apartments on the second floor; and

WHEREAS, the City of Milford Planning Commission considered the application during their regular meeting on Tuesday, September 21, 2021, at which time interested parties publicly commented on the application; and

WHEREAS, Milford City Council held a Public Hearing on Monday, September 27, 2021 which allowed for additional public comment after which the Conditional Use was approved through the adoption of this ordinance; and

WHEREAS, the notice as required by Chapter 230, was published in the Milford Beacon on August 25, 2021, and provided to property owners within 200 feet of the subject parcel; and

WHEREAS, this ordinance becomes effective ten days following the date of its adoption by City Council.

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

*Section 1.* Upon adoption of this ordinance, a conditional use permit is hereby granted to Jaasiel, LLC to allow three (3) commercial tenant spaces and ten (10) residential apartments, and multiple permitted/mixed uses of the property.

*Section 2.* Construction 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: Monday, September 13, 2021

Planning Commission Review & Public Hearing: Tuesday, September 21, 2021

City Council Public Hearing: Monday, September 27, 2021

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302.424.8396.

08.19.2021

Advertised: *Milford Beacon 082521*

## DATA SHEET FOR JAASIEL, LLC

Planning Commission Meeting: September 21, 2021

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<b>Application Number / Name</b>	:	21-030 / Jaasiel, LLC
<b>Applicant</b>	:	Jaasiel, LLC 110 E. Kimmy Street Georgetown, DE 19947
<b>Owner</b>	:	Same
<b>Application Type</b>	:	Conditional Use
<b>Present Comprehensive Plan Map Designation</b>	:	Commercial
<b>Present Zoning District</b>	:	C-2 (Central Business District)
<b>Present Use</b>	:	Single-Occupancy Retail
<b>Proposed Use</b>	:	Mixed Use – (2) Commercial Tenant Spaces and (10) Apartments
<b>Size and Location</b>	:	0.304 +/- acres of land located at the northwest corner of the NE Front Street and East Street intersection, addressed as 115 NE Front Street.
<b>Tax Map &amp; Parcel</b>	:	MD-16-183.10-03-68.00

ENC: Staff Analysis Report  
Exhibit A – Location & Zoning Map  
Exhibit B – Property Survey



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**STAFF REPORT**  
**August 27, 2021**

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<b>Application Number / Name</b>	:	21-030 / Jaasiel, LLC
<b>Present Comprehensive Plan Designation</b>	:	Commercial
<b>Present Zoning District</b>	:	C-2 (Central Business District)
<b>Present Use</b>	:	Single-Occupancy Retail
<b>Proposed Use</b>	:	Mixed Use – (3) Commercial Tenant Spaces and (10) Apartments
<b>Tax Map &amp; Parcel</b>	:	MD-16-183.10-03-68.00
<b>Size and Location</b>	:	0.304 +/- acres of land located at the northwest corner of the NE Front Street and East Street intersection.

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**I. BACKGROUND INFORMATION:**

- The applicant proposes to convert the one-story single-occupancy commercial building into a two-story mixed uses structure containing (3) commercial tenant spaces on the first floor and (10) residential apartments on the second floor.
- Chapter 230-13(C)(10) states “all dwellings other than single-family with a maximum density of 12 units per acre in conjunction with nonresidential use” may be permitted subject to receiving a conditional use permit by the City Council.
- Chapter 230-45 states “in any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.”

**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:

- The applicant sought a variance from the Board of Adjustment for the 12 units per acre limitation on the residential density. The Board reviewed a request to increase the density

from 12 units per acre to 33 units per acre at the September 9, 2021 public hearing.

- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

- A. The presence of adjoining similar uses.

*The Central Business District has several buildings with first floor commercial and residential units above. The proposed use would be similar to several other properties along Walnut Street and Front Street. The property to the west contains a two-unit commercial building. The property to the north contains a single commercial building. The property to the east, across East Street, contains multiple professional offices. The property to the south, across NE Front Street, contains a municipal parking lot.*

- B. An adjoining district in which the use is permitted.

*The proposed mixed-use structure is consistent with the purpose and intent of the C-2 Central Business District.*

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

*The Comprehensive Plan promotes mixed use development in the Central Business District. The combination of first floor commercial and second floor residential would be consistent with the Comprehensive Plan, the Downtown Master Plan, and the goals of the Downtown Development District Plan. The proposal would provide additional housing options in the downtown area.*

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

*The properties on all sides contain existing commercial uses. No screening is proposed since the use is consistent with the surrounding uses and the purpose of the central business district.*

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

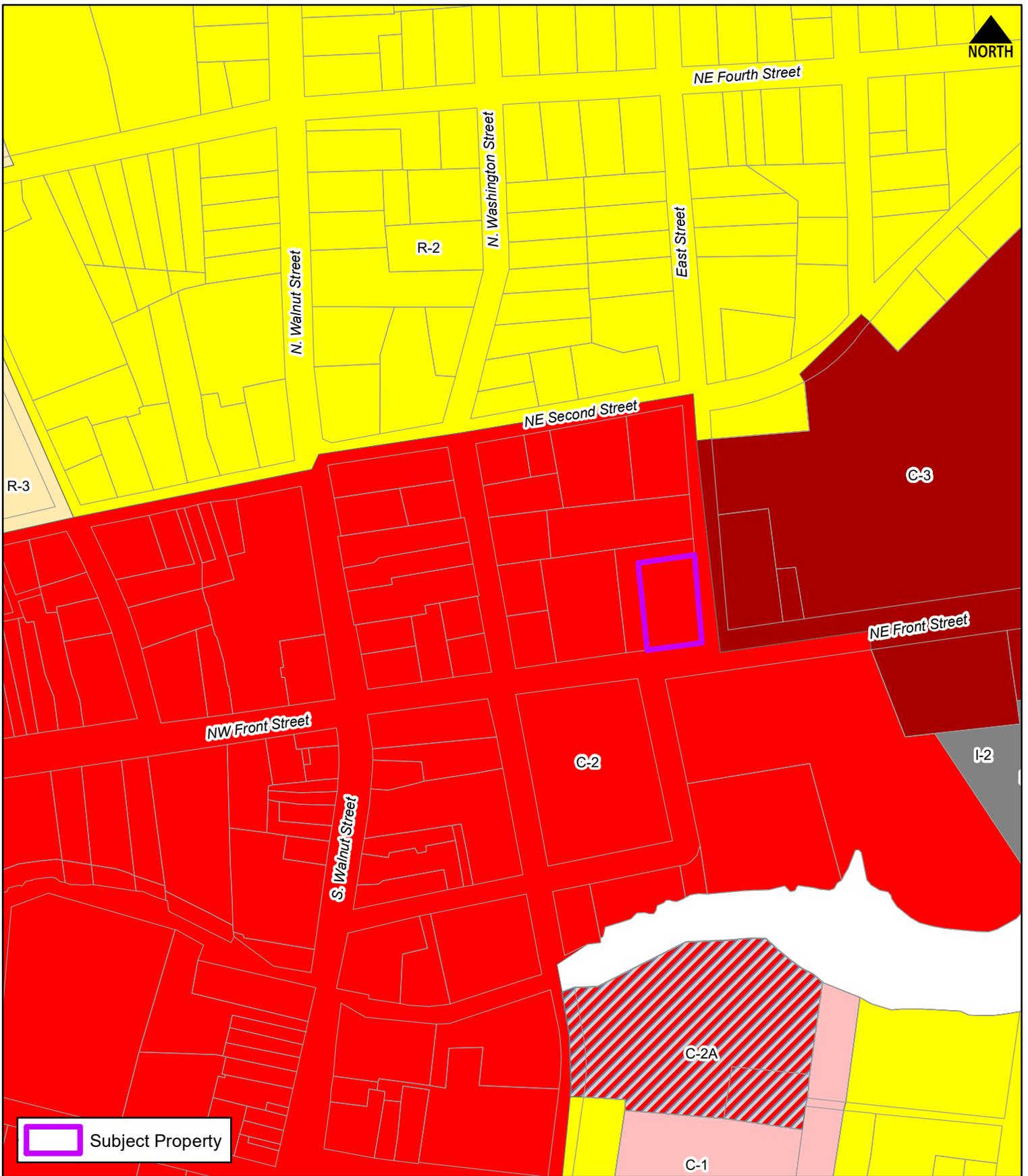
*The proposed mixed-use structure is consistent with the purpose and intent of the C-2 Central Business District and should not detract from similar adjacent non-residential uses. The subject parcel has an existing easement and right of way agreement with the neighboring property to the west for the use of the eleven (11) parking spaces between the two buildings. In addition, the proposed uses of the building have access to the municipal parking lot located to the south along with available on-street parking on East Street.*

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

*The subject parcel is located within the Central Business District which does not require off-street parking for permitted uses. The residents, employees and customers of the proposed uses would utilize existing off-street public parking lots, on-street parking, and*

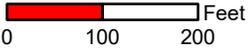
*the private parking lot to the west. The proposed uses would be located within the existing building footprint, therefore there would be no change in building setbacks from the current conditions. The applicant does propose to add a few feet to the height of the building to accommodate a second floor for the residential apartments, however, the proposed conditions would still meet the height limitation for the C-2 zoning district. No screening is proposed since the use is consistent with other uses and the purpose of the central business district.*

- If the Planning Commission and City Council elect to approve the applicant's request, staff recommends the following minimum conditions of approval:
  - The applicant must obtain a building permit from the Planning Department and obtain approval from the State Fire Marshal's Office and State Plumbing Office.
  - The applicant should consider maintaining the historic character of the building and work with the State of Delaware Division of Cultural Affairs and local resources to maintain an appearance consistent with the historic downtown area.



 Subject Property



Scale:  Feet  
0 100 200

Drawn by: WRP Date: 08/05/21

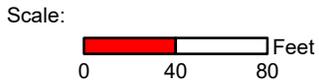
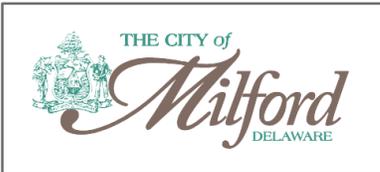
Title:

Conditional Use  
**Jaasiel, LLC**  
Location & Zoning Map

Filepath: ConditionalUse\_Jaasiel.mxd



Surdex Corp, 2017

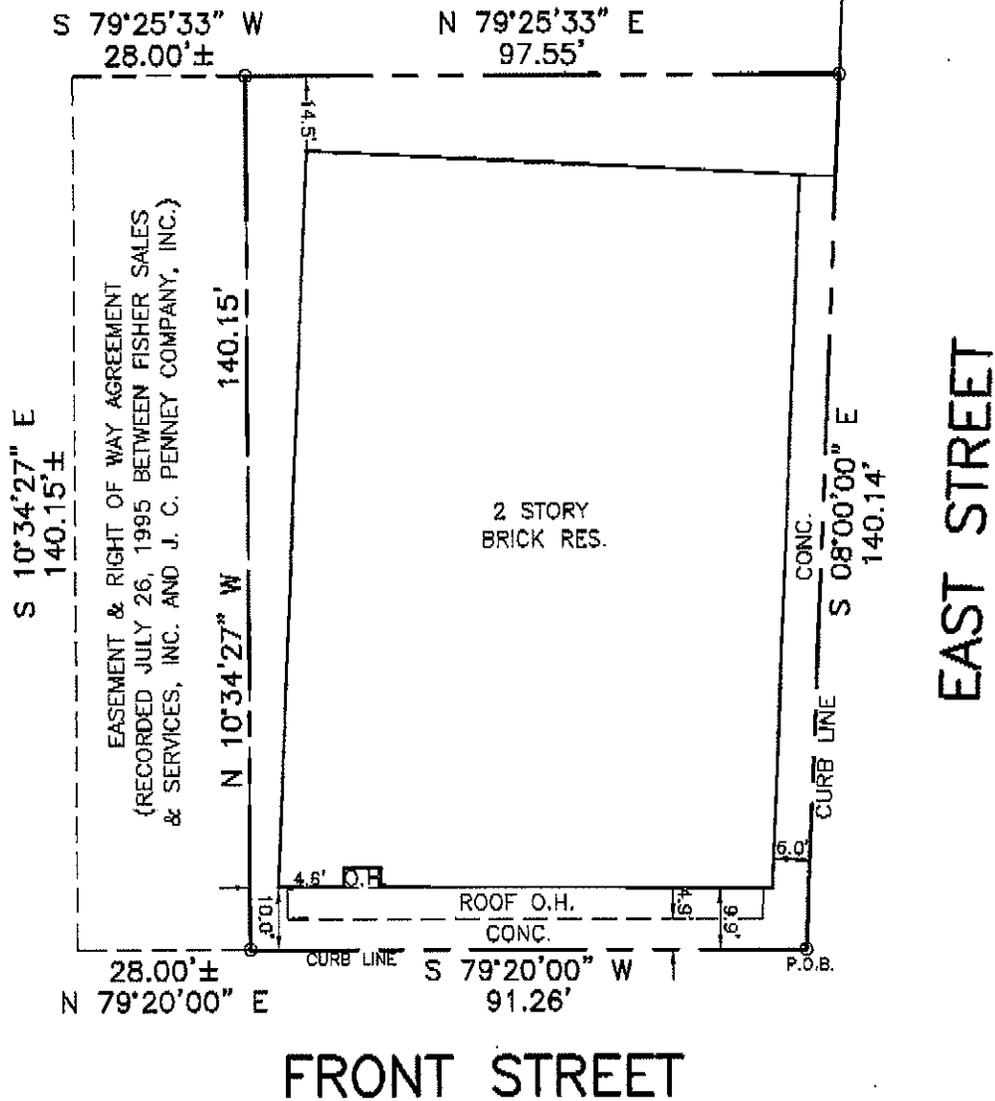


Drawn by: WRP Date: 08/05/21

Title:

Conditional Use  
**Jaasiel, LLC**  
 Aerial Map

Filepath: ConditionalUse\_Jaasiel\_Aerial.mxd



I, DONALD A. ELROD OR SHAUNTI E. SZWED, HEREBY REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND IT MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE. THE IMPROVEMENTS SHOWN HEREON HAVE BEEN LOCATED AND LIE WITHIN THE LOT BOUNDARIES UNLESS SHOWN OTHERWISE. THIS PLAN IS INTENDED FOR THE USE OF THE PARTIES INVOLVED WITH THIS LAND TRANSACTION AND SHALL NOT BE REPRODUCED OR USED FOR ANY OTHER PURPOSE, WITHOUT WRITTEN PERMISSION OF THE LAND SURVEYOR RESPONSIBLE FOR ITS CONTENTS. FENCES, TREES, LANDSCAPING OR OTHER FEATURES HAVE NOT BEEN LOCATED UNLESS SHOWN AND DIMENSIONED. PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS AND EASEMENTS OF RECORD. IF THIS DRAWING DOES NOT CONTAIN AN ORIGINAL SIGNATURE AND RAISED IMPRESSION SEAL IT IS NOT IN COMPLIANCE WITH REGULATIONS AND IS A PRELIMINARY DRAFT ONLY.

PROPERTY TO BE CONVEYED TO: ENRIQUE NUNEZ & VERONICA NUNEZ		ZONED: C2 SETBACKS: FRONT— REAR— SIDE—	
<b>BOUNDARY SURVEY PLAN</b> 115 NORTH FRONT STREET  CITY OF MILFORD KENT COUNTY - DELAWARE TAX PARCEL # MD-16-183.10-03-68.000-000		<b>AMERICAN EASTCOAST                  SURVEYING &amp; MAPPING</b> 3913 OLD CAPITOL TRAIL WILMINGTON, DE.19808 PHONE: 302-993-1059 EMAIL: OFFICE@AESSURVEYORS.COM	
		SCALE: 1"=30'	DATE: 1/21/20
DEED REF: BK.632 PG.224	PLAT REF:	JOB # 20200081	CLASS S SURVEY

**EASEMENT AND RIGHT OF WAY AGREEMENT**

THIS AGREEMENT made as of this 26<sup>th</sup> of July, 1995, by and between FISHER SALES & SERVICES, INC., a Delaware corporation, having an address of Box F, Milford, DE, hereinafter referred to as "Grantor," and J. C. PENNEY COMPANY, INC., a Delaware corporation, having an address of P.O. Box 10001, Dallas, TX 75301-2105, hereinafter referred to as "Grantee."

WHEREAS, Grantor is the owner of certain real property located on Front Street, City of Milford, Kent County, Delaware, which property is hereinafter shown on a survey made by Earl D. Smith dated January 5, 1989 ("Survey") and marked as Exhibit A attached hereto and made a part hereof, and said real property (hereinafter referred to as the "Parking Area") is contiguous to certain real property owned by Grantee, which property is hereinafter shown in Exhibit A, as hatched, upon which a two-story concrete building has been erected (hereinafter referred to as the "Building"); and

WHEREAS, Grantee desires the right, privilege and authority to use, cross, and gain access for ingress and egress upon, over and across the Parking Area.

WITNESSETH: That Grantor, in consideration of the mutual covenants contained herein and other good and valuable consideration, does hereby grant, convey and transfer unto Grantee, its successors and assigns, an easement and right of way for the purpose of ingress, egress, regress and use, over, across, and upon the Parking Area as shown on the Survey and more particularly described as follows:

ALL THAT CERTAIN lot, piece or parcel of land situated in the City of Milford, Kent County, and State of Delaware, being bounded on the south by Front Street, on the west and north by lands of Fisher Sales and Services, Inc., on the east by lands of J. C. Penney Company, Inc., and being more particularly described in accordance with a recent survey by Earl D. Smith, dated January 5, 1989, as follows, to wit:

BEGINNING at a drill hole at the intersection of the west line of East Street with the northerly line of Front Street; Thence running from said point with the northerly line of Front Street, South 79 20' West a distance of 91.26 feet to a nail at the corner of lands of Fisher Sales and Services, Inc., and J. C. Penney Company, Inc., the point of beginning; Thence from said point of beginning, along the line of lands of J. C. Penney Company, Inc., North 10 34'27" West, a distance of 140.15 feet to a P.K. nail; Thence along a line intersecting lands of Fisher Sales and Services, Inc., South 79 25'33" West, a distance of 28 feet, more or less, to a point; Thence along another line intersecting the lands of Fisher Sales and Services, Inc., South 10 34'27" East, a distance of 140.15 feet,

more or less; Thence along the northerly side of Front Street, North 79 20' East, a distance of 28 feet, more or less, to the point of beginning.

Said easement and right of way are granted upon the following mutual covenants:

1. Grantor agrees and covenants to keep the Parking Area maintained, repaired, graded, surfaced, properly drained, and free of obstructions, rubbish, snow, and ice.
2. The term of said easement and right of way is for an initial term of five (5) years, subject to automatic renewal at the end of the initial term, and all subsequent terms, for an additional five (5) years. Renewal is automatic at the end of each term unless notification is delivered from either party at least sixty (60) days prior to the end of any individual term. In consideration of the grant of this easement, Grantee agrees to pay to Grantor an annual fixed sum of Six Hundred (\$600) Dollars, which said sum shall be paid in equal monthly installments of Fifty (\$50) Dollars each, on or before the tenth day of each month. If such sum shall be payable for a fraction of a month, the amount payable shall be a pro rata share of the amount due for a full month.
3. In further consideration of the grant of this easement, Grantee agrees to pay to Grantor one-half (1/2) of the costs incurred by Grantor in association with the maintenance of the Parking Area. The expenses to be taken into consideration in determining such cost shall include the expenses in connection with maintaining, lighting, cleaning, snow and ice removal, paving and repaving, resurfacing, patching and repairing, line-painting, and real estate taxes. As used in this article, "real estate taxes" shall refer to taxes levied on all of the land comprising the Parking Area. However, such term shall not include any income, franchise, corporate, personal property, capital levy, capital stock, transfer, revenue, estate, inheritance, gift, devolution, or succession tax payable by Grantor, or any other tax, assessment, charge or levy upon Grantor's remaining property. Grantor shall, as soon as it is reasonably possible following the receipt of any bill regarding the maintenance of, or real estate taxes payable for, the Parking Area, deliver to Grantee a statement setting forth the actual amount of costs or taxes applicable to the Parking Area, a computation, in reasonable detail, showing how such cost or tax was arrived at, and accompanied by an electrostatic copy of the receipted invoice or tax bill, or other evidence showing payment of the costs or taxes applicable to the Parking Area. Grantee shall pay one-half (1/2) of such maintenance cost or real estate tax within thirty (30) days of receipt of such statement from Grantor.
4. Notwithstanding the foregoing, Grantor agrees that prior to any paving, resurfacing or the application of protective coating to the Parking Area, Grantor shall submit a written proposal setting forth the work to be done and the costs thereof, to Grantee. If Grantee, in its reasonable judgment, feels that said

FISHER APPLICANTS, INC.  
A-25-407

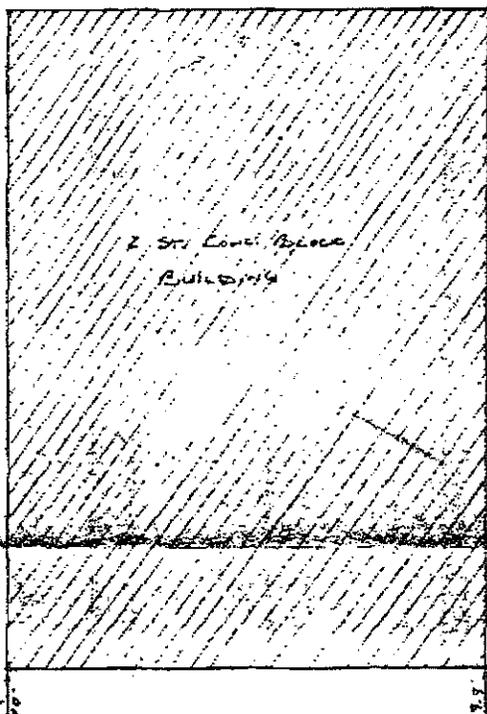
97.55' N 79° 25' 33" E

20'

N 10° 34' 27" W

140.14'

PACING AREA  
FISHER APPLICANTS, INC.  
A-25-407



EAST STREET

577' 20" W 97.26'

FRONT STREET

Area 0.1036 Acres

115. NE FRONT ST

MD 16 18310 03 6B

It is hereby stated that this survey was prepared for identification purposes only and the individual(s) noted herein are responsible for extending and/or locating the survey to the correct land point or easement.

By: J. C. PENNY, Co. Inc.

LANDS OF  
BROWN P. TRAWLEY, JR.

IN THE CITY OF MILWAUKEE  
KENT COUNTY DELAWARE

EARL D. SMITH  
LAND SURVEYOR  
DORCE DIST.

SCALE 1" = 20'  
1-5-89



July 28, 2021

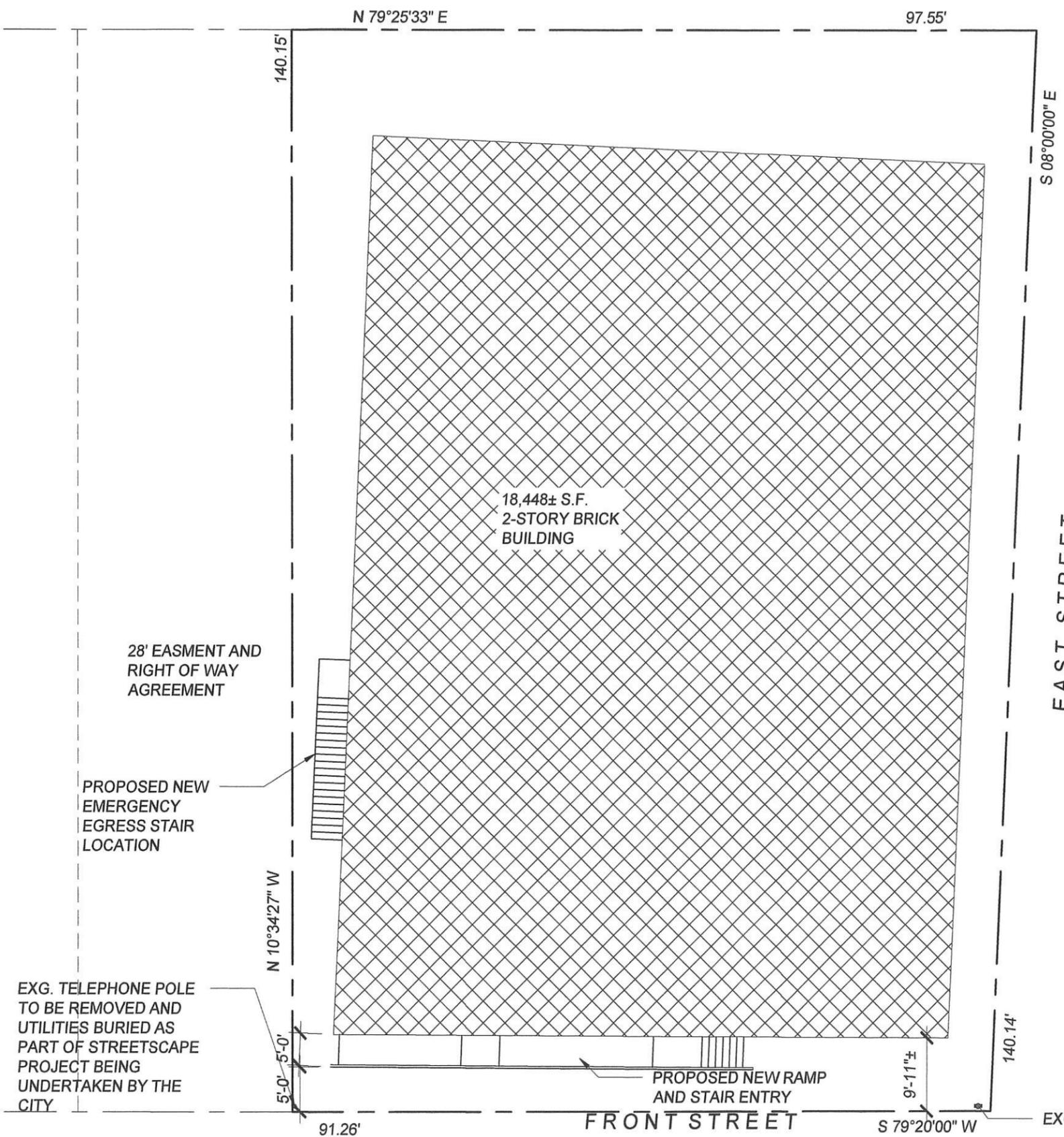
**Re: Future Splash Laundromat Conditional Use  
115 NE Front Street, Milford Delaware**

We are seeking a conditional usage approval for the property at the former Rite Aid, redeveloping it into a multi-use building per 230-13.C.2 & 230-13.C.10. We will be placing a laundromat into around three quarters of the ground floor, commercial shell tenant space for offices or a small retail, and residential units on the second floor.

We believe the laundromat and retail space will provide benefit to the town by providing a more walkable community. Although there is a public parking lot across the street and an additional shared lot on an easement to the side of the building, many of the likely users of these services will be walking from the residential neighborhoods behind the building. Splash Laundromat already has a location on the highway and provides services to many of these clients already through delivery programs for those who cannot get to the highway easily and we believe many of these customers as well as new customers, will prefer the downtown location for ease of use. At their Georgetown location, most of the customers are walk ups. In addition, once they have come to the laundromat, we believe that the customers may contribute to other adjacent businesses such as the restaurant across the street or the downtown boutiques while waiting for their laundry to be finished.

We also believe the second floor of this building has been wasted for decades as storage. The downtown development plan, developed for the city by Arnet Muldrow and Associates, included increasing the density of living units in the downtown area to provide better security and more density to support downtown businesses. We are proposing ten rental units on the second floor with five of the units being one bedroom/efficiencies and five units being two bedroom units. These will provide places for young persons to live downtown to take advantage of the amenities of a downtown without overburdening the local parking situation. These tenants may not even require a car with access to the local stores and restaurants within a couple of blocks of this building.

Mark Redden, AIA  
Archology, LLC



LOT SIZE: 13,223± S.F. - .304 ACRES  
TAX ID NUMBER: MD-16-183.10-03-68.00-000

ZONING C-2

PROPOSED USAGE:  
LAUNDROMAT: 6,959 S.F.  
FUTURE COMMERCIAL TENANT SPACE: 2265 S.F.  
RESIDENTIAL: 9224 S.F. (10 UNITS)

IMPERVIOUS AREA: 13,223± S.F.,  
100% LOT COVERAGE

BUILDING CONSTRUCTION TYPE: III  
BUILDING IS SPRINKLERED

NO OFF-STREET PARKING IS REQUIRED BY C-2  
CENTRAL BUSINESS DISTRICT ZONING.  
NEARBY LOTS FOR PARKING INCLUDE A  
PUBLIC LOT ACROSS THE STREET, A  
PUBLIC LOT A BLOCK WEST ON NE FRONT,  
A PRIVATE EASEMENT SHARED WITH  
NEIGHBORING BUILDING, AND A PRIVATE  
LOT A BLOCK EAST AT THE SHOPPING  
CENTER



ALL DESIGN, CONCEPTS, PERMITS AND  
CONSTRUCTION DOCUMENTS FOR THIS  
DRAWING ARE THE PROPERTY OF  
ARCHOLOG, LLC AND ARE INTENDED TO  
SERVE THE PROJECT ONLY AND SHALL NOT  
BE USED IN WHOLE OR IN PART FOR ANY  
OTHER PURPOSE WHATSOEVER WITHOUT  
THE WRITTEN PERMISSION OF ARCHOLOG,  
ARCHITECTURE AND DESIGN SERVICES.  
NO CHANGES OR DEVIATIONS SHALL BE  
ALLOWED WITHOUT THE WRITTEN  
ARCHITECTURE AND DESIGN SERVICES  
ARCHITECTURE & DESIGN SERVICES, LLC

REV. DATE:	ARCHOLOG, LLC © 2018

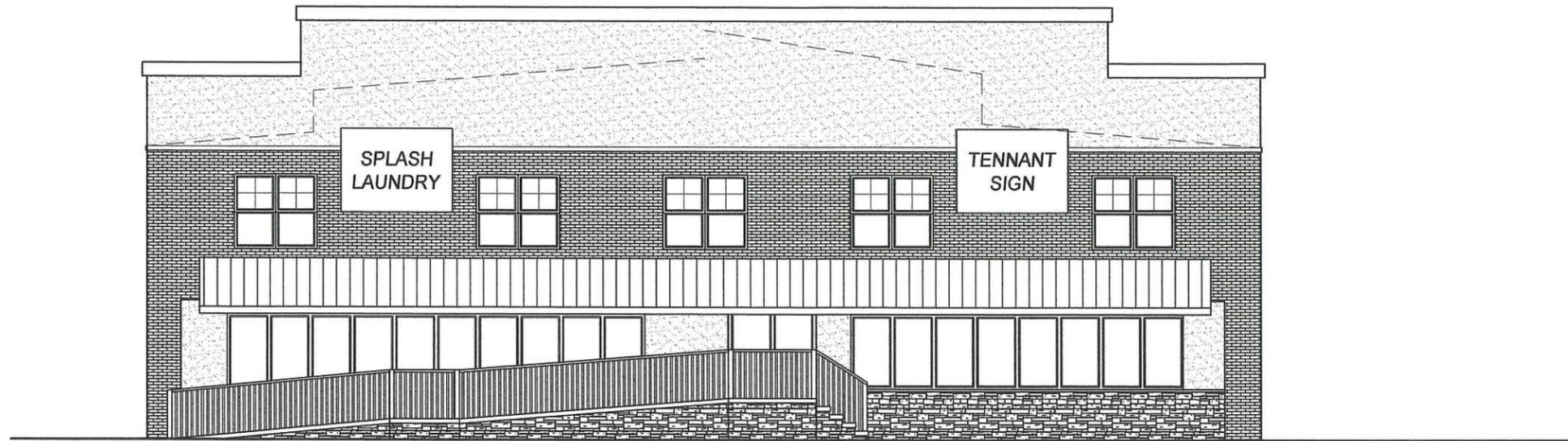
CONSTRUCTION DRAWING FOR THE NEW: <b>SPLASH LAUNDRAUMAT RENOVATION</b> 115 NE FRONT STREET MILFORD, KENT COUNTY, DELAWARE	<b>PROPOSED SITE PLAN</b>
PROJECT # 19173	

DATE: 07/28/2021
SHEET # <b>SD-1.01</b>

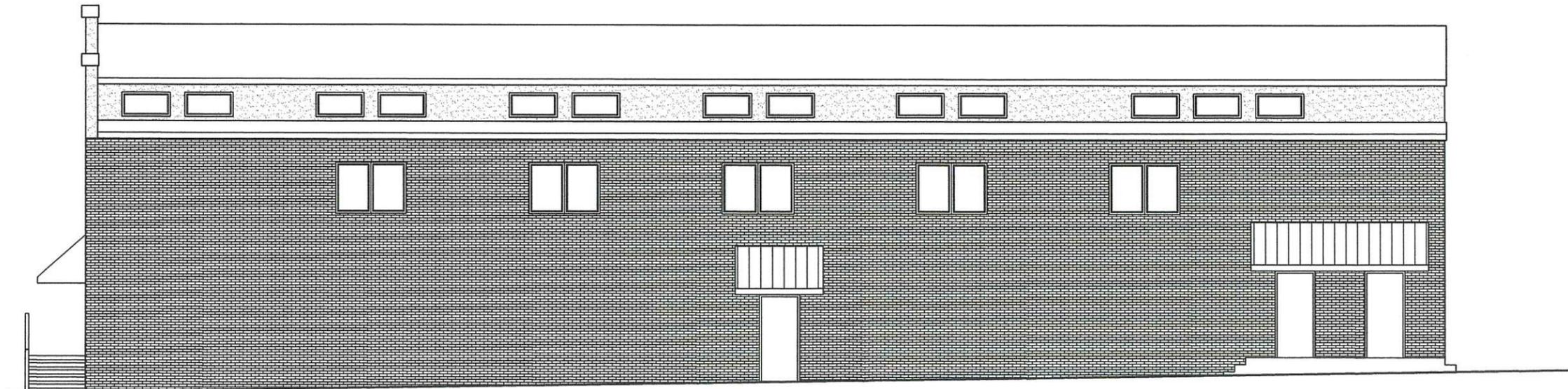
A1 PROPOSED SITE PLAN

1/8" = 1'-0"





PROPOSED FRONT STREET ELEVATION



PROPOSED EAST STREET ELEVATION

A1 PROPOSED ELEVATIONS

1/16" = 1'-0"



ALL DESIGN CONCEPTS, IDEAS AND ARRANGEMENTS DEPICTED ON THESE DRAWINGS ARE THE PROPERTY OF ARCHOLOG, LLC AND ARE INTENDED TO BE USED IN CONNECTION WITH THIS SPECIFIC PROJECT ONLY AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF ARCHOLOG, LLC. ARCHOLOG, LLC AND ITS DESIGNERS SHALL BE ALLOWED WITHOUT THE WRITTEN CONSENT OF ARCHOLOG, LLC TO REPRODUCE AND USE THESE DRAWINGS FOR ARCHITECTURE AND DESIGN SERVICES.

REV.	DATE

CONSTRUCTION DRAWING FOR THE NEW	ARCHITECTURE, LLC © 2019
<b>SPLASH LAUNDRAMAT RENOVATION</b>	
115 NE FRONT STREET MILFORD, KENT COUNTY, DELAWARE	
<b>PROPOSED ELEVATIONS</b>	
PROJECT #	
19173	

DATE:  
07/28/2021

SHEET #  
SD-1.03

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

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

- A. Purpose. The purpose of the C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District. Specifically, the regulations are designed to encourage the development and opening of new businesses. This may be accomplished by providing an attractive and convenient shopping center or mall that is organized and developed as an integrated unit. The district regulations also recognize the unique circumstances that are peculiar to the downtown area.
- B. Permitted uses. Permitted uses for the C-2 District shall be as follows:
- (1) Those uses permitted in the C-1 District.
  - (2) General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.
  - (3) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.
  - (4) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.
  - (5) Financial institutions, loan companies and banks.
  - (6) Restaurants, excluding fast-food or franchised food service operated restaurants.
  - (7) Taverns and tap rooms.
  - (8) Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.
  - (9) Professional services and administrative activities, including such uses as offices of agents, brokers, physicians, dentists, attorneys, architects, engineers, musicians and artists and governmental offices serving the public.
  - (10) Libraries, museums, art galleries and public information centers.
  - (11) Churches and other places of worship.
  - (12) Fraternal, social service, union or civic organization.
  - (13) Tourist home, boardinghouse, rooming house or lodging house.
  - (14) Studio for artists, designers, photographers, musicians, sculptors and related uses.
  - (15) Commercial parking lot, public garage or multilevel parking garage and off-street parking.
  - (16) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.
  - (17) Publishing, printing and reproduction establishments.
  - (18) Repair and servicing as an accessory activity of any article for sale in the same establishment.
  - (19) Indoor storage facilities as an accessory use to any of the permitted uses in this district.
  - (20) The outdoor display of merchandise, if done in a reasonable manner and if the display is kept neat and orderly as determined by the Code Official. Furthermore, the outdoor display may not interfere with the safe and efficient flow of pedestrian traffic.

- (21) Family day care, which shall involve a maximum of six full-time and two after-school children, as specified by state regulations.
- (22) Craft distillery and microbrewery establishments, provided that:
- (a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.
  - (b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.
  - (c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.
  - (d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.
  - (e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.
  - (f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:
    - i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
    - ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.
    - iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.
    - iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.
    - v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.

- vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.
  - vii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.
- C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:
- (1) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.
  - (2) Laundromats and dry-cleaning establishments.
  - (3) Undertakers.
  - (4) Motels and hotels.
  - (5) Instructional, business or trade stores.
  - (6) Fast-food or franchised food service operated restaurants.
  - (7) Day-care centers.
  - (8) Small convenience grocery shops with gas pumps.
  - (9) Community residential treatment program.
  - (10) All dwellings other than single-family with a maximum density of 12 units per acre and in conjunction with nonresidential use.
- D. Area regulations.
- (1) Minimum lot area shall be 2,500 square feet for any permitted use, together with its accessory buildings, provided that parking and loading space are provided in accordance with Article VI of this chapter.
  - (2) Minimum lot width shall be 50 feet.
  - (3) Height of buildings shall not exceed 35 feet.
  - (4) There shall be no required setback, rear yard or side yard.
  - (5) Signs shall comply with the requirements provided in Article VI of this chapter.

#### 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.

**CITY OF MILFORD  
NOTICE OF PUBLIC HEARING**

Planning Commission Hearing: Tuesday, September 21, 2021 @ 7:00 PM  
City Council Hearing: Monday, September 27, 2021 7:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City of Milford Planning Commission and City Council, with action scheduled to occur on the date(s) and time(s) so indicated:

**ORDINANCE 2021-13**

Jaasiel, LLC for a Conditional Use  
0.304 +/- acres of land located at the northwest corner of the NE Front Street and East Street intersection  
Address: 115 NE Front Street  
Comprehensive Plan Designation: Commercial Zoning District: C-2 (Central Business District)  
Present Use: Single-Occupancy Retail  
Proposed Use: Mixed Use – (3) Commercial Tenant Spaces and (10) Apartments  
Tax Parcel: MD-16-183.10-03-68.00

WHEREAS, Chapter 230-13(C)(10) states “all dwellings other than single-family with a maximum density of twelve (12) units per acre in conjunction with nonresidential use” may be permitted subject to receiving a conditional use permit by the City Council; and

WHEREAS, Chapter 230-45 states “in any and all zoning districts, multiple permitted uses or mixed uses of a property shall be deemed a conditional use subject to special requirements”; and

WHEREAS, the applicant is converting a one-story single-occupancy commercial building into a two-story mixed-use structure containing three (3) commercial tenant spaces on the first floor and ten (10) residential apartments on the second floor; and

WHEREAS, the City of Milford Planning Commission considered the application during their regular meeting on Tuesday, September 21, 2021, at which time interested parties publicly commented on the application; and

WHEREAS, Milford City Council held a Public Hearing on Monday, September 27, 2021 which allowed for additional public comment after which the Conditional Use was approved through the adoption of this ordinance; and

WHEREAS, the notice as required by Chapter 230, was published in the Milford Beacon on August 25, 2021, and provided to property owners within 200 feet of the subject parcel; and

WHEREAS, this ordinance becomes effective ten days following the date of its adoption by City Council.

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

*Section 1.* Upon adoption of this ordinance, a conditional use permit is hereby granted to Jaasiel, LLC to allow three (3) commercial tenant spaces and ten (10) residential apartments, and multiple permitted/mixed uses of the property.

*Section 2.* Construction 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: Monday, September 13, 2021

Planning Commission Review & Public Hearing: Tuesday, September 21, 2021

City Council Public Hearing: Monday, September 27, 2021

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov) or by calling 302.424.8396.

08.19.2021

Advertised: *Milford Beacon 082521*



# Sussex County Association of Towns

37 The Circle, Georgetown, Delaware 19947

## S.C.A.T. Dinner for Wednesday, October 6, 2021

- Town of Bethany Beach*
- Town of Bethel*
- Town of Blades*
- Town of Bridgeville*
- Town of Dagsboro*
- Town of Delmar*
- Town of Dewey Beach*
- Town of Ellendale*
- Town of Fenwick Island*
- Town of Frankford*
- Town of Georgetown*
- Town of Greenwood*
- Town of Henlopen Acres*
- Town of Laurel*
- City of Lewes*
- City of Milford*
- Town of Millsboro*
- Town of Millville*
- Town of Milton*
- Town of Ocean View*
- City of Rehoboth Beach*
- City of Seaford*
- Town of Selbyville*
- Town of Slaughter Beach*
- Town of South Bethany*
- Sussex County Council*

LOCATION: Seaford Volunteer Fire Hall  
302 E King Street  
Seaford, DE 19973

TIME: 6:00 pm – Cash Bar  
6:30 pm – Dinner

HOST: City of Seaford

SPEAKER: TBD

COST: \$20.00 per person

MENU: Ham  
Oven Fried Chicken  
Macaroni and Cheese  
Succotash  
Tossed Salad  
Assorted Deserts

For reservations, please contact Tracy Torbert at  
(302) 629-9173 or by email: [ttorbert@seafordde.com](mailto:ttorbert@seafordde.com)  
no later than **September 24, 2021 BY NOON**

Please make checks payable to **City of Seaford**  
Mail to: City of Seaford  
Attn: Tracy Torbert  
414 High Street  
Seaford, DE 19973

**Reminder: S.C.A.T. Steering Committee Breakfast**  
**Friday, October 8, 2021 at 9AM**

**Location: First State Community Action Agency**  
**308 North Railroad Avenue, Georgetown, DE 19947**

**Cost is \$11 per person. Please pay at the Door**

**RSVP to Kristen Dabrowski [kdabrowski@georgetowndel.com](mailto:kdabrowski@georgetowndel.com)**

From: Scott, Marcia <msscott@udel.edu>

Sent: Wednesday, September 22, 2021 11:53 AM

Subject: Re: Oct DLLG Dinner Meeting Registration

Hi Terri –

The next DLLG Dinner Meeting is Thursday, October 28, beginning at 5:30 p.m. and will feature State Auditor Kathleen McGuinness as the keynote speaker.

Marcia S. Scott, Executive Director

Delaware League of Local Governments

P. O. Box 484

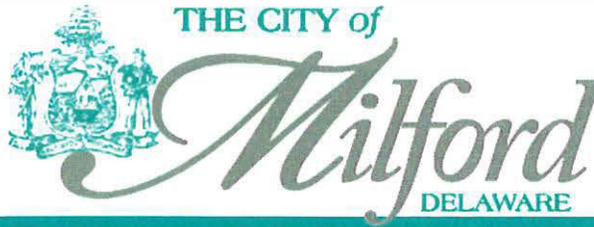
Dover, DE 19903

Mobile: 610-247-5303

Office: 302-678-0991

<https://dllg.delaware.gov/>

msscott@udel.edu



TO: Mayor and City Council  
THRU: Mark Whitfield, City Manager  
FROM: Michael Svaby, Director, Public Works  
DATE: August 19, 2021  
RE: Recommendation for Extension of T-Mobile Washington Street Tower Agreement

---

**Executive Summary**

T-Mobile, a regional service provider of cellular service and current occupant of one of the City's Water Towers located at 106 South Washington Street has an existing lease with the City of Milford extending from February of 2006 to 12/31/25.

The Provider recently requested additional space to support an equipment upgrade at this location. The request from T-Mobile identified all of the equipment removal and replacement in accordance with the attached Sprint drawing.

The net space occupation was taken into account and a new lease price per month was negotiated and settled increasing the monthly rent \$505.68 per month from \$1,514.32 to \$2,020 per month, effective October 1, 2021.

**Recommendation**

Staff recommends the lease with T-Mobile for the Washington Street Tower antenna network be executed, raising the monthly lease price ~34% from \$1,514.32 to \$2,020 through the end of the existing term date 12/31/25.

## SECOND AMENDMENT TO PCS SITE AGREEMENT

THIS SECOND AMENDMENT TO THE PCS SITE AGREEMENT ("**Amendment**") is made effective as of the last date signed below ("**Effective Date**"), amends a certain PCS Site Agreement between City of Milford, having a mailing address at 201 South Walnut Street, Milford, DE 19963 ("**Owner**"), and Sprint Spectrum Realty Company, LLC (formerly a limited partnership), successor in interest to Sprint Spectrum L.P. ("**Tenant**").

WHEREAS Owner and Tenant entered into that certain PCS Site Agreement dated February 26, 1999, ("**Agreement**") as amended by First Amendment to PCS Site Agreement dated December 1, 2005, whereby Owner leased to Tenant certain portions of the Owner's Real Property located at 106 South Washington Street, Milford, DE 19963, City of Milford, County of Sussex, State of DE, ("**Property**")

WHEREAS, the Owner and Tenant, in their mutual interest, wish to amend the Lease as set forth below.

NOW, for good and valuable consideration, Owner and Tenant agree as follows:

1. The Lease Agreement is in full force and effect and neither Owner nor Tenant is in breach under the terms of the Lease Agreement.
2. Effective upon the full execution of this Amendment, Owner consents to Tenant's modification of Exhibit A-1, A-2 and A-3 to the PCS Site Agreement as set forth in Exhibit B-1, attached hereto and incorporated herein.
3. Rent, Section 3 of the Agreement is amended by adding the following; Notwithstanding anything set forth in Section 3 to the contrary, effective upon the earlier of (i) September 1, 2021 or (ii) the installation of modifications described and depicted in Exhibit B-1, the rent payable under this Agreement will be Two Thousand Twenty and 00/100 Dollars (\$2,020.00) per month, partial months to be prorated, in advance, and shall continue until increased as set forth herein. Thereafter, commencing on February 26, 2024, Rent will be increased by fifteen percent (15%) per Term and for any renewals thereafter.
4. Except as expressly set forth in this Amendment, the Lease Agreement otherwise is unmodified. To the extent any provision contained in this Amendment conflicts with the terms of the Lease Agreement, the terms and provisions of this Amendment shall control. Each reference in the Lease Agreement to itself shall be deemed also to refer to this Amendment.
5. This Amendment may be executed in duplicate counterparts, each of which will be deemed an original. Signed electronic copies of this Amendment will legally bind the Parties to the same extent as originals.

6. Each of the Parties represents and warrants that it has the right, power, legal capacity and authority to enter into and perform its respective obligations under this Amendment.

IN WITNESS, the Parties execute this Amendment as of the Effective Date.

**Landlord:**

City of Milford

By: \_\_\_\_\_

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

Title: \_\_\_\_\_

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

**Tenant :**

Sprint Spectrum Realty Company, LLC

By: \_\_\_\_\_

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

Title: Area Director

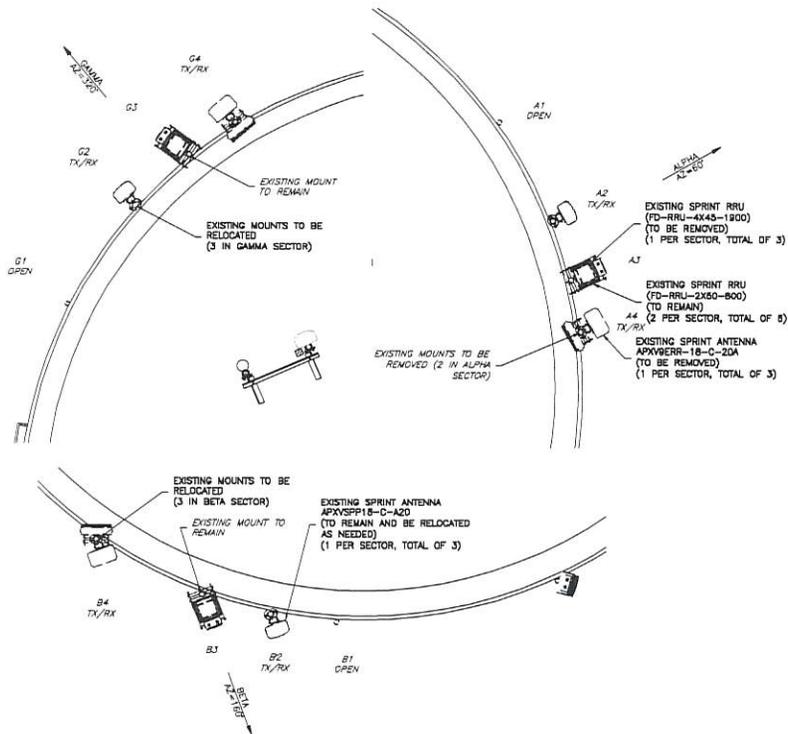
Date: \_\_\_\_\_

\_\_\_\_\_  
T-Mobile Contract Attorney

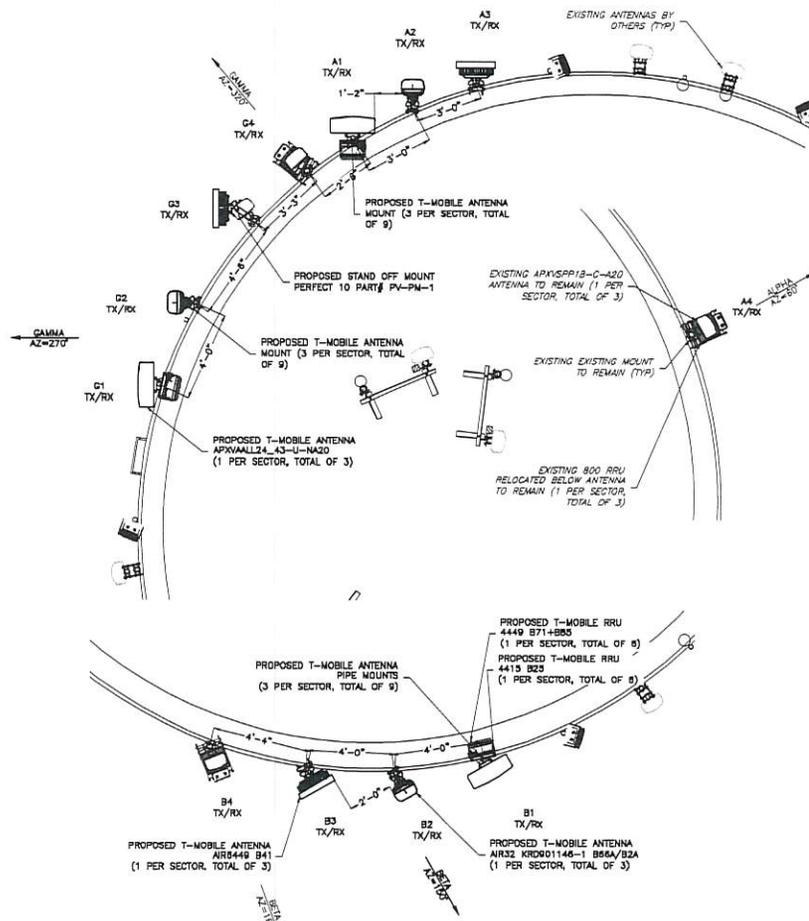
EXHIBIT B-1

**See attached Exhibit  
CD Drawings dated June 14, 2021  
As prepared by NB+C Engineering Services**

LAST PLOTTED: 06/23/2021 2:58 PM



1 EXISTING ANTENNA ORIENTATION PLAN  
A-2 NOT TO SCALE



2 PROPOSED ANTENNA ORIENTATION PLAN  
A-2 NOT TO SCALE



ENGINEERING FIRM

**NB+C**  
TOTALLY COMMITTED.  
NB+C ENGINEERING SERVICES, LLC.  
1777 SENTRY PARKWAY WEST  
VIAVA 17 SUITE 402  
BLUE BELL, PA 15022  
(877) 450-2122

APPLICANT

**Sprint**  
NOW PART OF **5G + Mobile**  
475 VIRGINIA DRIVE  
FORT WASHINGTON, PA 19034

SUBMITTER/OWNER

1SU4372A  
KEEP MILFORD, PL13XC428  
106 SOUTH WASHINGTON ST.  
MILFORD, DE 19963  
CITY OF MILFORD  
SUSSEX COUNTY

REVISIONS

REV	DATE	DESCRIPTION	BY
3	08/14/21	FINAL CDV	JF
2	08/04/21	REVISED PER COMMENTS	JF
1	04/11/21	REVISED PER RP UPGRADE	AMG
0	01/19/21	PRELIMINARY CDV	DM

PROFESSIONAL STAMP



ENGINEER

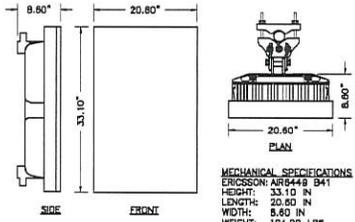
KRUPAKARAN KOLANDAVELU, P.E.  
STATE OF DELAWARE  
PROFESSIONAL ENGINEER  
LICENSE #16876

SHEET TITLE

**ANTENNA ORIENTATION PLANS**

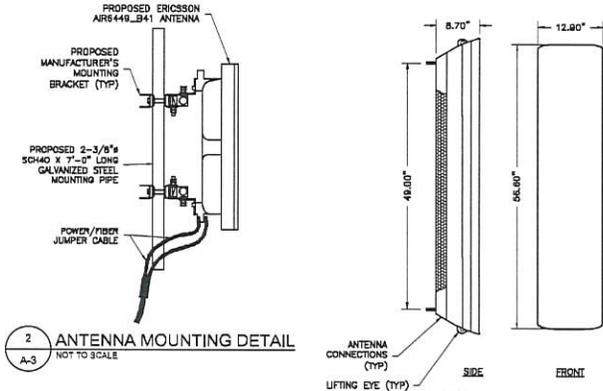
SHEET NUMBER

**A-2**

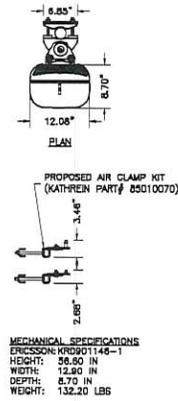


**MECHANICAL SPECIFICATIONS**  
 ERICSSON: AR6448 B41  
 HEIGHT: 33.10 IN  
 LENGTH: 20.80 IN  
 WIDTH: 8.80 IN  
 WEIGHT: 104.00 LBS

**1 ERICSSON PANEL ANTENNA**  
 A-3 NOT TO SCALE

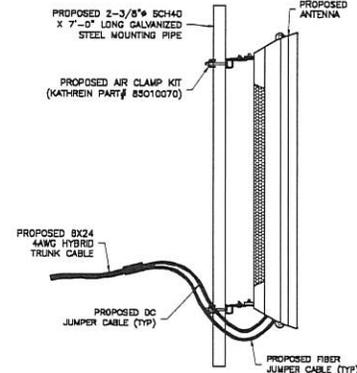


**2 ANTENNA MOUNTING DETAIL**  
 A-3 NOT TO SCALE

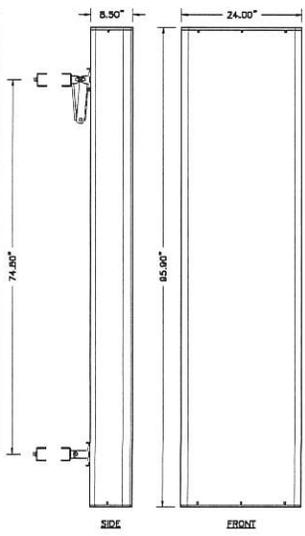


**MECHANICAL SPECIFICATIONS**  
 ERICSSON: KR8001148-1  
 HEIGHT: 6.85 IN  
 WIDTH: 12.08 IN  
 DEPTH: 6.70 IN  
 WEIGHT: 132.20 LBS

**3 ERICSSON PANEL ANTENNA**  
 A-3 NOT TO SCALE

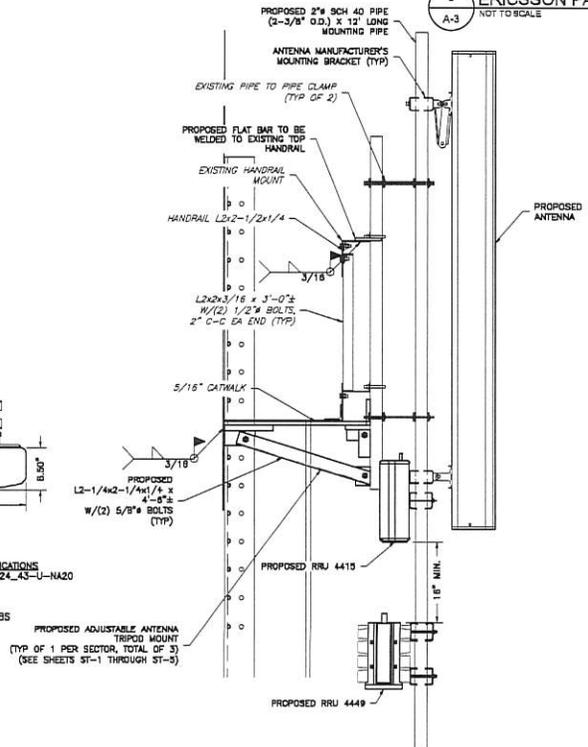


**4 ANTENNA MOUNTING DETAIL**  
 A-3 NOT TO SCALE

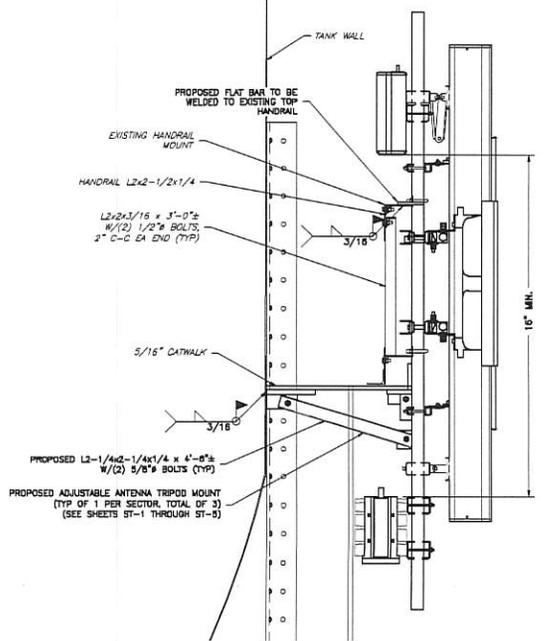


**MECHANICAL SPECIFICATIONS**  
 RFS: APPROVAL24\_A3-U-NA20  
 HEIGHT: 65.80 IN  
 WIDTH: 24.00 IN  
 DEPTH: 6.30 IN  
 WEIGHT: 122.80 LBS

**5 RFS PANEL ANTENNA**  
 A-3 NOT TO SCALE



**6 ANTENNA MOUNTING DETAIL**  
 A-3 NOT TO SCALE



**7 ANTENNA MOUNT TO HANDRAIL DETAIL**  
 A-3 NOT TO SCALE

**NB+C**  
 TOTALLY COMMITTED.  
 NB+C ENGINEERING SERVICES, LLC.  
 1777 SOUTH PARKWAY NORTH  
 SUITE 117, SUITE 402  
 BLUE BELL, PA 19422  
 (877) 450-5132

**Sprint**  
 NOW A PART OF **Verizon** Mobile  
 475 VIRGINIA DRIVE  
 FORT WASHINGTON, PA 19034

1SU4372A  
 KEEP MILFORD\_PL13XC428  
 106 SOUTH WASHINGTON ST.  
 MILFORD, DE 19963  
 CITY OF MILFORD  
 SUSSEX COUNTY

**REVISIONS**

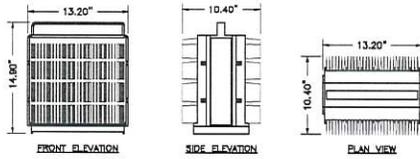
REV	DATE	DESCRIPTION	BY
1	08/14/21	FINAL CD4	JF
2	08/24/21	REVISED PER COMMENTS	JF
1	04/11/21	REVISED PER RFP UPDATE	AMG
0	01/19/21	PRELIMINARY CD4	DH

**PROFESSIONAL STAMP**  
 KRUPAKARAN KOLANDAIVELU  
 LICENSE #18878  
 DELAWARE  
 PROFESSIONAL ENGINEER

**ENGINEER**  
 KRUPAKARAN KOLANDAIVELU, P.E.  
 STATE OF DELAWARE  
 PROFESSIONAL ENGINEER  
 LICENSE #18878

**SHEET TITLE:**  
**ANTENNA SPECIFICATIONS & DETAILS**

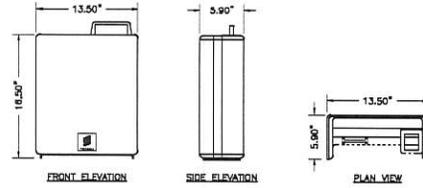
**SHEET NUMBER:**  
**A-3**



SIZE AND WEIGHT TABLE				
MANUFACTURER & MODEL NUMBER	HEIGHT	WIDTH	DEPTH	WEIGHT WITHOUT BRACKET
ERICSSON 4449 B71+BBS	14.90"	13.20"	10.40"	74.00 LBS

NOTE:  
DO NOT PAINT THE RRU. RRU SOLAR SHIELD CAN BE PAINTED PER MANUFACTURER'S METHOD OF PROCEDURE.

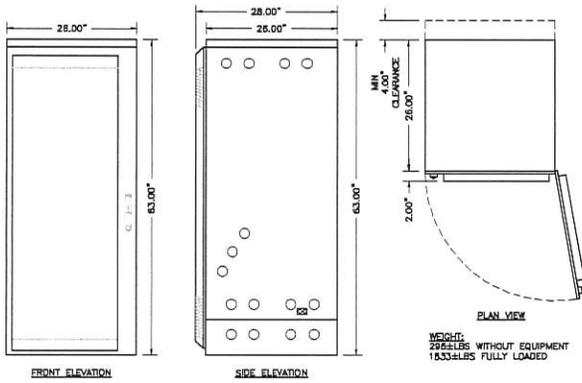
1 REMOTE RADIO UNIT (RRU)  
A-4 NOT TO SCALE



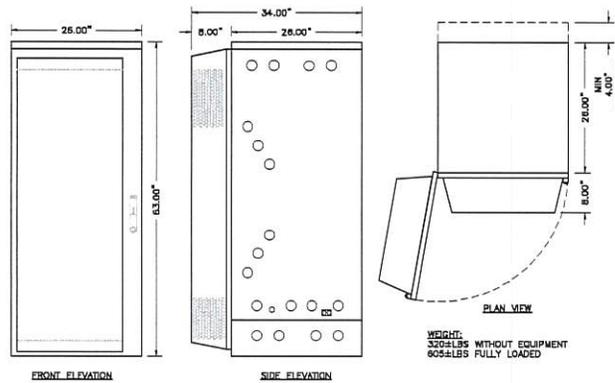
SIZE AND WEIGHT TABLE				
MANUFACTURER & MODEL NUMBER	HEIGHT	WIDTH	DEPTH	WEIGHT WITHOUT BRACKET
ERICSSON 4415	18.50"	13.50"	5.90"	46.00 LBS

NOTE:  
DO NOT PAINT THE RRU. RRU SOLAR SHIELD CAN BE PAINTED PER MANUFACTURER'S METHOD OF PROCEDURE.

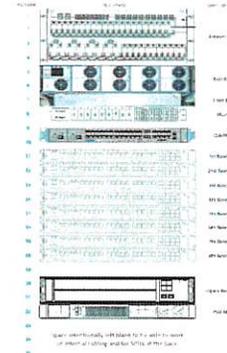
2 REMOTE RADIO UNIT (RRU)  
A-4 NOT TO SCALE



3 B160 BATTERY CABINET  
A-4 NOT TO SCALE



4 B160 ENCLOSURE CABINET  
A-4 NOT TO SCALE



5 B160 CABINET INTERNAL LAYOUT  
A-4 NOT TO SCALE

**NB+C**  
TOTALLY COMMITTED

NB+C ENGINEERING SERVICES, LLC  
1777 SENTRY PARKWAY WEST  
VIAVA, FL 32940  
BLUE BELLS, PA 17422  
(877) 460-0122

**Sprint**

NOW PART OF **Mobile**

475 VIRGINIA DRIVE  
FORT WASHINGTON, PA 19034

1SU4372A  
KEEP MILFORD, PL13XC428  
106 SOUTH WASHINGTON ST.  
MILFORD, DE 19963  
CITY OF MILFORD  
SUSSEX COUNTY

REVISIONS		
REV	DATE	DESCRIPTION
3	08/14/21	FINAL CDx
2	08/04/21	REVISED PER COMMENTS
1	04/11/21	REVISED PER RFP UPDATES
0	01/19/21	PRELIMINARY CDx

PROFESSIONAL STAMP

KRUPAKARAN KOLANDAYVELU, P.E.  
STATE OF DELAWARE  
PROFESSIONAL ENGINEER  
LICENSE #16878

ENGINEER

**EQUIPMENT SPECIFICATIONS & DETAILS**

**A-4**

**REVISIONS**

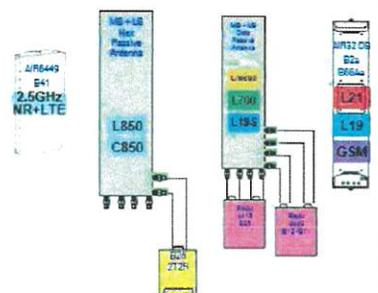
REV	DATE	DESCRIPTION	BY
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1	04/11/21	REVISED PER RF UPDATE	AMD
0	01/19/21	PRELIMINARY CD#	DH



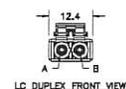
KRUPAKARAN KOLLANDAVELU, P.E.  
STATE OF DELAWARE  
PROFESSIONAL ENGINEER  
LICENSE #16876

**CABLING DETAILS & RF PLUMBING DIAGRAM**

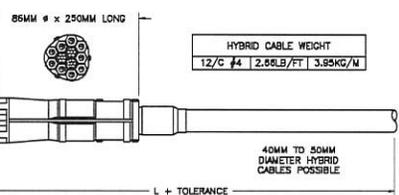
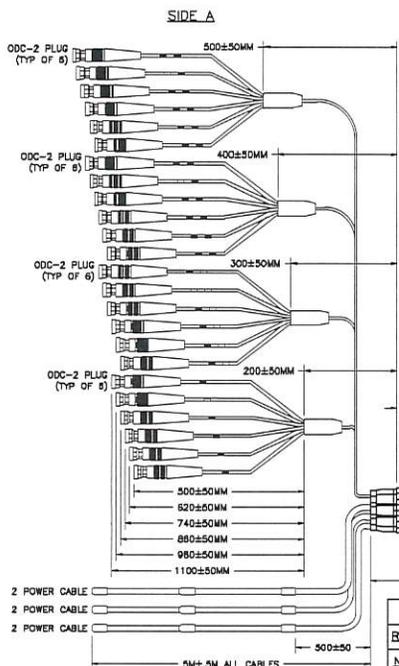
**A-5**



1 67D5A997DB 6160 ANTENNA AND CABLING SCHEMATIC  
NOT TO SCALE



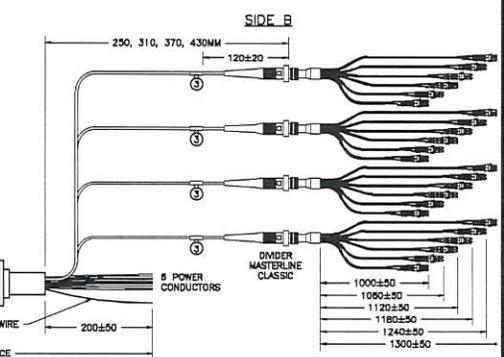
① STANDARD LABEL B4002345  
② ATTENTION DO NOT TWIST PULLING TUBE STANDARD LABEL B4007128



RRH NO.	SIDE A		SIDE B		LENGTH SIDE B	RUBBER CROMMETS
	ODC PLUG	PIN	PIN	COLOR LCD ROOTS		
1	ODC-2 RED	1 B	2 A	RED (SHORT BREAKOUT)	1000 ± 50	1
2	ODC-2 GREEN	1 B	2 A	GREEN	1080 ± 50	1
3	ODC-2 BLUE	1 B	2 A	BLUE	1120 ± 50	1
4	ODC-2 YELLOW	1 B	2 A	YELLOW	1180 ± 50	1
5	ODC-2 WHITE	1 B	2 A	WHITE	1240 ± 50	1
6	ODC-2 BLACK	1 B	2 A	BLACK	1300 ± 50	1

RRH NO.	REF HOOK UP	SIDE A		SIDE B	
		WIRE COLOR	CABLE DESIGNATOR	WIRE COLOR	
1	-48V	BLACK		RED	
	0V	GREY	RED	BLACK	
	GROUND	DRAIN		COMMON DRAIN	
2	-48V	BLACK		GREEN	
	0V	GREY	GREEN	WHITE	
	GROUND	DRAIN		COMMON DRAIN	
3	-48V	BLACK		BLUE	
	0V	GREY	BLUE	ORANGE	
	GROUND	DRAIN		COMMON DRAIN	

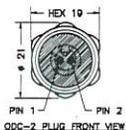
RRH NO.	REF HOOK UP	SIDE A		SIDE B	
		WIRE COLOR	CABLE DESIGNATOR	WIRE COLOR	
4	-48V	BLACK		YELLOW	
	0V	GREY	YELLOW	BLACK	
	GROUND	DRAIN		COMMON DRAIN	
5	-48V	BLACK		GREEN	
	0V	GREY	WHITE	WHITE	
	GROUND	DRAIN		COMMON DRAIN	
6	-48V	BLACK		BLUE	
	0V	GREY	BLACK	ORANGE	
	GROUND	DRAIN		COMMON DRAIN	

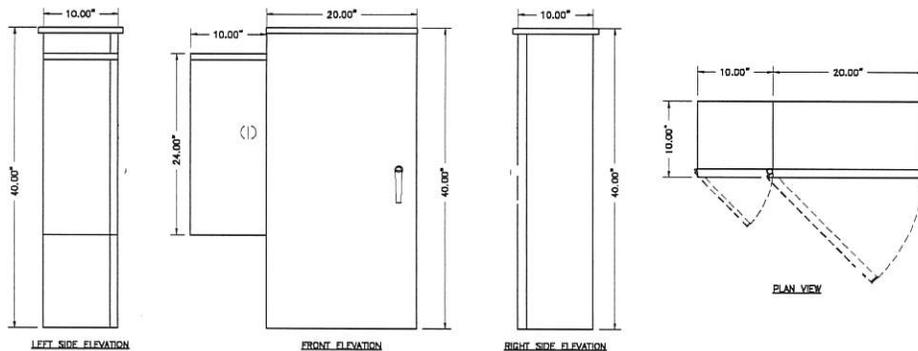


2 MLE HYBRID CABLE (6 POWER/24 FIBER)  
NOT TO SCALE

TOLERANCE	ASSEMBLY LENGTH
+8D	L < 5M
+2%	L ≥ 5M

POWER	
LENGTH	DIAMETER
L < 8CM	8MM (10AWG)
L ≥ 8CM	10MM (8AWG)





**PPC SPECIFICATIONS:**  
 CABINET TYPE: UL TYPE NEMA 3R  
 MATERIAL: 0.1" THICK ALUMINUM WITH POWDER COATING  
 TOTAL WEIGHT: APPROXIMATELY 75 LBS  
 UL: LISTED TO UL 981  
 SERVICE: 120/240V, 1 PHASE, 3 WIRE, 200 AMP  
 GENERATOR INTERFACE: PANEL, PANELS (LEFT MOUNT)  
 LOAD CENTER: 200A, 24 POSITION SQUARE D (OO SERIES)

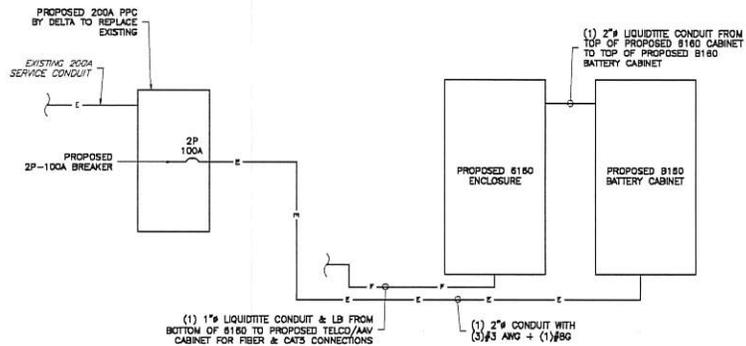
**1 DELTA 200A PPC WITH TELCO COMPARTMENT**  
 E-1 NOT TO SCALE

PPC PANEL																			
MAIN BREAKER RATING (A):				200				SYSTEM VOLTAGE (V):				240				PHASE: 1 WIRE: 3 BRANCH CB: 24			
C K T	CIRCUIT DESCRIPTION	WATTAGE		POLE	B R K	LOAD PER PHASE		B R K	POLE	WATTAGE		CIRCUIT DESCRIPTION	C K T						
		C	NC			A	B			NC	C								
1	CB 1	8000	0	2	100	8000		90	2	0	0	SURGE ARRESTOR	2						
3	MMBTS	8000	0			8000				0	0		4						
5	*6180 CABINET	6258	0			6438		20	1	180	0	GFI RECEPTICAL	6						
7		6258	0	2	100		6438	20	1	180	0	**GFCI RECEPTICAL FOR 6180 CABINET	8						
9		0	0			360		20	1	360	0	FLOOD LIGHT	10						
11		0	0			360		10	1	360	0	UNKNOWN	12						
13		0	0			0				0	0		14						
15		0	0			0				0	0		16						
17		0	0			0				0	0		18						
19		0	0			0				0	0		20						
21		0	0			0				0	0		22						
23		0	0			0				0	0		24						
TOTAL LOADS PER PHASE						14798	14798												
SUBTOTAL CONTINUOUS								125% TOTAL CONTINUOUS (VA)		35645									
SUBTOTAL NON-CONTINUOUS						26516		100% TOTAL NON-CONTINUOUS (VA)		1080									
SUBTOTAL NON-CONTINUOUS						1080		TOTAL AMPS		153.02									
TOTAL CONNECTED LOAD (KVA)								TOTAL CONNECTED LOAD (KVA)		36.73									
SPARE CAPACITY (A)								SPARE CAPACITY (A)		46.98									

**NOTES**

\*INSTALL (1) NEW 2P-100A BREAKER FOR PROPOSED 6160  
 \*\*INSTALL (1) NEW 1P-20A BREAKER FOR PROPOSED 6180 GFCI  
 \*\*\*WATTAGE SHOWN FOR EXISTING/PROPOSED EQUIPMENT CABINET(S) ARE BASED ON THE CONNECTED EQUIPMENT PER THE LATEST RFD'S

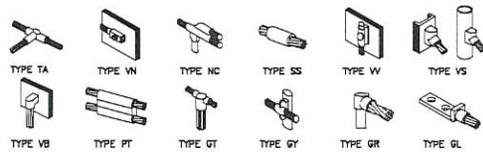
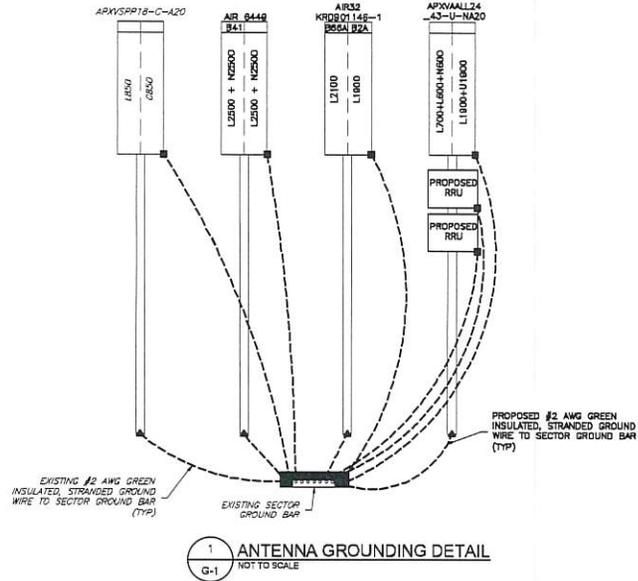
**2 PANEL SCHEDULE**  
 E-1 NOT TO SCALE



**3 POWER DIAGRAM**  
 E-1 NOT TO SCALE

ENGINEERING FIRM	<b>NB+C</b> TOTALLY COMMITTED NB+C ENGINEERING SERVICES, LLC. 1777 SENTRY PARKWAY WEST SUITE 117, SUITE 400 BLUE BELLS, PA 19022 (877) 480-5122
APPLICATION	<b>Sprint</b> NOW PART OF <b>Verizon</b> Mobile 475 VIRGINIA DRIVE FORT WASHINGTON, PA 19034
SITE INFORMATION	1SU4372A KEEP MILFORD_PL13XC428 108 SOUTH WASHINGTON ST. MILFORD, DE 19963 CITY OF MILFORD SUSSEX COUNTY
DESCRIPTION	<b>REVISIONS</b>
PROFESSIONAL STAMP	
ENGINEER	KRUPAKARAN KOLANDAVELU, P.E. STATE OF DELAWARE PROFESSIONAL ENGINEER LICENSE #16878
SHEET TITLE	<b>ELECTRICAL DETAILS</b>
SHEET NUMBER	<b>E-1</b>

ALPHA, BETA & GAMMA

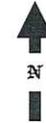


2 GROUNDING CONNECTION DETAILS  
G-1 NOT TO SCALE

GROUNDING LEGEND	
■	MECHANICAL COMPRESSION CONNECTION
▲	CADWELDED CONNECTION
●	EXOTHERMIC WELD CONNECTION
---	PROPOSED GROUND WIRING
- - -	EXISTING GROUND WIRING

ENGINEERING FIRM	<p><b>NB+C</b> TOTALLY COMMITTED</p> <p>NB+C ENGINEERING SERVICES, LLC 1777 BENTLEY PARKWAY, SUITE 400 BLUE BELT, PA 17422 (877) 480-5122</p>																				
APPLICANT	<p><b>Sprint</b></p> <p>NOW PART OF  <b>T-Mobile</b></p> <p>475 VIRGINIA DRIVE FORT WASHINGTON, PA 19034</p>																				
SITE INFORMATION	<p>1SU4372A KEEP MILFORD_PL13XC428 106 SOUTH WASHINGTON ST. MILFORD, DE 19963 CITY OF MILFORD SUSSEX COUNTY</p>																				
REVISIONS	<table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>08/14/21</td> <td>FINAL CDA</td> <td>JF</td> </tr> <tr> <td>2</td> <td>05/04/21</td> <td>REVISED PER COMMENTS</td> <td>JF</td> </tr> <tr> <td>1</td> <td>04/11/21</td> <td>REVISED PER RF UPDATES</td> <td>AMG</td> </tr> <tr> <td>0</td> <td>01/19/21</td> <td>PRELIMINARY CDA</td> <td>DH</td> </tr> </tbody> </table>	REV	DATE	DESCRIPTION	BY	3	08/14/21	FINAL CDA	JF	2	05/04/21	REVISED PER COMMENTS	JF	1	04/11/21	REVISED PER RF UPDATES	AMG	0	01/19/21	PRELIMINARY CDA	DH
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PROFESSIONAL STAMP																					
ENGINEER	<p>KRUPAKARAN KOLANDAVELU, P.E. STATE OF DELAWARE PROFESSIONAL ENGINEER LICENSE #16876</p>																				
SHEET TITLE	<p><b>GROUNDING DETAILS</b></p>																				
SHEET NUMBER	<p><b>G-1</b></p>																				

VICINITY MAP



Tank Site

TRIPOD EQUIPMENT MOUNT SYSTEM  
<NAME> TANK  
<CITY>, <STATE>

	TITLE		
	TRIPOD EQUIPMENT MOUNT SYSTEM <NAME> TANK <LOCATION>		
	SIZE	DRAWING NO	REV
SCALE	DRAWN BY	SHEET	
As Noted	MLD	1 OF 5	

Michael L. Douglas, P.E.  
2216 Winpost Lane  
Apex, NC 27502

**GENERAL NOTES**

1. All dimensions, elevations and existing conditions shown on the drawings shall be field verified by the contractor prior to beginning any material ordering, fabrication or construction. Contractor shall not scale drawing in lieu of field verification. Any discrepancies shall be immediately brought to the attention of the owner. The discrepancies must be resolved before the contractor proceeds with the work.
2. All materials and equipment furnished by the contractor shall be new and of good quality, free from defects and in conformance with the contract documents. Any and all substitutions must be approved and authorized in writing by the owner and engineer prior to installation. The contractor shall provide satisfactory evidence as to the kind and quality of the materials and equipment being substituted.
3. Contractor shall secure, and pay for all permits required by applicable governmental agencies.
4. It is the contractors' sole responsibility to determine construction procedures and sequencing of the work to insure the safety of the structure and its component parts during construction and/or modifications. This includes but not limited to, the addition of temporary bracing, guys or tie downs that may be necessary. These materials shall be removed and shall remain the property of the contractor after the completion of the work.
5. Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and procedures to insure compliance with OSHA, State and Local requirements.
6. The contractor shall supervise and direct the work and shall be responsible for all construction means, methods, techniques, sequences and procedures for accomplishing the work.
7. All materials and construction shall be done in accordance with the latest revision of the AWWA (D100), AISC, The State of ~~STATE~~ Building Code and local requirements.
8. By accepting this contract, the contractor is attesting that he/she has sufficient experience and ability that he/she is knowledgeable of the work necessary and that he/she is properly licensed and registered to do work in the State of ~~STATE~~.
9. Access to the work site may site may be restricted. The contractor shall coordinate construction activities, including work schedule and materials access, with the owner.
10. The contractor is responsible for maintaining all pipes, ditches and other drainage structure free from obstructions and trash until the work is accepted by the owner. The contractor is responsible for any damages caused by failure to maintain drainage structures in operable condition.
11. Contractor shall maintain all existing site conditions and restore any damaged property to its previously undisturbed condition.
12. All interior and exterior painted surfaces that damaged as a result of welding procedures shall be properly cleaned and recoated to meet the original painting requirements for the tank.
13. All new steel installed in the construction shall be properly cleaned, via sandblasting, and painted to meet the original painting requirements for the tank.
14. All materials and workmanship shall be warranted for one year from acceptable date.
15. Antennas and cables are shown for reference only and will be installed by others.

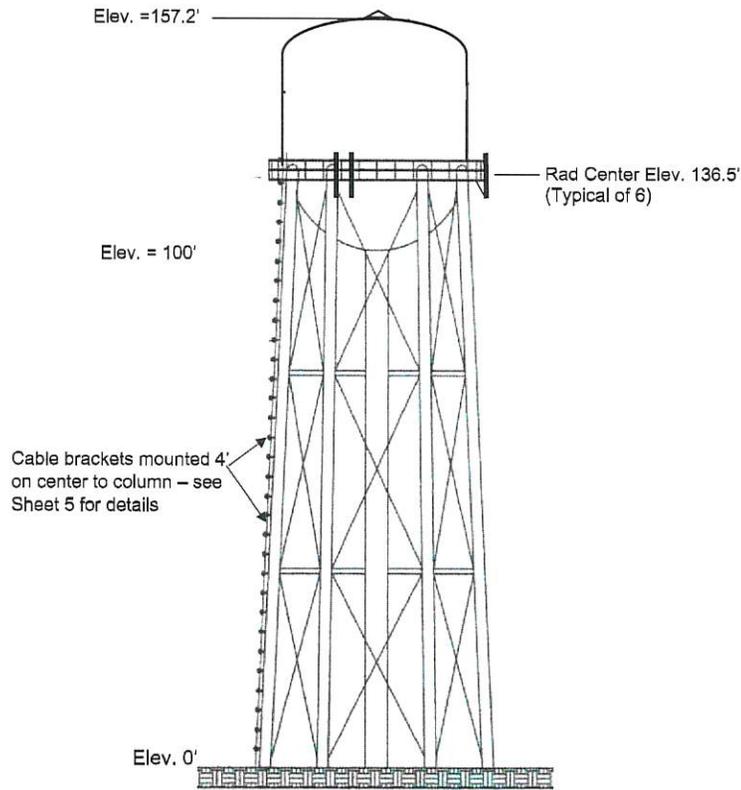
**STRUCTURAL STEEL NOTES:**

1. The fabrication and erection of structural steel shall conform to the AISC Specification for Manual of Steel Construction, Allowable Stress Design, 9<sup>th</sup> Edition.
2. Unless otherwise noted, all structural elements shall conform to the following requirements:
  - A. Structural steel, ASTM Designation A36
  - B. Bolts, ASTM A307 unfinished bolts
  - C. Nuts, ASTM A563 carbon and alloy steel nuts
  - D. Washers, ASTM F436 hardened steel washers
3. Holes shall not be flame cut unless approved by the owner.
4. All new and/or replaced bolts shall be sufficient length to exclude the treads from the shear plane.
5. All bolts shall be sufficient length that, when tightened, the end of the bolt shall be at least flush with the face of the nut. Galvanized ASTM A325 shall not be reused.
6. All bolts are to be tightened to a "Snug Tight" condition as defined in the AISC, Specification for structural joints using A325 or A490 bolts.
7. A nut locking device, such as a double nut, shall be installed on all bolts used/reused.
8. Flat washes shall be installed wit bolts over slotted holes.

**WELDING NOTES:**

1. All welders shall meet the qualification of the AWWA and AWS Codes. All welding shall meet the applicable code of AWS.
2. All welds shall be made to ensure complete fusion with the base metal. Welds shall be smooth and free of burrs and undercuts.
3. Welds shall be 100% penetration and fusion and performed with low hydrogen electrode.
4. No welding is done if the ambient outdoor temperature is below 0 degrees F.
5. When the ambient outdoor temperature is below 32 degrees F but above 0 degrees F, follow the requirements of AWWA D-100, Section 10.2.1.
6. No welding shall be done in rain, snow or on wet surfaces.
7. Do not weld on tank surfaces opposite water. The water level shall be drawn down at least two feet below the point of welding.

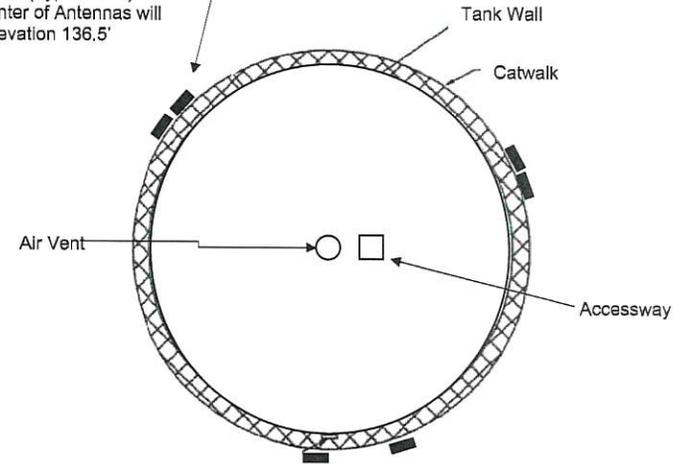
		TITLE	
		<b>TRIPOD EQUIPMENT MOUNT SYSTEM                  &lt;NAME&gt; TANK                  &lt;LOCATION&gt;</b>	
SIZE	DRAWING NO	REV	
	2		
SCALE	DRAWN BY	SHEET	
As Noted	MLD	2 OF 5	
Michael L. Douglas, P.E. 2215 Winpost Lane Apex, NC 27502			



**Tank Elevation**  
Scale: NTS

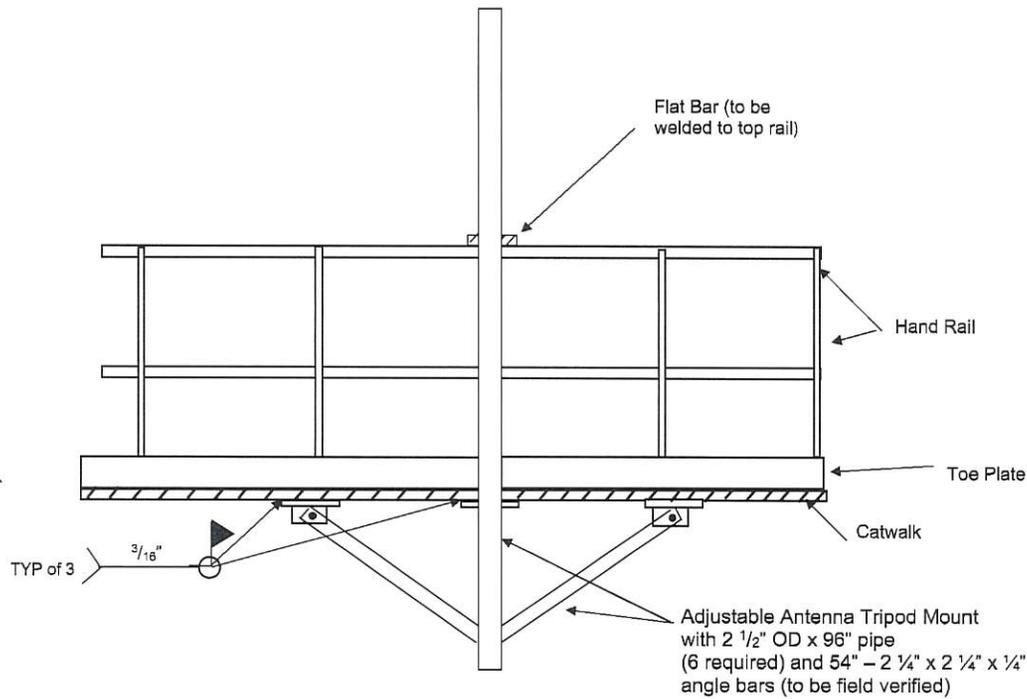
Note: The tank shown above may or may not represent the actual for this project. It is intended to only represent a typical cluster bracket mounting arrangement used on a water tank. The elevations shown for the tank are accurate for the tank for this project

Antenna Mount Locations –  
Coordinate Exact Location  
with owner (Typical of 6)  
Rad Center of Antennas will  
be at Elevation 136.5'



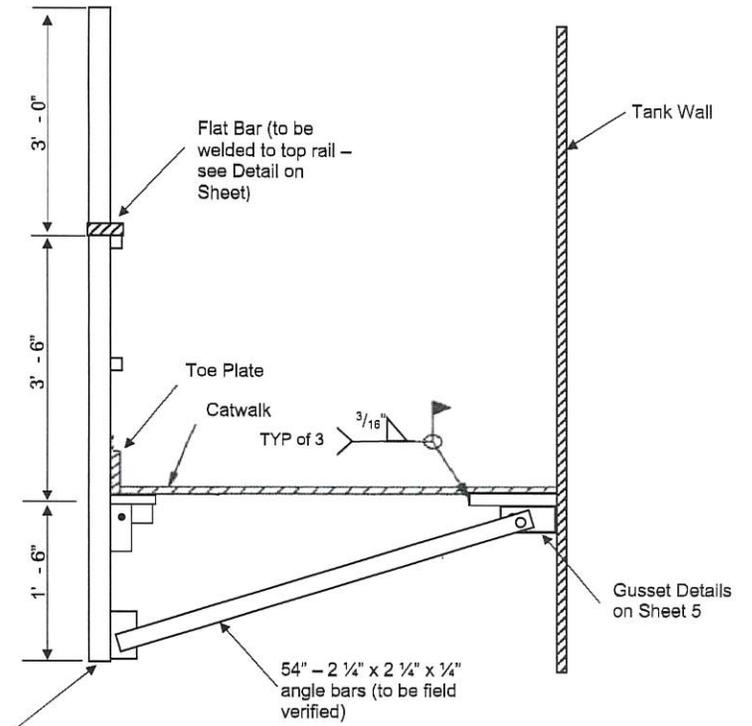
**Antenna Mount & Cluster Bracket**  
Scale: NTS

Michael L. Douglas, P.E. 2216 Winpost Lane Apex, NC 27502				TITLE	
				<b>TRIPOD EQUIPMENT MOUNT SYSTEM</b> <NAME> TANK <LOCATION>	
SIZE	DRAWING NO	REV			
	3				
SCALE	DRAWN BY	SHEET			
As Noted	MLD	3 OF 5			



Antenna Tripod Mount Detail – Section  
SCALE: NTS

Adjustable Antenna Tripod Mount  
with 2 1/2" OD x 96" pipe (6 required)



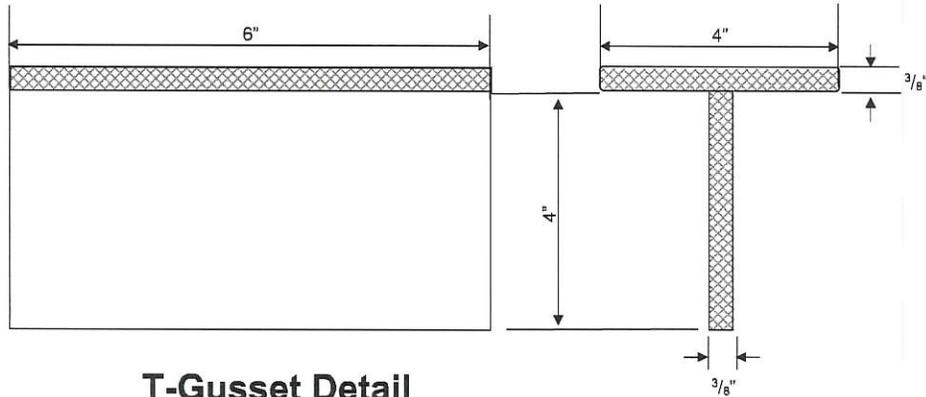
Antenna Tripod Mount Detail – Elevation  
SCALE: NTS

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2216 Winpost Lane  
Apex, NC 27502

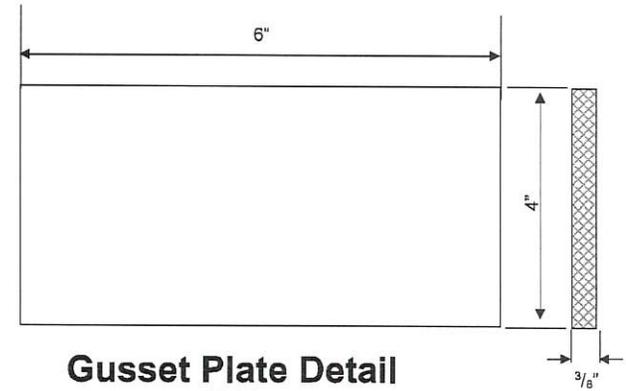


TITLE  
**TRIPOD EQUIPMENT MOUNT SYSTEM**  
 <NAME> TANK  
 <LOCATION>

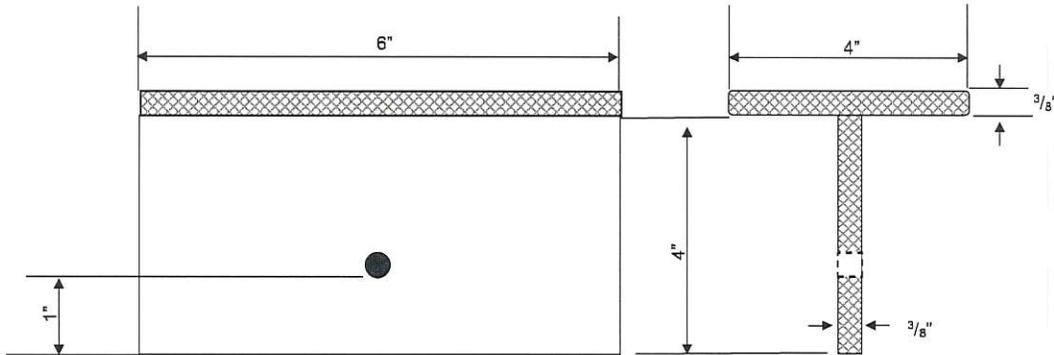
SIZE	DRAWING NO <b>4</b>	REV
SCALE As Noted	DRAWN BY MLD	SHEET <b>4 OF 5</b>



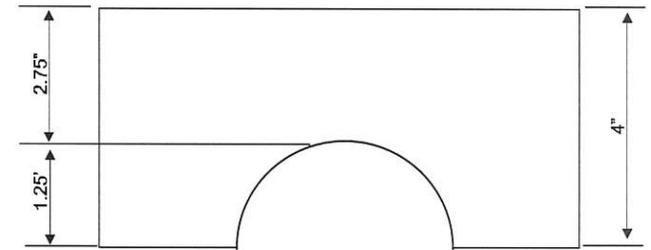
**T-Gusset Detail**  
NTS



**Gusset Plate Detail**  
NTS



**T-Gusset Detail w/  
Offset Hole**  
NTS



**Flat Bar (to be welded to top rail)**  
NTS

Michael L. Douglas, P.E.  
2216 Winpost Lane  
Apex, NC 27502



TITLE

**TRIPOD EQUIPMENT MOUNT SYSTEM**  
<NAME> TANK  
<LOCATION>

SIZE	DRAWING NO	REV
As Noted	5	
SCALE	DRAWN BY	SHEET
As Noted	MLD	5 OF 5



Date: September 22, 2021  
 To: Mayor and City Council  
 Through: Mark A. Whitfield, City Manager  
 From: Louis C. Vitola, Finance Director  
 Re: Enterprise Resource Planning (ERP) Professional Services Recommendation

**EXECUTIVE SUMMARY**

We recommend that Council approve Brandywine Technologies proposal to staff the City’s ERP PM responsibilities on an hours-worked basis not to exceed \$159/hour and not to exceed a total of \$213,840.

**BACKGROUND**

City Council approved Tyler Technologies to replace the City’s current ERP software based on the ERP selection committee’s recommendation following an exhaustive search. With project kick-off approaching, now is the time to engage an independent Project Manager (PM) to lead phasing and scheduling activities, coordinate critical path items and interdependent project deliverables with Tyler and City staff, ensure the City receives the implementation services and support promised by Tyler, evaluate and make recommendations regarding process alternatives, and to lead the City’s change management efforts.

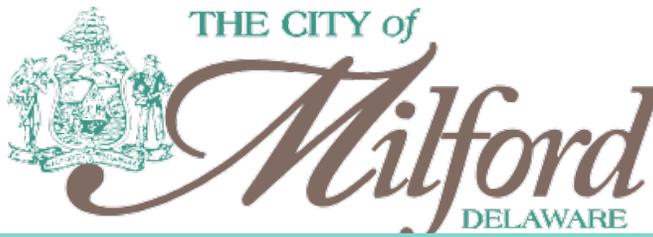
**RECOMMENDATION PROCESS**

A subset of the ERP selection committee joined with the Town of Smyrna to streamline the PM solicitation process. We reviewed vendors on the State Contract Award list [Diamond Technologies (Diamond) and Computer Aid, Inc (CAI)], while Smyrna solicited proposals from Diamond, Brandywine Technologies (Brandywine), and Vtech Solutions (VTS). Diamond and Brandywine emerged as the City’s two finalists based in part on our preference for a Delaware technology firm (thereby excluding CAI and VTS), and in part based on the results of Smyrna’s vendor evaluation process, which likewise resulted in finalists Diamond and Brandywine. We reviewed resumes and interviewed personnel recommended for assignment by the vendors following introductory meetings with leadership of each firm. We recommend that that Council engage Brandywine for the City’s ERP PM role due to the strength and composition of their recommended staff, the flexible, no-minimum fee structure, and the competitive rate structure.

**PRICING ESTIMATES**

The table below recaps the PM cost estimates developed during the initial vendor search, during the CIP development and review process, and following receipt of proposals. Plante Moran, the City’s ERP vendor

Proposals & Comparables	Hours		Rates		Total Cost Estimate	
	Low	High	Low	High	Low	High
Consultant Estimate	1,328	1,992	\$ 225	\$ 225	\$ 298,800	\$ 448,200
FY22-26 CIP Budget	1,328	1,584	106	144	141,000	227,700
Diamond	N/A	3,120	63	81	196,000	252,000
<b>Brandywine</b>	<b>1,090</b>	<b>1,584</b>	<b>\$ 116</b>	<b>\$ 135</b>	<b>\$ 126,360</b>	<b>\$ 213,840</b>



FINANCE DEPARTMENT  
10 SE Second Street  
Milford, DE 19963

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FAX 302.424.5932  
[www.cityofmilford.com](http://www.cityofmilford.com)

selection consultants, estimated PM costs with 80-120 hours of pre-implementation time and 8-12 hours per week at prevailing rates of \$225 per hour, representing total costs of \$298,800 to \$448,200 over the course of the three-year implementation. The ERP budget line in the FY22-26 Approved CIP contemplated a far lower range of \$141,000 to \$227,700 based on the same range of hours, but for only the first two years of the project before hours sharply tailed off in the final year, and at significantly lower hourly rates. Diamond's fee structure, which incorporates a monthly retainer, would result in PM fees of approximately \$196,000 to \$252,000. Brandywine's PM fees, while not to exceed \$159 per hour, are expected to average \$116 per hour with a total cost of \$126,360 to \$213,840.

cc: Dale Matthews, IT Director



The governing body has recessed to Executive Session. The regular meeting will resume shortly.

# CITY COUNCIL MEETING



**Executive Session**  
**has concluded.**  
**Council has returned to**  
***Open Session***