*Milford City Hall  Council Chambers  201 South Walnut Street  Milford DE 19963*

# CITY COUNCIL AGENDA
# Monday, May 23, 2022

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council Meetings and Workshops will be held in the Council Chambers at City Hall. Attendees are welcome to participate virtually as well. Public Comments are encouraged on the agenda items designated with a ℗. Virtual attendees may alert the City Clerk that they wish to speak by submitting their name, address, and agenda item via the Zoom Q&A function or by using the Raise Your Hand function during the meeting. Those attending in person may comment when the floor is opened for that purpose.
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*

## 7:00 P.M.
## COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Public Hearings ℗

Adoption/ORDINANCE 2022-20
Application of 1018 Properties, LLC for a Conditional Use Permit
1.084 +/- acres located along the east side of N. Walnut Street approximately 300 feet south of the N. Rehoboth Boulevard intersection
Address: 909 N. Walnut Street, Milford, DE
Comprehensive Plan Designation: Commercial
Zoning District: C-3 (Highway Commercial District)
Present Use:  Former Florist Shop
Proposed Use: Contractors' Establishment
Tax Parcel: MD-16-174.18-02-02.00
Comp Plan Amendments

Adoption/ORDINANCE 2022-21

AMENDING AND ADOPTING BY ORDINANCE THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #10
DEEP BRANCH & HERRING BRANCH GREENWAY

| | | |
|---|---|---|
| 3-30-11.00-002.00 | 3-30-11.00-039.00 | 3-30-11.13-001.00 |
| 3-30-11.00-002.03 | 3-30-11.00-039.07 | 3-30-11.13-002.00 |
| 3-30-11.00-002.05 | 3-30-11.00-039.09 | 3-30-11.13-003.00 |
| 3-30-11.00-008.00 (portion) | 3-30-11.00-039.11 | 3-30-11.13-004.00 |
| 3-30-11.00-350.00 (portion) | 3-30-11.13-004.01 | |

Adoption/ORDINANCE 2022-22
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #11
TRANSPORTATION CHAPTER TEXT AMENDMENT

Adoption/ORDINANCE 2022-23
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #12
COUNTRY LIFE HOMES, INC.
3-30-11.00-070.00

Adoption/ORDINANCE 2022-24
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #13
MR. WIGGLES, LLC
3-30-11.00-056.00

Adoption/ORDINANCE 2022-25/Chapter 84 Bicycles, Skateboards, and Other Conveyances/
Article II/Bicycle Registration

Communication & Correspondence

Monthly Finance Report

Unfinished Business

Adoption/Resolution 2022-07/Updated Council Rules & Procedures Ⓟ

New Business

Adoption/Resolution 2022-08/Schedules Board of Revision & Appeal Hearing Ⓟ

Adoption/Resolution 2022-09/Further Clarification of City of Milford Poll Workers' Salaries Ⓟ

Adjournment

**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.**

℗ Designated Items only; Public Comment, up to three minutes per person will be accepted.

080521 113921 123021 011922 051122




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.

**CITY OF MILFORD**
**NOTICE OF REVISED PUBLIC HEARING**
Planning Commission Hearing: Tuesday, May 17, 2022 @ 7:00 PM
City Council Hearing: Monday, May 23, 2022 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not used to influence any decision of City Council:

**ORDINANCE 2022-20**
Application of 1018 Properties, LLC for a Conditional Use Permit
1.084 +/- acres located along the east side of N. Walnut Street
approximately 300 feet south of the N. Rehoboth Boulevard intersection
Address: 909 N. Walnut Street, Milford, DE
Comprehensive Plan Designation: Commercial
Zoning District: C-3 (Highway Commercial District)
Present Use: Former Florist Shop
Proposed Use: Contractors' Establishment
Tax Parcel: MD-16-174.18-02-02.00

WHEREAS, the applicant proposes to convert the former florist shop and storage area into a food service equipment & HVAC/R contractor's establishment; and

WHEREAS, Chapter 230-14(C)(4) states contractors', craftsmen's or general service shops, including welding and similar shops are allowed upon conditional use approval from City Council; and

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on May 17, 2022, at which time interested parties will publicly comment on the application; and

WHEREAS, Milford City Council will hold a Public Hearing on May 23, 2022, allowing for additional public comment, after which City Council will make a final determination on the application; and

WHEREAS, the notice as required by Chapter 230, was published in the Milford Beacon on April 27, 2022, and provided to property owners within 200 feet of the subject parcel.

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

Section 1. Upon the adoption of this ordinance by City Council, a conditional use permit will be granted to 1018 Properties, LLC to allow a Contractors' Establishment at 909 North Walnut Street.

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: May 9, 2022
Planning Commission Review & Public Hearing: May 17, 2022
City Council Public Hearing: May 23, 2022

Section 4. If this ordinance is adopted by City Council, it will become effective 10 days following the date the action is taken. If not adopted, the ordinance becomes null and void unless addressed at a later date. Should that occur, the ordinance would be republished, and new notices mailed to properties within 200 feet of the subject parcel(s).

041822
Published*: Milford Beacon 042722*

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

# DATA SHEET FOR 1018 PROPERTIES, LLC

Planning Commission Meeting: May 17, 2022

| | | |
|---|---|---|
| **Application Number / Name** | : | 22-012 / 1018 Properties, LLC |
| **Applicant** | : | 1018 Properties, LLC<br>641 Skylar Drive<br>Mount Joy, PA 17552 |
| **Owner** | : | Same |
| **Application Type** | : | Conditional Use |
| **Present Comprehensive Plan Map Designation** | : | Commercial |
| **Present Zoning District** | : | C-3 (Highway Commercial District) |
| **Present Use** | : | Former Florist Shop |
| **Proposed Use** | : | Contractors' Establishment |
| **Size and Location** | : | 1.084 +/- acres located along the east side of N. Walnut Street approximately 300 feet south of the N. Rehoboth Boulevard intersection, addressed as 909 N. Walnut Street. |
| **Tax Map & Parcel** | : | MD-16-174.18-02-02.00 |

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

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PLANNING DEPARTMENT
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O 302.424.8396 | F 302.424.3559

**STAFF REPORT**
**April 29, 2022**

| | | |
|---|---|---|
| **Application Number / Name** | **:** | 22-012 / 1018 Properties, LLC |
| **Present Comprehensive Plan Designation** | **:** | Commercial |
| **Present Zoning District** | **:** | C-3 (Highway Commercial District) |
| **Present Use** | **:** | Former Florist Shop |
| **Proposed Use** | **:** | Contractors' Establishment |
| **Tax Map & Parcel** | **:** | MD-16-174.18-02-02.00 |
| **Size and Location** | **:** | 1.084 +/- acres located along the east side of N. Walnut Street approximately 300 feet south of the N. Rehoboth Boulevard intersection, addressed as 909 N. Walnut Street. |

## I. BACKGROUND INFORMATION:

- The applicant proposes to convert the former florist shop and storage area into a food service equipment & HVAC/R contractor's establishment. The existing building and property would be used as a branch office and for storage of service and repair parts. The hours of operation would be 8:00 AM to 4:30 PM with approximately one (1) office employee and three (3) service technicians. See attached narrative for additional information.

- Chapter 230-14(C)(4) states "contractors', craftsmen's or general service shops, including welding and similar shops" are conditional uses within the C-3 Highway/Commercial zoning category.

## 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:

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

  A. The presence of adjoining similar uses.

     *The property to the north is zoned C-3 Highway Commercial District and contains a two-unit retail building. The properties to the south are zoned R-2 Residential District and contain single-family detached dwellings. The property to the west, across N. Walnut Street, is zoned R-2 Residential District and contains a cemetery. The properties to the east, across N. Rehoboth Boulevard, are zoned C-3 Highway Commercial District and contain a church and an automotive repair business.*

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

     *Similar proposed uses are permitted only by conditional use approval within the C-3 Highway Commercial district or are permitted by-right within the BP Business Park, I-1 Limited Industrial or I-2 General Industrial districts.*

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

     *The Comprehensive Plan designates this area as Commercial, which is intended to provide an area with various types of commercial uses, including retail, office, service establishments, etc. The proposed use would best fall under the Commercial land use category.*

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

     *There are existing fences located between the subject parcel and the existing residential parcels to the south; however, these appear to be owned and maintained by the residential properties and don't extend the entire length of the property. The applicant is proposing to utilize existing buildings on the site for an administrative office and service/repair part storage. The Planning Commission and City Coucnil could request additional screening along the southern property line in the form of fencing and/or plantings.*

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

     *The proposed use would be located within the previously occupied commercial buildings located on the subject parcel. The property was previously used as a garden/floral shop, which included a retail storefront, greenhouses and some material storage. The impact would be similar in nature to the previous use.*

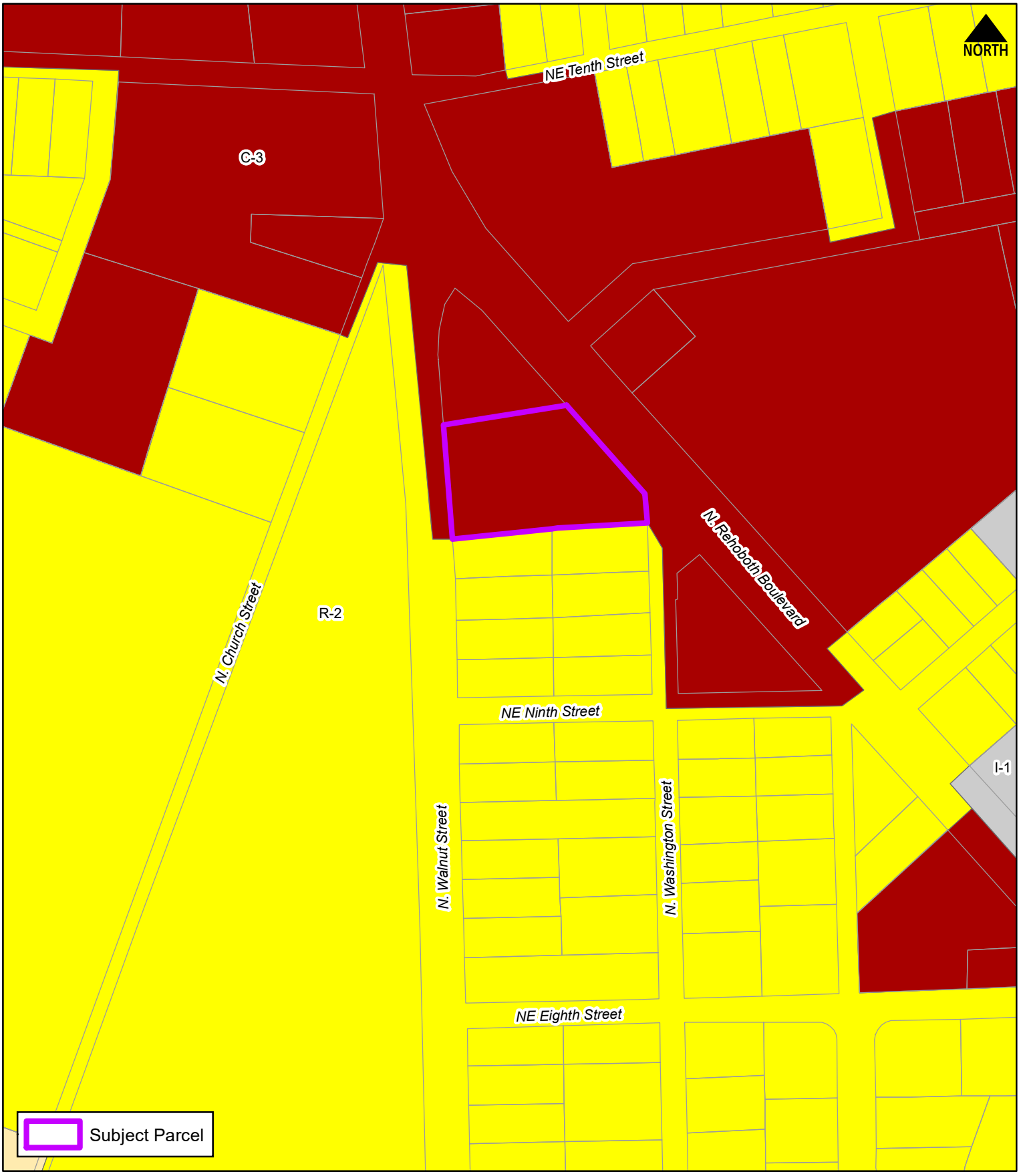
  F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

     *The proposed administrative office use would be located within the former retail storefront for the floral shop. No changes are proposed to the parking area or entrance and employees or visitors would utilize the seven (7) parking spaces located along N. Walnut Street. The garage would be used to store service and repair parts associated*

*with the business. Screening could be requested along the southern property line; however, there are existing fences that appear to be owned and maintained by the neighboring residential properties. There are no proposed changes to parking or structure setbacks from previous conditions.*

- 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 approval from the State Fire Marshal's Office for use and occupancy of the building.
    - The applicant must obtain a building permit from the City of Milford for the interior commercial renovations.




THE CITY of Milford DELAWARE

Scale: 0 100 200 Feet

Drawn by: WRP

Date: 04/29/22

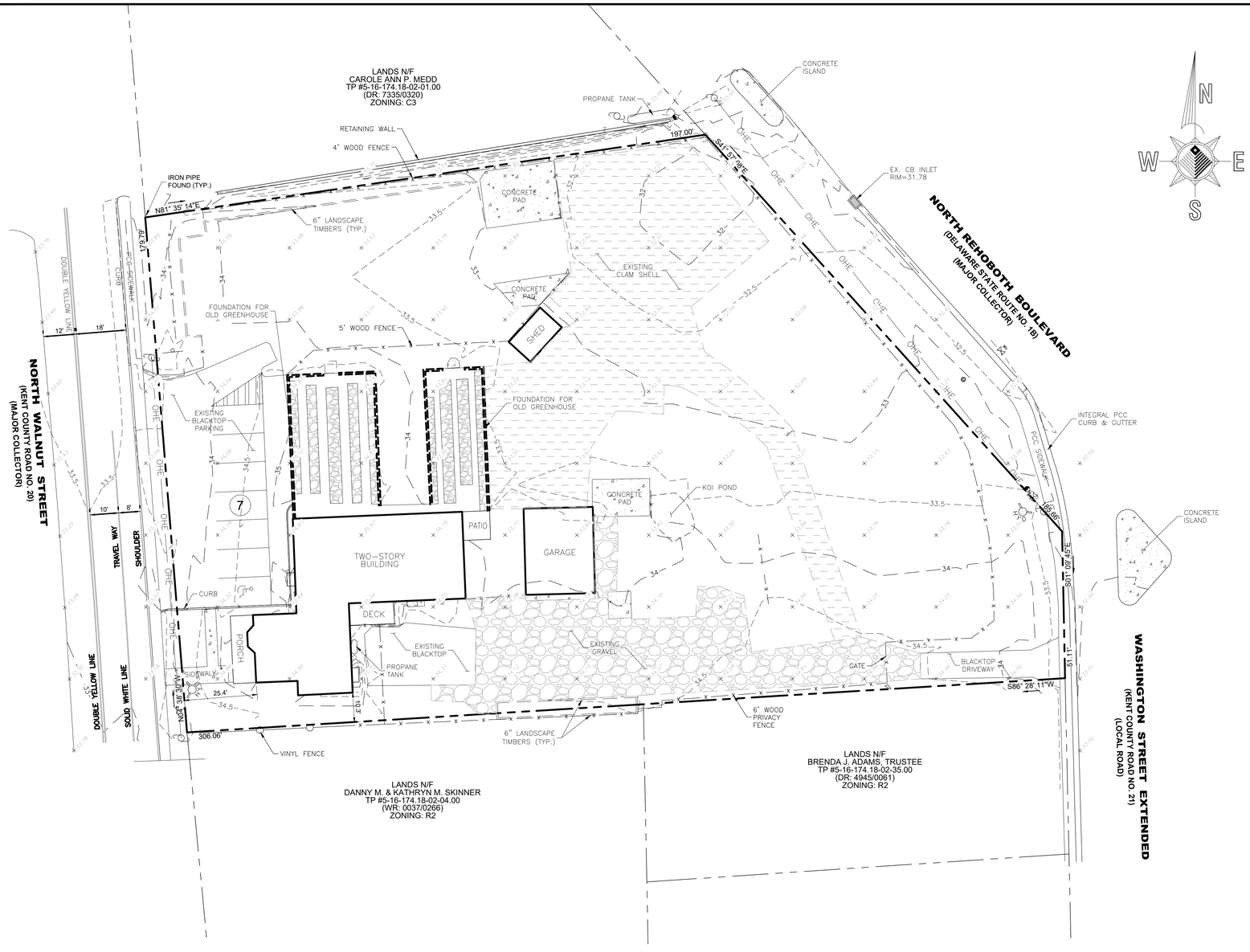
Filepath: CU_1018Properties.mxd

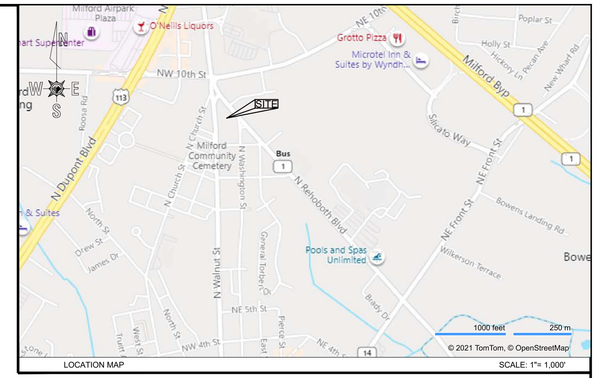
Title:

Conditional Use

**1018 Properties, LLC**

Location & Zoning Map




LOCATION MAP SCALE: 1"= 1,000'

## PLAN DATA:

| | | |
|---|---|---|
| PARCEL I.D. NO. | * | 5-16-174.18-02.00-00001 |
| DEED REFERENCE | * | DB 9625, PG 0226 |
| PLAT REFERENCE | * | PB 136, PG 70 |
| ZONING DISTRICT | * | C-3 (HIGHWAY COMMERCIAL) |
| SEWAGE DISPOSAL | * | KENT COUNTY SANITARY SEWER SYSTEM<br>SEWERAGE IS SUBJECT TO APPROVAL OF KENT COUNTY AND THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. |
| WATER SUPPLY | * | CITY OF MILFORD<br>WATER IS SUBJECT TO THE APPROVAL OF THE CITY OF MILFORD AND THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DIVISION OF PUBLIC HEALTH. |
| WATERSHED | * | MISSPILLION RIVER - BELOW PONDS |
| OWNER/DEVELOPER | * | 1018 PROPERTIES, LLC<br>641 SKYLAR DRIVE<br>MOUNT JOY, PA 17552<br>PHONE: (717) 371-8686 |
| HORIZONTAL DATUM | * | NAD 83 (NA 2011, EPOCH 2010) |
| VERTICAL DATUM | * | NAVD '88 |
| EXISTING USE | * | VACANT |
| NO. OF PARCELS | * | 1 |
| PARCEL AREA | * | 1.1672 AC. |
| SITE ADDRESS | * | 909 NORTH WALNUT STREET |
| SITE COVERAGE | * | GROSS AREA= 50843.23 S.F. (100.00%)<br>BUILDING COVERAGE= 6639.46 S.F. (13.06%)<br>ACCESSORY COVERAGE= 18313.96 S.F. (36.02%)<br>TOTAL IMPERVIOUS= 24953.42 S.F. (49.08%) |
| PARKING RATIONALE | * | 2 EMPLOYEES @ 1 SPACE PER 2 EMPLOYEES ON SHIFT OF GREATEST EMPLOYMENT<br>PARKING REQUIRED = 1 SPACE<br>TOTAL PARKING REQUIRED = 2 SPACES<br>PARKING PROVIDED = 7 SPACES (INCLUDING 1 HANDICAP) |

## GENERAL NOTES:

1. THE SURVEY FOR THIS PROJECT WAS PERFORMED BY MERESTONE CONSULTANTS, INC. ON MAY 4, 2021.
2. BASIS OF BEARING: NAD 83 (NA 2011, EPOCH 2010).
3. THE SITE IS LOCATED WITHIN ZONE "X", AREA OF MINIMAL FLOOD HAZARD AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP NUMBER 10005C0041K LAST REVISED MARCH 16th, 2015.
4. THE BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MAY BE REVEALED BY A THOROUGH TITLE SEARCH.
5. COPYRIGHT © 2021. MERESTONE CONSULTANTS, INC. ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED BY PHOTOCOPYING, RECORDING OR BY ANY OTHER MEANS, OR STORED, PROCESSED, OR TRANSMITTED IN OR BY ANY COMPUTER OR OTHER SYSTEMS WITHOUT THE PRIOR WRITTEN PERMISSION OF MERESTONE CONSULTANTS, INC. COPIES OF THIS PLAN WITHOUT COLORED INK SIGNATURE AND A RAISED IMPRESSION SEAL ARE NOT VALID.
6. THE LOCATIONS OF UNDERGROUND UTILITIES ARE PROVIDED USING THE BEST AVAILABLE INFORMATION WHICH INCLUDES FIELD LOCATIONS OF VISIBLE FEATURES AND REVIEW OF EXISTING PLANS.

## EXISTING CONDITIONS PLAN

FOR PROPERTY KNOWN AS:

# 909 NORTH WALNUT STREET

PREPARED FOR:

909 NORTH WALNUT, LLC

SITUATE IN:

MILFORD HUNDRED * CITY OF MILFORD

KENT COUNTY, STATE OF DELAWARE

TAX PARCEL #: 5-16-174.18-02-02.00-00001

SCALE: 1" = 20'

GRAPHIC SCALE

20 0 20 60

1 inch = 20 ft.

**LEGEND**

PROPERTY LINE
BUILDING SETBACK LINE — BSL — BSL
EASEMENT LINE
CENTERLINE
TREELINE
SANITARY SEWER — SS — (S) MH — SS — SS — SS — SS
WATER LINE — W — W.V. — W — W — W — W
STORM SEWER — C.B. — 15"CMP — 15"CMP
ELECTRIC — OHE — U.P. — OHE — OHE
CONTOUR — 20
CULVERT (w/F.E.S.) — 15"RCP — 15"RCP
WATER LINE — W — W — W — W — W
GAS LINE — GAS — GAS — GAS
RIGHT-OF-WAY — R/W — R/W
GRAVEL/STONE
CLAM SHELL
IRON PIPE FOUND
CONCRETE MONUMENT FOUND
GUY WIRE/POLE
HYDRANT
WATER VALVE
NATURAL GAS
SPOT ELEVATIONS ×18.50

APPROVED: _____ DATE: _____

PROFESSIONAL ENGINEER


MERESTONE CONSULTANTS, INC.
ENGINEERS - PLANNERS - SURVEYORS
5215 WEST WOODMILL DRIVE, WILMINGTON, DE 19808, PH: 302-992-7900, FAX: 302-992-7911
35516 CROSSING AVENUE, UNIT 1, FIVE POINTS SQUARE, LEWES, DE 19958, PH: 302-226-5880


| DATE | REVISION | CHKD. | DRAWN BY: RAG | DATE: 18 MAY 2021 | SHEET#: SU-1 |
|---|---|---|---|---|---|

© MERESTONE CONSULTANTS, INC. 2022

PLAN #: 25197L-330473

21 March 2022

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

**Subject: 909 North Walnut Street (Tax Parcel #5-16-174.18-02-02.00-00001)**

Narrative:

Clark Service Group is a food service equipment/HVAC/R service/repair provider based in Lancaster, PA. Our plan is to use the existing buildings and property for a branch office for our organization. Our hours of business operations would be from 8:00 AM to 4:30 PM. We currently have (3) service technicians working in the lower portion of Delaware servicing all types of food service operations, from chain restaurants, schools, healthcare facilities and restaurant groups. We would like to employee at least one person at this location to provide phone support, handle small packages and dispatch our service technicians. The only storage that we would have on site would be for service/repair parts and a few pieces of replacement equipment that would be stored inside the buildings. We may have an occasional customer stopping at the location to pick up a repair part, but that would be minimal, maybe one to two people per day. The current buildings we would be utilizing would be the two-door garage building for any larger item storage and the existing retail space that was used for the gardening center. This area would be used for small parts stock and office support personnel.

Clark
SERVICE GROUP

**Glenn Clark, Jr.**
President / CEO, Clark Service Group
O: 800.678.5517
***Call 800.678.5517 or Click Here* to Request Service**

Merestone Consultants, Inc.
Legal Description
24 February 2022

**Project:** 909 North Walnut Street
**Project No.:** 25197L
**Tax Map No.:** 5-16-174.18-02-02.00-00001

Description of Property situate in Milford Hundred, Kent County, State of Delaware, known as Lands now or formerly of 1018 Properties, LLC also know as 909 North Walnut Street as shown on the Existing Conditions Plan prepared by Merestone Consultants, Inc., dated 18 May 2021, said property being more particularly bounded and described as follows, to wit:

**Beginning** at an iron pipe found, being a common corner with lands now or formerly of Carole Ann P. Medd and a point on the easterly right-of-way of North Walnut Street (a.k.a. Kent County Road No. 20) said point being located 215+/- feet in a southerly direction from the point of intersection formed by the easterly side of North Walnut Street and the southwesterly side of North Rehoboth Boulevard (a.k.a. Delaware State Route No. 1B);

**Thence**, from said Point and Place of Beginning, along lands of Carole Ann P. Medd, North 81°35'14" West, 197.00 feet, to an iron pipe found being a point on the southwesterly side of North Rehoboth Boulevard;

**Thence,** along the southwesterly side of North Rehoboth Boulevard, South 41°57'08" East, 185.66 feet, to a point being a point of intersection of the southwest side of North Rehoboth Boulevard and the west side of Washington Street Extended (a.k.a. Kent County Road No. 21);

**Thence,** along the westerly side of Washington Street Extended, South 01°09'45" East, 51.11 feet, to a point being a common corner for lands now or formerly of Brenda J. Adams, Trustee;

**Thence,** along the lands of Brenda J. Adams, Trustee and lands of Danny M. & Kathryn M. Skinner, South 86°28'11" West, 306.06 feet, to an iron pipe found being a point on the easterly side of North Walnut Street;

**Thence,** along the easterly side of North Walnut Street, North 04°38'30" West, 179.79 feet, to the first mentioned Point and Place of **Beginning**.

Containing within the said described metes and bounds 1.1672 acres of land be the same, more or less.

Prepared RAG Checked by:

(3) Minimum lot width shall be 50 feet.
(4) Maximum **lot** ~~building~~ coverage shall be 60%
(5) **Minimum** ~~F~~**f**ront yard setback shall be 15 feet minimum
(6) Side yard setback shall be 14 feet aggregate total with a minimum of 6 feet.
(7) **Minimum** ~~R~~**r**ear yard setback shall be 20 feet.
(8) Height of buildings shall not exceed ~~four stories or~~ 50 feet.
(9) Minimum separation distance between dwelling structures on the same lot shall not be less than 15 feet.
(10) Parking shall comply with the requirements provided in Article IV of this chapter.
(11) Signs shall comply with the requirements provided in Article VI of this chapter.
(12) For mixed use residential and commercial projects, off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission.
**(13) Landscape screening shall comply with the requirements provided in Article V of this chapter.**
**(14) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.**
**(15) Accessory structures shall be located in the side and rear lot areas.**
**(16) Accessory structures for residential and non-residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.**

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

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

A. Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.
B. Permitted uses. Permitted uses for the C-3 District shall be as follows:

(1) Those **permitted** uses ~~permitted~~ in the C-2 District.
(2) Warehouses.
(3) Large retail outlets.
(4) Indoor storage accessory building.
(5) Fast-food restaurants and drive-in restaurants.
(6) Supermarkets.
(7) Truck and trailer rentals.
(8) Roadside produce market.
~~(9) Memorial stone shop.~~
(**9**~~10~~) Outdoor commercial recreational facilities, not motorized vehicles.
(**10**~~11~~) Swimming club.

(1112) Indoor facility for amusement or assembly.
(1213) Bus station.

C. Conditional uses subject to special requirements. **All uses specified as conditional uses in the C-2 zoning district and** ~~T~~the following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

(1) Motels or hotels ~~with a minimum lot size of three acres~~.
(2) Commercial greenhouse.
(3) Wholesale establishment.
~~(4) Newspaper publishing or printing establishment.~~
(45) Contractors', craftsmen's or general service shops, including welding and similar shops.
(56) Laboratory, testing and research.
~~(7) Car repair shops.~~
(68) ~~Used car lots.~~ **Automotive sales.**
~~(9) Telephone central office or television cable central office.~~
(710) ~~Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars~~ **Automotive repair**, subject to the following special requirements:

(a) All facilities shall be located and all services shall be conducted on the lot.
(b) All repair work shall be conducted within an entirely enclosed building.
(c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.
(d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.
(e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
(f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.

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

(a) The total shall not be less than one acre.
~~(b) The site must be served by public water, sewer and electricity.~~
~~(c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.~~
(b~~d~~) Traffic and parking.

[1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.
~~[2] Access to state highways shall be controlled by the State Department of Transportation.~~
[2~~3~~] The minimum distance between accessways and a residential district shall be 50 feet.
[3~~4~~] Spacing of accessway.

[a] From adjoining property: 50 feet.
[b] From minor intersections: 50 feet.
[c] From major intersections: 100 to 150 feet.

~~[5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.~~
~~[6] Parking lots shall be attractively landscaped as shown on the general site plan.~~

(c~~e~~) Setback.

[1] From street right-of-way: 15 feet.
[2] From nonresidential districts: 15 feet.
[3] From residential districts: 100 feet.

~~(f) Buffering and landscaping.~~

~~[1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.~~
~~[2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.~~

~~(12) Day-care centers, with site plan required.~~
(9~~13~~) Car wash~~, all types (staffed, automatic, self-service, etc.)~~.
~~(14) Convenience stores with gas pumps.~~
~~(15) Community residential treatment program.~~
(10~~16~~) ~~All dwellings other than single-family with a maximum density of 12 units per acre.~~ **All uses permitted in the R-3 Zoning District subject to its area regulations.**
(11~~17~~) Business, commercial or industrial uses that do not adversely affect neighboring properties.
(12~~18~~) Aquarium.

D. Area regulations.

(1) Minimum lot area shall be one acre.
(2) Maximum lot coverage shall be 80%.
(3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.
(4) Height of buildings shall not exceed ~~three stories or~~ 35 feet, with the following exception: a motel, hotel, or aquarium may be erected to a height ~~of over three stories, but not over five stories, and~~ not exceeding 60 feet.
(5) Minimum **front yard** ~~building~~ setback shall be 30 feet.
(6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.
(7) Minimum rear yard shall be 50 feet.
(8) Parking shall comply with the requirements provided in Article IV of this chapter.
(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.
(10) Signs shall comply with the requirements provided in Article VI of this chapter.
**(11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.**
**(12) Accessory structures shall be located in the side and rear lot areas.**
**(13) Accessory structures for residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 10 feet from a principal structure.**
**(14) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.**

§ 230-15. - H-1 Institutional Development District.

(b) Child-care center (care for fewer than 24 children).
(c) Food services (grocery/convenience: cafe, coffee shop, but no facility with fuel distribution).
(d) Medical and dental offices, clinics, and laboratories.
(e) Professional and administrative offices.
(f) Repair services, conducted entirely within the building. (Auto repair and similar uses are not permitted.)
(g) Mixed use building (residential, including rentals, with other permitted use).
(h) Laundromats or dry cleaners.
(i) Art, music, or photography studio.
(j) Personnel service (barbershop, salons, video rental, fitness center and similar uses).
(k) Allowable uses (e.g., swimming pools, clubhouse and associated sport and exercise areas, tennis courts).

(2) Floor area standards. Up to 25% of the total acreage within the planned unit development may be available for nonresidential uses including neighborhood commercial, nursing home and hospice care, professional and small business office use, similar uses, but excluding areas reserved for clubhouse, pool, HOA offices and other development amenities. For neighborhood commercial, the maximum interior floor area shall not exceed 6,500 square feet total for any one use on one neighborhood commercial site without a variance.

(3) Hours of operation. Except for the swimming pool, clubhouse and associated sport or exercise areas, neighborhood commercial land uses shall be limited to the following hours of operation 6:00 a.m. to 9:00 p.m, unless otherwise specifically approved by City Council as part of the conditional use approval.

(4) Storage. Except for plants and garden supplies, overnight storage is not permitted.

(5) Parking. Parking spaces for the commercial space shall be determined in accordance with the overall planned unit development submission but in no event shall be less than 80% of the spaces required for standard commercial space.

(6) Control. Ownership of the land and buildings comprising the commercial space may be by individuals, corporations or partnership either in fee simple or as a condominium with limited common area control and shall be subject to the rules and regulations contained in the commercial area tenants association and covenants and restrictions. All commercial tenants shall pay dues and assessments to said association for management and upkeep of the common areas.

G. Planned Unit Developments are subject to the Recreation, Open Space and other Public Facilities sections of this Chapter.

ARTICLE IV - Off-Street Parking and Loading

§ 230-20. - General provisions.

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

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

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

B~~C~~. Parking spaces in **residential** driveways **and garages**. Driveways **and garages** shall be considered as constituting off-street parking space for one-family detached, semidetached**,** ~~or~~ townhouse **and multi-family** dwellings ~~in residential districts~~, provided that **the driveway shall be a minimum of 10 feet in width with a curb cut no greater than 20 feet in width and such driveways and garages meet the minimum requirements for off-street parking outlined in this section. Residential driveways must be constructed with an approved dustless surface such as asphalt, concrete, pavers or other material that will not wash away or emit dust into the air.** ~~sufficient space is available in such driveways to meet the requirements of this section.~~ **Residential driveways shall provide a minimum of two feet of separation between the driveway and the side property line, unless a cross-access easement agreement is provided between property owners for a shared driveway. Driveways for corner lots shall be located off of the street with a lesser road classification as determined by the Planning Director and shall be located as far away from the intersection as practically possible. Curb cuts shall be constructed as required by the City Construction Standards and shall be limited to the frontage of the lot served.**

C~~D~~. Location of parking spaces **within parking lots**. All parking spaces shall be set back 15 feet from any street line **and 5 feet from any property line**. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.

D~~E~~. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.

E~~F~~. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking **in this zoning district.** ~~areas for downtown shoppers. The location of the municipal parking lots are:~~

~~(1) North Walnut Street and Northeast Front Street.~~
~~(2) Park Avenue and Northeast Front Street and Denney Row.~~
~~(3) Park Avenue and North Washington Street.~~
~~(4) Southeast Front Street between South Walnut Street and Church Street.~~
~~(5) Southeast Front Street and South Washington Street.~~

F~~G~~. ~~Parking lot and garage maintenance.~~ **Parking lots. Whenever a parking lot is located across the street from a residential use, it shall be edged with low-profile evergreen hedge planting located along a line drawn parallel to the street and a distance of 10 feet therefrom, such hedge to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street.** Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.

G~~H~~. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.

H~~I~~. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from

the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.

I~~J~~. **Non-residential** ~~P~~**p**oints of ingress and egress. ~~When the parking garage buffer strip is adjacent to any public street upon which the lot has frontage, the fifteen-foot buffer strip which extends for the full frontage of the lot may be interrupted only at points of ingress and egress.~~ Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than ~~25~~ **24** feet and not more than 32 feet in width **when the entrance requires two-way traffic, unless otherwise approved by the State of Delaware Department of Transportation for an entrance on a State maintained road. Such accessway shall not be less than 12 feet in width when the entrance is for one-way traffic, unless otherwise approved by the State of Delaware Department of Transportation for an entrance on a State maintained road**. No two accessways on the same lot shall be placed within 75 feet of each other. **The entrance shall be setback 5 feet from any adjoining property line unless otherwise noted under the conditional use requirements.**

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

**K. All permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The Planning Director may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. Parking blocks are required at the head of all parking spaces where curb is not provided. Curbing shall not be required for loading areas, handicapped access and for parking spaces accessory to a one-family or two-family residence. Buildings and sidewalk shall be protected by upright concrete curing at least six inches in height, bollards or other object approved by the Planning Director that demonstrates protection of pedestrians and property.**

**L. Parking Lots: Interior Landscaping. To reduce the visual impact of large expanses of parking and to create a more pedestrian-friendly environment, interior parking lot landscaping is required. Green space in the form of landscape islands and/or peninsulas are required to break up rows of parking spaces as follows:**

**(1) If the total number of parking spaces is less than 100, the minimum requirement is:**

**(a) Islands at both ends of each row of parking (minimum of 9' x 18').**

**(b) One island or peninsula (minimum of 9' x 18') for every 10 contiguous spaces.**

**(c) No more than two (2) contiguous bays (four total rows) without a 9' wide island separating the two (2) bays from additional parking bays or drive aisles.**

**(d) Minimum of one (1) 2-1/2" caliper shade tree with a mature height of 12 feet shall be provided per 200 square feet of interior green space within the parking lot islands.**

**(2) If the total number of parking spaces is 100 or greater, the minimum requirement is:**

**(a) Islands at both ends of each row of parking (minimum of 9' x 18').**

**(b) One island or peninsula (minimum of 9' x 18') for every 12 contiguous spaces.**

**(c) No more than three (3) contiguous bays (six total rows) without a 9' wide island separating the three (3) bays from additional parking bays or drive aisles.**

**(d) Minimum of one (1) 2-1/2" caliper shade tree with a mature height of 12 feet shall be provided per 200 square feet of interior green space within the parking lot islands.**

**M. Bicycle Parking Facilities. All parking facilities containing less than ten (10) parking spaces shall provide one bicycle rack with no less than five (5) spaces. For parking facilities with ten (10) or more parking spaces, five (5) bicycle spaces plus one (1) per every twenty (20) parking spaces shall be provided, not to exceed more than twenty (20) bicycle parking spaces in any one facility. The Planning Commission or City Council may waive the requirement for the bicycle parking if it is**

**demonstrated that bicycle parking would not be appropriate for safety reasons or due to the nature of the use of the site.**

**N. Illumination. Parking lots shall be property illuminated per the most recent version of the Illuminating Engineering Society (IES) Standards.**

**O. Parking of vehicles on unpaved surfaces within the front yard of all districts shall be prohibited. Exception: emergency vehicles.**

**P. Garbage Enclosure. Commercial, industrial, institutional or residential multi-family sites shall provide trash enclosures to adequately serve the proposed uses. Enclosures shall be conveniently placed on the site for commercial or residential tenants to use and shall be no farther than 300 feet from the intended users. Trash enclosures shall be constructed with similar materials to other buildings on the site. Receptacles shall be situated at an appropriate location as to not constitute a nuisance for users of the property and adjoining property owners and shall be appropriately screened to improve the appearance of the area.**

§ 230-21. - Parking and loading standards.

A. Design standards ~~(general)~~.

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

| Parking Angle | Stall Width (feet) | Aisle Way to Curb (feet) | Aisle Way Width |
|---|---|---|---|
| 90º | 9 | 18 | ~~As required by State Fire Marshal~~ **20 feet (one-way)** **24 feet (two-way)** |
| 60º | 9 | 20 | ~~As required by State Fire Marshal~~ **18 feet (one-way)** **22 feet (two-way)** |
| 45º | 9 | 18 | ~~As required by State Fire Marshal~~ **14 feet (one-way)** **22 feet (two-way)** |
| Parallel | 10 | 20 | ~~As required by State Fire Marshal~~ **14 feet (one-way)** **22 feet (two-way)** |

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

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

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

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

| ~~Types and Uses~~ | ~~Required Off Street Parking Spaces~~ |
|---|---|
| ~~Retail stores and shops, all types, supermarkets, retail food stores and undertakers~~ | ~~1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees~~ |
| ~~New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions~~ | ~~4 per salesperson, plus 1 per per 2 employees during the period of greatest employment~~ |
| ~~Personal service establishments, laundromats and dry cleaning~~ | ~~1 per 200 square feet of gross floor area~~ |
| ~~Banks and other financial institutions~~ | ~~1 per 200 square feet of gross floor area, plus 1 for each employee~~ |
| ~~Business, governmental and professional offices~~ | ~~1 per 100 square feet of gross floor area~~ |
| ~~Medical and dental offices or clinics~~ | ~~1 per 150 square feet of gross floor area for medical and dental offices or clinics~~ |
| ~~Hospitals~~ | ~~1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment~~ |
| ~~Sanatorium or nursing home~~ | ~~1 for every 4 beds~~ |
| ~~Churches and other places of worship~~ | ~~1 per 5 seats~~ |
| ~~Indoor and commercial outdoor recreation~~ | ~~1 for each 150 square feet of gross floor, building or ground area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility~~ |
| ~~Restaurants, taverns and similar uses~~ | ~~1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment~~ |
| ~~Dwelling, one-family detached, semidetached or mobile home~~ | ~~2 1/2 per dwelling unit~~ |
| ~~Dwelling, townhouse, garden apartment or multifamily dwelling~~ | ~~2 1/2 per dwelling unit~~ |
| ~~Rooming and boarding house or converted unit~~ | ~~1 per rented unit~~ |
| ~~Museum, art gallery and similar use~~ | ~~1 per 4 seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 for each 2 employees on the shift of greatest employment~~ |
| ~~Public library~~ | ~~1 per 400 square feet of gross floor area for public use, plus 1 per 2 employees on the shift of greatest employment~~ |

| | |
|---|---|
| ~~Fire station~~ | ~~25~~ |
| ~~Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center~~ | ~~1 per 4 fixed seats in the largest assembly room area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 per 150 square feet of gross floor area, whichever is applicable to the facility~~ |
| ~~Social club and fraternal, social service, union and civic organization building~~ | ~~1 per adult attendant, plus 1 per 100 square feet gross floor area devoted to such uses~~ |
| ~~Public or private school~~ | ~~3 per room used for administrative offices, plus 1 per room used for class instruction, plus 1 for each 5 seats in the auditorium and other places of assembly or facility available to the public~~ |
| ~~Industrial, manufacturing or wholesaling establishment~~ | ~~1 per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales~~ |
| ~~Hotel and motel~~ | ~~1 for each guest room plus 1 for each 3 employees~~ |

| Types and Uses | Required Off-Street Parking Spaces |
|---|---|
| Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center | 1 space per 4 seats or 1 space per each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies |
| Automotive Repair | 3 spaces per service bay |
| Automotive or Outdoor Sales | 1 space per 200 square feet of floor area in the main display room plus 1 space per each 1,500 square feet of outdoor display area plus 1 space for each employee on the shift of greatest employment |
| Bed and Breakfast | 1 space per guestroom plus required parking for family residence |
| Community Residential Treatment Program | 1 space per 4 residents plus 1 space per employee |
| Daycare, Nursery School or Kindergarten | 1 space per 10 children plus 1 space per employee on the shift of greatest employment |
| Elementary or Junior High School | 1 space for each 8 seats in auditorium, cafeteria or gymnasium |
| High School, Technical School, College or University | 1 space for each classroom plus 1 parking space for each employee or 1 space for each 5 auditorium seats, whichever is greater |

| | |
|---|---|
| Fire station | 1 space per employee on the maximum shift or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever is greater |
| General Offices | 1 space per 250 square feet of gross floor area |
| Medical and Dental Offices | 1 space per 200 square feet of gross floor area |
| Hospitals, Nursing Home or Sanatorium | 1 space per 3 beds |
| Hotel and motel | 1 space for each guest room plus 75% of the normal spaces required for accessory uses (e.g. banquet rooms, meeting rooms, restaurants, etc.) |
| Indoor and commercial outdoor recreation | 1 space for each 150 square feet of gross floor area or 1 per 4 seats of facilities available for patron use, whichever is applicable |
| Industrial, manufacturing or wholesaling establishment | 1 space per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales |
| Museum, Art Gallery, Library and similar use | 1 space per 300 square feet of gross floor area |
| Places of Worship | 1 space per 4 seats or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies |
| Professional Home Occupation | 1 space per 300 square feet of floor area devoted to a business plus 1 space per each outside employee, if there is one |
| Restaurants, fast food, taverns and similar uses | 1 space per 3 seating accommodations |
| Retail or Service | 1 space per 200 square feet of gross floor area |
| Rooming and boarding house or converted unit | 1 space per bedroom |
| Dwelling, single-family detached, semi-detached, townhouse, mobile home, or multi-family dwelling unit | 2 ½ spaces per dwelling unit |
| Accessory Dwelling Unit | 1 ½ spaces per dwelling unit |
| Social club and fraternal, social service, union and civic organization building | 1 space per 4 seats or 1 space for each 40 square feet of floor area available for the accommodation of movable seats in the assembly room, whichever applies |
| Undertaker or Funeral Home | 1 space per 4 seats in the largest assembly room plus 1 space per employee |

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

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

C. Loading spaces.

(1) No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following requirements:

(a) For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on the gross floor area devoted to such use shall be as follows:

[1] Five thousand to 7,999 square feet of floor area: one berth.
[2] Eight thousand to 19,999 square feet of floor area: two berths.
[3] Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of floor area: one additional berth.

(b) For hotels and motels, the number of berths based on the gross floor area devoted to such uses shall be as follows:

[1] Eight thousand to 20,000 square feet of floor area: one berth.
[2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.

(c) Each manufacturing, office research and industrial establishment with a total of **5,000** ~~3,500~~ square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.

(2) ~~Loading spaces shall not be allowed in any front yard of any property.~~ **Loading berths must be functionally related to the building, and be situated where actual loading and unloading activities are intended to occur. Loading berths located remotely from the building will not be permitted, unless the applicant can demonstrate the utility of such berths. Loading berths**

**are not permitted between the street and building, except where a property fronts three or more streets. This section of the ordinance shall not preclude the designation of an area in front of the building for parcel pick-up, mail deliveries, or passenger loading.**

**(3) One required off-street loading berth shall have minimum dimensions of 12 feet wide and 60 feet long. If more than one loading berth is required, subsequent berths may have minimum dimensions of 12 feet wide and 40 feet long. At not time shall any part of a truck or van be allowed to extend into a public right-of-way or thoroughfare while the truck or van is being loaded or unloaded.**

**(4) Adequate off-street truck maneuvering space shall be provided on-lot and not within any public street right-of-way or other public lands. Internal site circulation lanes are to be designed with adequate turning radii to accommodate the size and efficient maneuvering of delivery vehicles.**

ARTICLE V - Landscape Screening
§ 230-22. - District requirements.

A. Residential districts.

(1) In any R-1, R-2, R-3 and R-8 District, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted and/or erected to separate any permitted nonresidential use from any existing residential use on a contiguous lot. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.

(2) In any R-3 or R-8 District, for any lot developed for garden apartments or townhouses, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any contiguous lot developed as a single-family detached or semidetached residential dwelling on any contiguous lot zoned R-1 or R-2. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.

**(3) Buffers along arterial streets. Where development proposals front on an arterial street, a landscape buffer shall be required along the arterial road frontage. These buffer areas shall be a minimum of 30 feet in depth, measured from the right-of-way line of the arterial street, and shall, at the time of development of the property, be planted with a variety of trees, shrubs and ground cover so as to create a distinctive and consistent visual character of the arterial street. The landscape design and planting plan for these arterial street buffer areas shall be subject to the approval of the Planning Commission or City Council as an integral part of the site development plan. When it can be demonstrated to the satisfaction of the Commission or City Council through the plan review process that, due to specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties, compliance with this section would severely limit the development potential of the property or would cause the property to be out of character with the surrounding built environment, the Commission or City Council may approve a lesser amount of buffering, provided that the basic objective of establishing landscaped green space along arterial roadways is achieved.**

B. Commercial districts. In any C-1, **OB-1, OC-1,** C-2 or C-3 District, a fifteen-foot **visual and sound** buffer area shall be provided **on non-residential use properties (other than agricultural uses) when abutting a residential use. Screening shall consist of an opaque barrier at least six feet in height accompanied by landscaping.** ~~within which a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any permitted use from any contiguous lot zoned R-1, R-2, R-3 and R-8 or any contiguous lot developed or approved for development for any residential use. Such landscape screen may extend into the lot setback, side yard or rear yard~~.

**(1) Opaque barrier options. The requirement for the opaque barrier may be met by choosing one of the following:**

**(a) An opaque wooden fence.**

**(b) A wall constructed of masonry materials, either stucco, brick, split-faced block, or decorative concrete.**

**(c) An earthen berm (4:1 maximum side slopes).**

**(d) Dense, durable and continuous evergreen tree planted screen of at least six feet in height at the time of planting and arranged to effectively achieve an opaque visual buffer.**

**(e) Any combination of fencing, landscaping and/or berming that achieves a six-foot-high opaque barrier.**

C. Institutional, Industrial and **Business Park**~~Office Building/Complex~~ Districts: H-1, **IM, IS,** I-1, **I-2**~~I-1~~, ~~OB-1~~ and **BP**~~OC-1~~.

(1) Each use established in these districts shall set aside at least 20 feet in width immediately adjacent to any street upon which the lot has frontage, and extending for the full frontage of the lot, for purposes of providing for proper site distance and buffering from the public road. Within such area, the owner shall establish and maintain a planting of grass and/or horticultural ground cover. Other landscape materials may be incorporated, provided that there is no obstruction to vision, other than a tree trunk, in the area between two feet and seven feet above ground level. ~~No use shall be made of this buffer area other than for a single driveway to provide access to the use for each 100 feet of frontage upon a public road. Such driveway shall not exceed 32 feet in width.~~

(2) ~~Parking areas may be located in any hard area but shall not be closer than 15 feet to any street line or property line.~~ **Each use established in these districts shall provide a 50-foot visual and sound buffer area on non-residential use properties (other than agricultural uses) when abutting a residential use. Screening shall consist of an opaque barrier at least six feet in height accompanied by landscaping.**

**(a) Opaque barrier options. The requirement for the opaque barrier may be met by choosing one of the following:**

**[1] An opaque wooden fence.**

**[2] A wall constructed of masonry materials, either stucco, brick, split-faced block, or decorative concrete.**

**[3] An earthen berm (4:1 maximum side slopes).**

**[4] Dense, durable and continuous evergreen tree planted screen of at least six feet in height at the time of planting and arranged to effectively achieve an opaque visual buffer.**

**[5] Any combination of fencing, landscaping and/or berming that achieves a six-foot-high opaque barrier.**

~~D. Limited Industrial District. At the boundary line between an I-1 District and any R-1, R-2, R-3 or R-8 District or any lot developed or approved for development for residential use, there shall be a 50-foot buffer area which shall include a landscape screen and/or fence or wall a minimum of six feet in height. Such landscape screen may extend into the lot setback, side yard or rear yard.~~

§ 230-23. - Maintenance.

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

ARTICLE VI - Signs

stabilization facilities therein (such as stone rip-rap, turf stabilization, or other geosynthetic materials) may be permitted for the purpose of stabilizing and/or installing stormwater management outfalls, thus providing for a non-erosive flow condition at the outfall, provided that such encroachments into the twenty-five-foot setback area shall be limited to a maximum distance into the wetland buffer of 15 feet measured from the twenty-five-foot wetland buffer line, and shall be limited to a maximum width of 20 feet.

§ 230-44~~5.3~~ - Water bodies, streams and other watercourses; riparian buffers.

A. Lakes, ponds, rivers, and streams shall be left as permanent open space. No filling, piping or diverting of water bodies, lakes, ponds, or streams shall be permitted except for required roads, to be approved by the U.S. Army Corps of Engineers, DelDOT, and/or DNREC as appropriate.

B. No buildings, structures, or paved surfaces, except stairs and ramps, fences, open decks, patios or docks shall be permitted to be constructed under naturally occurring riparian buffer conditions nearer than:

(1) Twenty-five feet to the shoreline, as defined by the mean high-water line, of any tidal water body, tidal stream, or tidal marsh; or

(2) Fifty feet to the shoreline, as defined by the mean high-water line of any non-tidal freshwater water body, lake, pond, or blue-line stream as depicted on the most recent revision of the United States Geological Survey Topographic Quadrangle Maps.

C. No buildings, structures, or paved surfaces, except stairs and ramps, fences, open decks, patios or docks with a combined area of 200 square feet or less, shall be permitted to be constructed under redevelopment conditions in previously disturbed or removed riparian buffers nearer than:

(1) Ten feet to the shoreline, as defined by the mean high-water line, of any tidal water body, tidal stream, or tidal marsh; or

(2) Ten feet to the shoreline, as defined by the mean high-water line of any non-tidal freshwater water body, lake, pond, or blue-line stream as depicted on the most recent revision of the United States Geological Survey Topographic Quadrangle Maps.

D. For projects located within a promulgated total maximum daily load basin, the preservation or reestablishment of riparian buffers facilitating the reduction of nutrients and other pollutants to the level necessary to ensure compliance with promulgated load reductions shall be required. The clearing or removal of natural vegetation within this setback area shall be prohibited. Existing riparian buffers shall either be preserved or planted to the limits as provided above under paragraphs B. or C. respectively.

**§ 230-45. - Reserved.**

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.~~ **Conditional Use Site Plans shall follow the procedures for application and review outlined in Article X Site Plan Review of this Chapter.**

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.~~ **Conditional Use Major Subdivisions shall follow the procedures for application and review outlined in Chapter 200 Subdivision of Land**

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.~~ **Standalone Conditional Use applications that do not require site plan review or major subdivision review shall be subject to the following procedures:**

**(1) A conditional use application and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the Planning Director, along with the appropriate fees, as specified in § 230-57.**

**(2) A public hearing on the conditional use shall be conducted by the Planning Commission. The Planning Commission shall review the application and shall recommend to City Council approval of the application with or without conditions, denial of the application, or table the application. The conditional use shall be reviewed based on the requirements set forth in the zoning ordinance. In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.**

**(3) No hearing shall be held by the Commission until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and to such other interested parties as may be determined by the Planning Director at least 10 days before the date of said hearing. Notice shall be provided as follows:**

**(a) The Planning Department shall notify by mail all property owners within 200 feet of the extreme limits of the subject parcel as their names appear in the City or County tax record at least 10 days prior to the hearing.**

**(b) The Planning Department shall provide notice to the general public of the public hearing before the Planning Commission by publishing the date, time, place and nature of the hearing at least 10 days before the hearing in a newspaper of general circulation in the City and posting the same information in City Hall and on the City website.**

**(c) The Planning Department will also post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. The published and posted notices shall contain reference to the time and place within the City where text, maps and plans for the proposal may be examined.**

**(4) City Council shall review the application and shall approve the application with or without conditions, deny the application, or table the application. The conditional use shall be reviewed based on the requirements set forth in the zoning ordinance.**

§ 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.

~~§ 230-48.1. - Criteria for planned unit residential development.~~

~~A. Permitted uses. Uses, accessory uses and signs permitted in any residential district shall be permitted in accordance with the additional requirement and provisions of the article.~~
~~B. Minimum requirements, area and width. In a planned unit residential development, minimum lot area and width may be less than that required by the district regulations, except that no single-family lot shall be less than 4,000 square feet in area nor less than 40 feet in width. The width of the lot shall be between lot lines at the front building setback line as determined by the Planning Commission.~~
~~C. Density. A planned unit residential development is not intended to increase density, but to allow flexibility in the design of the number of dwelling units permitted. If a parcel or parcels have more than one zoning classification, the total permitted density may be located throughout the parcel or parcels. The total permitted density shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Net development area shall be determined by subtracting 25% of the gross area. Gross area shall not include any wetlands, floodway or similar area not suitable for building as determined by the Planning Commission.~~
~~D. Other requirements. Off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission. Maximum height shall not exceed 48 feet and four stories maximum.~~
~~E. A planned unit residential development shall be subject to the same review procedures as for a major subdivision as provided in Chapter 200, Subdivision of Land.~~
~~F. Neighborhood commercial.~~

~~(1) Permitted neighborhood commercial uses. The following neighborhood commercial uses are permitted in a planned unit development:~~

~~(a) Retail goods and services.~~
~~(b) Child care center (care for fewer than 24 children).~~
~~(c) Food services (grocery/convenience: cafe, coffee shop, but no facility with fuel distribution).~~
~~(d) Medical and dental offices, clinics, and laboratories.~~
~~(e) Professional and administrative offices.~~
~~(f) Repair services, conducted entirely within the building. (Auto repair and similar uses are not permitted.)~~
~~(g) Mixed use building (residential, including rentals, with other permitted use).~~
~~(h) Laundromats or dry cleaners.~~
~~(i) Art, music, or photography studio.~~
~~(j) Personnel service (barbershop, salons, video rental, fitness center and similar uses).~~
~~(k) Allowable uses (e.g., swimming pools, clubhouse and associated sport and exercise areas, tennis courts).~~

~~(2) Floor area standards. Up to 25% of the total acreage within the planned unit development may be available for nonresidential uses including neighborhood commercial, nursing home and hospice care, professional and small business office use, similar uses, but excluding areas reserved for clubhouse, pool, HOA offices and other development amenities. For neighborhood commercial, the maximum interior floor area shall not exceed 6,500 square feet total for any one use on one neighborhood commercial site without a variance.~~

~~(3) Hours of operation. Except for the swimming pool, clubhouse and associated sport or exercise areas, neighborhood commercial land uses shall be limited to the following hours of operation 6:00 a.m. to 9:00 p.m.~~

~~(4) Storage. Except for plants and garden supplies, overnight storage is not permitted.~~

~~(5) Parking. Parking spaces for the commercial space shall be determined in accordance with the overall planned unit development submission but in no event shall be less than 50% of the spaces required for standard commercial space.~~

~~(6) Control. Ownership of the land and buildings comprising the commercial space may be by individuals, corporations or partnership either in fee simple or as a condominium with limited common area control and shall be subject to the rules and regulations contained in the commercial area tenants association and covenants and restrictions. All commercial tenants shall pay dues and assessments to said association for management and upkeep of the common areas.~~

~~(7) Density. The overall density otherwise permitted under planned unit development shall be reduced at the rate of one dwelling unit per 3,000 square feet of commercial floor space.~~

~~G. A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use. Recreational use requirement - 50% of the required open space shall be set aside for recreational use.~~

§ 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.~~ **A conditional use approval in conjunction with a Site Plan review shall expire upon expiration of the associated Site Plan.**

**C. A conditional use approval in conjunction with a Major Subdivision application shall expire upon expiration of the associated Major Subdivision.**

**D. A standalone conditional use permit shall expire within eighteen months of the date of issuance unless construction or operation of said use has commenced.**

**E**~~C~~. A reapplication for a **conditional** use permit for the same lot or use shall not be considered by the City Council within a period of **one-year** ~~365 days~~ from its last consideration. This provision, however, shall not impair the right of the Council to propose a **conditional** use permit on its own motion.

~~D. See fee schedule.~~

~~E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.~~

~~F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.~~

ARTICLE X - Site Plan Review

**CITY OF MILFORD**
**NOTICE OF REVISED PUBLIC HEARING**
Planning Commission Hearing: Tuesday, May 17, 2022 @ 7:00 PM
City Council Hearing: Monday, May 23, 2022 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not used to influence any decision of City Council:

**ORDINANCE 2022-20**
Application of 1018 Properties, LLC for a Conditional Use Permit
1.084 +/- acres located along the east side of N. Walnut Street
approximately 300 feet south of the N. Rehoboth Boulevard intersection
Address: 909 N. Walnut Street, Milford, DE
Comprehensive Plan Designation: Commercial
Zoning District: C-3 (Highway Commercial District)
Present Use: Former Florist Shop
Proposed Use: Contractors' Establishment
Tax Parcel: MD-16-174.18-02-02.00

WHEREAS, the applicant proposes to convert the former florist shop and storage area into a food service equipment & HVAC/R contractor's establishment; and

WHEREAS, Chapter 230-14(C)(4) states contractors', craftsmen's or general service shops, including welding and similar shops are allowed upon conditional use approval from City Council; and

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on May 17, 2022, at which time interested parties will publicly comment on the application; and

WHEREAS, Milford City Council will hold a Public Hearing on May 23, 2022, allowing for additional public comment, after which City Council will make a final determination on the application; and

WHEREAS, the notice as required by Chapter 230, was published in the Milford Beacon on April 27, 2022, and provided to property owners within 200 feet of the subject parcel.

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

Section 1. Upon the adoption of this ordinance by City Council, a conditional use permit will be granted to 1018 Properties, LLC to allow a Contractors' Establishment at 909 North Walnut Street.

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: May 9, 2022
Planning Commission Review & Public Hearing: May 17, 2022
City Council Public Hearing: May 23, 2022

Section 4. If this ordinance is adopted by City Council, it will become effective 10 days following the date the action is taken. If not adopted, the ordinance becomes null and void unless addressed at a later date. Should that occur, the ordinance would be republished, and new notices mailed to properties within 200 feet of the subject parcel(s).

041822
Published*: Milford Beacon 042722*

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, May 17, 2022 @ 7:00 PM
City Council Hearing: Monday, May 23, 2022 @ 7:00 PM

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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, May 17, 2022 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, May 23, 2022 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 2022-21**
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #10
DEEP BRANCH & HERRING BRANCH GREENWAY

| | | |
|---|---|---|
| 3-30-11.00-002.00 | 3-30-11.00-039.00 | 3-30-11.13-001.00 |
| 3-30-11.00-002.03 | 3-30-11.00-039.07 | 3-30-11.13-002.00 |
| 3-30-11.00-002.05 | 3-30-11.00-039.09 | 3-30-11.13-003.00 |
| 3-30-11.00-008.00 (por) | 3-30-11.00-039.11 | 3-30-11.13-004.00 |
| | 3-30-11.00-350.00 (por) | 3-30-11.13-004.01 |

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-Muncipalities, 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 February 23, 2022, the Planning Director prepared and consulted with the Office of State Planning the tenth 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 twelve properties and a portion of two properties 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 tenth 2018 Comprehensive Plan amendment on May 17, 2022 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 tenth amendment of the 2018 Comprehensive Plan on May 23, 2022 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 May 23, 2022 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on June 2, 2022.

Planning Commission Review & Public Hearing: May 17, 2022
City Council Introduction: May 9, 2022
City Council Review & Public Hearing: May 23, 2022

**SYNOPSIS:**
Edward M & Susan M Stokes, Elks Lodge Road, Tax Parcel 3-30-11.00-002.00; change in future land use designation from low density residential to open space.

David M. Stokes, Elks Lodge Road, Tax Parcel 3-30-11.00-002.05; change in future land use designation from low density residential to open space.

Mark A & Joyce A Nauman, Elks Lodge Road, Tax Parcel 3-30-11.00-002.03; change in future land use designation from low density residential to open space.

The Greens at Broadview, LLC, S. Rehoboth Blvd, Tax Parcel 3-30-11.00-008.00 (portion); change in future land use designation from low density residential to open space.

City of Milford, S. Rehoboth Blvd, Tax Parcel 3-30-11.00-039.00; change in future land use designation from low density residential to open space.

Annette S Billings, S. Rehoboth Blvd, Tax Parcel 3-30-11.00-039.07; change in future land use designation from low density residential to open space.

Betty F Sharp Trustee, S. Rehoboth Blvd, Tax Parcels 3-30-11.00-039.09 & 039.11; change in future land use designation from low density residential to open space.

Timothy L Golden, Swains Private Rd, Tax Parcel 3-30-11.00-350.00 (portion); change in future land use designation from low density residential to open space.

State of Delaware, Division of Highways, McCoy Street, Tax Parcel 3-30-11.13-001.00; change in future land use designation from low density residential to open space.

Cheryl K Hoey Irrevocable Trust, Marshall Street, Tax Parcels 3-30-11.13-002.00, 003.00, 004.00 & 004.01; change in future land use designation from low density residential to open space.

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

*041822*
*Published: Beacon 04/27/22*

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

# DATA SHEET FOR 2022 COMPREHENSIVE PLAN AMENDMENT

## DEEP BRANCH & HERRING BRANCH GREENWAY

Planning Commission Meeting: May 17, 2022

City Council: May 23, 2022

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| | | |
|---|---|---|
| **Ordinance Number** | : | 2022-21 |
| **Applicant** | : | City of Milford<br>201 S. Walnut Street<br>Milford, DE 19963 |
| **Application Type** | : | Comprehensive Plan Future Land Use Map Amendment |
| **Present Comprehensive Plan Map Designation** | : | Low Density Residential |
| **Proposed Comprehensive Plan Map Designation** | : | Open Space |
| **Tax Map & Parcel(s)** | : | 3-30-11.00-002.00<br>3-30-11.00-002.03<br>3-30-11.00-002.05<br>3-30-11.00-008.00 (por)<br>3-30-11.00-039.00<br>3-30-11.00-039.07<br>3-30-11.00-039.09<br>3-30-11.00-039.11<br>3-30-11.00-350.00 (por)<br>3-30-11.13-001.00<br>3-30-11.13-002.00<br>3-30-11.13-003.00<br>3-30-11.13-004.00<br>3-30-11.13-004.01 |

ENC: Staff Analysis Report
PLUS Comments
Exhibit A – Comprehensive Plan Amendment
Ordinance 2022-21

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180 Vickers Drive
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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
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O 302.424.8396 | F 302.424.3559

**STAFF REPORT**
**April 28, 2022**

| | | |
|---|---|---|
| **Ordinance Number** | **:** | 2022-21 |
| **Application Type** | **:** | Comprehensive Plan Future Land Use Map Amendment |

Ordinance 2022-21 is an amendment to the Future Land Use Exhibits of the City of Milford 2018 Comprehensive Plan affecting twelve (12) parcels and the portion of two (2) parcels located along the south side of Deep Branch and Herring Branch between S. Walnut Street and Marshal's Pond. Below is a list of the parcels affected by this amendment request. It should be noted that only one of the parcels is currently within City limits.

- 3-30-11.00-002.00
- 3-30-11.00-002.03
- 3-30-11.00-002.05
- 3-30-11.00-008.00 (portion) – located within City limits
- 3-30-11.00-039.00
- 3-30-11.00-039.07
- 3-30-11.00-039.09
- 3-30-11.00-039.11
- 3-30-11.00-350.00 (portion)
- 3-30-11.13-001.00
- 3-30-11.13-002.00
- 3-30-11.13-003.00
- 3-30-11.13-004.00
- 3-30-11.13-004.01

The City has acquired Sussex County Tax Parcel 3-30-11.00-039.00 and is working to develop a greenway master plan for this area. The greenway would include passive and active recreation areas, including but not limited to bike trails, walking paths, picnic areas, wildlife viewing areas, ball fields and courts, gazebos which will be determined through a master planning effort and under the advisement of the City's Parks and Recreation Advisory Board, DNREC and City Council.

Enclosed is a copy of the State Preliminary Land Use Service (PLUS) comments dated March 18, 2022 for your review.

**STATE OF DELAWARE**
**EXECUTIVE DEPARTMENT**
**OFFICE OF STATE PLANNING COORDINATION**

March 18, 2022

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

RE: PLUS review 2022-02-04 – Milford Comprehensive Plan Amendment - Herring Branch Greenway

Dear Mr. Pierce:

Thank you for meeting with State agency planners on February 23, 2022, to discuss the proposed comprehensive plan amendment for the City of Milford. According to the information received, the proposed plan amendment would change the Future Land Use classification on 14 parcels from Low Density to Open Space, to prepare for the future Herring Branch Greenway.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

**Office of State Planning Coordination – Contact Josh Thomas 739-3090**

- The 14 parcels that comprise the proposed amendment are located in Investment Levels 1 and 2 according to the 2020 Strategies for State Policies and Spending. The majority are located in unincorporated Sussex County with a small portion in Milford's jurisdiction. It is understood that Milford will seek annexation of the properties if the amendment is approved.

- Growth is supported in Levels 1 and 2, and the proposed greenway would add community amenities and contribute to public health. The amendment addresses Milford's comprehensive plan goal to "Encourage the inclusion of connected, accessible parks and open spaces in new development" (1-4h. Parks, Recreation, and Open Space). It also supports one of the plan's objectives to "establish a unified open space and greenways network…" (1-4h. Parks, Recreation, and Open Space). Our office has no objection to this proposed comprehensive plan amendment. With that being said, the City of Milford is encouraged to carefully consider the comments found in this letter from the other state agencies.

**Department of Natural Resources and Environmental Control – Contact K. Clare Quinlan 735-3480**

- **Disclaimer Clause:** Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the comprehensive plan amendment submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project. Developers and municipal officials are encouraged to reach out to Clare Quinlan at (302) 735-3480 if they have any specific requests for information.

- The City of Milford seeks to amend the Future Land Use Map to change 14 parcels from Low Density Residential to Open Space in order to develop a greenway along Deep Branch and Herring Branch.

- DNREC reviewers are supportive of the City's efforts to preserve its natural resources and promote outdoor recreation. While DNREC reviewers have no objections to the amendment, please be aware that parcel 330-11.00-8.00 recently became a remediation site known as DE-1787 Rookery North. It is unknown at this point whether, or to what extent, there is any contamination present on the site. There may be additional limitations on the site even if deemed open space, depending on current investigation results. Prior to any use of the site, the owners must contact the Remediation Section at (302) 395-2600 to determine the status of the site and any associated limitations.

**Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394**

- The DE State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the DE State Fire Prevention Regulations. This Agency asks that a MOU be established between the DE State Fire Marshal's Office and the City of Milford. The State Fire Marshal's Office would be issuing approvals much like DelDOT, Kent Conservation, and DNREC. This Agency's approvals are based on the DE State Fire Prevention Regulations only.

- The Delaware State Fire Marshal's Office has no objection to the comprehensive plan update.

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

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

- There is high potential for archaeological resources within these parcels. Deep Branch and Herring Branch run through the center of these parcels. The surrounding land has remained relatively undisturbed despite nearby development. Due to the proximity to fresh water, there is high potential for prehistoric archaeological resources in these parcels. There are four recorded historic properties adjacent to the parcels. Historic aerials and topographic maps show that despite the surrounding development, the parcels have remained consistently wooded. There is high potential for historic archaeological resources in these parcels. This Office recommends an archaeological survey prior to any ground disturbance.

- 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

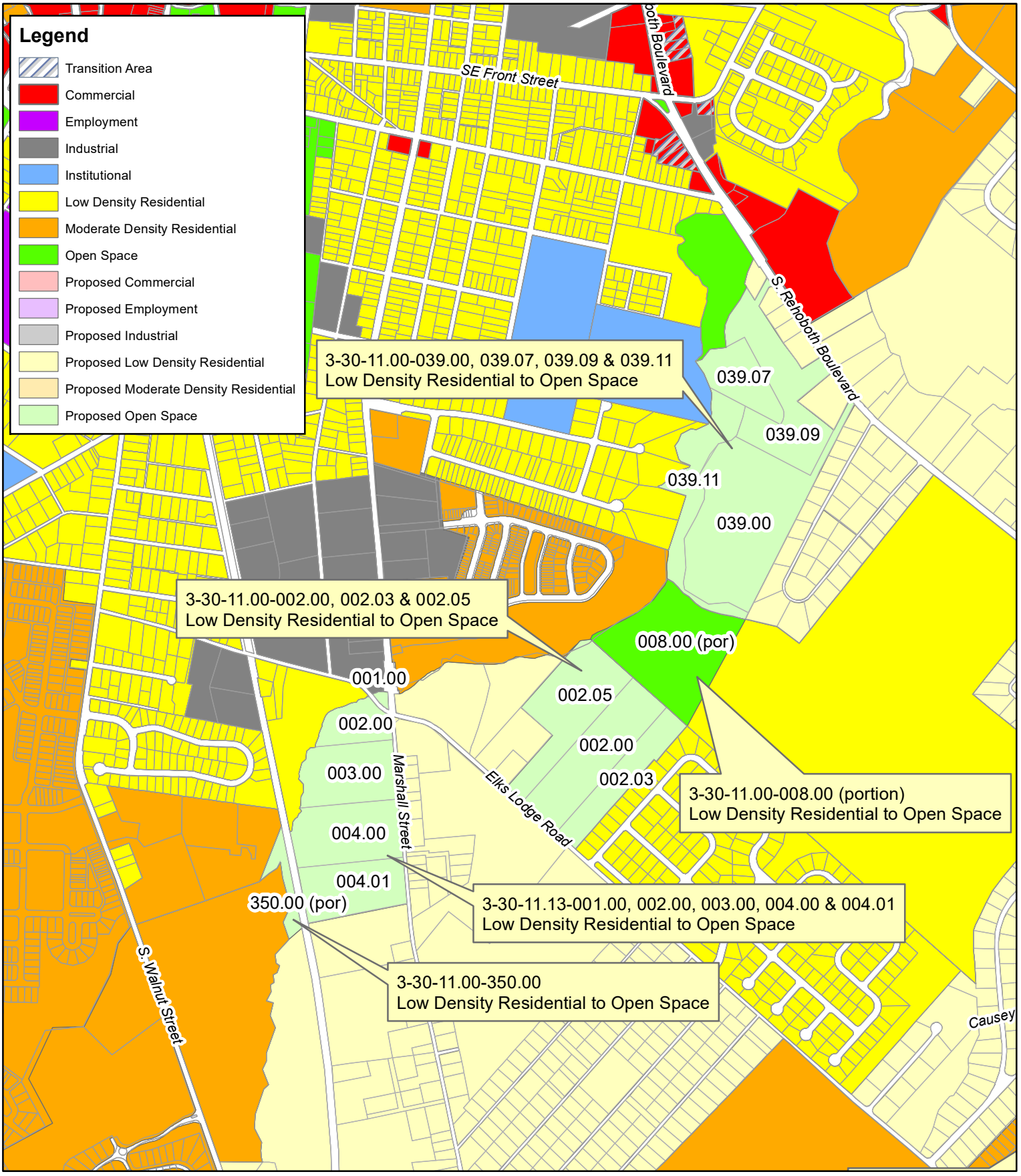
- If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

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.

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

Sincerely,

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




THE CITY of Milford DELAWARE

Scale: 0 500 1,000 Feet

Drawn by: WRP

Date: 11/23/21

Filepath: 2022_CompPlanAmendment_ExhibitA

Title:

Exhibit A

**2022 Comprehensive Plan Amendment**

Future Land Use Map

NORTH

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, May 17, 2022 @ 7:00 PM
City Council Hearing: Monday, May 23, 2022 @ 7:00 PM

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AMENDING AND ADOPTING BY ORDINANCE
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Amendment #10
DEEP BRANCH & HERRING BRANCH GREENWAY

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| 3-30-11.00-002.00 | 3-30-11.00-039.00 | 3-30-11.13-001.00 |
| 3-30-11.00-002.03 | 3-30-11.00-039.07 | 3-30-11.13-002.00 |
| 3-30-11.00-002.05 | 3-30-11.00-039.09 | 3-30-11.13-003.00 |
| 3-30-11.00-008.00 (por) | 3-30-11.00-039.11 | 3-30-11.13-004.00 |
| | 3-30-11.00-350.00 (por) | 3-30-11.13-004.01 |

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-Muncipalities, 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 February 23, 2022, the Planning Director prepared and consulted with the Office of State Planning the tenth 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 twelve properties and a portion of two properties 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 tenth 2018 Comprehensive Plan amendment on May 17, 2022 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 tenth amendment of the 2018 Comprehensive Plan on May 23, 2022 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 May 23, 2022 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on June 2, 2022.

Planning Commission Review & Public Hearing: May 17, 2022
City Council Introduction: May 9, 2022
City Council Review & Public Hearing: May 23, 2022

**SYNOPSIS:**
Edward M & Susan M Stokes, Elks Lodge Road, Tax Parcel 3-30-11.00-002.00; change in future land use designation from low density residential to open space.

David M. Stokes, Elks Lodge Road, Tax Parcel 3-30-11.00-002.05; change in future land use designation from low density residential to open space.

Mark A & Joyce A Nauman, Elks Lodge Road, Tax Parcel 3-30-11.00-002.03; change in future land use designation from low density residential to open space.

The Greens at Broadview, LLC, S. Rehoboth Blvd, Tax Parcel 3-30-11.00-008.00 (portion); change in future land use designation from low density residential to open space.

City of Milford, S. Rehoboth Blvd, Tax Parcel 3-30-11.00-039.00; change in future land use designation from low density residential to open space.

Annette S Billings, S. Rehoboth Blvd, Tax Parcel 3-30-11.00-039.07; change in future land use designation from low density residential to open space.

Betty F Sharp Trustee, S. Rehoboth Blvd, Tax Parcels 3-30-11.00-039.09 & 039.11; change in future land use designation from low density residential to open space.

Timothy L Golden, Swains Private Rd, Tax Parcel 3-30-11.00-350.00 (portion); change in future land use designation from low density residential to open space.

State of Delaware, Division of Highways, McCoy Street, Tax Parcel 3-30-11.13-001.00; change in future land use designation from low density residential to open space.

Cheryl K Hoey Irrevocable Trust, Marshall Street, Tax Parcels 3-30-11.13-002.00, 003.00, 004.00 & 004.01; change in future land use designation from low density residential to open space.

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

*041822*
*Published: Beacon 04/27/22*

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, May 17, 2022 @ 7:00 PM
City Council Hearing: Monday, May 23, 2022 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not intended to influence any decision of City Council.

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, May 17, 2022 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, May 23, 2022 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 2022-22**
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #11
TRANSPORTATION CHAPTER TEXT AMENDMENT

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-Muncipalities, 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 February 23, 2022, the Planning Director prepared and consulted with the Office of State Planning the eleventh amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to Chapter 6 - Transportation of the 2018 Comprehensive Plan, incorporating language pertaining to the 2021 Bicycle Master Plan and identifying problematic intersections and roadways for future transportation studies; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the eleventh 2018 Comprehensive Plan amendment on May 17, 2022 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 eleventh amendment of the 2018 Comprehensive Plan on May 23, 2022 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Purpose: The 2018 Comprehensive Plan is hereby amended to modify language in Chapter 6 – Transportation.

Section 2. Sections 6-3a and Figure 8 are hereby removed and replaced in their entirety with the below language;

*6-3a. Bicycle Traffic*

*According to DelDOT's datasets, which can be viewed at www.bikemap.com/de, the entirety of South Walnut Street/North Old State Road is a state bicycle route, bisecting the City north to south. It also lists the full east to west extent of North and Southeast Front Streets as a regional bicycle route.*

*Milford has actively planned for improved bicycle and pedestrian connections and facilities. In 2011, it published a Bicycle and Pedestrian Master Plan. In 2021, it adopted an update to the bicycle portion of this master plan. Milford's full Bicycle Master Plan update can be seen at https://www.cityofmilford.com/461/Bicycle-Master-Plan.*

*The 2021 Bicycle Master Plan update was a result of a 2-year planning effort, which included several meetings with the Bicycle Advisory Committee (BAC) and several public workshops. The master planning effort identified existing bicycle infrastructure, gaps and impediments in the existing network, reevaluated destinations within the community and made recommendations on proposed route locations and facility types. The bicycle master plan separates the bicycle network into three geographic locations that create loops radiating out from the town center; the northern loop, the southwest loop and the southeast loop. Each of these begin along the Mispillion River and reach out to the different neighborhoods on the periphery of the municipality. The loops connect employment, education, commercial services and recreation with neighborhoods.*

*Another, relatively new, way of gauging bikeability is Level of Traffic Stress, also known as Low-Stress Cycling. The central premise of the approach is that people choose to ride, or not to ride, their bicycles in very large part due to their discomfort interacting with motor vehicles. Recent research suggests that nearly all other factors, such as signs denoting a bike path, the presence of sharrows, or shoulders have a minimal comparative impact.*

*Potential users are categorized into four groups: (1) strong and fearless, the avid cyclists that ride racing-style bicycles and who will ride almost anywhere; (2) enthusiastic and confident can generally be envisioned as high-school and college students, along with the cycle commute to work crowd; (3) interested but concerned, accounting for 60 percent of users, who might have bicycles in the garage they'll ride around the neighborhood or put on a bike carrier and haul to the park and ride but are uncomfortable venturing beyond purely residential streets where they would need to ride in proximity to more than the occasional car; and (4) not able or interested who simply does not or will not ride bicycles.*

*The rationale is that to increase cycling, facilities must be offered that connect meaningful origins and destinations while not exceeding the interested but concerned group's tolerance for traffic stress. DelDOT planners have adapted this segment-scoring methodology into a Delaware-specific tool that can graphically depict levels of traffic stress. These levels correspond to the user groups. Level One is suitable for grade-school-aged children, Level Two for the interested but concerned, Level Three for the enthusiastic, and Level Four only for strong and fearless.*

*The Level of Stress Analysis map in the appendix shows a draft of this analysis for Milford. Please note, this is a new methodology and these results are offered as a planning tool and as an illustration Milford may use for critical analysis, not as a finding of fact. Key factors are vehicle speed, traffic volume, physical separation of cyclists from passing traffic, and the suitability of intersections. For more information on Low-Stress Cycling and for a full explanation of how streets are scored, please visit http://www.ipa.udel.edu/publications/bikeability-assessment-tool.pdf.*

*The map quickly reveals that the interior of Milford is quite accessible to cyclists and while there are sections of red and yellow in Milford's interior, would-be cyclists have any number of ways to avoid these sections without adding significantly to their trip. However, access to the Northwest and Southeast Neighborhoods becomes more problematic, as do trips to either of the nature centers, outlined in the City of Milford Bicycle Master Plan. DelDOT's area analysis would seem to support the city's findings that further improvements would be needed to successfully catalog these routes as bike paths.*

Section 3. Sections 6-4e, 6-4f, 6-4g, 6-4h, and 6-4i are hereby added.

*6-4e. Bicycle Master Plan Update, 2021*

*The 2021 Bicycle Master Plan update was a result of a 2-year planning effort, which included seven meetings with the Bicycle Advisory Committee (BAC) and three public workshops. The master planning effort identified existing bicycle infrastructure, gaps and impediments in the existing network, reevaluated destinations within the community and made recommendations on proposed route locations and facility types. The bicycle master plan separates the bicycle network into three geographic locations that create loops radiating out from the town center; the northern loop, the southwest loop and the southeast loop. Each of these begin along the Mispillion River and reach out to the different neighborhoods on the periphery of the municipality. The loops connect places of employment, education, commercial services and recreation with neighborhoods.*

*The goals and recommendations from the 2021 Bicycle Master Plan are incorporated into the City's Comprehensive Plan as outlined in Section 6.6.*

*6-4f. N. Walnut Street and Rehoboth Boulevard Intersections*

*There are several intersections along the N. Walnut Street and Rehoboth Boulevard corridor that require analysis for transportation improvements. These include major intersections between Route 113 and Marshal's Pond and impact a wide range of traffic types, including industrial truck traffic, school buses, local vehicular traffic, pedestrians and cyclists. Several of these intersections are near schools and improvements would have a positive impact connecting neighborhoods to school sites. Below are list of intersections that should be evaluated for vehicle and multi-modal upgrades:*

- *Buccaneer Boulevard & N. Walnut Street*
- *Tenth Street, N. Walnut Street, N. Rehoboth Boulevard, NE Salevan Place, and N. Washington Street*
- *NE Front Street & N. Rehoboth Boulevard*
- *SE Front Street & S. Rehoboth Boulevard*
- *SE Second Street and S. Rehoboth Boulevard*

*6-4g. Southwest Front Street*

*Investigate the feasibility of converting Southwest Front Street between N. Church Street and S. Walnut Street to allow for two-way traffic. There is currently a weight restriction on the bridge on Southwest Front Street that crosses the Mispillion River which prohibits oversized vehicles from utilizing Southwest Front Street. If the traffic flow was converted from a one-way condition to two-way, oversized vehicles could avoid the bridge when accessing properties on Southwest Front Street by exiting onto S. Walnut Street. Converting the traffic flow would require analysis of several signalized intersections along Walnut Street, including at Causey Avenue and Southeast Front Street.*

*6-4h. Airport Road and Canterbury Road Intersection*

*As the City continues to grow, increasing traffic volumes along Airport Road and Canterbury Road have created concerns regarding the current level of service for this intersection. The existing three-way intersection currently has a stop condition at Airport Road heading west bound onto Canterbury Road. The City would like to investigate alternatives for this intersection to improve safety for vehicles and other modes of transportation. Options could include a three-way stop condition, fully signalized intersection or traffic circle.*

*6-4i. S. Walnut Street and Jefferson Avenue Intersection*

*The intersection of Jefferson Avenue at S. Walnut Street is currently set at an offset and includes a rail road crossing. The City would like to investigate potential improvements to Jefferson Avenue between S. Washington Street to S. Walnut Street across the rail road to the west side of S. Walnut Street that would improve traffic flow and safety for motorists, pedestrians and cyclists.*

Section 4. Section 6.6 is hereby amended by adding the following language under objectives.

- *Implement the recommendations from the 2021 Bicycle Master Plan.*
- *Work with the Dover/Kent MPO and DelDOT to study and improve intersections along N. Walnut Street and Rehoboth Boulevard between Route 113 and Marshal's Pond.*
- *Work with DelDOT to convert Southwest Front Street from one-way traffic to two-way flow.*
- *Work with the Dover/Kent MPO and DelDOT to improve the intersection at Airport Road and Canterbury Road.*
- *Work with DelDOT to improve the intersection at Jefferson Avenue and S. Walnut Street.*

Section 5. Dates.
Planning Commission Review & Public Hearing: May 17, 2022
City Council Introduction: May 9, 2022
City Council Review & Public Hearing: May 23, 2022

*041822*
*Published: Beacon 042722*

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

# DATA SHEET FOR 2022 COMPREHENSIVE PLAN AMENDMENT

## CHAPTER 6 – TRANSPORTATION – TEXT AMENDMENTS

Planning Commission Meeting: May 17, 2022

City Council Meeting: May 23, 2022

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| | | |
|---|---|---|
| **Ordinance Number** | **:** | 2022-22 |
| **Applicant** | **:** | City of Milford<br>201 S. Walnut Street<br>Milford, DE 19963 |
| **Application Type** | **:** | Comprehensive Plan Text Amendment |

ENC: Staff Analysis Report
PLUS Comments
Ordinance 2022-22

PUBLIC WORKS FACILITY
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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
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**STAFF REPORT**
**April 28, 2022**

| | | |
|---|---|---|
| **Ordinance Number** | **:** | 2022-22 |
| **Application Type** | **:** | Comprehensive Plan Text Amendment |

Ordinance 2022-22 is an amendment to Chapter 6, Transportation of the 2018 City of Milford Comprehensive Plan. The amendment incorporates the goals and objectives of the City's 2021 Bicycle Master Plan Update and identifies the following transportation priorities;

- Work with DelDOT and the Dover/Kent Metropolitan Transportation Organization (MPO) to analyze several intersections along the N. Walnut Street and Rehoboth Boulevard corridor from Route 113 to SE Second Street.
- Investigate the feasibility of converting SW Front Street between N. Church Street and S. Walnut Street to allow for two-way traffic.
- Investigate alternatives for the Canterbury Road and Airport Road intersection to improve safety for vehicles and other modes of transportation.
- Investigate potential improvements to the Jefferson Avenue and S. Walnut Street intersection to improve vehicle and pedestrian movements in the area of the existing rail road crossing.

Enclosed is a copy of the State Preliminary Land Use Service (PLUS) comments dated March 18, 2022 for your review.

**STATE OF DELAWARE**
**EXECUTIVE DEPARTMENT**
**OFFICE OF STATE PLANNING COORDINATION**

March 18, 2022

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

RE: PLUS review 2022-02-10 – Milford Comprehensive Plan Amendment – Chapter 6 – Transportation – Text amendments

Dear Mr. Pierce:

Thank you for meeting with State agency planners on February 23, 2022, to discuss the proposed comprehensive plan amendment for the City of Milford. According to the information received, the proposed plan amendment would make text changes to Chapter 6, the transportation chapter (mobility element).

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

**Office of State Planning Coordination – Contact Josh Thomas 739-3090**

- The proposed comprehensive plan amendment would advance the city's efforts to promote non-motorized transportation. The amendment is focused on the updated 2021 Bicycle Master Plan and the incorporation of Level of Traffic Stress (LTS) analyses of bicycle facilities. Further, the amendment proposes recommended project candidates for future study. It also demonstrates intergovernmental coordination by detailing the process of working with the Department of Transportation (DelDOT) and the Dover/Kent Metropolitan Planning Organization (MPO) to prioritize and fund projects. For these reasons at a minimum, our office supports the amendments to your transportation chapter.

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

- The City involved DelDOT in their development of the 2021 Bicycle Master Plan. DelDOT fully supports its adoption.

- DelDOT is willing to work with the City regarding the four locations identified. For the intersection of Airport Road and Canterbury Road, the term "traffic circle" was used where "roundabout" was probably intended.

**Department of Natural Resources and Environmental Control – Contact K. Clare Quinlan 735-3480**

- **Disclaimer Clause:** Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the comprehensive plan amendment submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project. Developers and municipal officials are encouraged to reach out to Clare Quinlan at (302) 735-3480 if they have any specific requests for information.

- The City of Milford proposes text amendments pertaining to the Bicycle Master Plan Update and other transportation projects.

- DNREC reviewers are supportive of the City's efforts to incorporate the 2021 Bicycle Master Plan into the Comprehensive Plan, and have no comments, concerns, or objections to the amendment.

**Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394**

- The DE State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the DE State Fire Prevention Regulations. This Agency asks that a MOU be established between the DE State Fire Marshal's Office and the City of Milford. The State Fire Marshal's Office would be issuing approvals much like DelDOT, Kent Conservation, and DNREC. This Agency's approvals are based on the DE State Fire Prevention Regulations only.

- The Delaware State Fire Marshal's Office has no objection to the comprehensive plan update.

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

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.

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

Sincerely,

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

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, May 17, 2022 @ 7:00 PM
City Council Hearing: Monday, May 23, 2022 @ 7:00 PM

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**ORDINANCE 2022-22**
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THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
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WHEREAS, the amendment involves changes to Chapter 6 - Transportation of the 2018 Comprehensive Plan, incorporating language pertaining to the 2021 Bicycle Master Plan and identifying problematic intersections and roadways for future transportation studies; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the eleventh 2018 Comprehensive Plan amendment on May 17, 2022 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 eleventh amendment of the 2018 Comprehensive Plan on May 23, 2022 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Purpose: The 2018 Comprehensive Plan is hereby amended to modify language in Chapter 6 – Transportation.

Section 2. Sections 6-3a and Figure 8 are hereby removed and replaced in their entirety with the below language;

*6-3a. Bicycle Traffic*

*According to DelDOT's datasets, which can be viewed at www.bikemap.com/de, the entirety of South Walnut Street/North Old State Road is a state bicycle route, bisecting the City north to south. It also lists the full east to west extent of North and Southeast Front Streets as a regional bicycle route.*

*Milford has actively planned for improved bicycle and pedestrian connections and facilities. In 2011, it published a Bicycle and Pedestrian Master Plan. In 2021, it adopted an update to the bicycle portion of this master plan. Milford's full Bicycle Master Plan update can be seen at https://www.cityofmilford.com/461/Bicycle-Master-Plan.*

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*Another, relatively new, way of gauging bikeability is Level of Traffic Stress, also known as Low-Stress Cycling. The central premise of the approach is that people choose to ride, or not to ride, their bicycles in very large part due to their discomfort interacting with motor vehicles. Recent research suggests that nearly all other factors, such as signs denoting a bike path, the presence of sharrows, or shoulders have a minimal comparative impact.*

*Potential users are categorized into four groups: (1) strong and fearless, the avid cyclists that ride racing-style bicycles and who will ride almost anywhere; (2) enthusiastic and confident can generally be envisioned as high-school and college students, along with the cycle commute to work crowd; (3) interested but concerned, accounting for 60 percent of users, who might have bicycles in the garage they'll ride around the neighborhood or put on a bike carrier and haul to the park and ride but are uncomfortable venturing beyond purely residential streets where they would need to ride in proximity to more than the occasional car; and (4) not able or interested who simply does not or will not ride bicycles.*

*The rationale is that to increase cycling, facilities must be offered that connect meaningful origins and destinations while not exceeding the interested but concerned group's tolerance for traffic stress. DelDOT planners have adapted this segment-scoring methodology into a Delaware-specific tool that can graphically depict levels of traffic stress. These levels correspond to the user groups. Level One is suitable for grade-school-aged children, Level Two for the interested but concerned, Level Three for the enthusiastic, and Level Four only for strong and fearless.*

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*The map quickly reveals that the interior of Milford is quite accessible to cyclists and while there are sections of red and yellow in Milford's interior, would-be cyclists have any number of ways to avoid these sections without adding significantly to their trip. However, access to the Northwest and Southeast Neighborhoods becomes more problematic, as do trips to either of the nature centers, outlined in the City of Milford Bicycle Master Plan. DelDOT's area analysis would seem to support the city's findings that further improvements would be needed to successfully catalog these routes as bike paths.*

Section 3. Sections 6-4e, 6-4f, 6-4g, 6-4h, and 6-4i are hereby added.

*6-4e. Bicycle Master Plan Update, 2021*

*The 2021 Bicycle Master Plan update was a result of a 2-year planning effort, which included seven meetings with the Bicycle Advisory Committee (BAC) and three public workshops. The master planning effort identified existing bicycle infrastructure, gaps and impediments in the existing network, reevaluated destinations within the community and made recommendations on proposed route locations and facility types. The bicycle master plan separates the bicycle network into three geographic locations that create loops radiating out from the town center; the northern loop, the southwest loop and the southeast loop. Each of these begin along the Mispillion River and reach out to the different neighborhoods on the periphery of the municipality. The loops connect places of employment, education, commercial services and recreation with neighborhoods.*

*The goals and recommendations from the 2021 Bicycle Master Plan are incorporated into the City's Comprehensive Plan as outlined in Section 6.6.*

*6-4f. N. Walnut Street and Rehoboth Boulevard Intersections*

*There are several intersections along the N. Walnut Street and Rehoboth Boulevard corridor that require analysis for transportation improvements. These include major intersections between Route 113 and Marshal's Pond and impact a wide range of traffic types, including industrial truck traffic, school buses, local vehicular traffic, pedestrians and cyclists. Several of these intersections are near schools and improvements would have a positive impact connecting neighborhoods to school sites. Below are list of intersections that should be evaluated for vehicle and multi-modal upgrades:*

- *Buccaneer Boulevard & N. Walnut Street*
- *Tenth Street, N. Walnut Street, N. Rehoboth Boulevard, NE Salevan Place, and N. Washington Street*
- *NE Front Street & N. Rehoboth Boulevard*
- *SE Front Street & S. Rehoboth Boulevard*
- *SE Second Street and S. Rehoboth Boulevard*

*6-4g. Southwest Front Street*

*Investigate the feasibility of converting Southwest Front Street between N. Church Street and S. Walnut Street to allow for two-way traffic. There is currently a weight restriction on the bridge on Southwest Front Street that crosses the Mispillion River which prohibits oversized vehicles from utilizing Southwest Front Street. If the traffic flow was converted from a one-way condition to two-way, oversized vehicles could avoid the bridge when accessing properties on Southwest Front Street by exiting onto S. Walnut Street. Converting the traffic flow would require analysis of several signalized intersections along Walnut Street, including at Causey Avenue and Southeast Front Street.*

*6-4h. Airport Road and Canterbury Road Intersection*

*As the City continues to grow, increasing traffic volumes along Airport Road and Canterbury Road have created concerns regarding the current level of service for this intersection. The existing three-way intersection currently has a stop condition at Airport Road heading west bound onto Canterbury Road. The City would like to investigate alternatives for this intersection to improve safety for vehicles and other modes of transportation. Options could include a three-way stop condition, fully signalized intersection or traffic circle.*

*6-4i. S. Walnut Street and Jefferson Avenue Intersection*

*The intersection of Jefferson Avenue at S. Walnut Street is currently set at an offset and includes a rail road crossing. The City would like to investigate potential improvements to Jefferson Avenue between S. Washington Street to S. Walnut Street across the rail road to the west side of S. Walnut Street that would improve traffic flow and safety for motorists, pedestrians and cyclists.*

Section 4. Section 6.6 is hereby amended by adding the following language under objectives.

- *Implement the recommendations from the 2021 Bicycle Master Plan.*
- *Work with the Dover/Kent MPO and DelDOT to study and improve intersections along N. Walnut Street and Rehoboth Boulevard between Route 113 and Marshal's Pond.*
- *Work with DelDOT to convert Southwest Front Street from one-way traffic to two-way flow.*
- *Work with the Dover/Kent MPO and DelDOT to improve the intersection at Airport Road and Canterbury Road.*
- *Work with DelDOT to improve the intersection at Jefferson Avenue and S. Walnut Street.*

Section 5. Dates.
Planning Commission Review & Public Hearing: May 17, 2022
City Council Introduction: May 9, 2022
City Council Review & Public Hearing: May 23, 2022

*041822*
*Published: Beacon 042722*

THE CITY of Milford DELAWARE

# 2022 Comprehensive Plan Amendment Request

## Mr. Wiggles, LLC & Country Life Homes, Inc.

Ordinance 2022-23 & 2022-24

Planning Commission – 5/17/22

City Council – 5/23/22

# 2022 AMENDMENT REQUEST

- The City received a Comprehensive Plan amendment request from the owner of Sussex County Tax Parcel Number **3-30-11.00-056.00** owned by Mr. Wiggles, LLC and Sussex County Tax Parcel Number **3-30-11.00-070.00** owned by Country Life Homes, Inc.
- The applicant has requested a change in the Comprehensive Plan Future Land Use Designation of 110 +/- acres of land east of SR1 from **Low Density Residential to Commercial**.
- The amendment request would also move the Transfer of Development Rights (TDR) potential receiving credits from TDR Receiving Area #1 on the Mr. Wiggles, LLC property to TDR Receiving Area #3 located on Sussex County Tax Parcel Number **3-30-15.00-024.00**.
- This amendment request was **not** initiated by the City of Milford and is the result of an application made by the property owner.

# Comprehensive Plan Amendment Request Process

- The City Planning Department compiles Comprehensive Plan amendment requests from property owners annually to be reviewed by the City Planning Commission and City Council.
- These amendment requests are submitted to the State of Delaware, Office of State Planning Coordination, for Preliminary Land Use Service (PLUS) review.
- State agencies issue comments pertaining to the amendment request for City consideration.
- Upon receipt of the PLUS comments, the City completes any necessary public outreach before holding public hearings with the Planning Commission and City Council to formally review the applications.

# 2022 Comprehensive Plan Amendment Request Timeline

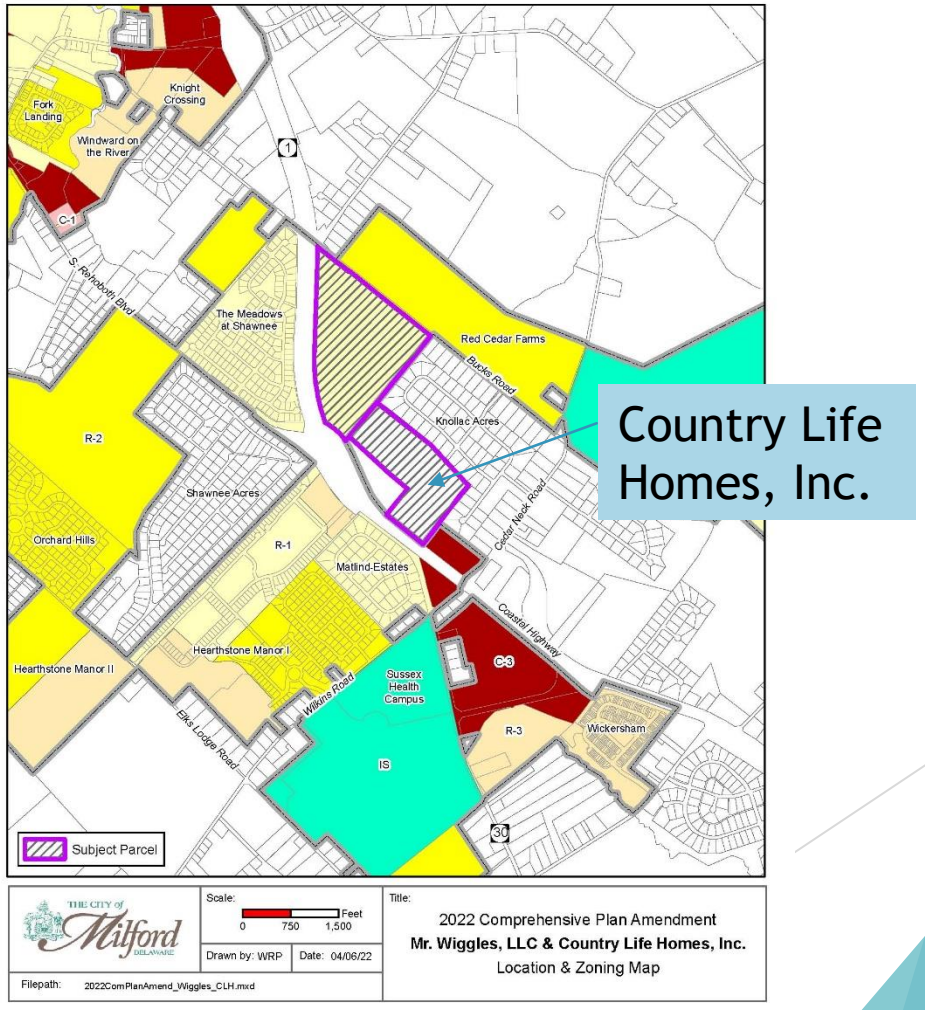
- Amendment requests were compiled at the end of the 2021 calendar year and presented to City Council for informational purposes only in January 2022.
- A PLUS application was submitted to the State of Delaware in January and a PLUS meeting was held on **February 23, 2022**.
- An open house was held on **May 4, 2022**. The open house was part of the public outreach necessary for the review of these two future land use amendment applications.
- A **Planning Commission** public hearing is scheduled for **Tuesday, May 17, 2022** beginning at **7 pm** at **City Hall**, 201 S. Walnut Street. The Planning Commission will review the application and make a recommendation to City Council.
- A **City Council** public hearing is scheduled for **Monday, May 23, 2022** beginning at **7 pm** at **City Hall**, 201 S. Walnut Street.

# Open House – May 4, 2022

- Inform the public of the proposed amendment request prior to public hearings with the Planning Commission and City Council.
- Provide background information on the City's Comprehensive Land Use Plan and Southeast Master Plan.
- Allow the public to interact with the developer and representatives from the City Planning Department, Office of State Planning Coordination and DelDOT regarding the proposed amendment request and general development within the Southeast Neighborhood.
- Approximately 70 people attended the open house.

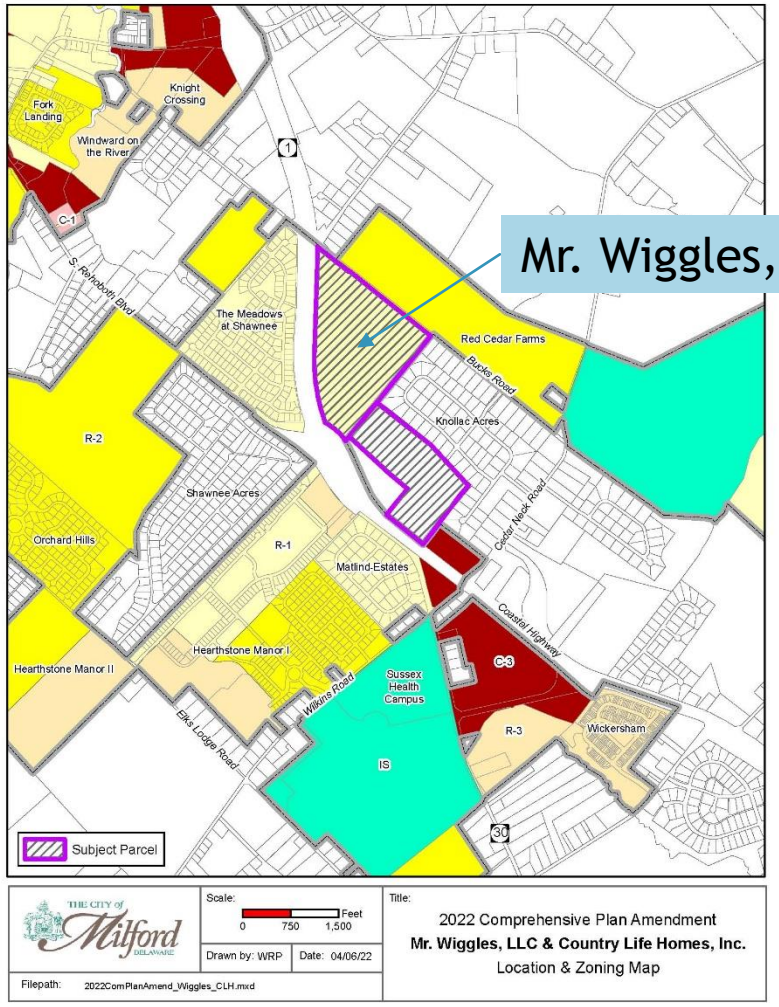
# 2022 Amendment Request
# Country Life Homes, Inc.

- Ordinance 2022-23
- Country Life Homes, Inc.
- Sussex County Tax Parcel 3-30-11.00-070.00
- 40 +/- acres of land not located within Milford City limits and currently zoned AR-1 in Sussex County.
- Contains existing farmhouse, farm and related agricultural buildings.

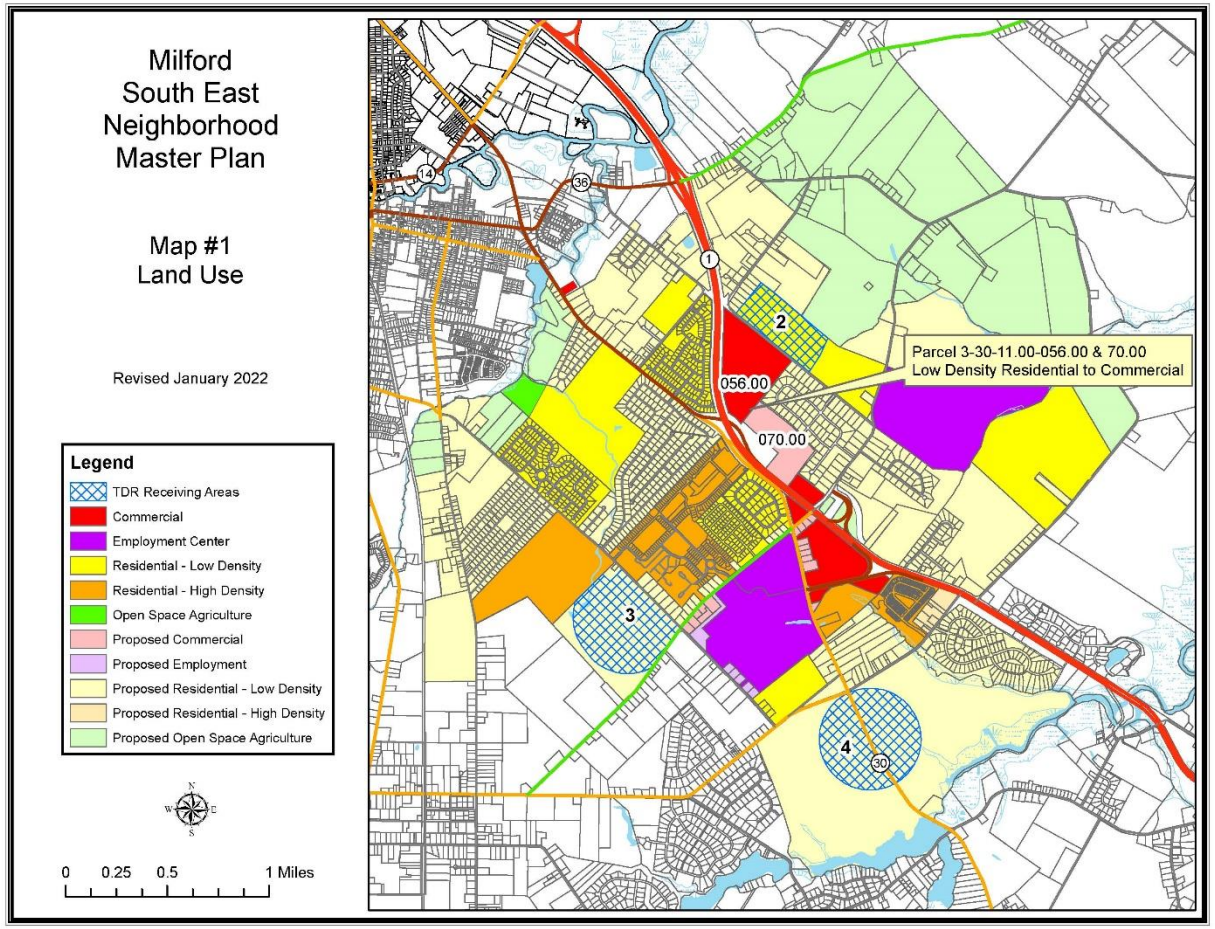


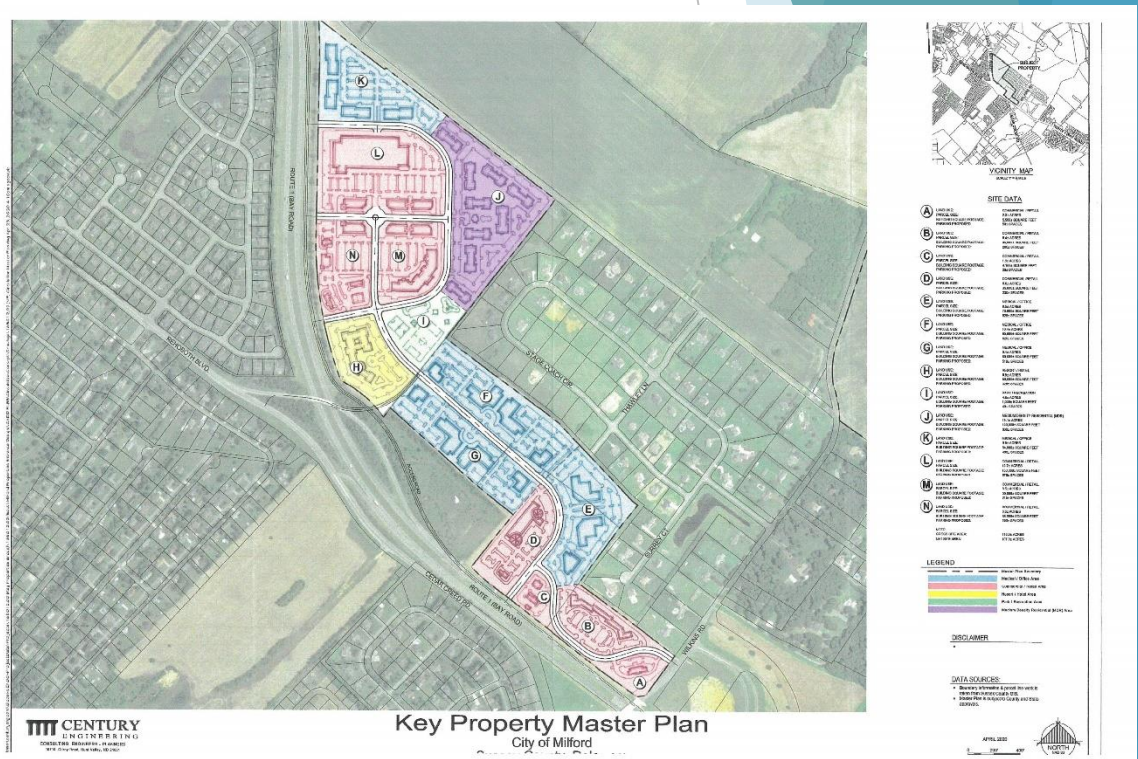
# 2022 Amendment Request
# Mr. Wiggles, LLC

- Ordinance 2022-24
- Mr. Wiggles, LLC
- Sussex County Tax Parcel 3-30-11.00-056.00
- 70 +/- acres of land currently located within City limits zoned R-2 Residential District.
- Undeveloped agricultural field



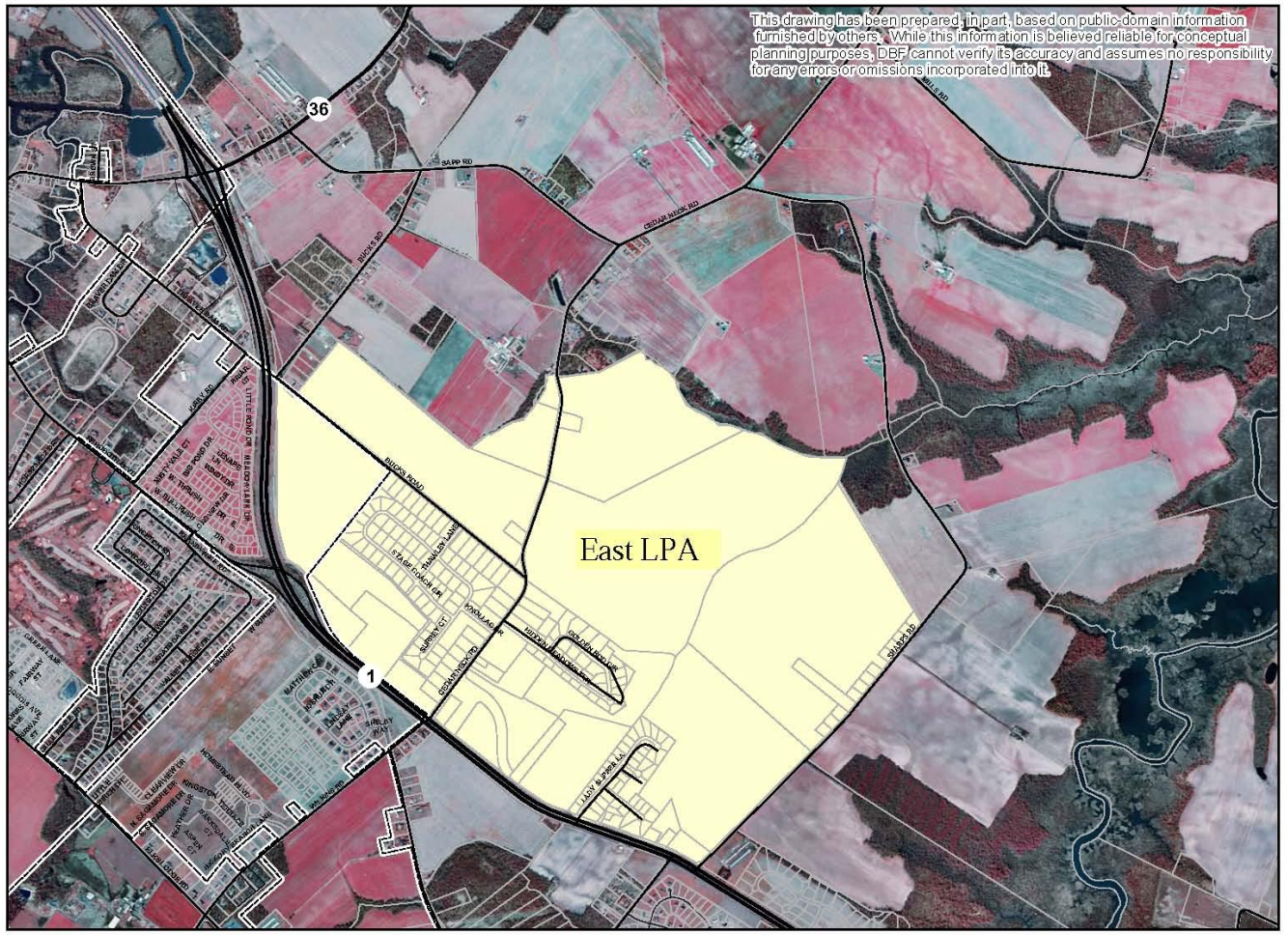
# 2022 Amendment Request
# Mr. Wiggles, LLC & Country Life Homes, Inc.



# Southeast Master Plan

- 2006 – Comprehensive Plan amendment to include the East Local Planning Area (LPA) and surrounding areas in the City's targeted annexation area.
- Annexation and development of this area was contingent upon developing a Master Plan approved by the State of Delaware. The City entered into a Memorandum of Agreement (MOA) with the State of Delaware in 2008.




Appendix 9

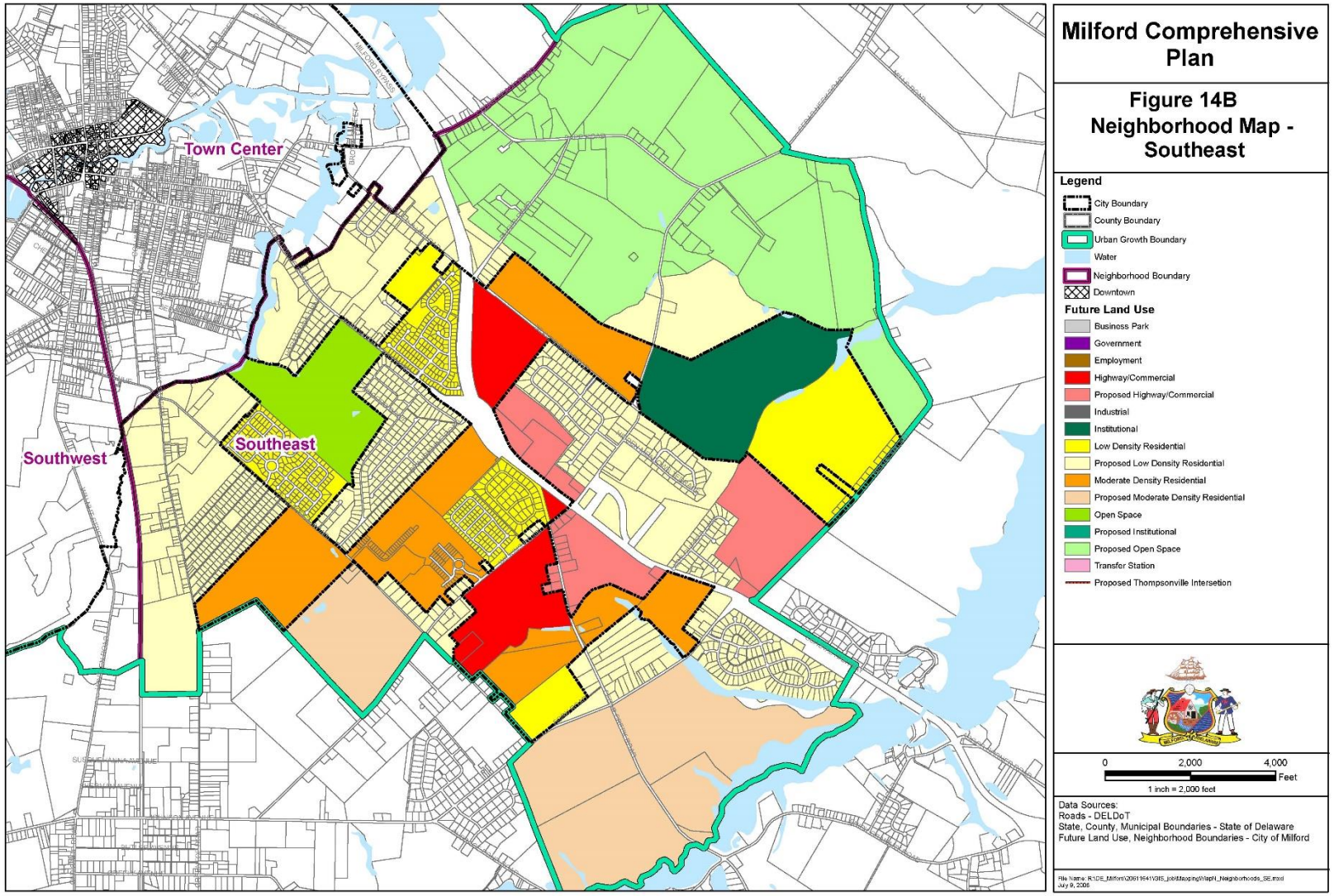
Figure 9-1 East Local Planning Area
MASTER PLAN AREA

# Southeast Master Plan

- The MOA included the City, the Office of State Planning Coordination (OSPC), the Delaware Department of Transportation (DelDOT) and the Delaware Department of Agriculture (DDA).
- The area covered by the MOA was limited to the area east of Rt. 1, however, during the preliminary development of the master plan, the scope was expanded to include the entire area known as the Southeast Neighborhood in the 2008 Comprehensive Plan.

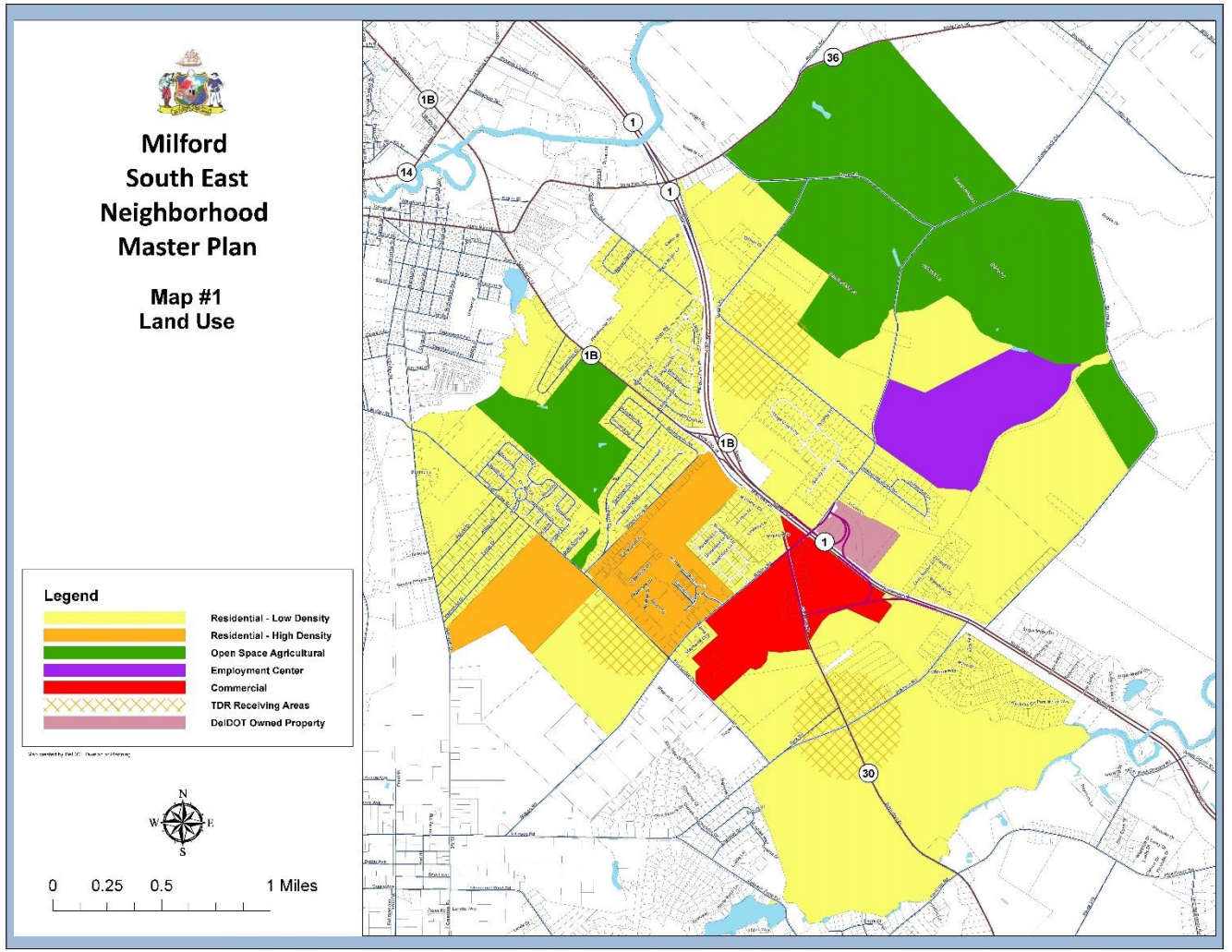
# Southeast Master Plan

- The 2008 Comprehensive Plan was adopted in 2009 during the development of the master plan with the understanding that all development in the SE Neighborhood would be restricted until the Master Plan was certified by the State and adopted by City Council.



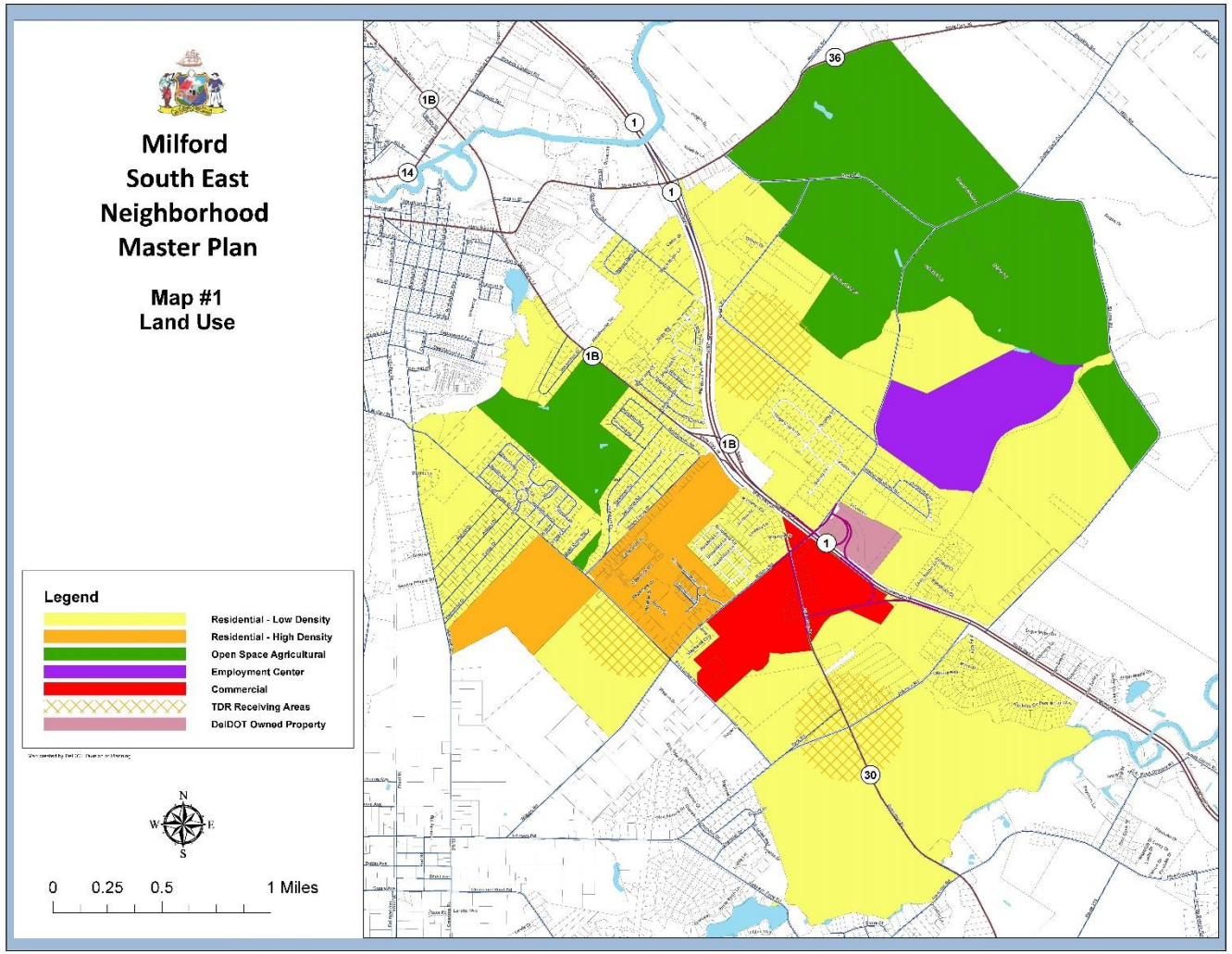
# 2011 Southeast Master Plan

- The subject parcels were considered for commercial land use during the initial phase of the master plan, but commercial was not ultimately recommended due to difficulty gaining access and proximity to low density residential.
- The master plan was developed through an inclusive process which included residents, property owners and various State agencies.



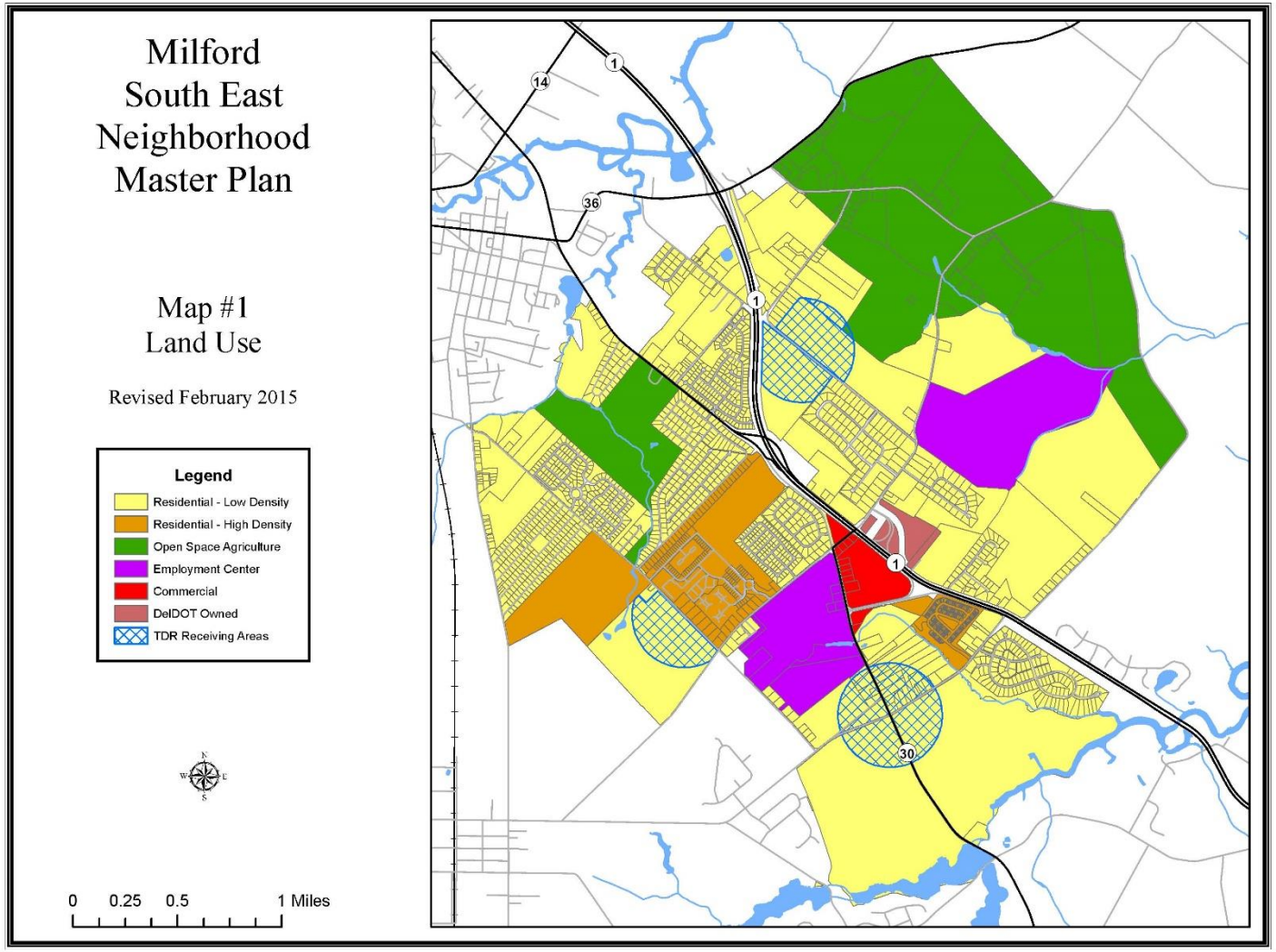
# 2011 Southeast Master Plan

- The Master Plan document was finalized and adopted in 2011 and became an amendment to the 2008 Comprehensive Plan.
- The master plan provided for predictable, shovel ready development which incorporated proactive preservation of farmland east of Milford.



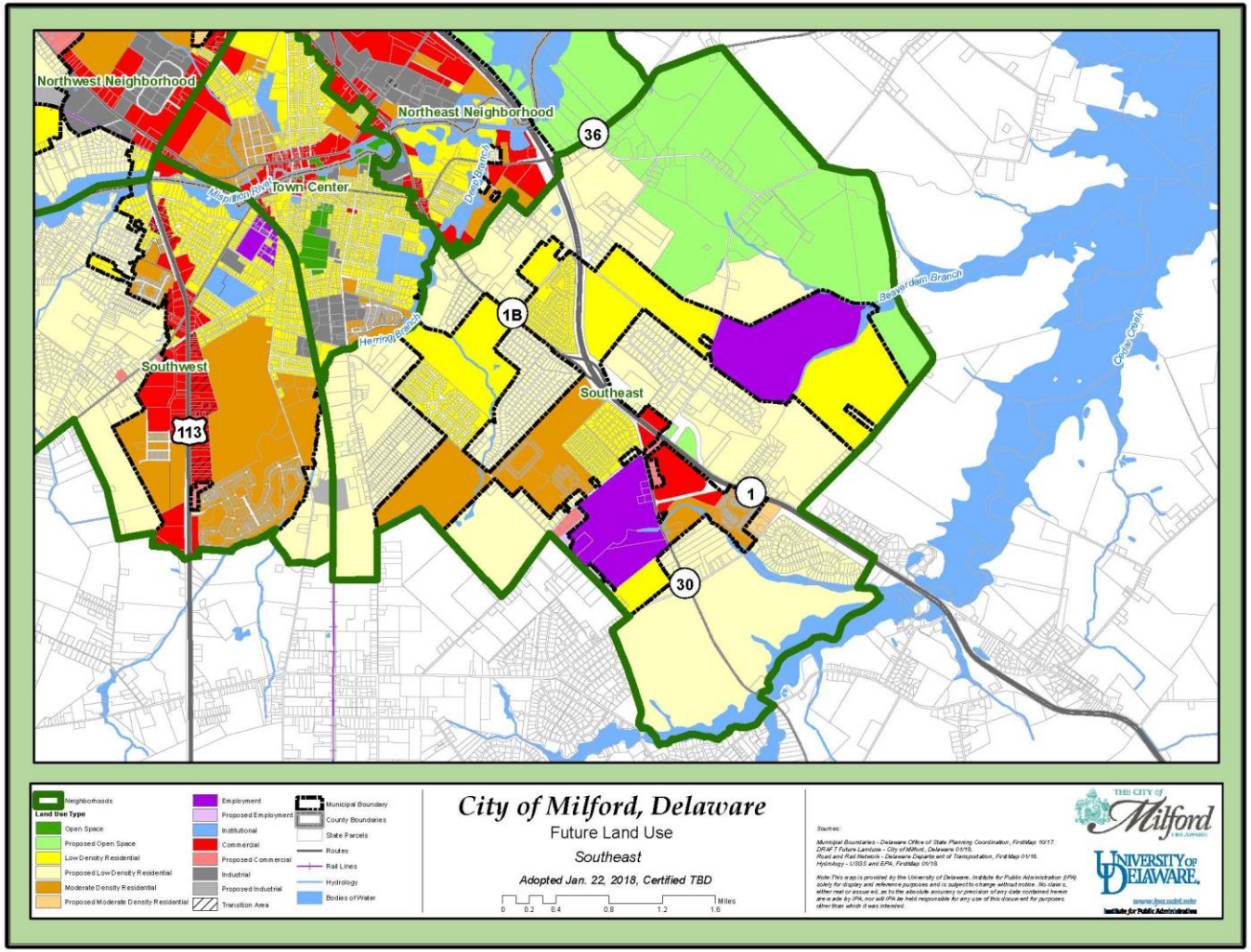
# 2015 Amendment

- The Southeast Master Plan was amended in 2015 to allow the Bayhealth Sussex Health Campus to be developed in an area previously designated as commercial.



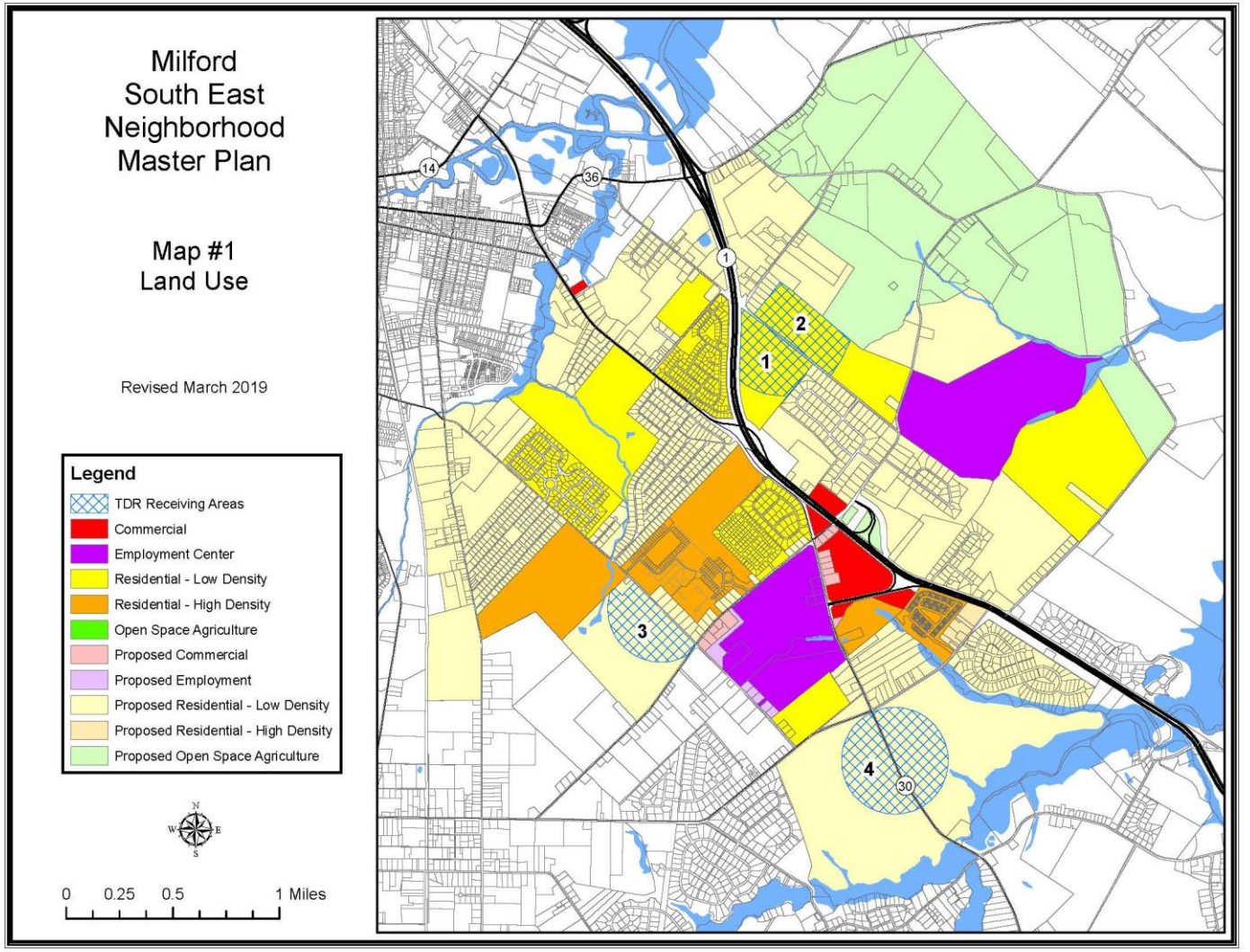
# 2018 Comprehensive Plan Update

- The SE Master Plan was updated as part of the 2018 Comprehensive Plan update and incorporated as an appendix to the document and continues to guides all development decisions in this area of the City.

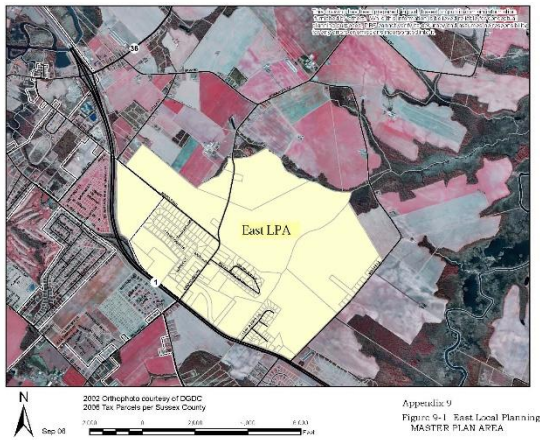


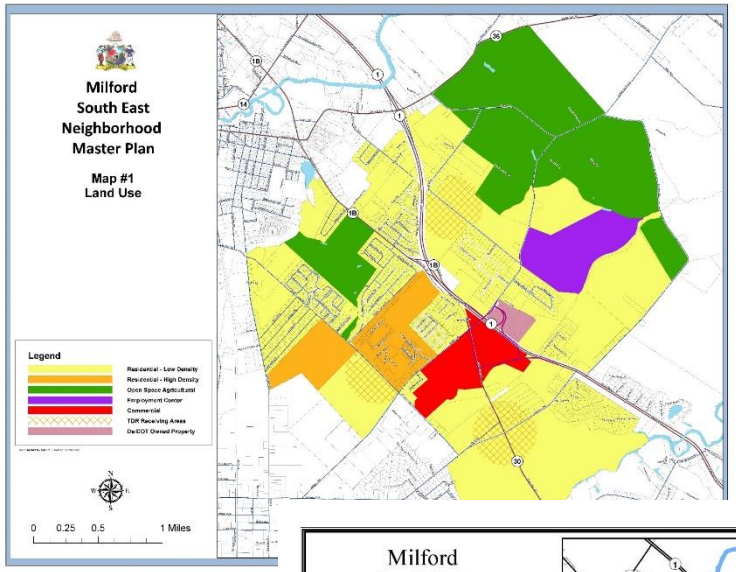
# 2019 Amendment

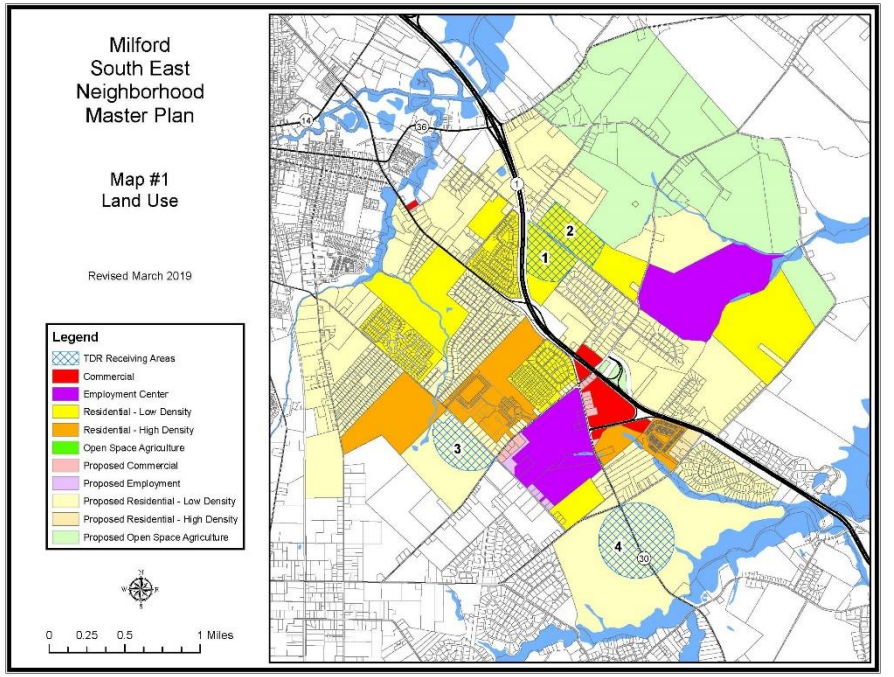
- The future land use maps for the Southeast Neighborhood were amended in 2019 during the development of the Transfer of Development Rights (TDR) ordinance. The amendment adjusted the TDR sending areas, reducing the number of sending area parcels with the hopes of improving the odds of program success.

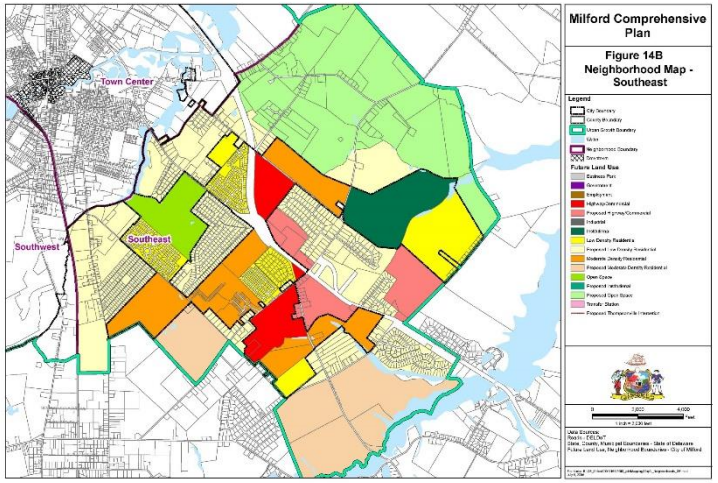


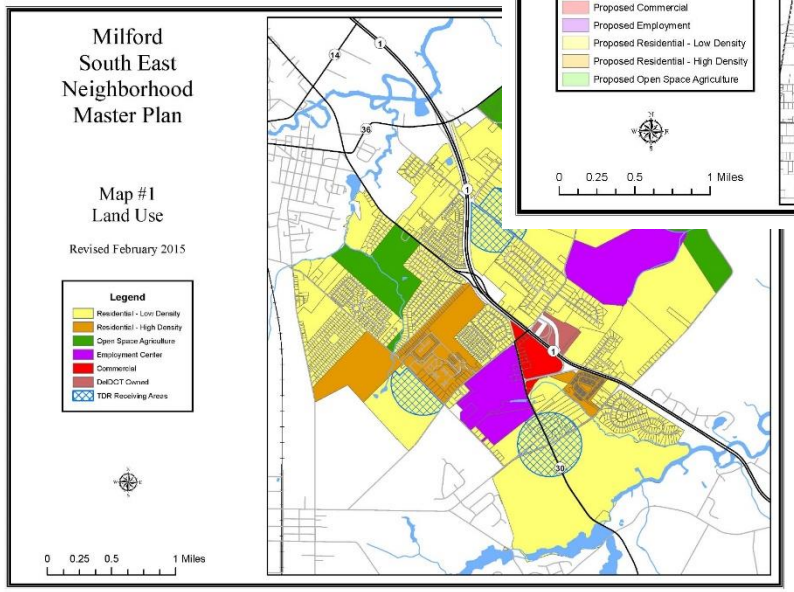
# SE Master Plan History



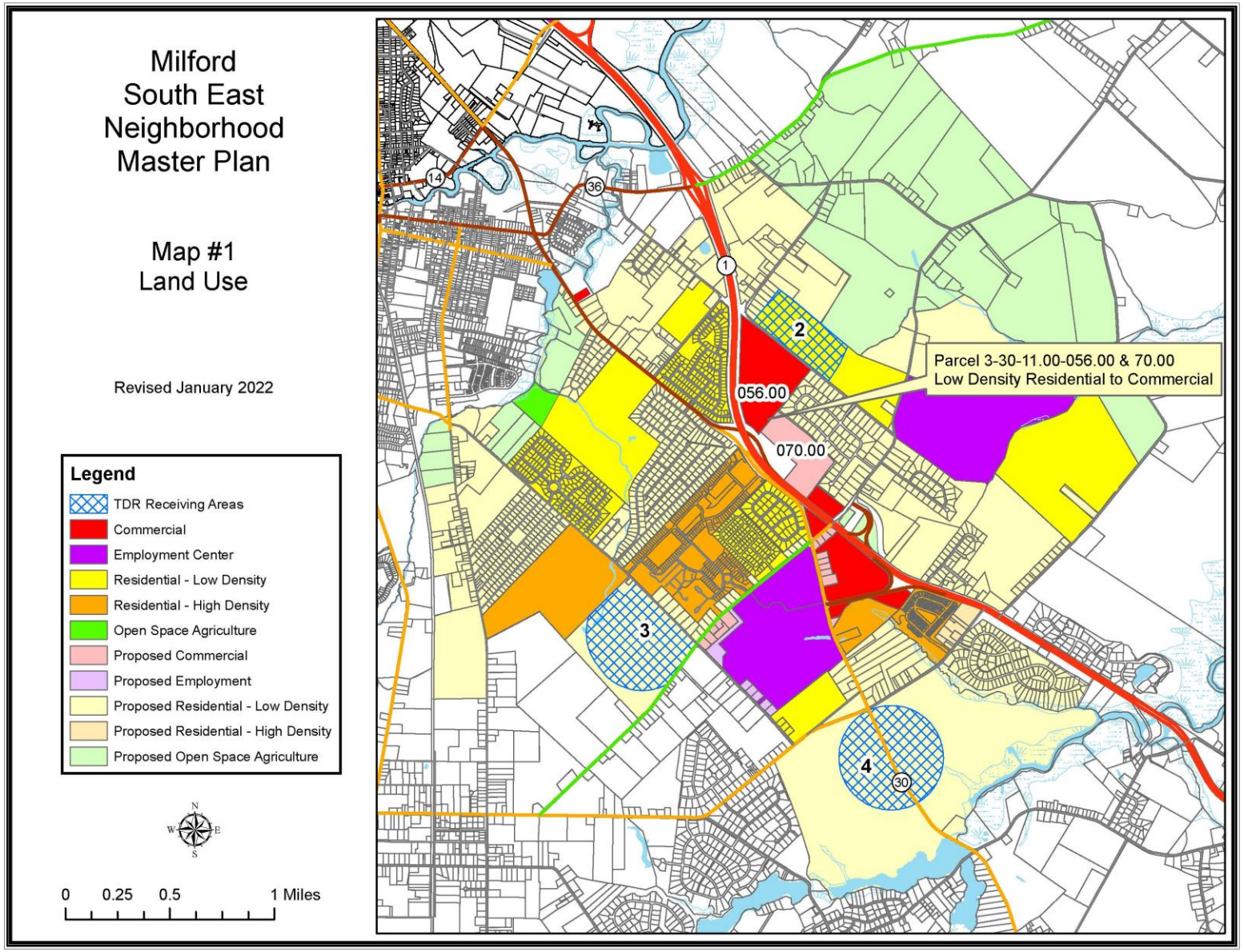



# 2016 Amendment Request

- The applicant submitted a similar comprehensive plan future land use amendment request in 2016 to change the subject parcels from low density residential to commercial.
- City Council held a public hearing on October 24, 2016 and denied the amendment request upon a vote of 6-0.

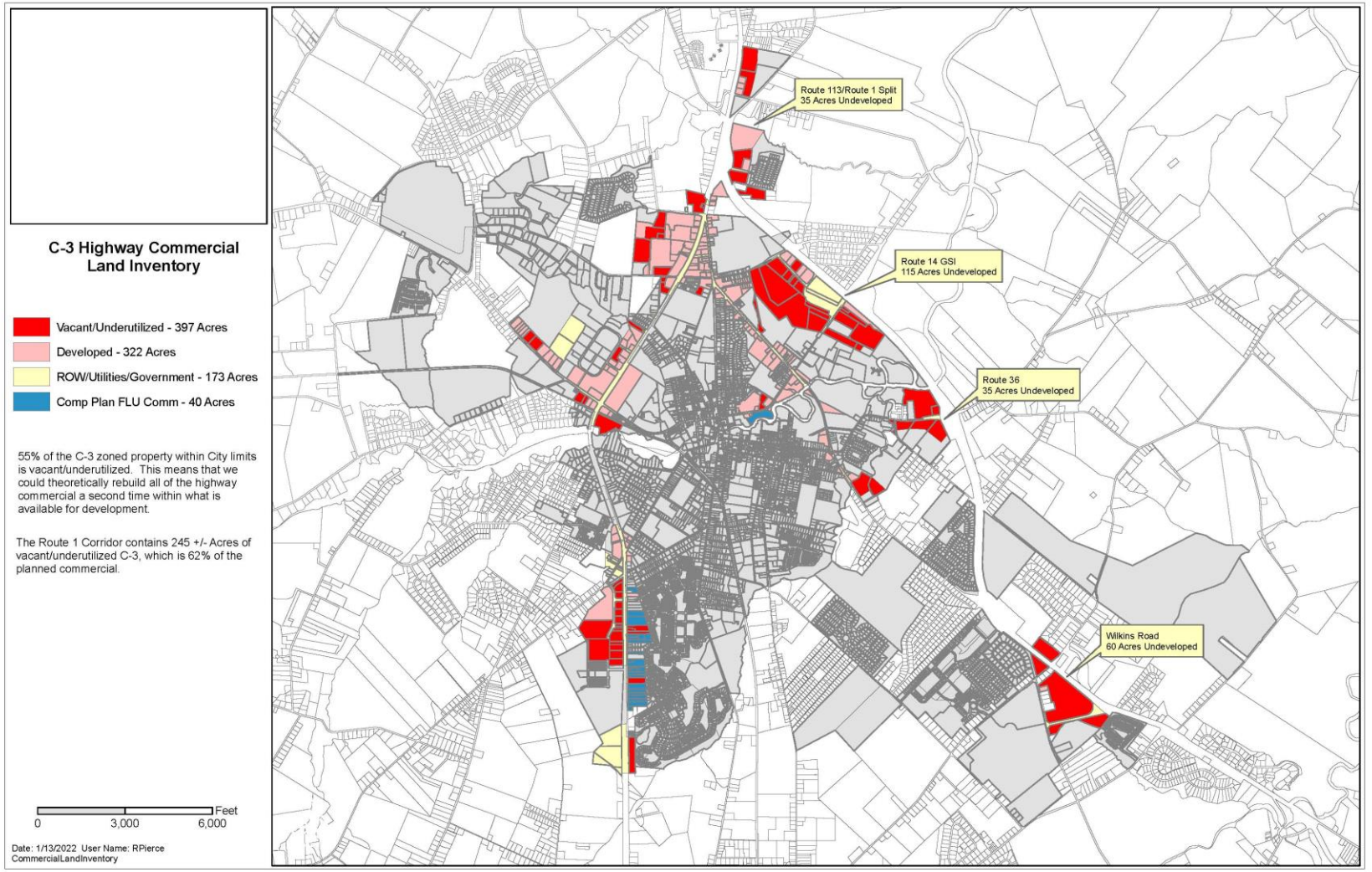
# 2022 Amendment Request

## Mr. Wiggles, LLC & Country Life Homes, Inc.



# C-3 Highway Commercial – Inventory Analysis

- 322 +/- acres of developed C-3 land within City limits.
- 397 +/- acres of vacant or underutilized C-3 land currently within City limits.
- 245 +/- acres of the 397+/- acres of vacant C-3 land is located along the Route 1 corridor.
- Bayhealth owns 55 +/- acres of C-3 directly adjacent to the Sussex Health Campus.



# Preliminary Land Use Service (PLUS) Comments

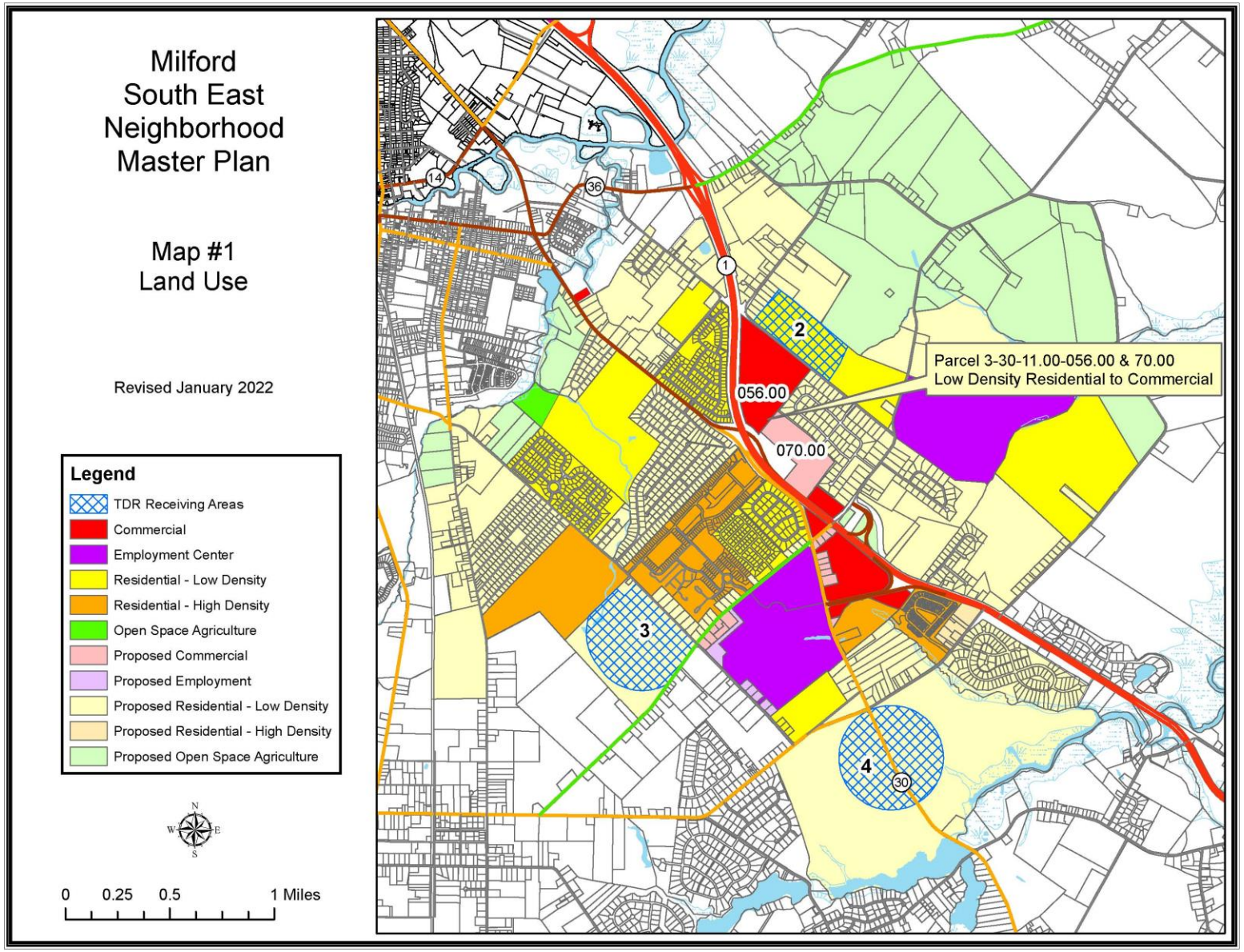
- The proposed amendment was submitted to the Office of State Planning Coordination (OSPC) in January and a PLUS meeting was held on February 23, 2022 to review the request.  A copy of the PLUS comments are provided in the packet.
- OSPC indicated the amendment request was a significant change to the SE Master Plan which was developed through an inclusive planning process that incorporated input from stakeholders and members of the public.  A land-use change this significant has potential effects on quality of life, such as transportation, environmental and agricultural preservation.
- OSPC recommended the public be fully engaged and consulted about the proposed land use change to the Master Plan.

# Preliminary Land Use Service (PLUS) Comments (cont.)

- DelDOT indicated that direct access on Route 1 will not be permitted and the City should assume access to the subject parcels will be by way of Bucks Road.
- DelDOT acknowledges the State is working on a Delaware Route 1 Master Plan that will be the subject of workshops in the late spring or early summer, and that the master plan, when adopted, may or may not include an access road.
- The proposal is inconsistent with the development types and amounts used by DelDOT in the traffic modeling associated with the proposed Transportation Improvement District (TID). If the amendment is approved, the developer would be responsible for updating the traffic study for the TID.

# 2022 Amendment Request

## Mr. Wiggles, LLC & Country Life Homes, Inc.



**DAVID L. WILSON**
STATE SENATOR
18th District

SENATE
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

COMMITTEES
Agriculture
Energy
Environmental & Natural Resources
Veterans Affairs

May 17, 2022

Re: Comprehensive Plan for consideration of possible future annexation.

Dear Members of the Planning Commission and Annexation,

I would like to express my support for the annexation of the east side of Milford along Rt.1. Currently the east side of Milford is an untapped resource that has great potential to boost the economy. Upon leaving the Dover Toll Plaza what business opportunities do we have until you reach the congested beach area? What better place to make this happen than Milford? A town that serves 2 counties. The east of Milford is in desperate need of more services. The area proposed in the new annexation would be a perfect place to add more businesses such as restaurants and shopping plazas. By keeping these businesses along Rt.1 you would attract tourists to Milford but keep them out of an already congested business district. This could all be managed by a service road to connect all businesses together and to help keep traffic flowing along Rt.1. With existing overpasses the infrastructure is already in place to make this transition. Along with business growth comes job growth. This area is in need of more job opportunities for our growing community. By annexing this portion into Milford it is a “win win” for everyone, the town and the community. I urge all members to take some serious consideration to this proposal. With smart growth we can all win.

Sincerely,



State Senator 18th District

P.O. Box 84, Lincoln, DE 19960 Home: 302- 422- 9270 Senate Office: 302-744- 4134
David.L.Wilson@delaware.gov

Planning Commission,

I respectfully ask that you deny the request to the Comprehensive Plan to change 110 acres of undeveloped land east of State Route 1 from Low Density Residential to Commercial. Our quiet residential neighborhood, Knollac Acres, would be greatly impacted by traffic, noise and pollution as our homes would become the back yard of a shopping center.

In addtion, the barrier of Route 1 has historically been a line of demarcation for natural preservation with housing being limited to single family homes. This has allowed for many beautiful, natural ecosystems to thrive and families to enjoy what is left of Delaware's farmland and wildlife. Please do not let this applicant take this away from future generations of Milfordians.

As Milford continues to grow, there are already 397 acres of land zoned C-3 Highway Commercial that are undeveloped/underutilized, 245 acres of which are located along Route 1. This does not include other zoning classifications that allow for offices like our business park or the Sussex Health Campus. This is just C-3 Highway Commercial land.

There are also 322 acres of developed C-3 Highway Commercial land that may have vacant tenant spaces or potential building space, like near Redner’s or Walmart.

This enormous amount of commercial land and space that we currently have is more than we need for our future growth needs. We do not need to sacrifice our low density land in an effort to satisfy a single land owner. An owner that has proven to not invest in current properties that they own within our city limits.

I ask that you deny the request for land use change during the Comprehensive Plan Amendment in May. I am more than happy to discuss this with you in person. I can be reached at 302-542-9231.

State Rep Bryan Shupe

From: Fran Marino <f5sheep@gmail.com>

Sent: Wednesday, May 11, 2022 3:29 PM

To: Pierce, Rob <rpierce@milford-de.gov>

Subject: Fwd: Proposed zoning change Fannin parcel on rt 1 to commercial NO

---------- Forwarded message ---------

From: Fran Marino <f5sheep@gmail.com>

Date: Wed, May 11, 2022, 3:21 PM

Subject: Proposed zoning change Fannin parcel on rt 1 to commercial NO

To: <sbluhm@milford-de.gov>

As 18 year resident in nearby Matlind Estate ,I and many neighbors are against the zone change and plans by Fannin. We moved here for a quiet country atmosphere. There is already enough road noise and traffic here with Rt. 1 and the hospital. Also I am concerned with water drainage and flooding. Already with the increased pavement of the hospital and Cedar Neck bridge, in heavy rains the neighborhood ditches and many crawl spaces are overflowing while the drainage ponds for the bridge and development are bone dry!? I am concerned about the infrastructure to handle ground water and sewerage. The roadway on rt. 14 thru town is not even maintained.

Also we have enough empty storefronts and businesses that cannot survive more than 1 year in the Milford downtown and 113 areas. Commercial building will bring more crime, increased need for fire and police and of course higher property taxes which affects the senior and low income residents. In addition, apartments and condos and new homes being built are more than city services can handle.

PLEASE vote No to a zoning change to commercial for the Fannin parcel on rt. 1 Milford.

PETER AND CAROL GOLDRING
6436 BUCKS ROAD
MILFORD, DE 19963
PGARCOLLAGE@GMAIL.COM

May 13, 2022

Sara Bluhm, sbluhm@milford-de.gov
Mark Whitfield, mwhitfield@milford-de.gov
Robert Pierce, rpierce@milford-de.gov

Re: Mr. Wiggles Proposed Development
Farm site bordered by Route 1, Bucks Road, and Knollac Acres Residencial Community

My wife and I were notified of the referenced proposed development near our home on Bucks Road. We are also aware that there is a potential pending sale and development at the farm site across Bucks Road form our home. As a result, we reviewed the online information regarding both sites and have several notes.

Regarding the Mr. Wiggles proposal:

- In general, this proposal's suggested uses would look to be more appropriately located on the west side of Route 1 in closer adjacency to the town center and new hospital where there is currently ongoing development.
- We noted that the design includes the parking for approximately 4,500 cars with many of those spaces for in and out use. This would appear to add an excessive traffic load to the area with no clear design of how to handle that load and keep the traffic off residential streets.
- The development proposes significant medial offices on the east side of Route 1 even though the related hospital is on the west side of Route 1 and communicating traffic would require increased use of the existing overpass, and probably, another light.
- The proposal includes a significant amount of impervious coverage with no indication of the required storm water control.
- The proposal references "medium density residential units." I could not find a definition for this in the Milford Zoning Code. The Sussex County code references medium density residential as single-family units.
- We estimated that the residential portion includes approximately 250+/- units based on the number of proposed parking spaces and the requirement of 2.5 spaces per unit. With the recently completed development on the west side of Route 1, this appears to be a significant increase in the number of residential apartments in the area.
- The proposal includes a minimal amount of recreational space. Is this only for the adjacent residences or available to the greater community?

The current zoning map shows the north end of the farm site on the east side od Bucks Road as potential TDR (transfer of development rights) space. This would allow denser development in a low-density residential zone to offset development at adjacent farms and compensate those farmers for retaining their current use. We understand that he sale of this site is currently pending. Does the Mr. Wiggles proposal affect the TDR status of the east of Bucks Road farm site, or will the neighborhood be affected two areas of dense housing?

The current zoning map shows an institutional zoning area at a farm to the south of Cedar Neck Road and east of Route 1. Will this proposal return that area to farm/low density residential or will it remain as a zone for potential dense development?

Finally, we understand that Sussex County denied permission for commercial development at the site occupied by East Gate farm nursery. Although it was not officially in Milford, is this circumstance any different?

Obviously, we are opposed to the proposed development as it has been presented and believe that overall planning for the area would be better served if the area to the east of Route 1 were to remain residential and farming.

Please add this letter to your files on this proposal.

Sincerely,

Peter and Carol Goldring

From: Mitch Meyers <corvetteman5@comcast.net>

Sent: Saturday, May 14, 2022 9:56 PM

To: Sara M. Bluhm <sbluhm@milford-de.gov>; Whitfield, Mark <mwhitfield@milford-de.gov>; Pierce, Rob <rpierce@milford-de.gov>

Cc: Mike Gorski <msg4par@comcast.net>

Subject: Rezone property from Low Density Residential to Commercial, East of Rt 1 and N of Cedar Creek Neck Rd. (proposed by Elmer Fanning)

Hello,

We would appreciate your serious consideration in the denial of a request to rezone the above partial of land to allow the proposed commercial development of the noted property. In November of 2017 a similar request was made to rezone the property on the South side of Cedar Neck Rd. It was denied by the Sussex County Planning & Zoning Commision as the proposal is in direct opposition to the Coastal Zone Act. This was enacted to protect the bay and maintain the natural environment east of Rt 1. Any commercial businesses constructed in this area would be in direct violation of this act.

At the time of the previous proposal was made, over 100 signatures were submitted in opposition to the rezoning change. As this is a recent development and no local information has been sent out to inform and give voice to the neighborhoods that would be affected, I hereby request a delay of action or a denial of the request for a zoning change, in order for neighbors to decide and respond.

As an Officer of the Hidden Meadows Development, I can say for certain that our development would be in opposition to this highly commercial proposal. I will, with some of my neighbors be in attendance at the meeting on May17th, 2022.The other concern is the decline of our property values and the impact on our quality of life. The additional traffic on an already busy overpass will invoke more noise and light intrusion to our quiet residential community.

As Delawareans we agree to provide protection to the area East of Route 1 with the Coastal Zone Act. To maintain the most critical areas for the future of the State and the quality of life. Thank you for your time and consideration in this matter that may impact the quality of life now and in the future.

Respectfully,

Mitch Meyers, 28 Hidden Meadows Terrace Milford De.19963

and the Residents of Hidden Meadows Development

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, May 17, 2022 @ 7:00 PM
City Council Hearing: Monday, May 23, 2022 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not intended to influence any decision of City Council.

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, May 17, 2022 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, May 23, 2022 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 2022-23**
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #12
COUNTRY LIFE HOMES, INC.
3-30-11.00-070.00

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-Muncipalities, 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 February 23, 2022, the Planning Director prepared and consulted with the Office of State Planning the twelfth 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 change of Sussex County Tax Parcel 3-30-11.00-070.00 from Low Density Residential to Commercial; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the twelfth 2018 Comprehensive Plan amendment on May 17, 2022 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 twelfth amendment of the 2018 Comprehensive Plan on May 23, 2022 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 May 23, 2022 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on June 2, 2022.

Planning Commission Review & Public Hearing: May 17, 2022
City Council Introduction: May 9, 2022
City Council Review & Public Hearing: May 23, 2022

**SYNOPSIS:**
Country Life Homes, Inc., Coastal Highway, Tax Parcel 3-30-11.00-070.00; 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.

*041822*
*Published: Beacon 04/27/22*

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

# DATA SHEET FOR 2022 COMPREHENSIVE PLAN AMENDMENT
# COUNTRY LIFE HOMES, INC.

Planning Commission Meeting: May 17, 2022
City Council Meeting: May 23, 2022

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| | | |
|---|---|---|
| **Ordinance Number / Name** | : | 2022-23 / Country Life Homes, Inc. |
| **Applicant** | : | Country Life Homes, Inc.<br>610 Marshall Street<br>Milford, DE 19963 |
| **Owner** | : | Same |
| **Application Type** | : | Comprehensive Plan Future Land Use Map Amendment |
| **Present Comprehensive Plan Map Designation** | : | Low Density Residential |
| **Proposed Comprehensive Plan Map Designation** | : | Commercial |
| **Present Zoning District(s)** | : | Agricultural Residential - AR-1<br>Sussex County |
| **Size and Location** | : | 41.15 +/- acres of land located along the east side of Coastal Highway (State Route 1) approximately 840 feet north of the Cedar Neck Road/SR1 overpass, addressed as 6521 Coastal Highway. |
| **Tax Map & Parcel(s)** | : | 3-30-11.00-070.00 |

ENC: Staff Analysis Report
Location & Zoning Map
Comprehensive Plan Amendment Request Letter
Key Property Master Plan
Current Comprehensive Plan Future Land Use Map
Proposed Comprehensive Plan Future Land Use Maps #1, #2, #3, #5, and #6
Highway Commercial Land Inventory Map
PLUS Comments
City Council Public Hearing Minutes – 10/24/2016
Ordinance 2022-23

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

**STAFF REPORT**
**May 2, 2022**

| | | |
|---|---|---|
| **Ordinance Number / Name** | **:** | 2022-23 / Country Life Homes, Inc. |
| **Application Type** | **:** | Comprehensive Plan Future Land Use Map Amendment |

## I. BACKGROUND

### 2022 Amendment Request

- The City received a request from the owner of Sussex County Tax Parcel 3-30-11.00-070.00 to change the Comprehensive Plan Future Land Use classification from Low Density Residential to Commercial.

- Comprehensive Amendment requests from property owners are compiled annually to be reviewed by the City of Milford Planning Commission and City Council. Once compiled, the amendment requests are presented to City Council for informational purposes only prior to submission to the State of Delaware for Preliminary Land Use Service (PLUS) review. The amendment request was presented to City Council during a workshop on January 10, 2022 and was submitted to the State of Delaware at the end of January 2022. The PLUS meeting for this amendment request was held on February 23, 2022 and a copy of the PLUS comments dated March 18, 2022 are enclosed.

- A public open house was held on May 4, 2022 at the City of Milford Public Works Facility to inform the public of the amendment request. Representatives from the Milford Planning Department, Office of State Planning Coordination, DelDOT along with the developer/property owner were in attendance.

### Comprehensive Plan & Southeast Master Plan History

- The 2011 Southeast Master Plan was an amendment to the City's 2008 Comprehensive Plan and is used to guide growth and development in the Southeast Neighborhood of the City. The 2011 SE Master Plan was prepared as a result of increasing pressure to develop land east of SR1 adjacent to the City of Milford and included close coordination with the State of Delaware Office of State Planning Coordination (OSPC), Department of Agriculture, Department of Natural Resources and Environmental Control (DNREC) and Department of Transportation (DelDOT). The 2011 SE Master Plan was approved by City Council in 2011 and was signed by the Mayor, the Director of the OSPC and the Secretaries of DelDOT, DNREC and the Department of Agriculture.

- The SE Master Plan was amended in 2015 at the request of Bayhealth to create the Sussex Health Campus. The area of the current Sussex Health Campus was previously designated a mixture of

Commercial and Moderate Density Residential which was changed to Employment to allow for the construction of the hospital and associated medical uses.

- The SE Master Plan was amended in 2015 to change the future land use of several parcels located adjacent to the Sussex Health Campus at the southeast intersection of Wilkins Road and Elks Lodge Road from Low Density Residential to Moderate Density Residential.

- The 2018 Comprehensive Plan Update incorporated the SE Master Plan as an appendix to the overall comprehensive plan document. During the 2018 update, several parcels adjacent to the Sussex Health Campus located at the southeast corner of Wilkins Road and Elks Lodge Road were changed from Moderate Density Residential to Commercial and the City's electric substation was added to the future land use maps and designated Employment.

- The SE Master Plan was amended in 2019 during the development of the City's Transfer of Development Rights (TDR) ordinance. The Planning Department recommended adjusting the size and location of the proposed TDR Sending Areas to reduce the number of parcels involved, hopefully leading to a more successful program.

- A copy of the current future land use exhibit is provided in the packet for reference.

## II. STAFF ANALYSIS

- The goal of the SE Master Plan was to provide predictable, shovel ready development which incorporated proactive preservation of farmland to the east of the City's projected growth area. The master planning process (2008-2011) included an extensive public participation effort with input from local residents and property owners. The subject parcel was considered for commercial land use during the initial phase of the master plan, but commercial was not ultimately recommended due to difficulty in gaining road access to the property and the proximity to low density residential land uses.

- The applicant submitted a similar amendment request in 2016 to change the future land use designation of the subject parcel from Low Density Residential to Commercial. The amendment request was reviewed by the Planning Commission on October 18, 2016 and City Council on October 24, 2016 and was subsequently denied upon a vote of 6-0. See enclosed for a copy of the City Council public hearing minutes from October 24, 2016.

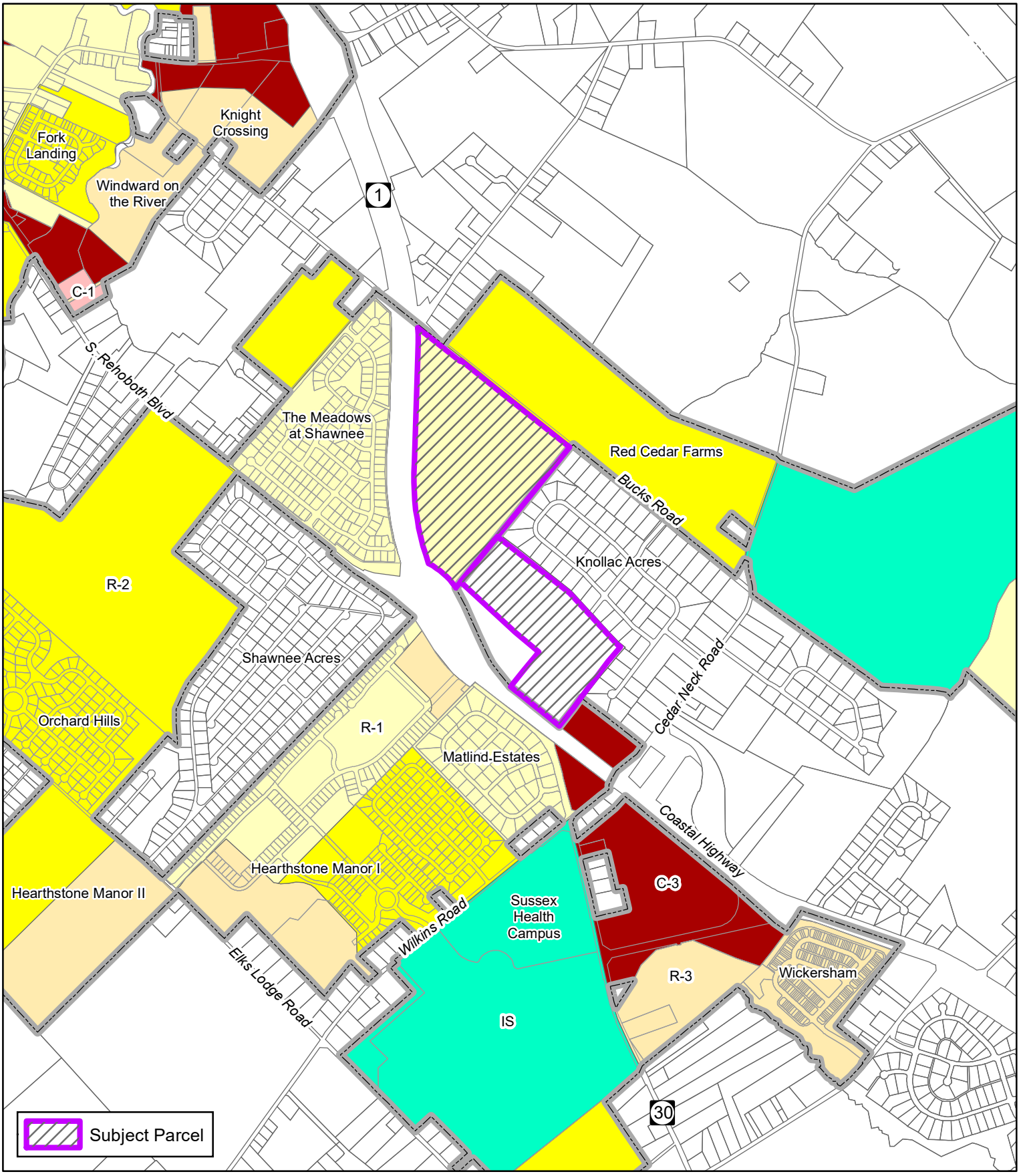
- Included in the packet is a city-wide zoning map identifying areas within City limits that are zoned C-3 Highway Commercial. It should be noted that this does not include other zoning categories that provide areas for employment and commercial uses such as C-1, C-2, C-2A, BP, OC-1, OB-1, I-1, I-2, H-1, IS & IM. There is approximately 322 acres of developed C-3 land currently within City limits. There is approximately 397 acres of undeveloped or underutilized C-3 land within City limits, of which 245 acres is located along the Route 1 corridor. Bayhealth owns approximately 55 acres of vacant C-3 land east of the Sussex Health Campus in the Southeast Neighborhood.

- The subject parcel is bound on the west by SR1, on the south by an undeveloped 9 +/- acre C-3 zoned parcel owned by the applicant, on the north by the Mr. Wiggles, LLC property currently zoned R-2 and on the east by an existing residential development known as Knollac Acres.

- According to the PLUS comments dated March 18, 2022, transportation access to the subject parcel would be by way of Bucks Road through the Mr. Wiggles, LLC property. Direct access to Route 1 would not be permitted.

- The Southeast Neighborhood is part of a Transportation Improvement District (TID) under development and consideration by the City and DelDOT. If the future land use map amendment is approved, the applicant would be required to work with the State and City to update the transportation study for the TID.

- The subject parcel and other properties east of SR1 would be served by a regional sewage pumping station and conveyance system. Central water utility exists at the corner of Bucks Road and Cedar Neck Road which would be extended by development as needed to serve areas east of SR1. Both water and sewer could be phased in depending on development conditions.




THE CITY of Milford DELAWARE

Scale: 0 750 1,500 Feet

Drawn by: WRP

Date: 04/06/22

Filepath: 2022ComPlanAmend_Wiggles_CLH.mxd

Title:

2022 Comprehensive Plan Amendment

**Mr. Wiggles, LLC & Country Life Homes, Inc.**

Location & Zoning Map

COUNTRY LIFE HOMES SM

City of Milford Planning & Zoning
180 Vickers Drive
Milford, DE. 19963

June 14, 2021

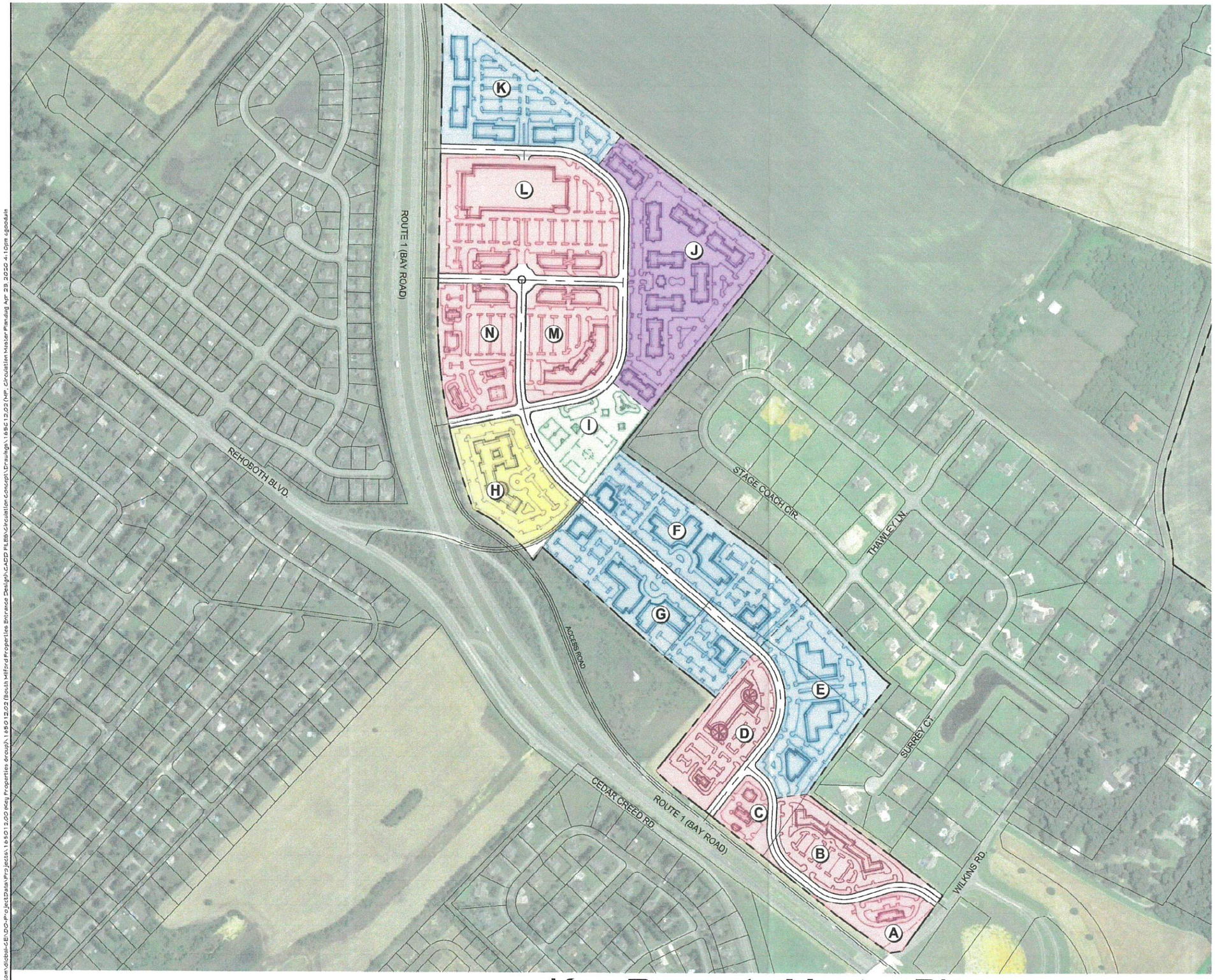
RE: Parcel 3-30 11.00-070.00; 070.02; 070.03; 070.05; 070.06; 070.07

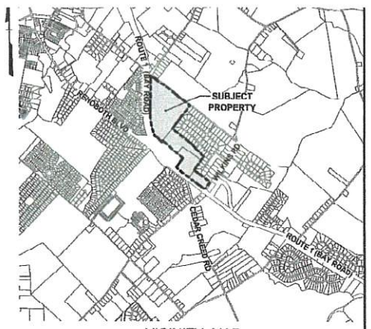
Please accept this letter as a formal request to amend the City of Milford 2018 Comprehensive Plan Future Use exhibits to change the future land use classification of Sussex County tax parcel number 3-30 11.00-070.00; 070.02; 070.03; 070.05; 070.06; 070.07 from Low Density Residential to Commercial. I have attached a draft concept plan of the site area for reference.

Sincerely,

Elmer Fannin

610 Marshall St. • Milford, DE 19963 • (302) 265-2257 • FAX (302) 265-2371
www.countrylifehomes.com sales@countrylifehomes.com




VICINITY MAP
SCALE: 1" = ½ MILE

## SITE DATA

| | | |
|---|---|---|
| A | LAND USE: | COMMERCIAL / RETAIL |
| | PARCEL SIZE: | 2.3± ACRES |
| | BUILDING SQUARE FOOTAGE: | 5,500± SQUARE FEET |
| | PARKING PROPOSED: | 50± SPACES |
| B | LAND USE: | COMMERCIAL / RETAIL |
| | PARCEL SIZE: | 5.4± ACRES |
| | BUILDING SQUARE FOOTAGE: | 35,000± SQUARE FEET |
| | PARKING PROPOSED: | 200± SPACES |
| C | LAND USE: | COMMERCIAL / RETAIL |
| | PARCEL SIZE: | 1.8± ACRES |
| | BUILDING SQUARE FOOTAGE: | 4,100± SQUARE FEET |
| | PARKING PROPOSED: | 30± SPACES |
| D | LAND USE: | COMMERCIAL /RETAIL |
| | PARCEL SIZE: | 6.0± ACRES |
| | BUILDING SQUARE FOOTAGE: | 20,000± SQUARE FEET |
| | PARKING PROPOSED: | 230± SPACES |
| E | LAND USE: | MEDICAL / OFFICE |
| | PARCEL SIZE: | 9.8± ACRES |
| | BUILDING SQUARE FOOTAGE: | 75,000± SQUARE FEET |
| | PARKING PROPOSED: | 525± SPACES |
| F | LAND USE: | MEDICAL / OFFICE |
| | PARCEL SIZE: | 10.4± ACRES |
| | BUILDING SQUARE FOOTAGE: | 85,000± SQUARE FEET |
| | PARKING PROPOSED: | 626± SPACES |
| G | LAND USE: | MEDICAL / OFFICE |
| | PARCEL SIZE: | 6.1± ACRES |
| | BUILDING SQUARE FOOTAGE: | 60,000± SQUARE FEET |
| | PARKING PROPOSED: | 510± SPACES |
| H | LAND USE: | RESORT / HOTEL |
| | PARCEL SIZE: | 6.5± ACRES |
| | BUILDING SQUARE FOOTAGE: | 50,000± SQUARE FEET |
| | PARKING PROPOSED: | 325± SPACES |
| I | LAND USE: | PARK / RECREATION |
| | PARCEL SIZE: | 4.0± ACRES |
| | BUILDING SQUARE FOOTAGE: | 1,000± SQUARE FEET |
| | PARKING PROPOSED: | 40± SPACES |
| J | LAND USE: | MEDIUM DENSITY RESIDENTIAL (MDR) |
| | PARCEL SIZE: | 15.1± ACRES |
| | BUILDING SQUARE FOOTAGE: | 150,000± SQUARE FEET |
| | PARKING PROPOSED: | 630± SPACES |
| K | LAND USE: | MEDICAL / OFFICE |
| | PARCEL SIZE: | 9.6± ACRES |
| | BUILDING SQUARE FOOTAGE: | 64,000± SQUARE FEET |
| | PARKING PROPOSED: | 490± SPACES |
| L | LAND USE: | COMMERCIAL / RETAIL |
| | PARCEL SIZE: | 13.7± ACRES |
| | BUILDING SQUARE FOOTAGE: | 150,000± SQUARE FEET |
| | PARKING PROPOSED: | 575± SPACES |
| M | LAND USE: | COMMERCIAL / RETAIL |
| | PARCEL SIZE: | 6.5± ACRES |
| | BUILDING SQUARE FOOTAGE: | 50,000± SQUARE FEET |
| | PARKING PROPOSED: | 215± SPACES |
| N | LAND USE: | COMMERCIAL / RETAIL |
| | PARCEL SIZE: | 8.8± ACRES |
| | BUILDING SQUARE FOOTAGE: | 95,000± SQUARE FEET |
| | PARKING PROPOSED: | 295± SPACES |
| | NOTE: | |
| | GROSS SITE AREA: | 118.3± ACRES |
| | NET SITE AREA: | 107.0± ACRES |

## LEGEND

- Master Plan Boundary
- Medical / Office Area
- Commercial / Retail Area
- Resort / Hotel Area
- Park / Recreation Area
- Medium Density Residential (MDR) Area

## DISCLAIMER

-

## DATA SOURCES:

- Boundary information & parcel line work is taken from Sussex County GIS.
- Master Plan is subject to County and State approvals.

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 Gilroy Road, Hunt Valley, MD 21031

# Key Property Master Plan

City of Milford
Sussex County, Delaware

APRIL 2020

0 200' 400'

NORTH
NAD 83

C:\Users\cmcgeehan.century_eng\Documents\Global-CENTOO-ProjectData\Projects\16901200 (Key Properties Group)\16901202 (South Milford Properties Entrance Design)\CADD FILES\Circulation Concept\Drawings\16901202 (NP_Circulation Master Plan)dwg APR 29, 2020 4:10pm cgoodwin

Current Future Land Use Exhibit amended in 2019

# South East Neighborhood Master Plan

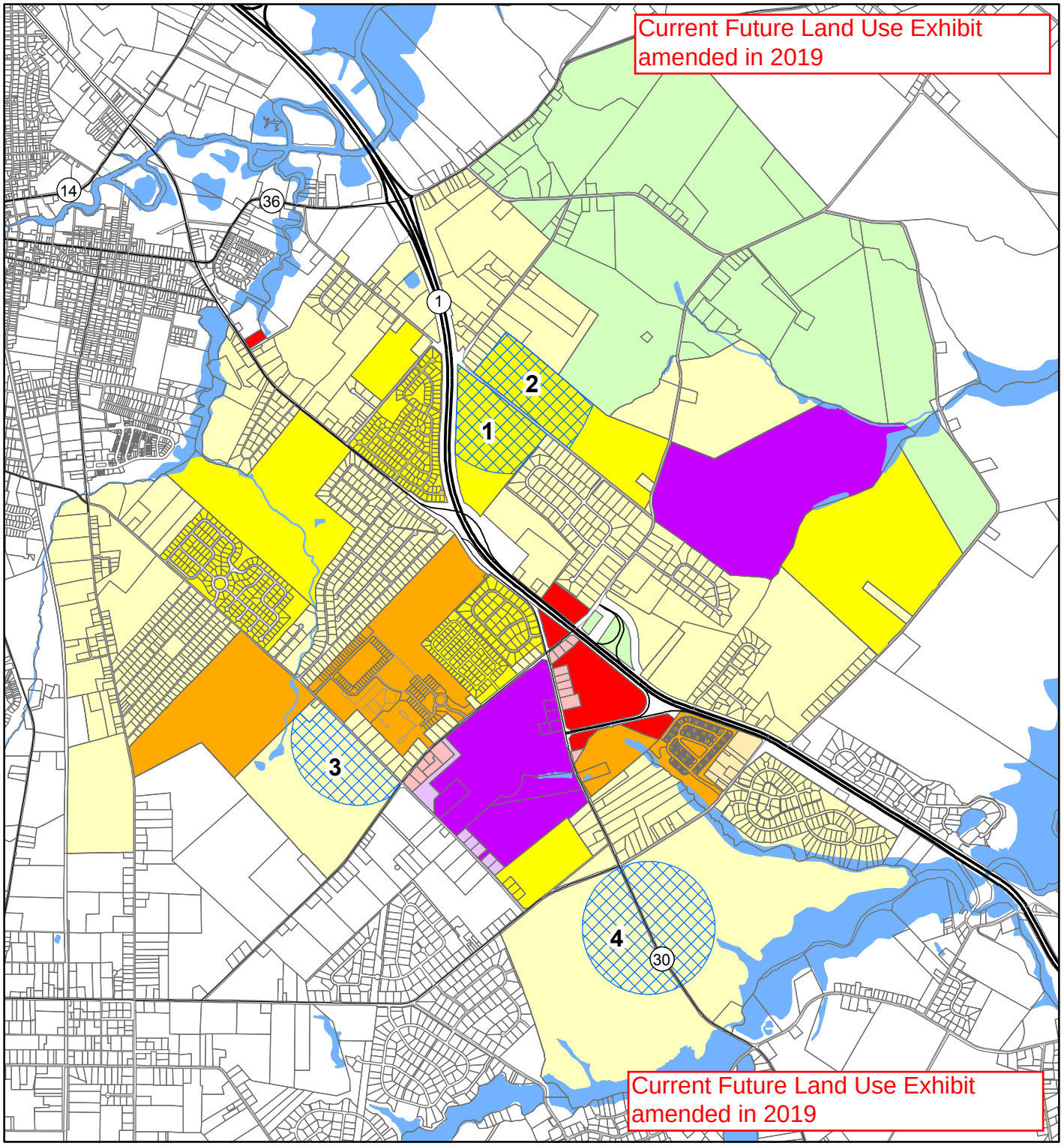
## Map #1
## Land Use

Revised March 2019

**Legend**

- TDR Receiving Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture




Current Future Land Use Exhibit amended in 2019

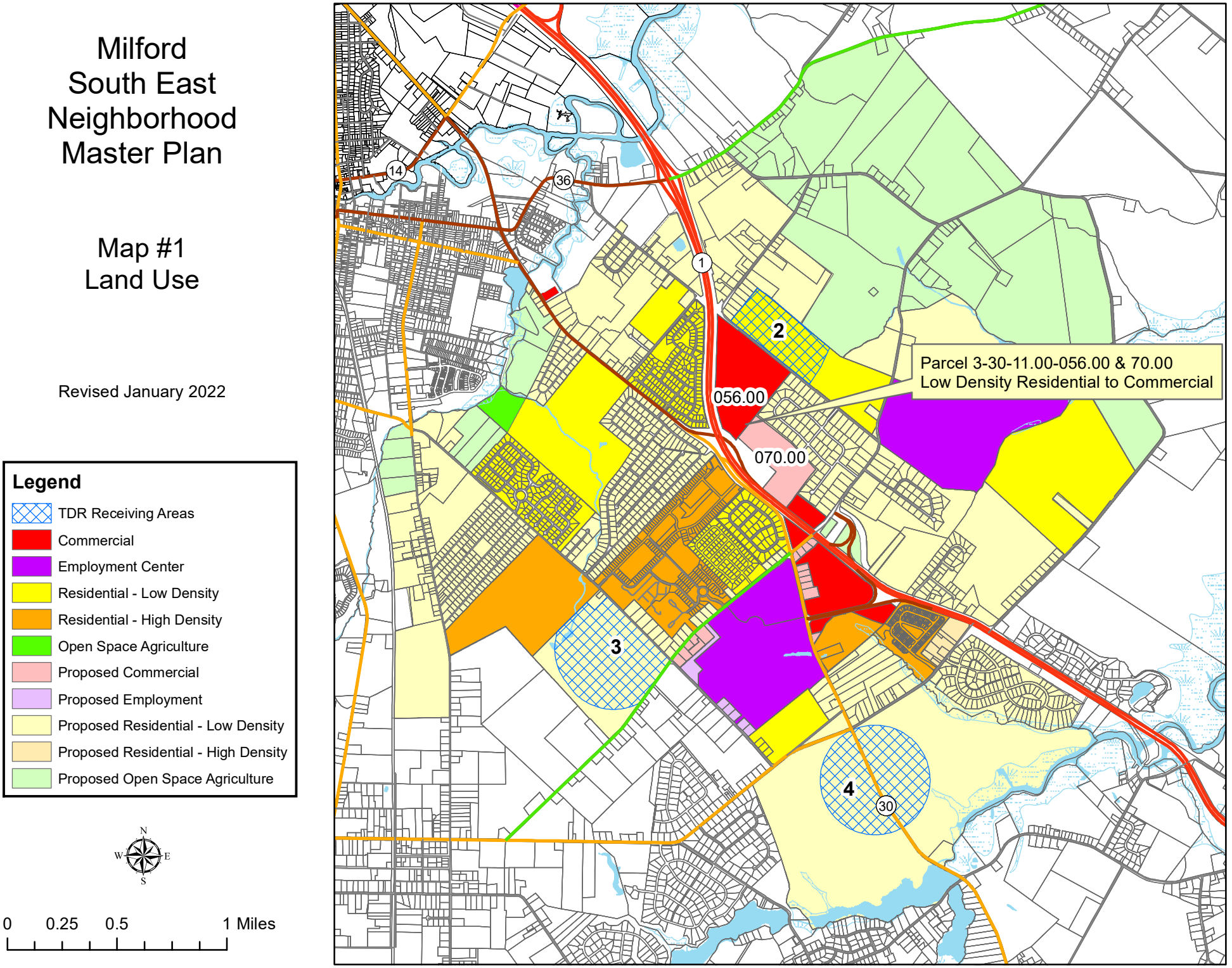
Current Future Land Use Exhibit amended in 2019

Current Future Land Use Exhibit amended in 2019

# Milford South East Neighborhood Master Plan

## Map #1 Land Use

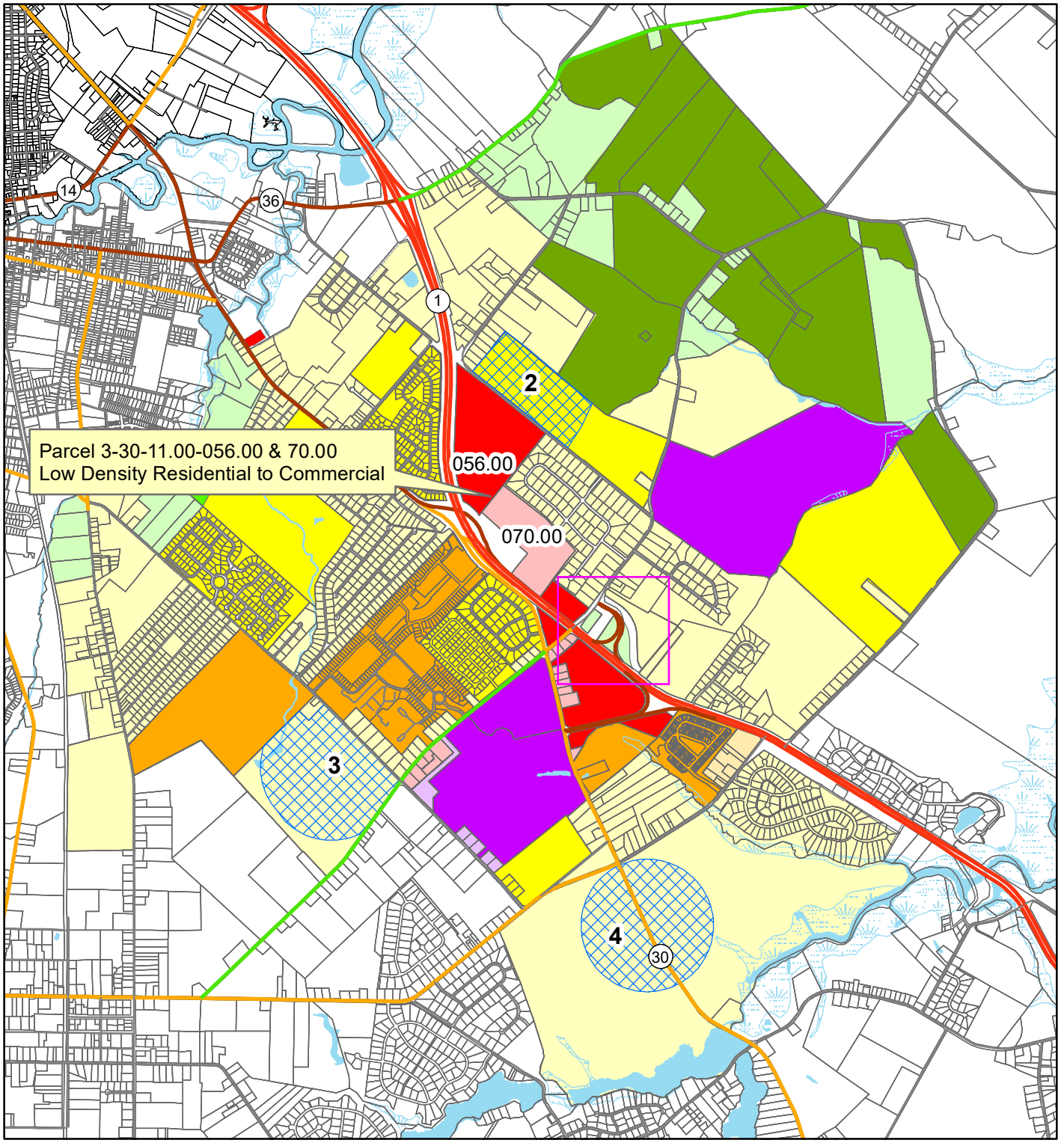
Revised January 2022



# Milford South East Neighborhood Master Plan

## Map #2 Land Use & Agriculture

Revised January 2022




**Legend**

- TDR Receiving Areas
- TDR Sending Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

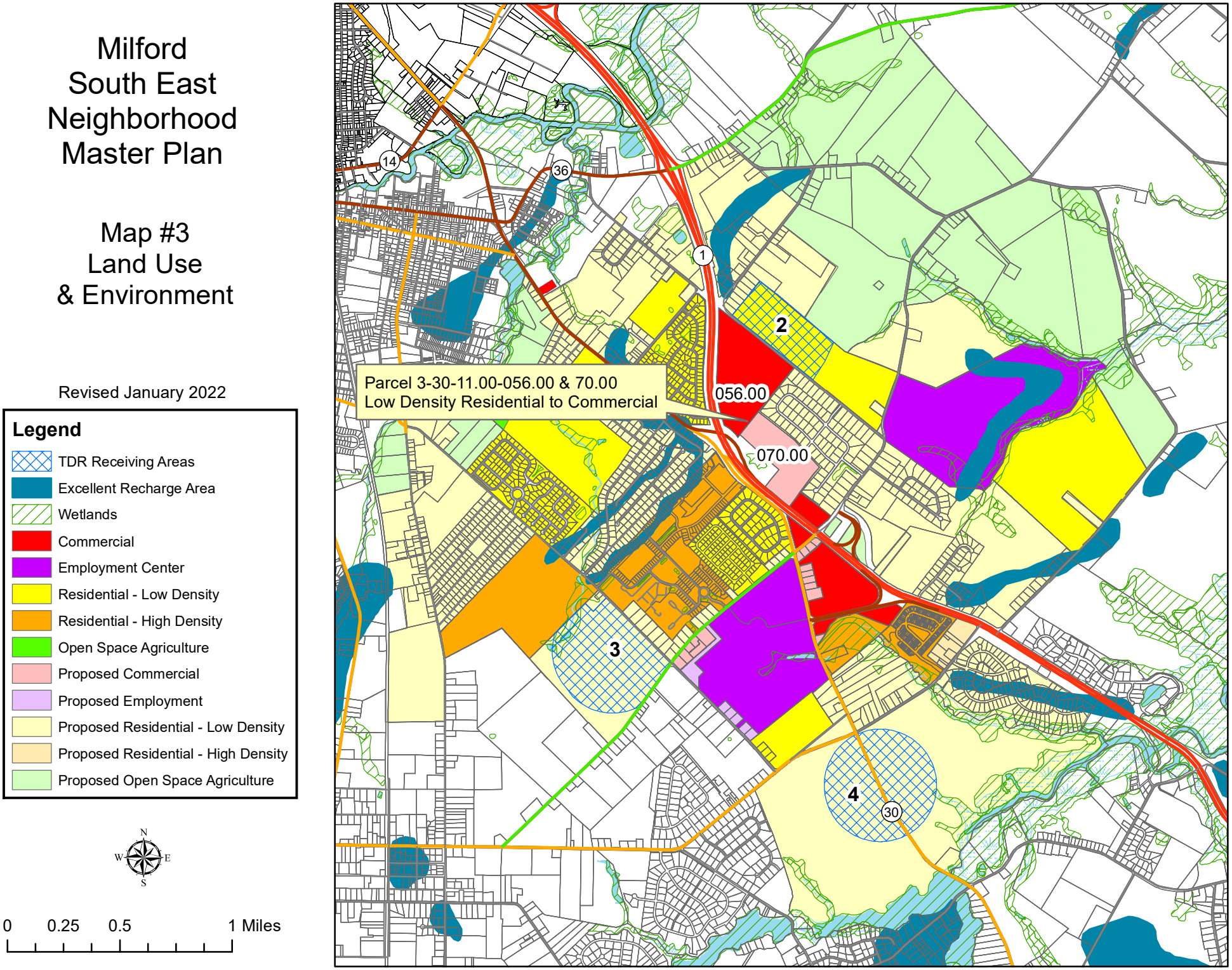
N W E S

0 0.25 0.5 1 Miles

# Milford South East Neighborhood Master Plan

## Map #3 Land Use & Environment

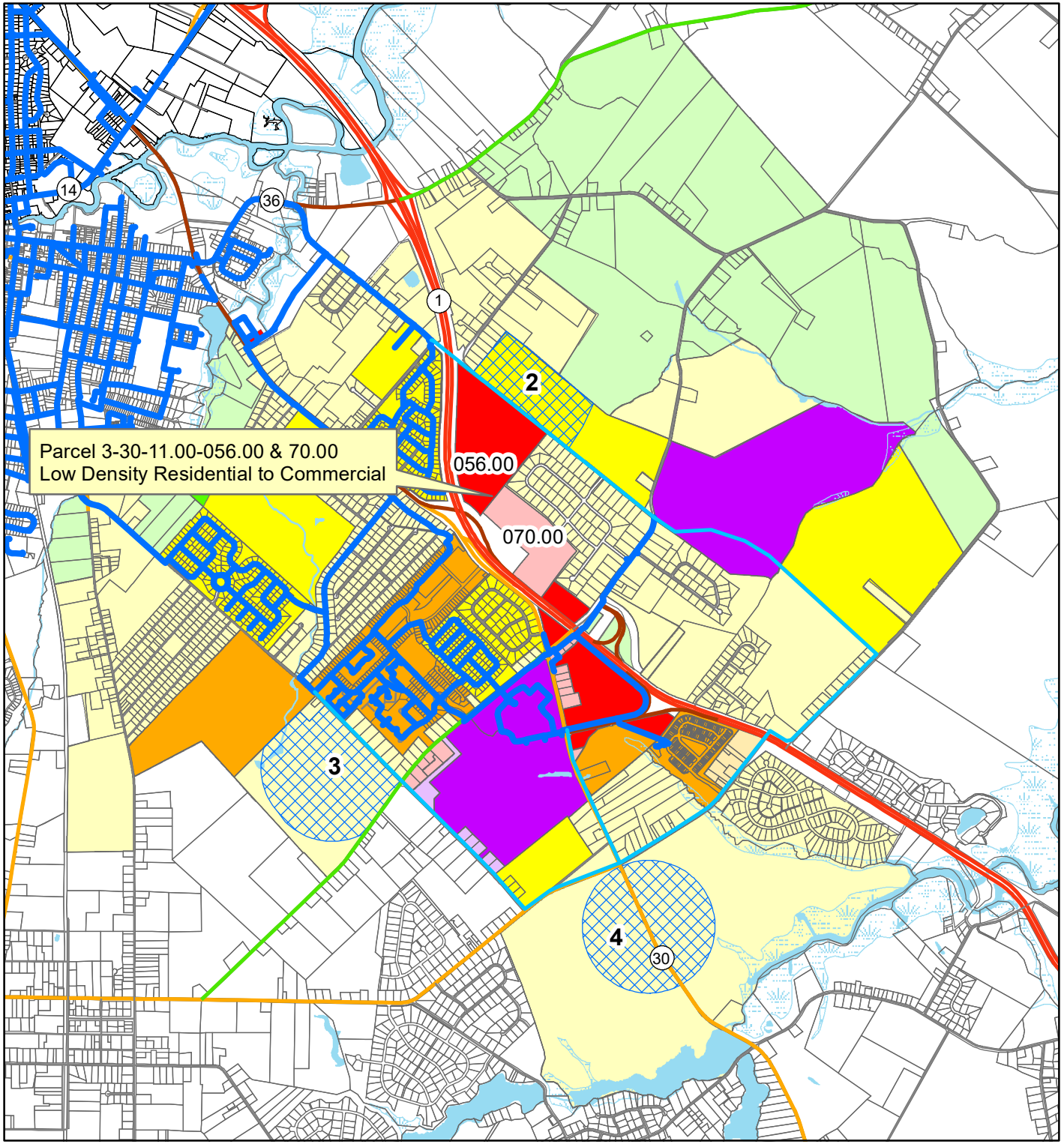
Revised January 2022



# Milford South East Neighborhood Master Plan

## Map #5 Land Use & Water

Revised January 2022




**Legend**

- Proposed Water System
- Existing Water Mains
- TDR Receiving Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

*Conceptual alignment subject to change

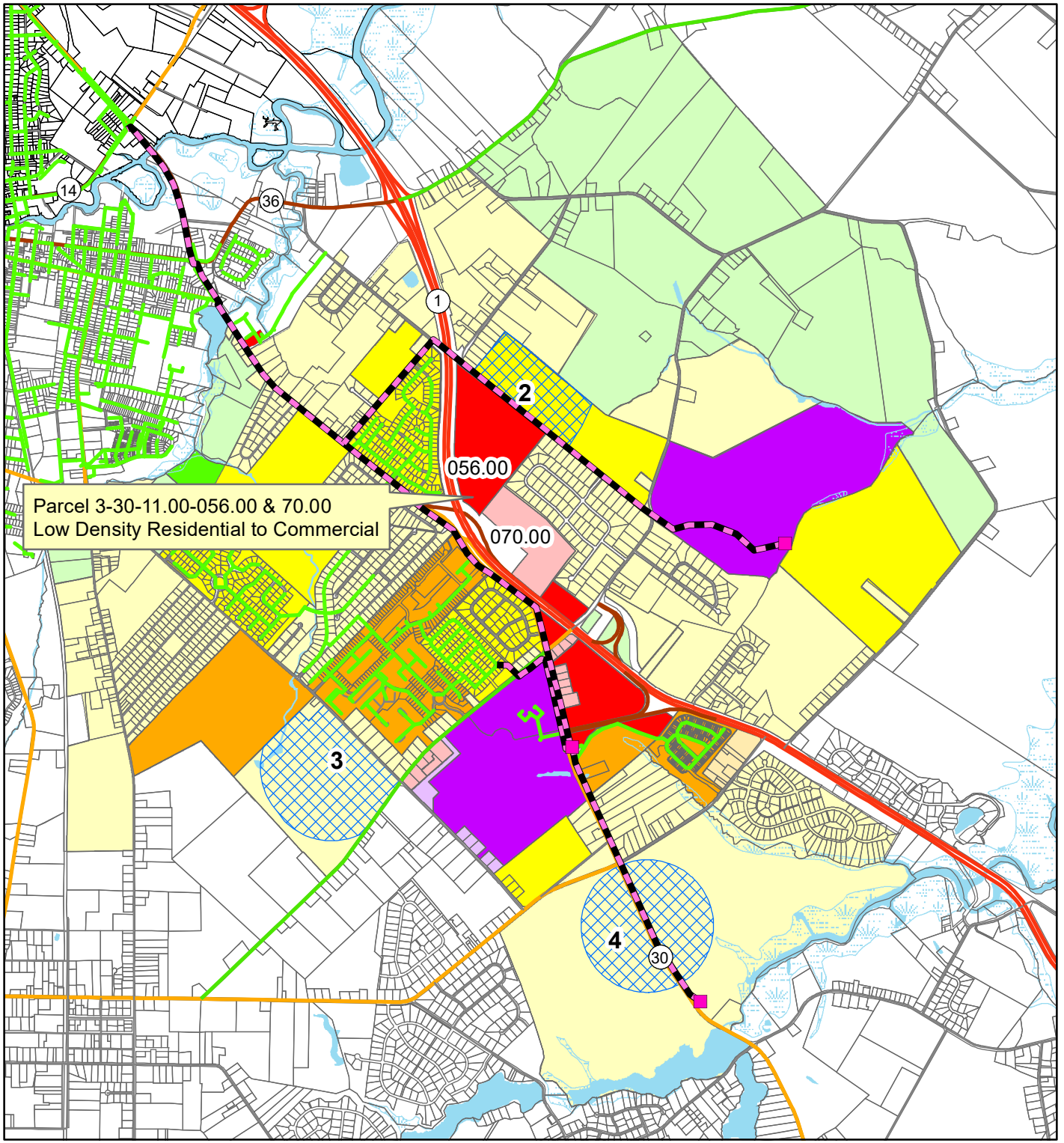
N W E S

0 0.25 0.5 1 Miles

# Milford South East Neighborhood Master Plan

## Map #6 Land Use & Wastewater

Revised January 2022




**Legend**

- Proposed PS
- Proposed FM
- Existing Gravity Sewer
- TDR Receiving Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

*Conceptual alignment subject to change

N W E S

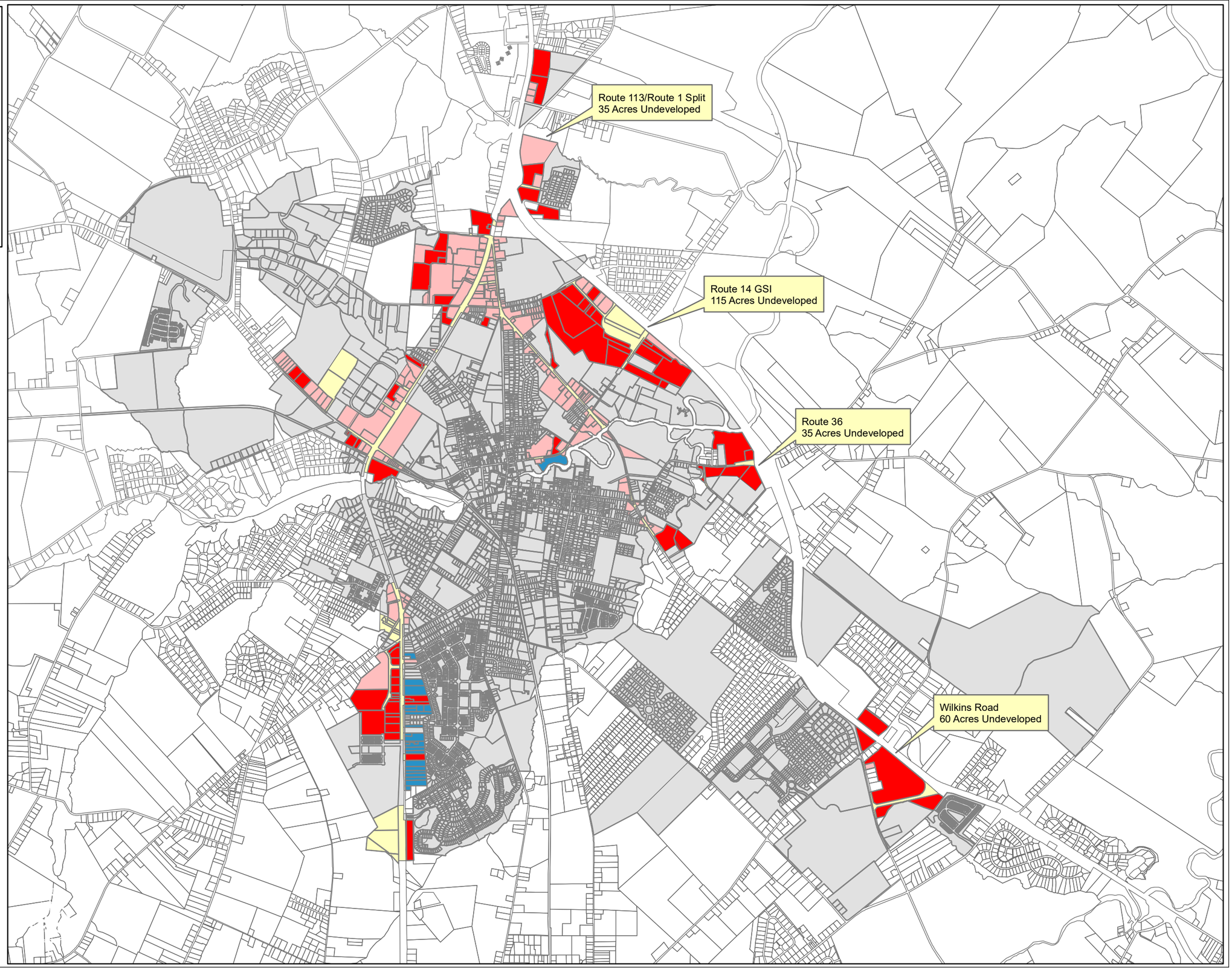
0 0.25 0.5 1 Miles

# C-3 Highway Commercial Land Inventory

- Vacant/Underutilized - 397 Acres
- Developed - 322 Acres
- ROW/Utilities/Government - 173 Acres
- Comp Plan FLU Comm - 40 Acres

55% of the C-3 zoned property within City limits is vacant/underutilized. This means that we could theoretically rebuild all of the highway commercial a second time within what is available for development.

The Route 1 Corridor contains 245 +/- Acres of vacant/underutilized C-3, which is 62% of the planned commercial.




0 3,000 6,000 Feet

Date: 1/13/2022 User Name: RPierce
CommercialLandInventory

**STATE OF DELAWARE**
**EXECUTIVE DEPARTMENT**
**OFFICE OF STATE PLANNING COORDINATION**

March 18, 2022

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

RE: PLUS review 2022-02-09 – Milford Comprehensive Plan Amendment – Country Life Homes

Dear Mr. Pierce:

Thank you for meeting with State agency planners on February 23, 2022, to discuss the proposed comprehensive plan amendment for the City of Milford. According to the information received, the proposed plan amendment would change the Future Land Use classification on parcel 330-11.00-70.00 from Low Density to Commercial.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

**Office of State Planning Coordination – Contact Josh Thomas 739-3090**

- This property may be consistent with the 2020 Strategies for State Policies and Spending as it is located within Investment Level 3. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas, but please be advised that the State has other priorities for the near future.

- The proposed comprehensive plan amendment is a significant change to the Southeast Neighborhood Master Plan. The master plan was developed through an inclusive planning process that incorporated input from stakeholders and members of the public. State agency and City of Milford officials reached consensus on the future build-out of the planning area. A land-use change this significant has potential effects on quality of life, such as transportation, environmental, and agricultural preservation impacts.

- It is our recommendation that the City open a formal process to thoroughly reevaluate the proposed land-use in the Master Plan before acting on this proposed comprehensive plan amendment. It is also highly recommended that the public be fully engaged and consulted about this proposed land-use change to the Master Plan. Our office will work with the relevant state agencies to coordinate their activities and participation in this process.

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

- DelDOT offers no comments on the proposed amendment as such but offers the following comments on the Master Plan provided by Key Properties, which may bear on the City's consideration of the amendment.

**Regulations/Code Requirements**

- The developer should be advised that Cedar Creek Road (Delaware Route 30) is part of the Delaware Bayshore Byway and that therefore certain restrictions regarding outdoor advertising, found in 17 Del. C. §1101-1120, may apply. While the subject land does not front on the Byway, the buffer area associated with it extends east beyond the Delaware Route 1 right-of-way to include part of the subject land.

**Suggestions**

- The subject land has frontage on Delaware Route 1 and Wilkins Road (Sussex Road 206). The Key Properties Master Plan shows a direct connection to Route 1, a connection to Wilkins Road near the bridge over Route 1, an apparently proposed connection to the existing flyover ramp connecting northbound Route 1 to Rehoboth Boulevard, and one connection north through the Mr. Wiggles Parcel (Tax Parcel No. 3 - 30-11.00-056.00).

- Presently, DelDOT is working with Century Engineering, which firm apparently drew the Key Properties Master Plan, on concepts for a Delaware Route 1 Master Plan that will be the subject of workshops in the late spring or early summer of this year. The Route 1 Master Plan, when adopted, may or may not include the access road and flyover connection shown. Direct access on Route 1 will not be permitted, and access to Wilkins Road will not be permitted as shown.

- Pending the development and adoption of the Route 1 Master Plan, DelDOT recommends that the City assume access to the subject land will be by way of the Mr. Wiggles Parcel and Bucks Road.

- The development contemplated on the Key Properties Master Plan is inconsistent with the planning for the recently adopted Southeast Milford Transportation Improvement District (TID). Working with the City, DelDOT planned for certain types and amounts of development on the lands shown in the Master Plan. On the Country Life Homes Parcels, DelDOT planned for no development on Tax Parcel No. 3-30-11.00-070.00 and 97,000 square feet of non-residential uses on Tax Parcel 3-30-11.00-070.03.

**Department of Natural Resources and Environmental Control – Contact K. Clare Quinlan 735-3480**

- **Disclaimer Clause:** Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the comprehensive plan amendment submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project. Developers and municipal officials are encouraged to reach out to Clare Quinlan at (302) 735-3480 if they have any specific requests for information.

- The City of Milford seeks to change parcel 3-30-11.00-070.00 from Proposed Low Density Residential to Proposed Commercial.

- DNREC reviewers have no comments, concerns, or objections to the proposed amendment.

**Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394**

- The DE State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the DE State Fire Prevention Regulations. This Agency asks that a MOU be established between the DE State Fire Marshal's Office and the City of Milford. The State Fire Marshal's Office would be issuing approvals much like DelDOT, Kent Conservation, and DNREC. This Agency's approvals are based on the DE State Fire Prevention Regulations only.

- The Delaware State Fire Marshal's Office has no objection to the comprehensive plan update.

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

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

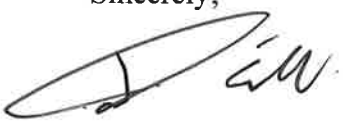
- There is high potential for historic archaeological resources on this parcel. There is a recorded historic agricultural complex on the parcel. Historic aerials and topographic maps show the parcel has remained consistently agricultural fields surrounding the historic agricultural complex. Due to known historic occupation, there is high potential for historic archaeological resources. This Office recommends an archaeological survey prior to any ground disturbance.

- 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.
- If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

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.

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

Sincerely,



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

*Article III-Use and Area Regulations, 230-14 C-3 Highway Commercial District, C. Conditional Uses is hereby amended as follows:*

*C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:*
*(1) Motels or hotels with a minimum lot size of three acres.*
***(19) Aquarium***

*Section 3.*
*Article III-Use and Area Regulations, 230-14.-C-3 Highway Commercial District, D. Area Regulations is hereby amended as follows:*

*D. Area regulations.*
*(1) Minimum lot area shall be one acre.*
*(2) Maximum lot coverage shall be 80%.*
*(3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.*
*(4) Height of buildings shall not exceed three stories or 35 feet,* ***with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 feet.***

*Section 4. Dates.*
*Planning Commission Review and Public Hearing: September 20, 2016*
*City Council Introduction: October 10, 2016*
*City Council Public Hearing and Adoption: October 24, 2016*

Motion carried by the following unanimous vote:

Councilmember Mergner - yes
Councilmember Campbell - yes
Councilmember Peel - yes
Councilmember Brooks - yes
Councilmember Morrow - yes
Councilmember Starling - yes

Councilman Morrow stated that he feels this will work because of the conditional use process that is in place that begins at the Planning Commission level.

*Amending and Adopting by Ordinance A Third Amendment to the 2011 Southeast Master Plan of the 2008 City of Milford Comprehensive Plan East of Route 1:*
*Mr Wiggles LLC (3-30-11.00-056.00)*
*Change of future land use designation from low density residential to highway commercial.*
*Country Life Homes Incorporated (3-30-11.00-070.00 & 3-30-11.00-070.03)*
*(Former Beverly Thawley Lands)*
*Change of Future Land Use Designation from Low Density Residential to Highway Commercial*

*Adoption/Ordinance 2016-17*

Mayor Shupe then asked Solicitor Rutt to explain the public hearing process for the comprehensive plan change.

The City Solicitor then stated the following:

*There are a lot of people here this evening and everyone will be given an opportunity to be heard. He wants to provide some ground rules to make the process go smoothly.*

*When Council holds public hearings on zoning applications, they are legislative hearings because Council will use the information gathered during the hearings to decide whether to adopt or deny an ordinance to amend and, in this case, the Comprehensive Zoning Map and the Southeast Milford Master Plan as was requested by the applicant.*

*Milford in its zoning and land use decisions does not discriminate against persons based on race, color, religion, national origin, disability, familial status, sex, creed, marital status, age or sexual orientation. Public comments made on the basis of bias and stereotype concerning people within these protected classes will not be taken into consideration by the Council in its deliberations.*

*After each application has been announced by the Mayor as has been in this situation, Planning Coordinator Rob Pierce will review with Council the minutes and testimony from the Planning Commission hearings and those minutes will become part of the record, along with any exhibits introduced at the Planning Commission hearings, and any recommendation made by the Commission.*

*The applicant will then be called on to present and explain its application and present reasons for supporting the application. Council, through the Mayor, may question the applicant and any of the applicants' witnesses.*

*After the applicant has presented its application, Council will provide an opportunity for anyone else in favor of the application to speak.*

*After that, any persons who oppose or question the application will be allowed to state the reasons for their opposition or questions. Following that, there will be no rebuttal per say by the applicant or applicants' counsel and the hearing will be closed unless the Council decides to seek answers to specific questions that arise from the opposing position to find out any further facts they may need.*

*Further, the applicant will not be allowed to question persons who speak in opposition; and persons who speak in opposition will not be allowed to question the applicant or its witnesses. They will all be directed to the Mayor who will be conducting the public hearing.*

*If you intend to speak, please come to the front and stand at the podium, state your name and home address before you make your statement. Because of the number of people in attendance, please use the microphone which can be adjusted to allow everyone to hear you. If you represent or speak for a group or organization, please identify whom you represent. When you make your statement, please be concise and do not repeat yourself. If you have a written statement, you can hand it to me and it will be made part of the record. If there is more than one witness for the applicant or more than one person in opposition, please do not repeat points that the prior speaker has already stated. However, you may make a statement similar to supporting another speaker's stance, for example. If you wish to rely on a letter rather than speak, you may do so.*

*All persons in attendance should conduct themselves in an orderly fashion. No applause, no cheers, no jeers or other disruptive behavior that will prolong the hearing or negatively affect the record being made. If you have a cell phone, pager, beeper or other telephonic device with you, please take the time to turn it off or switch it to silent service.*

*At the conclusion of the public hearing, Council will take the application under consideration and may either approve it, deny it or defer it to a later date. The procedure will be explained at that time.*

*A copy of Title 22 entitled Municipalities and specifically Chapter 7 Planning Commission was provided to City Council.*

*Title 22 Municipalities Chapter 7 Planning Commission Section §702(b) reads as follows:*

*Comprehensive plan means a document in text and maps, containing at a minimum, a municipal development strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land within the community, and critical community development and infrastructure issues. The comprehensive planning process shall*

*demonstrate coordination with other municipalities, the county and the State during plan preparation. The comprehensive plan for municipalities of greater than 2,000 population (applies to Milford) shall also contain, as appropriate to the size and character of the jurisdiction, a description of the physical, demographic and economic conditions of the jurisdiction; as well as policies, statements, goals and planning components for public and private uses of land, transportation, economic development, affordable housing, community facilities, open spaces and recreation, protection of sensitive areas, community design, adequate water and wastewater systems, protection of historic and cultural resources, annexation and such other elements which in accordance with present and future needs, in the judgment of the municipality, best promotes the health, safety, prosperity and general public welfare of the jurisdiction's residents.*

*Speakers need to keep in mind what the comprehensive plan is to encompass which is something for the applicant and the opposition to consider and to present into the record.*

Mayor Shupe then asked that City Planning Coordinator Rob Pierce establish the advertising that was done, as is required by law.

Mr. Pierce explained that Ordinance 2016-17 was advertised in the Milford Beacon on September 21, 2016. Letters were sent to property owners within 200 feet of the subject parcels. An information workshop was also held on October 12, 2016 at which time approximately forty people attended. This process meets the advertising and notification requirements.

The Planning Coordinator referred to the packet which included a staff report, comments resulting from the PLUS process and the Office of State Planning, along with various exhibits.

Mr. Pierce then referred to the overhead showing the site location and current zoning of the area. The three subject parcels include the Mr. Wiggles property, which is currently in city limits and consists of 70 acres zoned R-1 residential. It also includes the Thawley Farm property which is outside the City of Milford and in Sussex County's jurisdiction. The third property was annexed into the City and consists of nine acres and is already zoned C-3 highway commercial.

He then read the following report into record:

*In October 2014, Key Properties Group LLC submitted an application to rezone parcel numbers 3-30-11.00-56.00 (70.07 +/- acres of land known as the Mr. Wiggles property) from R-1 Single Family Residential to C-3 Highway/Commercial. Accompanying the rezoning application was a second application to annex five parcels of land, known as the Thawley farm properties and located in the middle of the three properties, into the City as C-3 Highway/Commercial. These five parcels have since been combined into parcel 3-30-11.00-70.00 as shown in the packet. As mentioned, parcel 3-30-11.00-70.03 is already located within the City of Milford and is designated C-3 Highway Commercial.*

*The applications were reviewed by Davis, Bowen & Friedel, Incorporated in November 2014 where it was determined that the requests were not in compliance with the Comprehensive Plan and the Southeast Master Plan future land use exhibits. Comments were forwarded to Key Properties Group in November 2014.*

*On August 27, 2015, Key Properties Group submitted a letter to the City requesting an amendment to the land use exhibits for the Southeast Master Plan, requesting a change of the previously-described parcels from Residential Low Density to Highway Commercial.*

*City Staff prepared the State-required PLUS application for an amendment to the Comprehensive Plan. The application was presented for informational purposes only to both the Planning Commission and City Council in October 2015. The application was then submitted and reviewed by the State in November 2015. PLUS comments received by the City in December 2015 are included in the staff report. In addition to the proposed land use changes, the amendment application included relocating the TDR (Transfer of Development Rights) sending areas, currently located on the Mr. Wiggles property, to the Red Cedar Farms parcel along Bucks Road. Currently, the City does not have an active TDR program though something that will be worked on in the near future.*

*In August 2016, Key Properties and the City met with representatives from DelDOT to discuss transportation and property*

*access concerns.*

*On September 22, 2016, parties of the original Southeast Master Plan, including the City, Office of State Planning Coordination, DelDOT, DNREC and the Delaware Department of Agriculture, met to review the proposed future land use amendment. Updated agency comments dated October 3, 2016 are also provided for review in the Council packet.*

*A public workshop was held on October 12, 2016 from 5:00 to 7:00 p.m. at City Hall where City staff and the City Manager provided additional information regarding the proposed comprehensive plan amendment to the general public.*

Mr. Pierce then provided information on items that were included in the Staff report for consideration under the Analysis Section:

*The 2011 Southeast Master Plan was an amendment to the City's Comprehensive Plan and is used to guide growth and development in this area of the City. The goal of the Master Plan was to provide predictable, shovel ready development and proactive preservation. The Master Planning process included an extensive public participation effort with input from local residents and property owners. As mentioned in the 2015 PLUS comments, the subject parcels were considered for commercial land use during the initial phase of the Master Plan, but commercial was not ultimately recommended due to difficulty in gaining road access to the property and its proximity to low density residential. The Master Plan was approved by City Council and certified by the State of Delaware in 2011.*

*Also included in the packet is an overview map of the city zoning identifying large areas of undeveloped C-3 Highway Commercial properties. As shown, there is approximately 275 acres of land, currently within City limits that are zoned C-3 and undeveloped from a commercial perspective.*

*The surrounding transportation network around the subject properties, including Cedar Neck Road, Bucks Road and State Route 1 are State-maintained. Access to these roads will require DelDOT approval. DelDOT comments related to road access can be found in the attached 2015 PLUS comments and correspondence dated October 3, 2016. Statements from October 2016 are newer and provide additional information in comparison to what was provided in the November 2015 PLUS comments*

*The Knollac Acres subdivision is located within the unincorporated areas of Sussex County and is directly east of the subject property. The subdivision is not fully built-out and contains single family detached units. According to Sussex County tax maps, the Thawley property, that is under consideration for annexation, has limited access through Knollac Acres via Thawley Lane which was a concern expressed during the public workshop.*

*A portion of the current Bayhealth site, consisting of 110 to 115 acres, was a property owned by the applicant and was originally zoned C-3. The applicant wants to relocate that particular commercial use in the Southeast neighborhood. When Bayhealth moved their health campus to the west side of Route 1, that eliminated approximately 110 acres of C-3 Highway Commercial land.*

*No one from DelDOT is present this evening though they attended the Planning Commission meeting and were able to answer questions regarding access.*

Mr. Pierce then explained this is only the first step in the process that would allow future land use applications to be processed by the City. If approved this evening, the proposal would require additional public hearings for the annexation and change of zone request. They would subsequently be followed by public hearings for a site plan and/or subdivision plan, based on the future use of the property.

Included in the packet is a copy of the October 18, 2016 Planning Commission meeting. The Planning Commission recommended a denial of the application to amend the Comp Plan by a vote of 6 to 0.

Mr. Pierce concluded by referring to the support correspondence from Bayhealth and Ocean Atlantic Sothebys International Realty included in the Council packet.

When questioned about access to the proposed site(s), Mr. Piece then read into record the following and most recent comments from the Office of State Planning Coordination:

*This message is to provide DeIDOT's comments on a proposed amendment to Milford's Southeast Regional Master Plan. The amendment would re-designate an assemblage of parcels, presently designated for residential use, to commercial use with the intent of permitting the development of a regional shopping center or mall. The parcels, known as the Thawley and Mr. Wiggles Properties, are located on the east, or north side of Delaware Route 1 and the north, or west side of Cedar Neck Road. As we understand it, one of the parcels, on the northwest corner of Route 1 and Cedar Neck Road, is already zoned for commercial use.*

*DeIDOT does not regulate land use. Commercial development on these parcels would require significant road improvements that have yet to be fully determined, much less included in our planning for the area.*

*Presently, the access to these parcels from Route 1 is limited to a single driveway, the use of which is limited to the existing farm and its residential use on the existing residential lots. The intersection of Route I and Cedar Neck Road is grade-separated, and the geometry of that grade separation is such that direct access from Cedar Neck Road would be difficult, if not impossible. Therefore, commercial development on these parcels presently would need to be by way of Beaver Dam Road.* (Initially called Beaver Dam Road, Mr. Pierce believes that DelDOT is referring to Bucks Road though its name was changed after access onto Route 1 was eliminated).

*Commercial development of the sort contemplated would require significant improvements to Beaver Dam Road and Cedar Neck Road, and likely Bucks Road, Sapp Road and Cedar Beach Road. Specific improvements would need to be determined either through a Traffic Impact Study or Land Use and Transportation Study associated with the Transportation Improvement District that DeIDOT and the City are now contemplating for this area.*

*We have discussed, with the City, some ways in which a developer could improve their access to the subject land. One way would be to acquire a pair of residential properties on Cedar Neck Road across from the northbound Route 1 ramps, and thereby obtain access at that ramp intersection. Another way, might be to modify the existing flyover ramp, from northbound Route 1 to northbound Route 14, to allow for access into the land. Approval for this modification would be necessary from the Federal Highway Administration as well as from DelDOT. Finally, a bridge could be built across Route I to reconnect the two halves of Beaver Dam Road.*

Councilman Brooks asked if that plan would require access through the rear yards of Meadows at Shawnee. Mr. Pierce said not if the only improvements were made to the northbound side. However, it is the flyover that dumps traffic onto Route1A just south of the Meadows at Shawnee entrance.

The Planning Coordinator noted there is a transportation engineer in attendance with the applicant who may be able to share some additional thoughts.

Mr. Pierce reconfirmed the plan does not necessarily require access through the rear yards of the residents. He noted that if DelDOT representatives were present, they could clarify their previous comments. He emphasized than any proposals at this point are only hypothetical.

Councilman Campbell asked how many access roads have been considered besides going through Knollac Acres. Mr. Pierce explained that DelDOT provided three potential options. He again reviewed the three options:

*(1) One way would be to acquire a pair of residential properties on Cedar Neck Road across from the off ramp from Route 1;*
*(2) Access the site off Bucks Road;*
*(3) Major improvements to Route 1 that would have to be approved by DelDOT and the Federal Highway Administration.*

Councilman Campbell asked DNREC's involvement and if there is potential for water runoff. Mr. Pierce answered that

DNREC made recommendations though they were not major comments which is typical during the PLUS reviews. They are concerned about any type of intense development and the development of approximately 150 acres could potentially result in a considerable amount of impervious cover which could have negative impact on water quality and stormwater management.

Mr. Pierce reiterated these are general statements that are typically made about any development.

Councilman Brooks stated the State indicates there is a potential for up to 80% of the land under consideration to be impervious coverage causing a negative impact on area water quality and stormwater management. Mr. Pierce pointed out that per the City code, the C-3 zoning district permits up to 80% coverage though the development could use less than that amount. Depending on if this it is in an excellent recharge area, there are provisions within the City code to protect such areas.

When asked for more clarification, Mr. Pierce explained that typically during the site plan or subdivision review process, there is a need to determine if the area has been designated by DNREC as an excellent groundwater recharge areas. That involves sandy soils that allow water to percolate down into the aquifers for drinking water. Those areas need to be kept free from development so that the groundwater source can be replenished.

He reiterated there are provisions in the code for such areas with even more restrictions in terms of impervious coverage and that proof will be required that pre-development and post-development conditions will be similar.

Councilman Campbell asked how far the potential access road going through Knollac Acres would be from the residential properties. Mr. Pierce stated there has not yet been an access point determined on the property and it is only in the preliminary stages. The State has stated that access to this property would be difficult but not impossible. The main concern from many of the residents at the informational workshop and Planning Commission Public Hearing was the use of Thawley Lane through Knollac Acres. That could be closed off or not used depending on what occurs with the development plan.

Mr. Campbell asked how this could potentially impact Meadows at Shawnee. Mr. Pierce commented that any access to the site is only hypothetical at this point. He has not yet seen anything on paper showing improvements to the interchange or the flyover ramp. Councilman Campbell confirmed that realistically no one knows at this point.

With no further questions for Mr. Pierce, Mayor Shupe called the applicant to comment.

Attorney James Griffin from Griffin and Robertson, P.A. was representing applicants' Country Life Homes and Key Properties and stated that he owns two residential units in Milford.

Mr. Griffin asked to start with a clarification on what Mr. Rutt was reading from the Delaware Code as to the areas and guidelines that are considered when adopting or amending a comprehensive development plan. At the very end {Section 702(B)}, it talked about the things that can be considered, the planning components, transportation, economic development, community facilities, community design, adequate water and sewer. He said that is followed by the words "in the judgment of the municipality, best promote the health, safety, prosperity and general public welfare of the jurisdictions' residents".

He asked Council to keep in mind that the jurisdiction is the City of Milford and the residents of this jurisdiction are those that live within its borders. When a comprehensive plan is adopted, it is done for the people in that City to better promote the growth of the City and to provide a good standard of living to those people living within its borders. He mentions that because he is not sure the Planning Commission held those precepts in very high regard when they voted.

Mr. Griffin recalled the hearing that was held here last week, pointing out there were eighteen people who spoke against the proposal. Of the eighteen, fourteen were nonresidents of the City and of the fourteen who spoke in opposition, 78% were nonresidents opposing the change. Only 22%, or four people, were residents of the City. He stated that the applicant had a presentation and people also spoke in their favor.

He said he is not trying to cast aspersions on the intentions of the many people who were nonresidents who came and spoke.

He then asked Council to be very clear and when talking about amending a comprehensive plan, it is a play to pay proposition. Council is acting in the highest regard for the City's residents and not promoting quality of life for people outside the borders.

He feels Delaware Law is very clear on that and talks about what is best for the City residents.

Mr. Griffin pointed out there have been several prior annexations of land east of Route 1 including the seventy-acres Wiggles property and the nine-acre Thawley piece. Under the 2008 City comp plan, all three pieces totaling approximately 120 acres were shown as C-3 highway commercial. He said it is not as if these commercial properties have never been C-3 highway commercial.

He noted that the 2011 Southeast Master Plan essentially downgraded the future land uses of two of those parcels and left the nine acres as C-3 highway commercial.

Mr. Griffin stated that when the Planning Commission voted, the findings that were given by them did not emphasize any of the touchstones or guidelines that are in Delaware Law for amending a comp plan. The findings that were given by those Commissioners who stated their findings, picked and chose negative comments out of the 2016 PLUS review and really did not give any play to the September 2016 PLUS comments which are more favorable. Their findings cited and relied heavily on the proximity to low density, existing planned residential communities such as Knollac Acres and major impacts on established communities, such as Knollac Acres and residential housing along Bucks, Cedar Neck and roads east of these properties.

Mr. Griffin reiterated there have been several annexations east of Route 1. In connection with those annexations, opportunities would have been given for a number of the folks that live there but who are not city residents and don't want this to happen to themselves and do not want to become citizens of the City. They obviously did not chose to do that and if they had, they would be paying City taxes and City utilities.

He is asking Council to focus on tonight taking this first step that would allow the applicant to come back at a later date with a fully developed plan. He stated that many of the comments that Council will hear tonight deal with issues that would not even come up in the planning process until someone presents a site plan though Council is well aware of that having approved a number of site plans. He said you will hear things such as what happens if you do this and it gets zoned for a shopping center and if there is a McDonalds and I'm trying to sleep and we can hear the microphone from people placing orders twenty-four hours. Those are things that would not come up until this gets in the site plan review.

The attorney stated that this step would simply restore a future land use designation that existed for several years before the 2011 downgrade. If you understand the 2011 downgrade history, that happened at a time when the economy was in a free fall between 2008 and until 2011. At that time, there was a mindset on the part of the State Planning Office not to allow commercial development east of Route 1.

He believes that has changed which is evident from the fact that the comments from the 2016 State Planning Commission review have become more favorable. In 2015, there were concerns from DNREC and if one reads the comments from the September 2016 comments that DNREC identified three areas of environmental concern back in 2015. The comments today as of September are saying none of those are located anywhere near these three parcels of ground.

Mr. Griffin said in other words, these three parcels of ground do not infringe on that. Regarding impervious cover and related issues, DNREC is now saying they recommend the developer use native grasses and named a number of other recommendations that the developer could follow and they would be obliged to say that would satisfy the issues of water runoff.

In addition, he pointed out that DelDOT's comments from 2015 were more negative. He believes there was a comment in the 2015 report that the Office of State Planning basically said there could be a better piece of ground somewhere else for this type of use. In the September 2016 DelDOT comments, they very clearly point out there are options for access. It is not a negative thing the State would have to approve the options for access and instead is a good thing. It is also not a negative thing the federal government could be involved and that is understandable because the money to build Route 1 was

either an 80/20 federal/state or a 70/30 federal/state match of funds.

He said of course any changes to Route 1 for access will be through either of the overpasses so tying into this development would have to be approved by the federal government. It would extend the time for obtaining those approvals and he believes that in the planning process for updating the comp plan is ten years in terms of vision.

The project, according to Mr. Griffin, will probably be within that time frame. There could be two to three years of obtaining official approvals necessary for the site plan, which would have to come with a preliminary site plan though a final site plan could not be acquired until all the governmental agency approvals are received. He anticipates that to be a fairly lengthy process.

Mr. Griffin said if they get through all of those steps, they then begin construction and locating possible uses. He said this could take a five to seven year buildout which would dovetail with the City's considerations of what is good for the residents of the City over the next ten years.

He then referred to Section 702(E) of Delaware Title 22 which states at least every five years a municipality shall review its adopted comprehensive plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas. The adopted comprehensive plan shall be revised, updated and amended as necessary...

Mr. Griffin mentioned that because the Southeast Master Plan that was adopted in 2011, has been amended four times in four years; once in 2012 and three times in 2015. Therefore, it would be difficult to say it is inappropriate to make another amendment. In his opinion, the number of changes suggest the 2011 Southeast Master Plan possibly is not in keeping with the direction in which the City is moving and perhaps some consideration should be given to doing away with the 2011 update and restoring the future land use designation as it existed in the 2008 comp plan.

He stated that his client's reason for asking that the Southeast Master Plan be changed to restore the highway commercial uses that previously existed under the 2008 comp plan is because his client wants to relocate the commercial zoning it had planned for the Bayhealth parcel which is about 160 acres compared to the 120 acres that make up the Thawley and Mr. Wiggles properties. For a number of years prior to the slowdown in the economy, some of Council may remember that his client did a considerable amount of work to market the City of Milford as an appropriate location for a major shopping facility with the idea of locating it on the property the hospital chose to go. He would clearly like to fulfill that dream on the other side of the road which is Route 1.

He recalled that the City approved that concept and the use for that parcel back before it was sold to Bayhealth. The seventy acres of Mr. Wiggles property is already in the City but its land use was downgraded from highway commercial to residential. The nine acres of the Thawley property is also in the City and was designated for highway commercial though it is not a very large parcel of ground. In terms of any type of use that could be made of that property as a C-3 highway commercial parcel, given the fact it does not a very deep depth limits its use to something that would be not be very desirable in that area.

Mr. Griffin continued by explaining the City code highway commercial definition talks about a fairly wide variety of uses and includes a strip shopping center though there seems to be a lot of that in Milford on Route 113, Route 14 and other areas of the City. Something at least more comprehensive than a strip center would be more in keeping with the direction in which the City wants to go as far as future development. It could be something like a mini storage or a warehouse which are uses that are not the most attractive type of use but could involve extended usage.

His client is thinking of something that is more complimentary and would serve the need of not only the people that reside in the southeast quadrant of the City but also serve the need of the users of the hospital complex. Once that is built out, people coming will need a place to stay, a place to eat and a place to buy soft goods. All of that could play into a very nice orderly planned area on both sides of Route 1 and be within City limits.

With the seventy acres and the nine acres already in the City, the only one that needs to be annexed is the forty acres in between the other two which is the site of the former Thawley Property.

Mr. Griffin stated that as Council knows, redesignating the future land use to restore what it was before 2011 does not mean his client gets permission to do anything. It only means that his client would then have the right to ask that application that was filed two years ago and has sat dormant for two full years be allowed to take the orderly process of going to hearings before the Planning Commission and City Council, all of which involves the opportunity for public input.

He said they are not here tonight to tell Council what his client is going to do to a certainty and every use that will be put there because it is all theoretical. It would be mute unless the uses were restored that existed until 2011. At that time, there were no issue with the seventy and forty acres being designated highway commercial before the 2011 change.

Mr. Griffin said they have heard, which was part of the City Planner's presentation, the City has 275 acres of undeveloped commercially-zoned land which is a lot. However, very little of that is east of Route 1 though one of the pieces is the nine acres of the Thawley property.

He emphasized that development will happen and money will be invested in commercially-zoned area that is desirable for development. The fact there is 275 acres does not mean this is not a good location and he reminded Council they thought it was a good location for highway commercial until 2011.

Mr. Griffin asked Council to consider the big picture and not get focused on the fact that there is other land that has not been developed. If there were investors clamoring to invest monies in the 275 acres, Council would be seeing those applications. Some may be in the process though he is unaware of that, but it should be a point of consideration and it is an area the developer is willing to bear his fair share of the infrastructure costs and make the investment necessary to make it possible.

He noted that his client is not, under any stretch of imagination, asking that the residents of the City of Milford to bear any of the costs of any infrastructure that would only serve his development.

Mr. Griffin then informed Council that if they say they will not consider restoring the highway commercial designation these two properties enjoyed for a number of years before they were downgraded. His client did not own the properties at that time and did not have the right to come in and say hold up, what are you doing. He said that Council may be saying no to a developer contribution that would pay for the extension of utilities to the east side of Route 1 and infrastructure improvements required to bring electric and sewer to that side of Route 1. He believes there may already be a 12-inch water main that has been installed.

He pointed out that Council would be saying no to the developer paying its fair share of the City's engineering fees, utility impact fees, building permit fees and the possibility of benefitting from roadway infrastructure improvements financed by the developer who would pay his fair share of contributions necessary to make those roadway improvements.

He said if the Federal and State Highway is changed to benefit only one development, that developer has to pay for all of it. If there is an after-analysis by those agencies and those infrastructure improvements serve that development but also promote the better flow of traffic, the accessibility of traffic in and out of the city, then there is a formula for accessing the part the developer has to pay versus the part being paid by the Federal and State governments.

Mr. Griffin further stated that if Council says they will not consider this, they are saying no to the receipt of transfer taxes on the sale and to the lease of out parcels and pad sites; they are saying no to the payment of City property taxes and utility user fees from the developer and the tenants of this commercial center.

Statistics have shown that many seniors must continue working through their retirement years due to inadequate savings or increases in cost of living or health issues, not covered by insurance. A shopping facility of this type would provide employment to many seniors who reside in the City. He will ask other speakers who are part of their presentation to explain that.

Mr. Griffin reiterated that his client is not trying to pass along the cost of improvements that would be needed to develop these properties to the City or the residents of the City.

Mr. Griffin noted that the comments of the Planner basically state that the proposed commercial land use area will replace

the previously designated commercial area changed to employment center as part of the Bayhealth submission earlier this year. The City anticipates ancillary commercial needs close to its planned medical campus. This development would provide those ancillary commercial needs.

Mr. Griffin then presented a petition signed by 41 people of which 39 are residents and live within the town limits of the City of Milford. Two are non-residents.

Mr. Griffin then asked City Council if they had any questions.

It was confirmed that no site plan has been presented. Mr. Griffin explained it is not anticipated or required at this level. It would only be something that his client is required to do if the comp plan is upgraded and his client goes through the hearings for annexation. In connection with annexing the forty-acre property, the zoning status is assigned and at that level, site plans are expected and required. They have not been asked to do that because they know it would be irrelevant if the future land use of highway commercial is not restored.

Councilman Campbell asked about the comments in which the State objected to the fact that the City wanted to revise the comprehensive plan in this area; Mr. Griffin confirmed if what Councilman Campbell is referring to is connected to his client's applications. Mr. Griffin explained that when his client filed these application back in 2014, one reason for the long delay is that State law requires an application that involves a different zoning category, for instance changing from residential to commercial, is only made possible if the comprehensive plan shows the future land use development for the piece involved to match. Instead it showed the City downgraded these parcels from highway commercial to residential in 2011 making an inconsistency with the 2008 comp plan. They were told they could only proceed to the level of annexation and zoning if they could get City Council to restore the land uses that existed before 2011.

Mr. Griffin asked if Councilman Campbell is referring to the Office of State Planning discouraging frequent amendments to the comp plan. He said that as he pointed out, the City has done four amendments in the last four years, three within 2015 alone. As a result, that argument loses credence when it was found necessary and reasonable to make four amendments in four years to a plan that comes up for renewal in 2018. The Office of State Planning only oversees this; the City determines the uses and zoning categories within the City limits. If Council agrees to restore the highway commercial uses before they were downgraded, the Office of State Planning is obligated to respect that and that will become part of the City code and the fact that these properties could then be used for a commercial purpose. The Office of State Planning has no right to overrule the City's decision on land use and the City is paramount.

Solicitor Rutt asked to clarify one of Mr. Griffins' statements. Mr. Rutt said Mr. Griffin has been talking the 2008 comp plan versus the 2011 amendment. He confirmed that Mr. Griffin's client did not purchase the property until after the 2011 amendment. Mr. Griffin stated yes. Mr. Rutt asked if Mr. Griffin is looking for a by-right type of restoration. Mr. Griffin stated no he is making the point that up until 2011, these properties had the commercial use category that his client is now trying to ask be restored.

Mr. Rutt asked if Mr. Griffin was aware there was a Memorandum of Understanding (MOU) between the City of Milford and the State of Delaware that there would be no approval granted for any development east of Route 1 until the master plans had been adopted.

Mr. Griffin asked the date of the MOU. The solicitor deferred to City Planning Coordinator Rob Pierce who stated it was signed in March 2008. Mr. Griffin pointed out that was about the same time the update was completed. He said regardless of that, there have been four updates made in four years since that time so he does not see where that Memorandum of Understanding was followed.

Mr. Rutt emphasized the MOU specifically related to the properties east of Route 1 and those updates have not occurred.

Mr. Rutt then pointed out that Mr. Griffin indicated that his client wants to restore the commercial development opportunity he lost as a result of the hospital land purchase. The Solicitor asked if the property that Bayhealth is now developing was not just gifted but instead was sold to the hospital; Mr. Griffin agreed it was sold.

Mr. Rutt noted then there was a realization of the use of that commercial property though not for shopping centers or something to that effect. Mr. Griffin said that is why the City changed it from C-3 back to the employment center designation.

Mr. Rutt then stated that even though the property east of Route 1 might not be commercial, it could still be used as residential; Mr. Griffin said that is how it is currently zoned. Mr. Rutt said that would require improvements of infrastructure, impact fees, permit fees, utility extension, etc. Mr. Griffin said not to the extent the City would have with a commercially developed center.

Mr. Rutt asked if Mr. Griffin is aware that the City is in the process of updating its comp plan so that it will meet the 2018 date; Mr. Griffin answered as is every other City.

Mayor Shupe asked if Council had any other questions.

Councilman Campbell stated that when he was reading the State Agency comments, many red flags came up. The review by the Office of State Planning, the Department of Transportation and the Department of Natural Resources all raised very serious concerns as to the advisability of amending the plan to change the designation to commercial. The Office of State Planning made comments that summarized that the request represents a significant deviation from land use, concept put forward, in the comprehensive and master plan that could result in a domino effect theory with wide ranges of consequences upon other elements that include transportation, environmental, agricultural and preservation issues. Commercial use of this property is not recommended in either the comprehensive plan or the master plan due to the difficulty of road access and proximity of low density, existing planned residential communities.

Mr. Griffin said he is familiar with those which were part of the December 23, 2015 comments from the Office of State Planning. As he suggested earlier, that is what the Commission focused on. But if you look at the more recent comments from the Office of State Planning, they do not repeat those comments. The portion that was given to City Council relates to the position taken now, as of last month, by DelDOT, saying there are ways the developer could improve access to the land and they describe the options. Also DNREC states the proposed amendment to the master plan changing some lands east of Route 1 from residential to commercial zoning does not occur in or near their three areas of environmental concern.

He emphasized the comments were quite different in 2015 when it appeared that the clear effort of the Office of State Planning was to not move forward. If you look at the comments in September 2016, they do not say that. It says the message is to provide comments on the Southeast Regional Master Plan amendments. It basically says that DelDOT or the Office of State Planning does not regulate land use and instead the City of Milford does. If City Council says they want to designate those areas back to the commercial they were at one time, then they will have to accept that and the State will have to work with the City and cannot overrule the City.

Councilman Campbell said he is not arguing that but is only bringing up facts and is trying to figure out how this would fit. There continues to be a lot of unanswered questions on the City side as well as the State's side. In the meantime, Mr. Griffin is not giving any information that helps him. Mr. Griffin said he does not speak for the Office of State Planning. Hopefully, Council would hold in advance an opinion on these issues until all the information comes in from the hearing and this is thoroughly discussed by all of Council and the votes are given.

Mr. Griffin then called Mark Muller of Sierra US and asked him to explain who he is, his employment and how he would be involved in the effort to develop this property in a commercial fashion if the City sought to change the future land use designation as it was prior to 2011 and the processes of rezoning and annexing if this is approved.

Mark Mueller of 364 Point to Point Road, Bel Air, Maryland 21015 stated he is a commercial real estate broker who has been involved actively in development and leasing of retail real estate, both in Maryland and Delaware for 35 years. He has leased approximately two million square feet of retail space during that time. He works in partnership with another brokerage firm, KLNB Retail. Mr. Kevin Barrett, who is very familiar with the applicant, also worked with the applicant the first time around when they were trying to develop the site that has since become the hospital campus. He was also with KLNB and left that company in 2010 though he and Mr. Barrett continue to work closely on various projects including this project.

Mr. Mueller explained the whole goal is to look at a site in its entirety from a critical mass. He cannot speak for any of the retailers specifically though they have talked to some in the past that needs a site with some size. The nine-acre site is too shallow and would probably be developed similar to a Royal Farms or Grottos Pizza considering the depth is not there.

He agreed there is retail on Route 113, but retailers prefer access, visibility and parking. Those retailers do not have the best visibility on Route 113 according to Mr. Mueller.

He reported that they represent several retailers including a movie theater chain and a home center that have expressed an interest in Milford in the past. However, they want to be seen from the road.

In addition, Mr. Mueller noted that a large piece of parcel is needed to develop some kind of mixed use. That could involve a combination of entertainment with the theater or it could be the home center. It could also have some soft uses such as offices that would be relative to the hospital.

They also see soft goods as a good potential. Currently the town only has Walmart and Peebles as far as department stores. They think there are definite users like a Kohls, though they have not yet expressed an interest. However, that type of junior box store could have some interest in coming to Milford.

He said this has to be developed properly and the same concerns that everyone has expressed about access are the same concerns these retailers have. The current access would not work and no national retailer would even consider it. It has to be a carefully planned design for it to take place.

Mr. Mueller said the recession took its toll and there were several retailers that Mr. Barrett was working with that backed out because their entire expansion program was stopped. That is no longer the case and he believes that a number of large retailers could be interested. However, it has to be of a sizable nature and he cannot see anything in the nine-acre range that would be anywhere close to accommodating the needs of these retailers.

He confirmed this would be a large project. If retailers don't see something that is easy to get to, they will not develop there. Therefore, a joint effort is needed to ensure it is properly developed.

Mr. Griffin asked Mr. Mueller, based on other centers in which they have found customers for, and considering this will be in the range of 100 to 120 acres, what examples of other type stores would be attractive to similar sized centers. Mr. Mueller explained that he was involved locally in the Capano Shopping Center, where Dollar Tree recently opened though that is a 60,000 to 80,000 square foot shopping center. A center that would attract retailers like they want to get into Milford will most likely require a 300,000 to 400,000 square feet center.

Mr. Griffin asked Mr. Mueller what types of stores or brands he would attempt to attract; Mr. Mueller answered Kohls, Lowes Home Center and possibly Home Depot. They think one thing that is needed is a better restaurant and beyond those normal restaurants you see on Route 113. They believe chains such as Cheddars and other lifestyle restaurants would express an interest.

Mr. Mueller said a combination of home goods, soft goods, convenient services and other softer semi-office users would most likely go there.

Mr. Griffin said before you can attract specific tenants to a center not in existence, are you required to have approvals in place approvals for zoning as well as access plans. Mr. Mueller explained these retailers receive submissions constantly from perspective developers across the country. They only have so much time and if you send them a site that is not properly zoned or does not have an access plan, they are not going to give you the time of day. A very specific site plan is needed to attract retailers and it must be zoned properly to do that. They would not attempt to approach that with those items in place.

Mr. Griffin then asked if Mr. Mueller has put together a booklet he would like to make available to City Council. Mr. Mueller stated yes adding this is a booklet that highlights the location of the three parcels and provides some architectural treatments. He added that retailers and consumers no longer want to see the same old big box shopping centers. Design

elements that are state of the art must be included and examples have been included in the booklet.

Mr. Griffin asked if the design elements include any proposed housing units; Mr. Mueller said it is possible to have housing on the second and third stories and apartments above some of the service-oriented retailers. However, that would not happen with national chains like Kohls. This would be a mixed use element of everything including residential, offices and retailers.

Councilman Brooks then asked if Mr. Mueller has visited the site and is familiar with the surrounding roads and asked if they are sufficient; Mr. Mueller stated he has observed the roads and the road are absolutely not sufficient. Councilman Brooks asked about access off Bucks Road into this property. Mr. Mueller said he is not an engineer and would assume there would be a secondary access though that is not his area of expertise. He said the site is large enough to justify retail as far as the market but they would not go on the site with the current access and would have to be a situation that satisfactory to them and DelDOT.

Councilman Brooks pointed out that DelDOT has limited access on Route 1 from New Castle County to Nassau. Mr. Griffin said he will have a traffic engineer that will later testify with regard to that statement.

Councilman Campbell responded to Mr. Griffin's earlier comment regarding the residents who live outside the City and the fact they are not paying City taxes. He said they are bringing revenue into the City and are shopping in Milford and supporting our restaurants and their children go to school here. He feels that was an inappropriate statement.

Councilman Mergner asked Mr. Mueller if there is a certain distance or time expectation for retails such as a Home Depot in relation to exiting from a highway and getting to their store. Mr. Mueller said they want access, visibility and parking. The retailers have to put themselves in a consumer's shoes. If a center is difficult to get in and out, they ask themselves if people will really want to shop there. There is no scientific method but more of a feel in his opinion.

Councilman Brooks then referenced the State Planning comments stating Delaware Code Title 17, Section 145 authorizes DelDOT to develop and maintain a Corridor Capacity Preservation Program (CCPP) on Delaware Route 1 from Dover Air Force Base to Nassau. Because the subject lands have other access as was discussed, DelDOT will not permit these lands to have commercial access on Route 1.

Mr. Griffin responded by saying that DelDOT in September 2016, discussed with the city ways in which the developer can improve their access to the subject land. He said what Councilman Brooks is reading is in conflict with what DelDOT is saying now. He said to be honest about it, DelDOT cannot say to a person who owns land that they don't have access to their road and if they do say that, they have to buy your land and pay you fair market value for it.

Councilman Brooks again referenced Delaware Code Title 17, Section 145 which authorizes DelDOT to develop the CCPP and that commercial development will not be permitted access off Route 1. Mr. Griffin reiterated DelDOT is saying access is there and it may be expensive, but it is there and there is a means to get it. He suggests that Councilman Brooks ask the City's esteemed Counsel for an interpretation of that. He added he is not allowed to give Councilman Brooks legal advice.

Mr. Griffin then called Alex Schmidt of 694 Milford Neck Road, Milford, Delaware. Mr. Schmidt stated he is an employee of Century Engineering and is present on behalf of Key Properties. He is a registered professional engineer in the State of Delaware and his entire career has been spent working on projects with DelDOT and project development.

Mr. Schmidt stated that Key Properties initially approached them in July of this year and informed them they had parcels on the east of Route 1. They informed him they had been before DelDOT and had discussions with DelDOT who had taken the stance that no access would be allowed to these parcels.

Key Properties asked him to discuss the access issues with DelDOT. A meeting followed with himself, DelDOT Assistant Planning Director Drew Boyce, Corridor Capacity Preservation Program Manager Tom Felice and Mark Cote' Subdivision Engineer Development Coordination. The purpose of the meeting was to discuss these parcels and whether access could be granted. DelDOT first asked what the developer was planning to propose at this site. Mr. Schmidt said they do not know because the developer cannot get any interest until they get through this process first.

Mr. Schmidt then explained that DelDOT cannot make a commitment until the point when the developer can say there is a potential to put something specific on this property. They were able to discuss some very basic concepts of what could go there. There were a couple of options that DelDOT brought up and a couple that Mr. Schmidt suggested. One was access off Bucks Road and DelDOT stated that the Routes 36 and 30 interchanges are there to provide access east of Route 1 and a plan that calls for improvements to the local roads in that area. The developer would then be able to utilize Bucks Road to get to that site.

He said the developer is concerned about that, as Council will hear from many people tonight, because that will have a large impact on all the local residents in that area. The preference would be for access directly off Route 1. DelDOT initially stated, as Councilman Brooks earlier mentioned, that there will be no access off Route 1 to properties east of Route 1. However, they understood the position the developer was in and agreed there were some alternatives that could be explored.

He reported that three options were discussed. One would be realigning the Route 30 interchange as was mentioned. Another would be improvements to the Route 1 Business/South Rehoboth Avenue interchange which is a flyover; the third would be the construction of a collector distributor road along the east side of Route 1 though that is a unique situation. The engineer explained it could actually collect many exits and distribute them separately.

Mr. Schmidt explained the Route 30 and 36 and State Route 1 business interchanges would all be separated from Route 1 and combined into one exit that would also have a local road with access to the site.

The engineer further reported that these are not unusual configurations and there is actually one being proposed for Dover Mall from Scarborough Road and south of Dover Downs. The purpose of that is exactly what the developer is asking for in this situation which is to provide better access to Dover Mall and Dover Downs.

He recalled that at the workshop held a couple weeks ago, a lot of people expressed concern about the existing interchange for Route 1A/South Rehoboth Avenue. The existing flyover allows people to come off Route 1 at highway speeds and get dumped directly in front of the Meadows at Shawnee doing 70 miles an hour. If the developer were allowed to move forward with his plan, they could go back to DelDOT with concepts that would help address those traffic concerns that exist in the area.

Mr. Schmidt stated the one key item he wants to leave Council with is that DelDOT has said there are options available and while they will not be easy and will require DelDOT review and approval and the Federal Highway Administration involvement, there are options that exist and there is potential.

In regard to the PLUS comments, Mr. Schmidt explained that one of their concerns is that the PLUS review focuses on a very broad high level view and is informational only. The original comments in 2015 stated that no access would be allowed. After they met with DelDOT and showed them a little more about what the developer was willing to do, the comments changed to say there is a potential for access. As this project moves further along, those comments will begin to align more with what those options the developer can do. As the State receives more information, they will be able to provide better comments.

Mr. Schmidt stated that Thawley Lane is a concern as is the road that goes through Knollac Acres. The developer is willing to commit to not using that road for commercial access. Potentially, it could become a three-way intersection with no commercial traffic using Thawley Lane.

Councilman Brooks then questioned the three-way intersection; Mr. Schmidt explained that would be on Thawley Lane coming from Bucks Road through Knollac Acres. Currently it has deeded access onto the parcel that the applicant now owns. The applicant is willing to cede that access so the residents in Knollac Acres will not have commercial traffic coming through their development.

Mr. Griffin confirmed that Mr. Schmidt is saying there will be no interconnection between the developed commercial land and Knollac Acres. Mr. Schmidt stated that is correct. He referenced Thawley Lane on the map that continues onto the parcel. He noted that currently there is a potential for it to be utilized for access to the parcel. The developer is willing to cede that option and turn at a three-way intersection so that no traffic would utilize the subdivision to access the commercial

parcels.

Councilman Brooks asked if Mr. Schmidt is stating that in this situation, Bucks Road would not be needed.

Mr. Schmidt referenced a map showing Bucks Road and Thawley Lane. He said he did not want to get into too much detail, but local roads could be used with access through a private parcel and traffic coming off the two interchanges and accessing the parcel.

He said the two options discussed–one being the collector distributor road that could provide access on the east side and not require the acquisition of any privately owned property, are based on the concepts discussed with DelDOT.

The other option is the reconfiguration of the interchange that would provide northbound Route 1 access onto and off the commercial property without acquiring any private property. The Route 1 southbound access would need to be considered requiring a lane behind Meadows at Shawnee and a crossover to get to the property.

Mr. Schmidt feels that is the only one he can really see that would potentially require the acquisition of private property and something the developer would have to deal with. He noted that the developer does not have the right to condemnation.

Councilman Campbell asked where the Meadows at Shawnee fit into this scenario. Mr. Schmidt said that is the only development he would be concerned about if a southbound ramp was needed to exit. If they were unable to do that, the developer would have to decide if this could be done without Route 1 southbound access directly onto the site. In that situation, vehicles would have to travel to the Route 30 interchange, exit, come back and cross over.

Mr. Griffin stated that according to the procedures explained by the City Solicitor, the applicant has no right of rebuttal after the people speak in opposition of this amendment. Therefore, he wants to make some remarks to try and summarize what has been presented.

Mr. Rutt then explained that everyone will have an opportunity to speak even if the hearing lasts until 1:00 a.m.

Mr. Griffin then asked Council not to make a snap decision on this. He said there is a lot of information that needs to be considered. He referenced his earlier comment about the State law that states Councils' decision should be for the benefit of its residents. He explained that he was in no way being critical of people who do not live in the City but only informing Council what the law says.

Mr. Griffin asked that Council consider deferring the decision considering all the issues and comments and what would be to the best interest of the City and its residents. They are asking Council to decide differently from the recommendation of the Planning Commission and are asking Council to approve the amendments to the 2011 Master Plan that would designate two properties–the 70 acres Mr. Wiggles property and the 40-acre Thawley property to have the land uses they had until 2011.

He asked other people who were present to speak in favor of this amendment.

Solicitor Rutt noted that Mr. Griffin provided two documents. One being the petition he presented and one document from KLBN Retail which become part of the record.

Mayor Shupe then asked for anyone wishing to speak in favor of the application to come forward. No one responded. Mayor Shupe repeated the request for anyone in favor of the amendment to come to the podium.

Henry Lacaillade of 4402 Fullerton Court, Hearthstone Manor, stated he is in favor of the plan being returned to what it should have been in 2011. He said this could be an opportunity missed for potential income into the City of Milford. He said the City of Milford should consider themselves, first and foremost.

No other person responded to speak in favor of the amendment.

Mayor Shupe then stated Council will now hear testimony from those persons opposed to the application.

Mr. Ken Naegeli of 20949 Surrey Court stated the following:

We moved down here four years ago from Pennsylvania. When anyone asks them where we live, we say we live in Milford, Delaware. My nephew is a junior college soccer coach and I got him a player from Milford High School. We pay taxes to Milford School District and just got a tax increase probably for higher than most people in Milford because of the property values in this development. We have put a lot of money into our properties even though we are not rich by any means. We did things frugally during our lifetime and this was a good place to bring our grandchildren who visit Grampy and Grammy a lot more because we are down by the ocean and were fortunate to be able to afford it.

We are very close to Milford and we go to church in Milford and we buy everything in Milford and the same applies to everyone in our development. We don't go to Lewes or Dover and instead we choose to shop, eat and get our cars fixed in Milford and just support the community of Milford. We hire a plumber and other repair people from Milford. I believe in supporting the local community. For that gentleman to slyly say that we are outside the City limits and Council needs to do this for Milford residents. Well guess what? We are Milford and I don't like that at all.

The gentleman talked about Thawley Lane. He said we are going to cede access to Thawley Lane. This is a private development and we have rules in our development and he cannot just say he is going to cede access and we won't allow access to that. We can change our bylaws and somewhat shut if off if we want to. He does not know where he is coming from to be able to do this because commercial traffic has no relevance there.

Down the road, if Milford ever wants to annex Knollac Acres, we are a private development and have rules. We don't want that to happen because we don't want to change and make our happy people unhappy. DelDOT at the meeting the other night, suggested no related access from Route 1. They did not say it was impossible but said that they would not suggest it at all. The Planning Commission at length not only voted against it, but talked quite a bit before they voted no. They talked about safety. There are safety issues with any kind of commercial development. If they wanted to, they could go with the conditional uses for special requirements. They could put a methadone clinic in there if they really wanted. This is something we are concerned with.

The planning commission voted unanimously to keep the zoning on the three parcels on east of Route 1. They referenced a commercially approved area on Route 1 adjacent to the new hospital and suggested that site. Safety issues were brought up by the Planning Commission relating to future mission statements for the City of Milford. This was the current mission statement they somewhat adopted and is the direction they wanted to go. Many times in that process they mentioned safety. We don't have protection from the Milford Police Department and have to go through the State Police. If you were living in that development and I ask you, would you want this to happen to you? Would you be comfortable with it? Because you could very well end up in that situation too.

What we have is the State Police and their response time. We had an alarm go off at the house and it took the State Police 2½ hours to show up. If someone is coming through our development that is a problem because increased crime is always an issue with commercial. Do you want the increased crime on the perimeter of your City and a little further away from your downtown? I do not think so. That should be a major issue.

If someone is stealing something or shoplifting and running or driving through our area and through our yards because someone is chasing them, they could potentially get into our house with a gun and we could do nothing about it. There is a lot just on the mind play and psych issues involved with this plan. There is a lot of anxiety.

The valuation lost to our homes is an automatic. We had a developer who abandoned our development and nothing was being done. I was trying to get the community going and I used to cut the community grass that was supposed to be handled by the developer. We were going to get the potholes fixed because we wanted people to come and invest into this community. It is a very nice community and we were at that point when a new developer finally came in and did that. The main reason he did that is because the hospital will be built and he sees the potential and wants to make some money. He is building some nice houses and we are meeting with him on Thursday.

There will also be major increases in noise and light pollution to the community which is inherent with any commercial project. There is the probability of increasing crime to our community and to the City of Milford itself. It will require the Milford Police Department to go on the east side of Route 1 which will take them away from other areas. It is not a quick and easy access for them from the west side of Route 1.

We had no advance warning of development by the developers and absolutely zero communication. I respect the Hearthstone Manor residents, who at the Planning Commission meeting, spoke against this development. The previous gentleman talked about 24 emails he received in favor of it and that he had only received one against it. Basically the other residents said we thought it was a joke and don't want to get involved but most of the people in that area don't want it. I am sure there will be people here tonight from Hearthstone that will speak against it.

They were asked to poll the Hearthstone residents to ask what type of stores they would want. As noted by the people speaking for the Fannins, nobody asked anyone east of Route 1 and this will be beside us. Why was that? There is no known plan as to what will go onto the land and it is somewhat subjective at this point. Once you get the approval, they can more or less do what they want with it. It will eventually receive some kind of approval.

Our development is a private development and the State would not take over the roads. If this is developed commercially, it will stop houses from being built and people will not want to live next door to a big shopping area. We will never get to the point where the State will take the road maintenance over and now the development has to deal with doing it ourselves.

There is also a fiduciary responsibility relating to the Thawley commitment and I believe there was something in writing that says she has to look out for the well being of the Knollac Acres development and homeowners. I think we have a legal issue and will look into that and whether it can be purchased for a commercial use.

I ask you to consider living in Knollac Acres and how you would feel about this intrusion. There are a lot of areas on Route 113 that could be developed and other areas around Milford that would not have this kind of impact to the surrounding residential areas. This is not just Knollac Acres but includes the houses on Bucks Road, Cedar Neck Road and other areas. There are a lot of people here from those areas. Many of these people have lived there a lot longer that I have and some have lived in this area fifty and sixty years. Could they be displaced? Sure.

One person said that cars travel 70 miles an hour on the flyover exit and he has got to be kidding. That exit has a 90-degree turn and if you were going 70 miles an hour you would be up in the air traveling off of it. You might pick up speed when you come off the ramp and enter Alternate Route 1, but definitely not when you exit on Route 1.

The attorney mentioned the comments from the Office of State Planning from December 2015 to September 2016. There was no need to mention it again. It was already stated and nothing changed.

Thank you very much. I appreciate your time.

Debbie Campbell of 103 Hickory Branch Court, Hearthstone Manor, provided the following statement:

I reiterated everything that Mr. Naegeli stated including the quality of life issues. A lot of the things presented tonight I don't need to reinforce because everyone has heard the proposals as far as the details on how it will impact this area. The thing I want to say is I moved here almost ten years ago from upstate New York. Basically I moved here for quality of life. I came by myself and I have no family here. I used to vacation here and actually started to look in Lewes and Rehoboth and loved it there. I came up here and this was where I wanted to be immediately. I seriously researched for almost two years before I bought a home here. I feel a bit betrayed because I bought my home from Country Life Homes and I expected to live in the country. I have cow fields down the road from me and it smells like the country and I love it.

The culture in the area I love. We have yards, we have music and we have a theater in town. We have stores. I tell all of my family that everything I want is seven minutes from home. If I need something that is not in town or if I am shopping for a wedding, I can go north to Dover in thirty minutes or thirty minutes south to Rehoboth. But I don't want to live in those places. I want to live here and I want to live in the country and have the life that Milford offered us. It somewhat

upsets me that the applicant is someone that sold my home and that was my expectation to live here. When I mentioned upstate New York where I came from, I lived about 80 miles north of New York City. After 9-11, New York City just exploded into my area and I don't even recognize it today and I seriously mean that. It is now elevated highways and a new shopping mall. What happened? Not only the old downtown but even the downtown of the seventy's, which was somewhat like we have on Route 113, all died. Everything moved to another area and all the businesses that previously had supported the area where I lived, went away or became empty buildings or warehouses. So we got nothing from it. Before everything was invaded, there was a ten minute ride to my local hospital. Where I worked, now takes a half hour to forty-five minutes at night because of having to sit through all the traffic lights. I do not want that here and I do not think most of us want that. The convenience of shopping is here and available.

I am all in favor in change. I think change is good but it has to be well planned and well thought out and just as important, it has to be welcomed. I do not think that most of us welcome this kind of change.

It is sad when someone buys property and they cannot do with it what they want. But that property was purchased by the developer after the developer knew it was zoned residential. Those developments are all in place and I suspect that part of why that zoning may have changed is because of all the residential development in that area. It is not that we have no commercial property available for development. If those properties have already been improved, then that is part of the City's master plan and that is where the future development should go. I do not think we should be turning property that is in the middle of a big residential area and is going to impact the country roads. I think the hospital will already change a lot of the area where we live. My back yard is Wilkins Road and that is something we will have to deal with. But to throw a major shopping mecca in the middle will bring people from all over and through our town to get to it. I just think this is not meeting the dreams of the people who live here. Thank you.

Komba Kpakiwa of 30063 Stage Coach Circle, Milford provided the following statement:

Could I please ask the planner to bring back the pictures from the area I live?

Ladies and gentleman, I live in this neighborhood and my lot is right there. You can see what they are trying to ask for and the zoning change. I have to tell you one thing before I proceed. If you look at the house, it currently sits on a farm. The farmer has a requirement to have a buffer between my property and the farm. Guess what? When I moved there in 2007 and bought the property, there was a buffer between my house which was larger than you can find today. Guess what they did? They said according to County law, he had the right to take 132 feet of my land to meet the zoning requirement for the farm.

I will be making some comments here but this reminds me of something. You see everyone sitting here? Anybody who is familiar with the comprehensive plan knows it is nothing more than something we can imagine we would want to be like in five years, ten years or twenty years. That is why anybody who is familiar with comprehensive planning or economic development planning, has a temporary limit on describing what they are going to do.

In 2007, we made sure that the land that was adjacent to mine was zoned R-1 residential. That made my wife and me to invest every penny we had in Delaware after 32 years of work with the State of Pennsylvania. I had a lady that said she did her research. My background is planning, policy. If I came down here, not only did I want to know what the City looks like, I wanted to know from the FBI statistics and where I should live. At that point, I didn't have any problem. Milford became my home and I moved here.

Now you want to change the land use. Why do you need to change it? It was changed to R-1 and the comprehensive plan says that in the future there would be no commercial on that side of Route 1. What changed? I know what changed. Somebody sold the commercial area which is the land that we are all happy about having a hospital there and love it. I don't have to go to Baltimore, don't have to go all the way up north to the hospital or back to Hyattsville to find a doctor. That is wonderful and I am going to be near a hospital.

To be fair with you, I am not here to tell you about the impact of the hospital and the potential impact on the economy and currently my land. Anybody who is coming here with planning has to tell you if they are honest. Just like a realtor says

location, location, value. When I bought my house in 2007, in fact that was before the market went down, it was valued at more than $700,000 and has 5,200 square feet, sits on 1.025 acres because I love the country. When I was in Harrisburg between Hershey, I lived on 3.5 acres. When I decided to come down here, I liked to live somewhere that I can eat my spaghetti and my neighbors are not going to smell it. Seriously. So I decided to move there. Milford was perfect for me. But now what you are trying to do to me, if you look at what I just showed you, and the current value of my land will go way down. Which means you are basically telling me that you should call me and ask to rezone my property commercial. That way I can keep the value. But I know you guys are too busy.

A few things for discussion. I have already told you about the comprehensive plan. There was a comment about residents and non-residents of Milford. I kept looking at you guys and somebody probably put a big smile on your face. What are you talking about? You are a lawyer. In this country, the way to happiness is through the constitution and you know what it says? Liberty, freedom, justice. He did not care what his client was going to do to us. That is not representative of what you and I believe of that constitution.

I can stand here and say the constitution will let me sue them. Take them to court. But you and I know, the most explicit thing to do in this country, even though the constitution guarantees that I can sue you, is the cost of suing you won't stop me from taking anything from you. So if you are big enough and have enough money, you can walk all over me. I will probably go back and sit in my house and start crying. I don't have money. But you can protect the little guy and I don't have money to take Key Properties on.

At this point, you can prevail just like the Planning Commission did. They talked about the adverse impact on our properties and our quality of life. I think you see the quality of life. I thought the comprehensive plan was supposed to maintain that.

Are we forgetting? I recall I told you I came here for quality of life. Why would you entertain the thought and indiscretion about calling me 'not in Milford'? My taxes just went up almost $900. You tell me why I pay my money. I am not a kid. I am 71 years old. I know people that live in Hyattsville but it's cheaper to pay my taxes here. Could the gentleman really consciously think in the context of this great country, then turn around and tell me that I am not from Milford? Guess what? You cannot take my land without due process. Even if you were to say you want my land for public use, we have to bargain. That commercial land will devalue my property. If Key Properties wants to buy up this place, they need to work it. He is a guy with a deep pocket. Buy all of these properties then we will see. Buy them all. Go for them. Then we are out. But don't ask these honorable people to cover your responsibility.

Yes, we love business. But I don't think business should be an inconvenience to us or destroy us, when we are too old or could die. I am 71 and I don't have any more money. I live on a fixed income. The last time the Planning Commission talked about the income impact and we all sat down here and listened to a lecture about impact and businesses. Is the gentleman aware of the facts that some of us have done this before? What information Key Properties presented to you here should be resolved by site analysis.

The gentleman who came from Maryland to talk about the economic impact on the City forgot that people live in the City. You have to stop it. If your conscience says no, you should support the Planning Commission.

Finally, I know we don't have time but I am going to end this by explaining this to you or at least making sure you understand where I'm coming from. One more time. In this great country of ours, the way to happiness is through happiness. Liberty is freedom. Liberty and justice for all. You will not be doing us justice if you allow this to go ahead. You already know, the State agency has said no. It does not take into account the comprehensive plan because he forgot to make the transportation analysis. Do you have anything in front of you? Anybody? I don't think so. All they can say is --here's a big shopping plan. We have this honorable guy from Maryland who is going to make this wonderful place. Someone asked how fast would you be exiting from the highway into that development. No, he is not a transportation analyst. And if you look at the engineer, he came theoretically. You are dealing with people's lives, not theory. I am asking you one more time. Like your Planning Commission said, that project is a no go. Please save us and keep us happy. That is what the constitution says. Thank you.

Bill McTheny of 5567 Bucks Road stated the following:

I am very concerned about both sides of the project. I don't know how many of you have been on Bucks Road. But let's face it, those roads are very narrow. When they were built, they were literally farm roads. I had an opportunity the last time when Bucks Road and Sapp Road were repaved, to talk with the supervisor. In the conversation I had with him, he said these roads are too narrow. Ideally, they should be at least a foot or two feet wider than they were built.

Traffic out there even now is horrendous. There are people that drive up and down that road 45 to 50 miles an hour. There are a number of people in that area, including me, that walk our dogs, we walk, we run, we ride our bicycles in those areas. That is a gift to me.

The other factor is years ago, when DelDOT closed off both sides of Beaver Dam Road and the side east of Route 1, it was my understanding the reason they did that is because they wanted to make Route 1 as limited an access to the highway as they could for beach traffic and all other traffic. If you have stood out there on Sunday afternoon watching the traffic going north, it can be horrendous.

My understanding is that when it was closed, DelDOT intended to make it as limited an access as they possibly could. If any of the projects go forward, it seems like it would be reversing what DelDOT has intended this to be for all of those years.

Those are the two reasons I am very, very opposed to this. I am concerned about the impact to my side as well as the other side. I am afraid the quality of life would just go down hill tremendously if these projects move forward.

Norman L Wilfong of 5396 Bucks Road stated the following:

The other people have done all the complaining I wanted to say. The only thing I want to add is the property is not in the City limits. We are thankful for that. They told me when I bought that property from the State that they would not annex that area. They have annexed in the area and right in the front on my road but the property we own is not in the City. And we are thankful because of the recent tax increase as a result of Milford School District. So we cannot afford to pay any more property taxes.

The roads are not adequate to accommodate more traffic. We have too much traffic now with Knollac Acres and the apartment house that is there now.

They had to have a reason for DelDOT not to want any commercial property to have access off Route 1. When he bought his property, they told him that no commercial would be allowed east of Route 1. They had reasons because there are all kinds of commercial developments in Milford. Anything you want, you can get there. I can't see any reason to have a commercial development in this area with all the children out there who will be jeopardized by all the additional traffic.

As far as the road, they have never been blacktopped. DelDOT put stone down and sprinkled a little oil on top and that is what the road is made of. How in the heck are you going to have big tractor trailers coming in there and running up and down the road? They will demolish the roads.

I have been in construction all my life. These engineers will do anything to make a dollar.

That one councilman has my respect for asking all those questions. Nobody else has sense enough to do that.

Sara Donald of 38 Lexington Drive, Shawnee Acres, stated the following:

I want to acknowledge what everyone else has said. I don't want to take up too much time because it is late. I found some things really interesting tonight. I have voiced a lot of my concerns about living in Shawnee Acres and things that were done with the Hearthstone Community by this developer that were not done the way they were supposed to be done. The land was attempted to be taken from people in Shawnee Acres because the buffer zones weren't allowed and there were other issues. I am not sure all of that is in the minutes but it is concerning. I do think that is going to happen with Knollac Acres residents and I do think that the overpass being turned into a flyover will be a concern for the Meadows at Shawnee residents.

To listen to a developer with a prior history of not completing things the way it was supposed to be done is something that should be taken into consideration.

The other interesting thing is that Mr. Mueller is from Bel Air, Maryland where I grew up. I lived right across the street from him on Hunters Drive and my sister lived in Point to Point Square. I don't know if he was involved in any of the development that occurred in Bel Air, but I lived there twenty years ago and go back multiple times every year. And I cannot stand the traffic.

My grandfather owned a little car dealership called Luby Chevrolet. It was a place where my dad grew up. Everyone knew everyone. It was a lot like Milford. You went to the same family restaurants. We all go to Abbotts and Arenas. I saw the Mayor at the International Food Festival last week in the park. Those things do not happen when you bring in retail or commercial space like is being considered. We don't need a Cheddar's but we still need Abbotts. We don't need a Lowes because we go to Ace Hardware and we can travel if we need something bigger. Losing those little family places and the people is what is going to happen. Though we may not technically live in the City limits, my kids go to school in the same place that City Councils' kids go to school. They don't know or care if I pay the same taxes you do. It doesn't matter. Milford is a family regardless of your tax situation.

I think we really need to remember that when we make these decisions, we are going to impact future generations. Do you want them to grow up in a place like downtown Wilmington, Dover or Bel Air as it exists today? Or do we want them to grow up in the Milford that we all know and love where we can go to Irish Rose and get cool Christmas presents for someone and where we know the shop owner? Where we do the Holiday Stroll and we all see each other and know who everybody is. We are supporting local business and I find it really interesting the City brought in a consulting firm to discuss what we need to do to revitalize our downtown. And the meeting before the last hearing was about what was needed to make this a more attractive place and a better family place and a place that doesn't have empty retail downtown. On the other hand we want to create more highway commercial and take all that business away from those businesses downtown.

It does not make sense. If you bringing in a firm and you decide to change the zoning, then you might as well let them go. It is just an oxymoron. I just want you to remember the Milford that we live in and what it could become if Council approves this change.

Joanne Burbage of 32 Hidden Meadows Terrace, Milford stated the following:

I have been a resident of Delaware for 72 years, 42 of which have been spent in Milford. First we lived in Woodshaven, then on a small poultry farm, I raised my children here and who are all grown, then I retired and we now live in Hidden Meadows. My children attended Avenue Church Preschool, attended Milford Public Schools where they graduated. They went to college and I have great gratitude to the Milford School District, their coaches and the roots of Milford. I think that is part of the legacy and the heritage that we have here in Milford.

Also, I would like to ask a quick question. Can you tell me the population as listed in the City of Milford versus the population of the Greater Milford area? In the reports, projects and places we have been, there are two statistics and I have a reason for asking that.

Mayor Shupe said the population is just under 10,000 in the City limits and anticipates the Greater Milford area to be approximately 25,000 which includes City of Milford residents.

Ms. Burbage continued by stating:

The first time I experienced the people of Milford, and not just the City, but the countryside and contiguous beaches, and there was a vote to preserve the areas of Milford including the marshes, the beaches and farmlands east of Route 1. Back in the 60s, there was a proposal for wind-powered turbines and offshore oil facilities along the coastal beaches like Slaughter Beach. The City people of Milford rejected it. I was not a resident at the time but was here teaching a night course at Milford High School in archeology and was with the Archeological Board of Delaware. The people of Milford welcomed us, opened their farms for excavation and gave us a preview of the artifactual collections. All the excavations and artifacts

provided great information of the history of Milford and the State of Delaware. It was then provided to the Smithsonian. But all these people spoke at that time. There was a petition and the project was rejected and the outcome was there would be no commercialization east of Route 1.

The people understood that we are more than just the City and all the outlying areas including the farms, coast and wetlands and we just don't have the Delaware Bay, but instead go all the way to the Chesapeake Bay.

Every Native and Aboriginal who was transported through here knows that process and we know it too. It is not just what we do here, but it connects and touches everyone.

In the 1960s, Milford was ahead of everyone. Then in the 1970's, the Coastal Zone Act was enacted. The first sentence of the Coastal Zone Act says "It is hereby determined that the Coastal Areas of Delaware are most critical for the future of this State in terms of the quality of life."

That is what resonated through the last meeting here and all the conversations that Milford cares and has a heritage which is something they want to preserve, protect and pass on.

Consider Route 1 and the east side and the west side. The requested zoning for the approximately 120 acres of commercialization east of Route 1 is in an area that if you went from Route 1 and 113 at the north end of Milford, to Nassau straight down linear miles would be about 20 miles. There is no heavy commercialization along that strip. What is east of Route 1 is 50,000 acres of the Delaware Bay, Milford Neck Wildlife area, woods, fields, DuPont Nature Center, wetlands, Marvel Preserve at Slaughter Beach, farms, golf course, residences, Prime Hook Wildlife Refuge, Fowler Beach, Shorts Beach, Broadkill Beach and Rum Island Nature Preserve. These are things east of Route 1. To put a spot commercial 120-acre development within that 50,000 acres of farmland, residential and wetlands is contrary to every principal the people for Milford rejected fifty years ago. Milford has been very wise in trying to zone commercially and zone historically with preservation in mind. I feel they have done a wonderful job and it is now the responsibility of the people of Milford and our planners to respect that.

There is adequate commercial property available in other places and Key properties probably has other lands they can develop commercially. Commercial on the west side perhaps should be considered. But on the east side in the coastal zone area does not seem appropriate. It is possible they are not aware of the history that Milford has had in preserving and protecting and even going ahead of the State in preserving this area. It is very possible they do not understand that is a legacy of Milford and they might not understand the environmental impact. It is very possible they could consider alternatives to their zoning requests and embrace and contribute and support the stewardship and guardianship east of State Route 1 to the bay. Thank you very much.

Angela Muncie of 30036 Stage Coach Circle, Knollac Acres stated as follows:

When my family moved to Knollac Acres seven years ago, there were few children in our neighborhood. But I had hoped for a thriving community. Today that wish has come true. There are more than fifty children in Knollac Acres with the majority between the ages of 6 to 12. That number is growing because of U&I Builders who is building many new homes in our neighborhood. Our children run from yard to yard, riding bikes throughout our development. Many of these people live in Knollac Acres and know my family is seen walking around the neighborhood every night with my dogs, my children and my baby stroller. It is our modern day Mayberry. I stand here today and ask you to vote against this plan for us because it butts up against our development and there is absolutely no buffer as Mr. Komba says between the farm and our community.

For decades, concerns over residential market impacts from commercial land uses have been discussed in a wide array of academic literature and political debates and agendas such as this. The potential negative spillover effects are the primary rationale for zoning in many American cities is an effort to protect the residential neighborhoods such as ours from noise pollution, traffic, excessive night lighting and aesthetic deterioration. We ask that you follow the same sound judgment of many cities before you that have encountered the same dilemma. With the addition of the new hospital, there is a growing need for nearby residential neighborhoods who can meet the needs of the new doctors, nurses and medical staff moving to

this area. Knollac Acres is one of these communities. Please don't risk the safety and welling being of our children, a growing number of fifty children, by bringing into our front yards a commercial development. Help us keep our Mayberry.

Mr. Griffin says the people that are outside the City limits don't matter. If that is true, who is fighting for us and who is going to be our voice. My children go to Lulu Ross School and I am a member of the PTP and I promote this town's events to the 150 members of my Mom's Club of Coastal Delaware. I shop locally and I think my money and I think my family matters. I think the people in this room and their discretionary income matters too. I hope you feel the same. Thank you.

Kathy Stetson of 147 Hickory Branch Court, Hearthstone Manor stated the following:

I am a fairly new resident in Milford and I concur with the testimony that was previously mentioned. I want to remind the Council that good planning must consider adjacent uses and buffers even if the occupants aren't residents of the City. Buffer zones in planning are vital. One usually does not put commercial uses right next to low density. It is usually buffered up to even medium density, higher density, residential uses and on up. A commercial development is going to have a very big impact. If you look at the map, it creates this designation and would create an island of commercial zoning in a sea of residential zoning which does not make sense from a planning perspective.

I thought it was interesting that the zoning of these properties were designated as low density at the time the current owner purchased the property. He presumably understood what that meant and the limitations on what type development could be done. If you look at the map, that whole area could be residential which makes much more sense and there would be much less impact to the current development that exists there. Someone mentioned that the new hospital will require some places for these people to live. It seems like there is a market there. Now is the time to protect this property before it goes any further. I think that in 2011 when the designation was changed, it seemed like that was a good decision.

Chad Roberts of 20951 Surrey Court, Knollac Acres stated as follows:

One of the Councilmembers asked how close the road would be and that answer is 15 feet, which is just about as close as you and I are. That is how close the road would be if it came through that development. I agree with the quality of life concerns that everyone has stated. I love Knollac Acres and I love Milford and I have lived here longer than I have anywhere else during my life.

I just want to reiterate a couple of things. The 2011 decision to reverse that future land use back to R1 residential seems like the logical thing to do. Back before then when development was going buck wild, it could have been a good idea to make that commercial. But if you look at the map like Ms. Stetson just stated, it makes perfect sense for that land to stay residential. I am personally for development and I talked to the City Planner at the meeting a couple weeks ago and yes, I am dying for a movie theater. I am not against development and if I was against development, I would not be living in Knollac Acres but instead would still be living in the house that was taken from us for the Route 30 overpass.

We were not forced to move from that property, but volunteered to go early. We specifically picked Knollac Acres because it is on the east side of Route 1 where we were assured that no commercial development would ever happen. That is the reason we moved there.

There was some mention of complimentary commercial areas for the hospital. I am looking at a map now and I see a gigantic red piece of C-3 property right next to the hospital. That seems like a pretty easy place to put those needs instead of way on the other side of Route 1 where you will have all kinds of issues getting to and from it.

One other quick thing. I was also talking to Mr. Pierce about the thru way on Thawley Lane because I was one of the ones that was very concerned about that. I understand the deeded access is restricted to R1 which means it is conditionally deeded to residential. They are ceding something or giving away something that is not theirs to give.

Tom Chilton of 38 Meadow Lark Drive, Milford, stated the following:

I live at the Meadows at Shawnee that is right across from the property proposed to be zoned commercial. I am extremely

worried about the drainage in the area of the Meadows at Shawnee. A few weeks ago we had a major rain and water filled up both ponds and it was basically flowing directly from the farm and across Route 1, through our development and partially next to my yard. When we had frozen weather like we did in the spring, there was a tremendous problem because the water had no place to go except right through all the properties.

I am very worried about drainage and just as worried about traffic. There are a lot of kids on the road, a lot of schools buses and I have no idea how they would make the traffic pattern re-circle back to Route 1 to this commercial property. I just don't understand how Council could even consider making that land commercial tonight without some sort of a site plan. These guys say the site plan will come, but some sort of a plan should be presented together to show how the traffic could be managed, how the drainage could be managed with engineered input. It could show where a bridge might be built.

I just don't know how this can even be considered at this point. Once this land is changed to commercial and all the arguments start about what goes here and there, it is pretty much a done deal as has been the case in the past.

I do not support making the land commercial.

Kay Webb of 5536 Cedar Neck Road stated the following:

I am a lifelong resident of Delaware of which 44 years have been spent in Milford. My husband and I have the Century Farm on Cedar Neck Road which runs down Sapp Road and Bucks Road. Our children are the fifth generation on our farm. At any given time, we have 300 to 400 beef animals on the farm. We raise grain and we have vegetables.

Mr. Griffin said there is City electric. We are City of Milford electric and have three electric meters on our farm. One for just our grain tanks so you can imagine what we pay the City of Milford. I agree with everything that everyone else has said. I don't really need to go over it. I think Milford does need to preserve the farming aspect east of Route 1 which is called Cedar Neck. The City always said it was going to remain residential and farming. So I just ask you to reconsider and really think hard, but we are Delaware Century Farm and were one of the first ones in the State of Delaware to get that designation. Thank you.

Mayor Shupe asked to check for lobby area for anyone that wished to speak.

Karen Gillespie of 6552 Cedar Neck Road stated the following:

I agree with everything everyone has said. I am in their court. I want to bring out my background. My grandmother was Indian. She moved every two years. She has lived in just about every house in the City of Milford during the 1960's and 1970's. My dad took up that same trait and moved our family every two to three years. I have been to several schools in Milford, then we moved over the line and I ended in Milton. Then we moved into the Lake Forest School District. I made up my mind that when I got married and had kids, I wanted to go somewhere and stay. I did not want to move. When we built the house we built, we did that with the intention that we were going to stay there until we died.

We have been there since 2000 and wanted to buy the land that was next door to the property we were on. We were told by Mrs. Beverly Thawley that if we would move next door, she would take $1,500 off the price of the land. She said that land was going to be made a dead-end road and that there would never be another home beside us and there would never be anything built on that side of us. That is what she told us when we bought the land though all of that has changed now.

I was one of the advocates to try to get the bypass or intersection fixed because our first two to three years, we saw many accidents and deaths. The overpass built in front of our house has greatly changed our way of living. I am not as safe there with my grandchildren playing in the front yard and we have many people that come up to our home that don't belong there. It has just brought a lot more people and cars into this area. I do not feel as safe as I used to living there even though I don't regret that decision based on the number of people who were suffering from accidents and the number of people that were killed at that intersection. There wasn't one night I didn't worry about what was going to happen at that intersection until my kids were safe at home because I knew they had to cross that intersection. I don't know why we need a Lowes when I can be at Lowes in 20 minutes if I go north or 20 minutes if I go south. What is going to happen to 84 Lumber in Milford

if Lowes comes here? I think if this is approved, we are going to see a lot of the area businesses suffer.

I may not be in City limits, but our land butts up against the property where they are planning to build and I believe that should be considered.

When the overpass was being built, it created damage to our home. And everyone walked away and no one would claim responsibility for it because they knew we did not have the money to fight them. My husband was recovering from a brain trauma injury and they knew that. I had a spider bite and almost lost my right leg and they knew that. But everyone walked away and we were unable to get any help with the house damage that was a result of the overpass construction. I don't think we could take a lot more construction next door to us and don't want to go through that again.

I agree with everyone's concerns and you see the representation that is here who are against it. No one is against the City of Milford and I have lived here since 1965 and have always supported the stores and businesses in this area. We raised our kids in this area and love this area.

I only ask that you vote for the people.

Bill Pfaffenhauser of 25 Goldenrod Circle, Milford stated as follows:

We should preface the concerns by keeping in mind the number of accidents that have occurred at the Route 1 and 206 intersection prior to the overpass and the results of those horrific accidents we all remember. We all like to beat up on DelDOT but the end results of their efforts speak for themselves by the life savings difference it has made for the residents east of Route 1. Going forward now that the overpass is complete would be a crime to even think about putting people's life and limbs in jeopardy again in that vicinity.

We have heard a lot of talk about how traffic could be routed into the area that is under consideration. As far as routing that traffic through residential areas, we have heard plenty of reasons from a road standpoint and how they were never built for commercial traffic to the impact that would have on people's property values and sanity.

That leaves the options of accessing by a collector distributor, or the modification to Route 1 flyover. Not having seen any proposed route for the collector distributor road, one can only conjure up images of lights on the east side of the Route 1/206 overpass and the resurgence of accidents we had at the intersection prior to the grade separation.

The problem with the lights is that it won't look and feel like what I thought the City seemed to want east of Route 1. As far as modifying the flyover, think of the issues raised with traffic coming from the south on Route 1. Residents east of Route 1will all converging at, or near the flyover ramp, in order to get into the commercial area or onto South Rehoboth Boulevard.

Imagine the confluence of moving vehicles during the holidays or Sunday-homebound summer traffic.

Furthermore, we have heard a lot about getting into the area. How are people going to get back onto Route 1? If it is going to be by a C-D road, we are we are back to the traffic light or intersection that was previously eliminated. If it is by the flyover solution, I can only imagine it would need to be directly onto Route 1 from the commercial area. If that is going to be anything like the entrance to Route 1 from the Royal Farms site that was built between NE Front Street and Tenth Street, it will surely end up being another death trap given the blind spot created by the curve the flyover is on.

In conclusion, have we as a community become so preoccupied with shopping and so tight on time that we cannot drive the ten minutes to take advantage of the shopping opportunities available to all of us west of Route 1? Is the land in question truly big enough for any kind of shopping complex per say and if not, are we looking at yet another strip mall when the ones we have in town are not full to capacity? Perhaps as part of the effort to re-energize Milford, the City needs to offer seminars helping us to adjust our lifestyles in order to enjoy that river town, art town and hometown feeling the City is promoting. Thank you.

Howard Webb of 5536 Cedar Neck Road, Milford stated the following:

I am a nonresident but I buy electric from the City and I feel fully engaged as a citizen of Milford. I would like to touch on three points.

Sixty-six years ago I started school here. The school bus route was Bucks Road. I think I am as familiar with Bucks Road as anyone here or possibly could be. The flyover bridge that is being discussed will not make any significant improvement. And I think the State has it right when it says there are significant access problems off Bucks Road.

The second thing is this developer did a good deed when he sold his commercial property for a new hospital. But he sold it at a profit. So we are not obligated to provide him C-3 on another property that will destroy our neighborhoods–yours or mine.

Third point is, if this was a good idea, in July of 2011, this Council unanimously approved a TDR program in southeast Milford. The area under consideration now was a sending area where they would have to buy the increased density. We are not talking about residential density tonight but we are certainly talking about density of atmosphere which is not much difference. Thank you.

Mr. Pasquale Visioli of 6294 Bucks Road, Milford stated the followed:

Everybody took the wind out of my sails. They covered everything I wanted to talk about. But I want to expand on something that Mr. Rutt spoke about earlier when he mentioned that Mr. Fannin sold the property to the hospital. Also, Mr. Griffin tonight, and last week, stated that Mr. Fannin had a dream for a regional shopping center. Well I am old school and I still read the paper and I didn't embrace the electronic age. I still read the paper, especially the business section. The so-called anchorage, Macys, Sears and JC Penney are all phasing down and some stores are being closed. So Mr. Fannin's dream regional shopping center, I think would have turned into a nightmare, if it wasn't for the hospital taking that land off of his hands.

Could I have the map back up please? If you put a legitimate service road through Mrs. Thawley's property, it will take up quite a bit of space and the only thing you will be left with is another strip mall in that section. We have five strip malls in Milford now and I don't think we need another strip mall. When we talk about a service road, are we talking about a legitimate service road or are we talking about two white lines down the middle of the parking lot? That is what we have at Milford Plaza where Peebles and Advance Auto is located. Just a traffic line being used to depict a road.

The other point I want to make is about the flyover. One of the flyovers that was discussed last week would be at the corner of where Bucks Road makes the sharp right turn at the point of the Mr. Wiggles property. That is the point where the City of Milford Electric Department extends around and down Bucks Road and serves the front of approximately ten to eleven properties down Bucks Road.

Using Mr. Griffin's logic that you should only take care of people inside of your corporate lines, I am glad the City of Milford's electric department decided to come down Bucks Road and not ignore those residents because they are not inside City limits.

The other point I want to make is that Mr. Griffin said that Mr. Fannin is going to pay for all the utilities and whatever expenses are required. He is not doing that out of the bigness of his heart, because he is going to pass those expenses along to the tenants and someone else is going to pick up those costs. That will not be coming out of Mr. Fannin's pocket.

What I am asking you to do is think across the line and not just listen to Mr. Griffin. If you do, you will have to stop at the corporate line. He somewhat contradicts himself and in one sentence he is saying what you decide here tonight is for the benefit of the area and then he gets upset because 40 people last week who were opposed lived outside of the City limits. If he takes a head count tonight, he is really going to be upset. I ask you to use common sense and make the right decision. Thank you.

Lucius Webb of 20516 Sapp Road stated the following:

The reason why I am here tonight is to give you a perspective of a realtor and talk about the trend in retail and what kind of money does a developer really makes when they buy a property and then having it rezoned. I have great respect for Mr. Fannin's ability to make money. He buys a property like Mrs. Thawley's for about $15,000 an acre. Once it is rezoned, it is worth about $500,000 an acre. Pad sites are worth even more than that.

We can be enticed and say, well, we really need a Cheddars. If we really need a Cheddars, Mr. Silicato has sufficient space up by Grottos. We do not need a Cheddars in this area when we have much more appropriate land by Royal Farms and Grottos. Regarding the trends in retail, retail is really on the demise and most people are shopping on line and especially the younger people who have adapted technically.

We have some sadness in that retail front with Kmart and Sears' stores basically going out of business. Macy's is closing a hundred stores next year. Kmart is closing 78 stores; Ralph Lauren is closing 50 stores and Sports Authority is closing 400 stores. Walmart is closing 289 stores and it goes on and on. I have been working with developers trying to have a property rezoned and we are not getting there because the interest of retailers no longer exists. Milford does not have the economic base for the type of retailers they would really like to have as were once espoused by the sales staff at Hearthstone. People were told at one time when they walked in that there was going to be a Neiman Marcus where the hospital is now being built. Neiman Marcus would never think about coming to Milford. I could go on and on but I have great admiration for the Mayor and what this City Council is doing and their focus on downtown Milford. There is true promise for our community. Please stay focused. Thank you.

Tammy Sturgeon of 6246 Bucks Road. Milford stated the following:

I am probably the poor person on the block. I live right next door to the Wiggles Farm and I guess my concern is how are you guys going to protect me from big business. When I moved there, there were very few houses. The community has built up and it is a nice little community. When I walk, I see people walk their dogs and we all say hi to one another. It is just a very scary thing happening and I have to put my trust in you guys and hope you do the right thing by protecting me. Thank you.

Mayor Shupe asked if anyone else who wished to provide testimony in opposition of the application. No one responded.

The Mayor then asked if there is anyone else who would like to give testimony that are not opposed nor in support of the application. No one responded.

Mayor Shupe then asked for a show of hands for those in favor of the application. It was noted there were five people who raised their hand.

Mayor Shupe then asked for a show of hands of those persons who are opposed to the application. Solicitor Rutt counted 67 persons whose hands were raised in opposition.

Mayor Shupe stated that after hearing and accepting testimony from the applicant and representatives, those in favor of the change to the comprehensive plan and those opposed to the comprehensive plan, he closed the public comment portion of the meeting.

Solicitor Rutt asked to raise a point of order before the Council discussed the matter. He stated that under the City Code Section230-58(d), in the event there had been an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of three-fourths of City Council. He explained that since the City Planning Commission denied the application, to overturn their recommendation would require the affirmative vote of six members of City Council.

Mayor Shupe then provided City Council the opportunity to ask additional questions or to discuss the matter before them.

There being no comments or questions, Solicitor Rutt informed Council there are three options:

*Vote to deny the application;
*Vote to reverse the recommendation of the Planning Commission who recommended denial;
*Table the matter and consider it at a later date.

Councilwoman Peel then moved to deny the application, seconded by Councilman Campbell. Motion carried by the following 6-0 vote:

Councilmember Mergner stated as followed:

I vote to deny the application. It does not make sense and for me to sit here representing my ward which is Ward One who had a number of residents present tonight who were opposed and a lot of other residents who are not present. They have expressed their opinion by opposing the proposal to have this area be developed commercially. I am also in a younger area in my development where we do want change and I want change. I would not mind some commercial but it has to be in the right area and planned the right way. This area is not adequate for this type of development and many of the people are not in favor it because of safety issues, traffic issues and there was a little support so he does not support the application and votes to deny.

Councilmember Campbell stated as follows:

I also vote to deny the application mainly because of the situation with the developments and access roads and I think that being a representative of Ward One makes this a definite no in my eyes along with my constituents. Because of the comments from the State, the Planning Board recommendation and the red flags raised by the Planning Commissioners and being a former Commissioner, I feel it is important to support their concerns and recommendation.

Councilmember Peel states as follows:

I agree with what was mentioned and vote to deny the application on behalf of all the residents of Milford and those that are here and the concerns they have expressed tonight. Because we value their business, we value their citizenship and we want them to be a part of Milford and that to me, includes much more than the in-town area and I appreciate everyone being here to share those concerns.

Councilmember Brooks states as follows:

I vote to deny the amendment for the same reason Councilman Mergner, Councilman Campbell and Councilwoman Peel stated and also comments that DNREC made during the State planning process, as well as the safety concerns that have been mentioned. And I agree with the people there are problems with Bucks Road as was stated and I vote to deny it.

Councilmember Morrow states as follows:

I vote to deny the amendment based on the reasons stated by my other four colleagues and also based on the recommendation of the Planning Commission and feel it is very important to support their recommendation.

Councilmember Starling states as follows:

I vote to deny the amendment because of the reasons that have been stated by the residents who are here opposing it as well.

Mayor Shupe reported the motion to deny the proposed change to the comprehensive plan that is before City Council passed by a 6 to 0 vote of City Council.

There being no further business, Councilman Mergner moved to adjourn, seconded by Councilman Brooks. Motion carried.

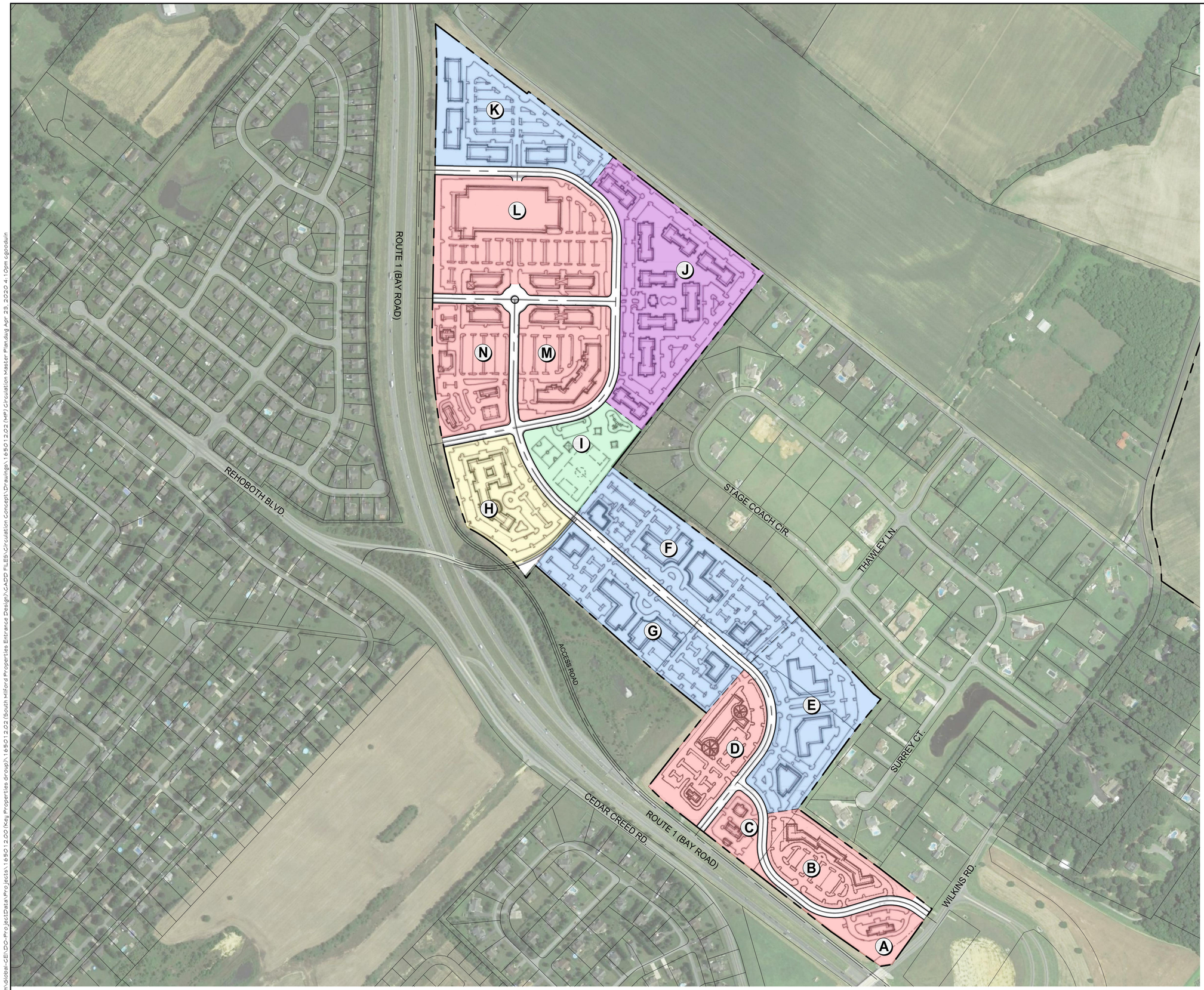
The Public Hearing adjourned at 10:21 p.m.

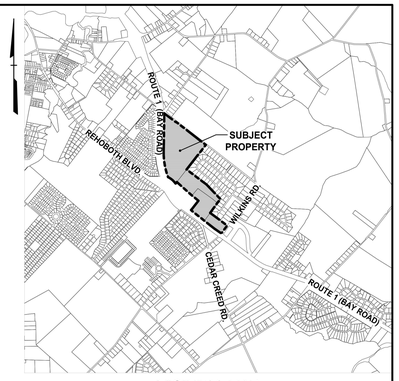
Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

Attachment:

Comp Plan Amendment Support/Petition




VICINITY MAP

SCALE: 1" = ½ MILE

## SITE DATA

**A**
LAND USE: COMMERCIAL / RETAIL
PARCEL SIZE: 2.3± ACRES
BUILDING SQUARE FOOTAGE: 5,500± SQUARE FEET
PARKING PROPOSED: 50± SPACES

**B**
LAND USE: COMMERCIAL / RETAIL
PARCEL SIZE: 5.4± ACRES
BUILDING SQUARE FOOTAGE: 35,000± SQUARE FEET
PARKING PROPOSED: 200± SPACES

**C**
LAND USE: COMMERCIAL / RETAIL
PARCEL SIZE: 1.8± ACRES
BUILDING SQUARE FOOTAGE: 4,100± SQUARE FEET
PARKING PROPOSED: 30± SPACES

**D**
LAND USE: COMMERCIAL /RETAIL
PARCEL SIZE: 6.0± ACRES
BUILDING SQUARE FOOTAGE: 35,000± SQUARE FEET
PARKING PROPOSED: 230± SPACES

**E**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 9.5± ACRES
BUILDING SQUARE FOOTAGE: 75,000± SQUARE FEET
PARKING PROPOSED: 525± SPACES

**F**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 10.4± ACRES
BUILDING SQUARE FOOTAGE: 85,000± SQUARE FEET
PARKING PROPOSED: 525± SPACES

**G**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 9.1± ACRES
BUILDING SQUARE FOOTAGE: 80,000± SQUARE FEET
PARKING PROPOSED: 510± SPACES

**H**
LAND USE: RESORT / HOTEL
PARCEL SIZE: 6.5± ACRES
BUILDING SQUARE FOOTAGE: 50,000± SQUARE FEET
PARKING PROPOSED: 325± SPACES

**I**
LAND USE: PARK / RECREATION
PARCEL SIZE: 4.6± ACRES
BUILDING SQUARE FOOTAGE: 1,000± SQUARE FEET
PARKING PROPOSED: 40± SPACES

**J**
LAND USE: MEDIUM DENSITY RESIDENTIAL (MDR)
PARCEL SIZE: 15.1± ACRES
BUILDING SQUARE FOOTAGE: 150,000± SQUARE FEET
PARKING PROPOSED: 630± SPACES

**K**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 9.5± ACRES
BUILDING SQUARE FOOTAGE: 64,000± SQUARE FEET
PARKING PROPOSED: 400± SPACES

**L**
LAND USE: COMMERCIAL / RETAIL
PARCEL SIZE: 13.7± ACRES
BUILDING SQUARE FOOTAGE: 150,000± SQUARE FEET
PARKING PROPOSED: 575± SPACES

**M**
LAND USE: COMMERCIAL / RETAIL
PARCEL SIZE: 6.5± ACRES
BUILDING SQUARE FOOTAGE: 50,000± SQUARE FEET
PARKING PROPOSED: 215± SPACES

**N**
LAND USE: COMMERCIAL / RETAIL
PARCEL SIZE: 6.6± ACRES
BUILDING SQUARE FOOTAGE: 35,000± SQUARE FEET
PARKING PROPOSED: 295± SPACES

NOTE:
GROSS SITE AREA: 118.3± ACRES
NET SITE AREA: 107.0± ACRES

## LEGEND

- Master Plan Boundary
- Medical / Office Area
- Commercial / Retail Area
- Resort / Hotel Area
- Park / Recreation Area
- Medium Density Residential (MDR) Area

## DISCLAIMER

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## DATA SOURCES:

- Boundary information & parcel line work is taken from Sussex County GIS.
- Master Plan is subject to County and State approvals.

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 Gilroy Road, Hunt Valley, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401

# Key Property Master Plan

City of Milford
Sussex County, Delaware

APRIL 2020

0 200' 400'

NORTH
NAD 83

\\solomon.centuryeng.com\Global>C$\2D-ProjectData\Projects\16901202 (Key Properties Group)\16901202 (South Milford Properties Entrance Design)\CADD FILES\Circulation Concept\Drawings\16901202 (MP) Circulation Master Plan.dwg Apr 29, 2020 4:10pm cgoodwin

## Multifamily Housing (Mid-Rise) (221)

| Weekday, ADT | | | | Weekday, AM Peak Hour Generator | | | | Weekday, PM Peak Hour Generator | | | | Wkdy, Adjacent Street AM Peak Hour (7-9) | | | | Wkdy, Adjacent Street PM Peak Hour (4-6) | | | | Saturday, ADT | | | | Sunday, ADT | | | | Saturday, Peak Hour Generator | | | | Sunday, Peak Hour Generator | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Dwelling Units** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| T = 5.45(X) - 1.75 | | | | Ln(T) = 0.83 Ln(X) - 0.27 | | | | Ln(T) = 0.83 Ln(X) - 0.05 | | | | Ln(T) = 0.98 Ln(X) - 0.98 | | | | Ln(T) = 0.96 Ln(X) - 0.63 | | | | T = 3.04(X) + 417.11 | | | | T = 10.13(X) - 341.89 | | | | T = 0.42 (X) + 6.73 | | | | T = 0.39(X) | | | |
| % Enter: | 50% | % Exit: | 50% | % Enter: | 27% | % Exit: | 73% | % Enter: | 60% | % Exit: | 40% | % Enter: | 26% | % Exit: | 74% | % Enter: | 61% | % Exit: | 39% | % Enter: | 50% | % Exit: | 50% | % Enter: | 50% | % Exit: | 50% | % Enter: | 49% | % Exit: | 51% | % Enter: | 62% | % Exit: | 38% |
| Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting |
| 315 | 1715 | 858 | 857 | 315 | 90 | 24 | 66 | 315 | 113 | 68 | 45 | 315 | 105 | 27 | 78 | 315 | 133 | 81 | 52 | 315 | 1375 | 687 | 688 | 315 | 2849 | 1425 | 1424 | 315 | 139 | 68 | 71 | 315 | 123 | 76 | 47 |

## Hotel (310)

| Weekday, ADT | | | | Weekday, AM Peak Hour Generator | | | | Weekday, PM Peak Hour Generator | | | | Wkdy, Adjacent Street AM Peak Hour (7-9) | | | | Wkdy, Adjacent Street PM Peak Hour (4-6) | | | | Saturday, ADT | | | | Sunday, ADT | | | | Saturday, Peak Hour Generator | | | | Sunday, Peak Hour Generator | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Occupied Rooms** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| T = 12.23(X) | | | | T= 0.65(X) | | | | T= 0.73(X) | | | | Ln(T) = 0.87 Ln(X) + 0.22 | | | | T = 0.73(X) - 0.49 | | | | T = 10.50(X) | | | | T= 8.48(X) | | | | T= 0.87(X) | | | | T= 0.75(X) | | | |
| % Enter: | 50% | % Exit: | 50% | % Enter: | 55% | % Exit: | 45% | % Enter: | 57% | % Exit: | 43% | % Enter: | 58% | % Exit: | 42% | % Enter: | 49% | % Exit: | 51% | % Enter: | 50% | % Exit: | 50% | % Enter: | 50% | % Exit: | 50% | % Enter: | 56% | % Exit: | 44% | % Enter: | 46% | % Exit: | 54% |
| Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting |
| 900 | 11007 | 5503 | 5504 | 900 | 585 | 322 | 263 | 900 | 657 | 374 | 283 | 410 | 234 | 136 | 98 | 410 | 299 | 147 | 152 | 900 | 9450 | 4725 | 4725 | 900 | 7632 | 3816 | 3816 | 900 | 783 | 438 | 345 | 900 | 675 | 310 | 365 |

## Public Park (411)

| Weekday, ADT | | | | Weekday, AM Peak Hour Generator | | | | Weekday, PM Peak Hour Generator | | | | Wkdy, Adjacent Street AM Peak Hour (7-9) | | | | Wkdy, Adjacent Street PM Peak Hour (4-6) | | | | Saturday, ADT | | | | Sunday, ADT | | | | Saturday, Peak Hour Generator | | | | Sunday, Peak Hour Generator | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Acres** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| T = 0.64(X) + 88.46 | | | | T = 0.15(X) | | | | T = 0.08(X) + 15.36 | | | | T = 0.02(X) | | | | T = 0.06(X) + 22.60 | | | | T = 1.96(X) | | | | T = 2.19(X) | | | | T = 0.20(X) + 26.40 | | | | T = 0.18(X) + 36.85 | | | |
| % Enter: | 50% | % Exit: | 50% | % Enter: | 67% | % Exit: | 33% | % Enter: | 40% | % Exit: | 60% | % Enter: | 59% | % Exit: | 41% | % Enter: | 55% | % Exit: | 45% | % Enter: | 50% | % Exit: | 50% | % Enter: | 50% | % Exit: | 50% | % Enter: | 55% | % Exit: | 45% | % Enter: | 39% | % Exit: | 61% |
| Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting |
| 4.6 | 91 | 45 | 46 | 4.6 | 1 | 1 | 0 | 4.6 | 16 | 6 | 10 | 4.6 | 0 | 0 | 0 | 4.6 | 23 | 13 | 10 | 4.6 | 9 | 4 | 5 | 4.6 | 10 | 5 | 5 | 4.6 | 27 | 15 | 12 | 4.6 | 38 | 15 | 23 |

## Medical-Dental Office Building (720)

| Weekday, ADT | | | | Weekday, AM Peak Hour Generator | | | | Weekday, PM Peak Hour Generator | | | | Weekday, Adjacent Street AM Peak Hour (7-9) | | | | Weekday, Adjacent Street PM Peak Hour (4-6) | | | | Saturday, ADT | | | | Sunday, ADT | | | | Saturday, Peak Hour Generator | | | | Sunday, Peak Hour Generator | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **1000 Sq Feet Gross Floor Area** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| T= 38.42(X)-87.62 | | | | T= 3.43(X)+2.57 | | | | T= 4.27(X)-4.63 | | | | Ln(T)= 0.89Ln(x)+1.31 | | | | T= 3.39(X)+2.02 | | | | T = 8.57(X) | | | | T= 1.42(X) | | | | T= 4.94(X)-50.78 | | | | T= 0.32(X) | | | |
| % Enter: | 50% | % Exit: | 50% | % Enter: | 62% | % Exit: | 38% | % Enter: | 39% | % Exit: | 61% | % Enter: | 78% | % Exit: | 22% | % Enter: | 28% | % Exit: | 72% | % Enter: | 50% | % Exit: | 50% | % Enter: | 50% | % Exit: | 50% | % Enter: | 57% | % Exit: | 43% | % Enter: | 52% | % Exit: | 48% |
| GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| 350500 | 13379 | 6690 | 6689 | 350500 | 1205 | 747 | 458 | 350500 | 1492 | 582 | 910 | 350500 | 682 | 532 | 150 | 350500 | 1190 | 333 | 857 | 350500 | 3004 | 1502 | 1502 | 350500 | 498 | 249 | 249 | 350500 | 1681 | 958 | 723 | 350500 | 112 | 58 | 54 |

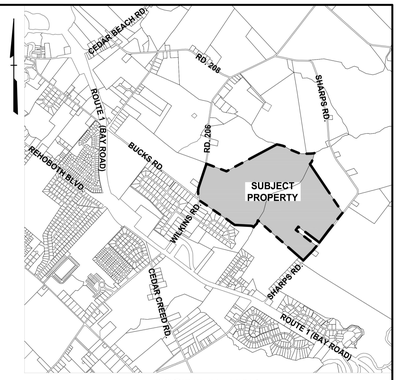
## Shopping Center (820)

| Weekday, ADT | | | | Weekday, AM Peak Hour Generator | | | | Weekday, PM Peak Hour Generator | | | | Wkdy, Adjacent Street AM Peak Hour (7-9) | | | | Wkdy, Adjacent Street PM Peak Hour (4-6) | | | | Saturday, ADT | | | | Sunday, ADT | | | | Saturday, Peak Hour Generator | | | | Sunday, Peak Hour Generator | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **1000 Sq Feet Gross Leasable Area** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ln(T) = 0.68 Ln(X) + 5.57 | | | | T = 2.76(X) + 77.28 | | | | Ln(T) = 0.72 Ln(X) + 3.02 | | | | T = 0.50(X) + 151.78 | | | | Ln(T) = 0.74 Ln(X) + 2.89 | | | | Ln(T) = 0.62 Ln(X) + 6.24 | | | | T= 21.10 (X) | | | | Ln(T) = 0.79 Ln(X) + 2.79 | | | | T= 2.79(X) | | | |
| % Enter: | 50% | % Exit: | 50% | % Enter: | 54% | % Exit: | 46% | % Enter: | 50% | % Exit: | 50% | % Enter: | 62% | % Exit: | 38% | % Enter: | 48% | % Exit: | 52% | % Enter: | 50% | % Exit: | 50% | % Enter: | 50% | % Exit: | 50% | % Enter: | 52% | % Exit: | 48% | % Enter: | 49% | % Exit: | 51% |
| GLA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GLA | Trips Ends | Entering | Exiting | GLA | Trips Ends | Entering | Exiting | GLA | Trips Ends | Entering | Exiting | GLA | Trips Ends | Entering | Exiting | GLA | Trips Ends | Entering | Exiting | GLA | Trips Ends | Entering | Exiting |
| 264600 | 11651 | 5825 | 5826 | 264600 | 808 | 436 | 372 | 264600 | 1137 | 568 | 569 | 264600 | 284 | 176 | 108 | 264600 | 1116 | 536 | 580 | 264600 | 16293 | 8146 | 8147 | 264600 | 5583 | 2791 | 2792 | 264600 | 1335 | 694 | 641 | 264600 | 738 | 362 | 376 |

## TOTAL SITE

| Weekday, ADT | | | | Weekday, AM Peak Hour Generator | | | | Weekday, PM Peak Hour Generator | | | | Wkdy, Adjacent Street AM Peak Hour (7-9) | | | | Wkdy, Adjacent Street PM Peak Hour (4-6) | | | | Saturday, ADT | | | | Sunday, ADT | | | | Saturday, Peak Hour Generator | | | | Sunday, Peak Hour Generator | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting |
| | 37843 | 18921 | 18922 | | 2689 | 1530 | 1159 | | 3415 | 1598 | 1817 | | 1305 | 871 | 434 | | 2761 | 1110 | 1651 | | 30131 | 15064 | 15067 | | 16572 | 8286 | 8286 | | 3965 | 2173 | 1792 | | 1686 | 821 | 865 |




VICINITY MAP

SCALE: 1" = ½ MILE

## SITE DATA

**A**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 13.6± ACRES
BUILDING HEIGHTS: 1 - 3 STORIES
BUILDING SQUARE FOOTAGE: 200,000± SQUARE FEET
PARKING PROPOSED: 1,000± SPACES

**B**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 8.6± ACRES
BUILDING HEIGHTS: 1 - 2 STORIES
BUILDING SQUARE FOOTAGE: 115,000± SQUARE FEET
PARKING PROPOSED: 600± SPACES

**C**
LAND USE: OPEN SPACE
PARCEL SIZE: 2.4± ACRES

**D**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 6.8± ACRES
BUILDING HEIGHTS: 1 - 2 STORIES
BUILDING SQUARE FOOTAGE: 89,000± SQUARE FEET
PARKING PROPOSED: 420± SPACES

**E**
LAND USE: OPEN SPACE
PARCEL SIZE: 2.9± ACRES

**F**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 24.5± ACRES
BUILDING HEIGHTS: 1 - 4 STORIES
BUILDING SQUARE FOOTAGE: 500,000± SQUARE FEET
PARKING PROPOSED: 2,500± SPACES

**G**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 33.4± ACRES
BUILDING HEIGHTS: 1 - 5 STORIES
BUILDING SQUARE FOOTAGE: 715,000± SQUARE FEET
PARKING PROPOSED: 3,500± SPACES

**H**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 31.9± ACRES
BUILDING HEIGHTS: 1 - 4 STORIES
BUILDING SQUARE FOOTAGE: 565,000± SQUARE FEET
PARKING PROPOSED: 2,800± SPACES

**I**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 23.8± ACRES
BUILDING HEIGHTS: 1 STORY
BUILDING SQUARE FOOTAGE: 215,000± SQUARE FEET
PARKING PROPOSED: 1,050± SPACES

**J**
LAND USE: SINGLE-FAMILY RESIDENTIAL
PARCEL SIZE: 150.1± ACRES
NUMBER OF LOTS PROVIDE: 312
MINIMUM LOT SIZE: 80' x 125' (10,000 SQFT.)
PROPOSED OPEN SPACE: 42 ACRES (25%)

NOTE:
TOTAL BUILDING AREA PROPOSED IN 'IS' ZONE IS ~2,400,000 SQUARE FEET.
TOTAL PARKING PROPOSED IN 'IS' ZONE IS ~11,870 SPACES.

## LEGEND

- Master Plan Boundary
- Medical / Office (Zoned IS)
- Open Space
- Single-Family Residential (Zoned R1)
- Pedestrian Circulation
- Proposed Storm Water Management

## DISCLAIMER

- Master Plan is subject to County and State approvals.

## DATA SOURCES:

- Boundary information & parcel line work is taken from Sussex County GIS.
- Aerial photograph from Google Earth.

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 Gilroy Road, Hunt Valley, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401

# Fannin Property Master Plan

City of Milford
Sussex County, Delaware

MAY 20, 2020

0 200' 400'

NORTH
NAD 83

\\solomon.centuryeng.com\Global-CENDO-Projects\Data\Projects\16901200 (Key Properties Group)\16901202 (South Milford Properties Entrance Design)\CADD FILES\Circulation Concept\Drawings\16901202 (FMP) Fannin-Circulation Master Plan.dwg May 20, 2020 3:57pm cgoodwin

# Fannin Property Master Plan Trip Generation

| Land Code | Site A: Medical-Dental Office Building (720) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | T= 38.42(X)-87.62 | | | | Ln(T)= 0.89 Ln(X) + 1.31 | | | | T= 3.39(X) + 2.02 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 78% | | % Exit: 22% | | % Enter: 28% | | % Exit: 72% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 200,000 | 7,596 | 3,798 | 3,798 | 200,000 | 414 | 323 | 91 | 200,000 | 680 | 190 | 490 |

| Land Code | Site B: Medical-Dental Office Building (720) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | T= 38.42(X)-87.62 | | | | Ln(T)= 0.89 Ln(X) + 1.31 | | | | T= 3.39(X) + 2.02 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 78% | | % Exit: 22% | | % Enter: 28% | | % Exit: 72% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 115,000 | 4,331 | 2,165 | 2,166 | 115,000 | 253 | 197 | 56 | 115,000 | 392 | 110 | 282 |

| Land Code | Site D: Medical-Dental Office Building (720) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | T= 38.42(X)-87.62 | | | | Ln(T)= 0.89 Ln(X) + 1.31 | | | | T= 3.39(X) + 2.02 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 78% | | % Exit: 22% | | % Enter: 28% | | % Exit: 72% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 89,000 | 3,332 | 1,666 | 1,666 | 89,000 | 201 | 157 | 44 | 89,000 | 304 | 85 | 219 |

| Land Code | Site F: Medical-Dental Office Building (720) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | T= 38.42(X)-87.62 | | | | Ln(T)= 0.89 Ln(X) + 1.31 | | | | T= 3.39(X) + 2.02 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 78% | | % Exit: 22% | | % Enter: 28% | | % Exit: 72% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 500,000 | 19,122 | 9,561 | 9,561 | 500,000 | 935 | 729 | 206 | 500,000 | 1,697 | 475 | 1,222 |

# Fannin Property Master Plan Trip Generation

| Land Code | Site G: Medical-Dental Office Building (720) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | T= 38.42(X)-87.62 | | | | Ln(T)= 0.89 Ln(X) + 1.31 | | | | T= 3.39(X) + 2.02 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 78% | | % Exit: 22% | | % Enter: 28% | | % Exit: 72% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 715,000 | 27,383 | 13,691 | 13,692 | 715,000 | 1,286 | 1,003 | 283 | 715,000 | 2,426 | 679 | 1,747 |

| Land Code | Site H: Medical-Dental Office Building (720) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | T= 38.42(X)-87.62 | | | | Ln(T)= 0.89 Ln(X) + 1.31 | | | | T= 3.39(X) + 2.02 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 78% | | % Exit: 22% | | % Enter: 28% | | % Exit: 72% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 565,000 | 21,620 | 10,810 | 10,810 | 565,000 | 1,043 | 813 | 230 | 565,000 | 1,917 | 536 | 1,381 |

| Land Code | Site I: Medical-Dental Office Building (720) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | T= 38.42(X)-87.62 | | | | Ln(T)= 0.89 Ln(X) + 1.31 | | | | T= 3.39(X) + 2.02 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 78% | | % Exit: 22% | | % Enter: 28% | | % Exit: 72% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 215,000 | 8,173 | 4,086 | 4,087 | 215,000 | 441 | 344 | 97 | 215,000 | 731 | 205 | 526 |

| Land Code | Site J: Single Family Detached Housing (210) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | Ln(T)= 0.92 Ln(X) + 2.71 | | | | T= 3.39(X) + 2.02 | | | | Ln(T)= 0.96 Ln(X) + 0.2 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 25% | | % Exit: 75% | | % Enter: 63% | | % Exit: 37% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 312 | 2,962 | 1,481 | 1,481 | 312 | 226 | 56 | 170 | 312 | 303 | 191 | 112 |

5/26/2020

# Fannin Property Master Plan Trip Generation

Land Code

Time Period

## Sum of All Developments

| Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| N/A | 94,519 | 47,258 | 47,261 | N/A | 4,799 | 3,622 | 1,177 | N/A | 8,450 | 2,471 | 5,979 |

# KEY PROPERTIES, MILFORD

## CONCEPTUAL C-D ROAD ACCESS



CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, May 17, 2022 @ 7:00 PM
City Council Hearing: Monday, May 23, 2022 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not intended to influence any decision of City Council.

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, May 17, 2022 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, May 23, 2022 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 2022-23**
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #12
COUNTRY LIFE HOMES, INC.
3-30-11.00-070.00

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-Muncipalities, 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 February 23, 2022, the Planning Director prepared and consulted with the Office of State Planning the twelfth 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 change of Sussex County Tax Parcel 3-30-11.00-070.00 from Low Density Residential to Commercial; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the twelfth 2018 Comprehensive Plan amendment on May 17, 2022 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 twelfth amendment of the 2018 Comprehensive Plan on May 23, 2022 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 May 23, 2022 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on June 2, 2022.

Planning Commission Review & Public Hearing: May 17, 2022
City Council Introduction: May 9, 2022
City Council Review & Public Hearing: May 23, 2022

**SYNOPSIS:**
Country Life Homes, Inc., Coastal Highway, Tax Parcel 3-30-11.00-070.00; 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.

*041822*
*Published: Beacon 04/27/22*

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, May 17, 2022 @ 7:00 PM
City Council Hearing: Monday, May 23, 2022 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not intended to influence any decision of City Council.

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, May 17, 2022 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, May 23, 2022 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 2022-24**
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #13
MR. WIGGLES, LLC
3-30-11.00-056.00

FUTURE LAND USE DESIGNATION CHANGE AND TEXT AMENDMENT

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-Muncipalities, 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 February 23, 2022, the Planning Director prepared and consulted with the Office of State Planning the thirteenth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use Maps and Text, which will permit the future land use designation change of Sussex County Tax Parcel 3-30-11.00-056.00 from Low Density Residential to Commercial; and

WHEREAS, the amendment involves changes to the Comprehensive Plan, Appendix B, SE Master Plan, Future Land Use Maps, which will eliminate proposed Transfer of Development Rights (TDR) Receiving Area #1 on Tax Parcel 3-30-11.00-056.00 and increase the size of TDR Receiving Area #3 on Tax Parcel 3-30-15.00-024.00; and

WHEREAS, the amendment involves changes to Appendix B, SE Master Plan, Chapter 4, replacing Table 4.2 entitled "Milford TDR Receiving Areas" to accommodate the change in future land use designation for the Mr. Wiggles, LLC property; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review

and comment on the thirteenth 2018 Comprehensive Plan amendment on May 17, 2022 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 thirteenth amendment of the 2018 Comprehensive Plan on May 23, 2022 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Purpose: The 2018 Comprehensive Plan is hereby amended to modify the Future Land Use Maps and associated text.

Section 2. The Future Land Use of Sussex County Tax Parcel 3-30-11.00-056.00 owned by Mr. Wiggles, LLC is hereby changed from low density residential to commercial.

Section 3. The Future Land Use maps of the SE Master Plan are hereby amended to eliminate TDR Receiving Area #1 and to increase the size of TDR Receiving Area #3.

Section 4. The 2018 Comprehensive Plan, Appendix B, SE Master Plan, Chapter 4 is hereby amended by deleting Table 4.2 entitled "Milford TDR Receiving Areas" in its entirety and replacing with the below Table 4.2.

*Table 4.2. TDR Receiving Area Analysis*

| *Milford TDR Receiving Areas* | | | | | |
|---|---|---|---|---|---|
| *ID* | *Tax Parcel Number* | *Receiving Area Acreage* | *Base Zoning at 3 DU/Acre* | *TDR Zoning at 8 DU/Acre* | *Total Transfer Credits Allowed* |
| *2* | *3-30-11.00-068.00* | *55* | *165* | *440* | *275* |
| *3* | *3-30-15.00-024.00* | *115* | *345* | *920* | *575* |
| *4* | *3-30-16.00-016.00 & 3-30-15.00-071.00* | *120* | *360* | *960* | *600* |
| | | *290* | | *2,320* | *1,450* |

Section 5. Dates.
Planning Commission Review & Public Hearing: May 17, 2022
City Council Introduction: May 9, 2022
City Council Review & Public Hearing: May 23, 2022

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

*041822*
*Published: Beacon 04/27/22*

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

# DATA SHEET FOR 2022 COMPREHENSIVE PLAN AMENDMENT
# MR. WIGGLES, LLC

Planning Commission Meeting: May 17, 2022
City Council Meeting: May 23, 2022

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| | | |
|---|---|---|
| **Ordinance Number / Name** | : | 2022-24 / Mr. Wiggles, LLC |
| **Applicant** | : | Mr. Wiggles, LLC<br>610 Marshall Street<br>Milford, DE 19963 |
| **Owner** | : | Same |
| **Application Type** | : | Comprehensive Plan Future Land Use Map Amendment |
| **Present Comprehensive Plan Map Designation** | : | Low Density Residential |
| **Proposed Comprehensive Plan Map Designation** | : | Commercial |
| **Present Zoning District(s)** | : | R-2 (Residential District) |
| **Size and Location** | : | 70.09 +/- acres of land located along the west side of Bucks Road approximately 2,450 feet north of the Cedar Neck Road intersection. |
| **Tax Map & Parcel(s)** | : | 3-30-11.00-056.00 |

ENC: Staff Analysis Report
Location & Zoning Map
Comprehensive Plan Amendment Request Letter
Key Property Master Plan
Current Comprehensive Plan Future Land Use Map
Proposed Comprehensive Plan Future Land Use Maps #1, #2, #3, #5, and #6
Highway Commercial Land Inventory Map
PLUS Comments
City Council Public Hearing Minutes – 10/24/2016
Ordinance 2022-24

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Milford, DE 19963
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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

**STAFF REPORT**
**May 2, 2022**

| | | |
|---|---|---|
| **Ordinance Number / Name** | **:** | 2022-24 / Mr. Wiggles, LLC |
| **Application Type** | **:** | Comprehensive Plan Future Land Use Map Amendment |

## I. BACKGROUND

### 2022 Amendment Request

- The City received a request from the owner of Sussex County Tax Parcel 3-30-11.00-056.00 to change the Comprehensive Plan Future Land Use classification from Low Density Residential to Commercial. The amendment request would relocate the available Transfer of Development Rights (TDR) credits from proposed Receiving Area #1 to proposed Receiving Area #3 on Sussex County Tax Parcel 3-30-15.00-024.00 located at the northwest corner of Wilkins Road and Elks Lodge Road.

- Comprehensive Amendment requests from property owners are compiled annually to be reviewed by the City of Milford Planning Commission and City Council. Once compiled, the amendment requests are presented to City Council for informational purposes only prior to submission to the State of Delaware for Preliminary Land Use Service (PLUS) review. The amendment request was presented to City Council during a workshop on January 10, 2022 and was submitted to the State of Delaware at the end of January 2022. The PLUS meeting for this amendment request was held on February 23, 2022 and a copy of the PLUS comments dated March 18, 2022 are enclosed.

- A public open house was held on May 4, 2022 at the City of Milford Public Works Facility to inform the public of the amendment request. Representatives from the Milford Planning Department, Office of State Planning Coordination, DelDOT along with the developer/property owner were in attendance.

### Comprehensive Plan & Southeast Master Plan History

- The 2011 Southeast Master Plan was an amendment to the City's 2008 Comprehensive Plan and is used to guide growth and development in the Southeast Neighborhood of the City. The 2011 SE Master Plan was prepared as a result of increasing pressure to develop land east of SR1 adjacent to the City of Milford and included close coordination with the State of Delaware Office of State Planning Coordination (OSPC), Department of Agriculture, Department of Natural Resources and Environmental Control (DNREC) and Department of Transportation (DelDOT). The 2011 SE Master Plan was approved by City Council in 2011 and was signed by the Mayor, the Director of the OSPC and the Secretaries of DelDOT, DNREC and the Department of Agriculture.

- The SE Master Plan was amended in 2015 at the request of Bayhealth to create the Sussex Health Campus. The area of the current Sussex Health Campus was previously designated a mixture of Commercial and Moderate Density Residential which was changed to Employment to allow for the construction of the hospital and associated medical uses.

- The SE Master Plan was amended in 2015 to change the future land use of several parcels located adjacent to the Sussex Health Campus at the southeast intersection of Wilkins Road and Elks Lodge Road from Low Density Residential to Moderate Density Residential.

- The 2018 Comprehensive Plan Update incorporated the SE Master Plan as an appendix to the overall comprehensive plan document. During the 2018 update, several parcels adjacent to the Sussex Health Campus located at the southeast corner of Wilkins Road and Elks Lodge Road were changed from Moderate Density Residential to Commercial and the City's electric substation was added to the future land use maps and designated Employment.

- The SE Master Plan was amended in 2019 during the development of the City's Transfer of Development Rights (TDR) ordinance. The Planning Department recommended adjusting the size and location of the proposed TDR Receiving Areas to reduce the number of parcels involved, hopefully leading to a more successful program.

- A copy of the current future land use exhibit is provided in the packet for reference.

## II. STAFF ANALYSIS

- The goal of the SE Master Plan was to provide predictable, shovel ready development which incorporated proactive preservation of farmland to the east of the City's projected growth area. The master planning process (2008-2011) included an extensive public participation effort with input from local residents and property owners. The subject parcel was considered for commercial land use during the initial phase of the master plan, but commercial was not ultimately recommended due to difficulty in gaining road access to the property and the proximity to low density residential land uses.

- The applicant submitted a similar amendment request in 2016 to change the future land use designation of the subject parcel from Low Density Residential to Commercial. The amendment request was reviewed by the Planning Commission on October 18, 2016 and City Council on October 24, 2016 and was subsequently denied upon a vote of 6-0. See enclosed for a copy of the City Council public hearing minutes from October 24, 2016.

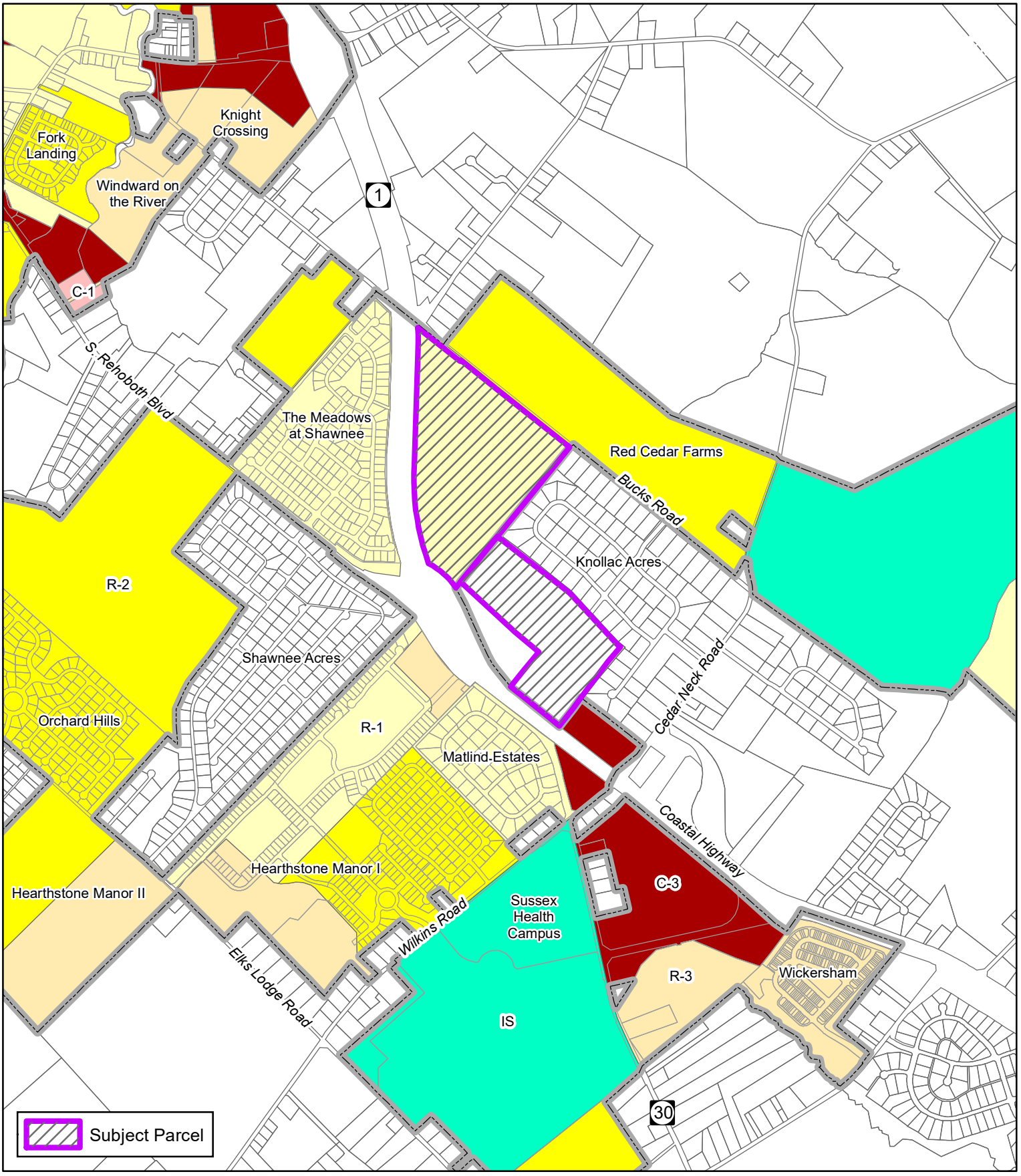
- Included in the packet is a city-wide zoning map identifying areas within City limits that are zoned C-3 Highway Commercial. It should be noted that this does not include other zoning categories that provide areas for employment and commercial uses such as C-1, C-2, C-2A, BP, OC-1, OB-1, I-1, I-2, H-1, IS & IM. There is approximately 322 acres of developed C-3 land currently within City limits. There is approximately 397 acres of undeveloped or underutilized C-3 land within City limits, of which 245 acres is located along the Route 1 corridor. Bayhealth owns approximately 55 acres of vacant C-3 land east of the Sussex Health Campus in the Southeast Neighborhood.

- The subject parcel is bound on the west by SR1, on the south by an existing residential development known as Knollac Acres, and to the east by Bucks Road and other residentially zoned land.

- According to the PLUS comments dated March 18, 2022, transportation access to the subject parcel would be by way of Bucks Road. Direct access to Route 1 would not be permitted.

- The Southeast Neighborhood is part of a Transportation Improvement District (TID) under development and consideration by the City and DelDOT. The TID accounted for 485 single-family detached dwellings on the Mr. Wiggles, LLC property. If the future land use map amendment is approved, the applicant would be required to work with the State and City to update the transportation study for the TID.

- The subject parcel and other properties east of SR1 would be served by a regional sewage pumping station and conveyance system. Central water utility exists at the corner of Bucks Road and Cedar Neck Road which would be extended by development as needed to serve areas east of SR1. Both water and sewer could be phased in depending on development conditions.




THE CITY of Milford DELAWARE

Scale: 0 750 1,500 Feet

Drawn by: WRP

Date: 04/06/22

Filepath: 2022ComPlanAmend_Wiggles_CLH.mxd

Title:

2022 Comprehensive Plan Amendment

**Mr. Wiggles, LLC & Country Life Homes, Inc.**

Location & Zoning Map

Mr. Wiggles LLC
610 Marshall Street
Milford, DE. 19963

City of Milford Planning & Zoning
180 Vickers Drive
Milford, DE. 19963

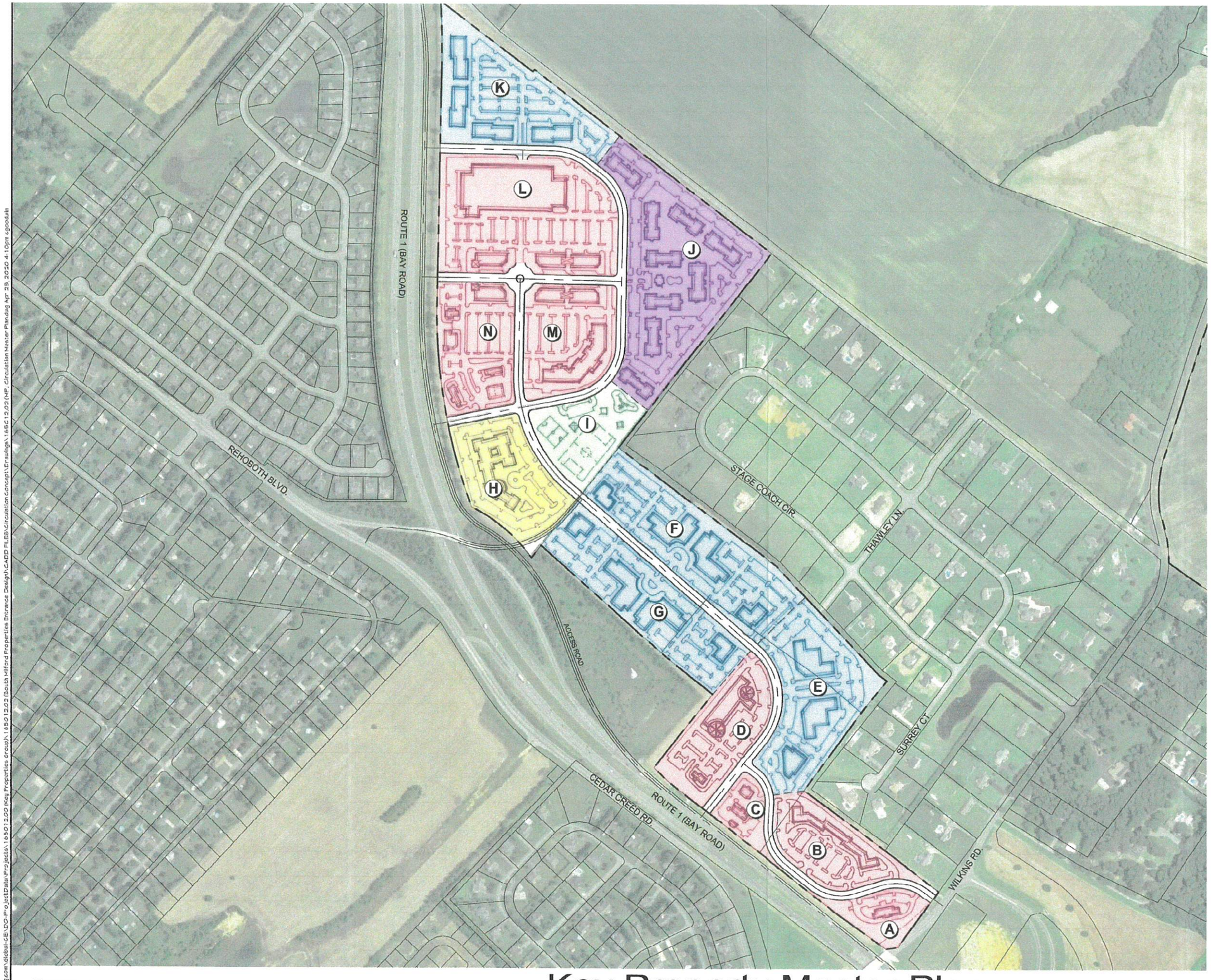
June 14, 2021

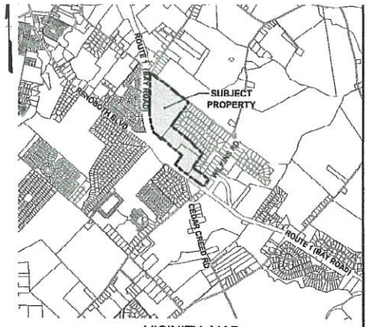
RE: Parcel 3-30 11.00-056.00

Please accept this letter as a formal request to amend the City of Milford 2018 Comprehensive Plan Future Use exhibits to change the future land use classification of Sussex County tax parcel number 3-30-11.00-056.00 from Low Density Residential to Commercial. I have attached a draft concept plan of the site area for reference.

Sincerely,

Elmer Fannin




VICINITY MAP
SCALE: 1" = ½ MILE

## SITE DATA

| | | |
|---|---|---|
| A | LAND USE: | COMMERCIAL / RETAIL |
| | PARCEL SIZE: | 2.3± ACRES |
| | BUILDING SQUARE FOOTAGE: | 5,500± SQUARE FEET |
| | PARKING PROPOSED: | 50± SPACES |
| B | LAND USE: | COMMERCIAL / RETAIL |
| | PARCEL SIZE: | 5.4± ACRES |
| | BUILDING SQUARE FOOTAGE: | 55,000± SQUARE FEET |
| | PARKING PROPOSED: | 200± SPACES |
| C | LAND USE: | COMMERCIAL / RETAIL |
| | PARCEL SIZE: | 1.8± ACRES |
| | BUILDING SQUARE FOOTAGE: | 4,100± SQUARE FEET |
| | PARKING PROPOSED: | 30± SPACES |
| D | LAND USE: | COMMERCIAL /RETAIL |
| | PARCEL SIZE: | 6.0± ACRES |
| | BUILDING SQUARE FOOTAGE: | 30,000± SQUARE FEET |
| | PARKING PROPOSED: | 230± SPACES |
| E | LAND USE: | MEDICAL / OFFICE |
| | PARCEL SIZE: | 9.5± ACRES |
| | BUILDING SQUARE FOOTAGE: | 75,000± SQUARE FEET |
| | PARKING PROPOSED: | 525± SPACES |
| F | LAND USE: | MEDICAL / OFFICE |
| | PARCEL SIZE: | 10.4± ACRES |
| | BUILDING SQUARE FOOTAGE: | 85,000± SQUARE FEET |
| | PARKING PROPOSED: | 626± SPACES |
| G | LAND USE: | MEDICAL / OFFICE |
| | PARCEL SIZE: | 9.1± ACRES |
| | BUILDING SQUARE FOOTAGE: | 80,000± SQUARE FEET |
| | PARKING PROPOSED: | 510± SPACES |
| H | LAND USE: | RESORT / HOTEL |
| | PARCEL SIZE: | 6.5± ACRES |
| | BUILDING SQUARE FOOTAGE: | 50,000± SQUARE FEET |
| | PARKING PROPOSED: | 325± SPACES |
| I | LAND USE: | PARK / RECREATION |
| | PARCEL SIZE: | 4.0± ACRES |
| | BUILDING SQUARE FOOTAGE: | 1,000± SQUARE FEET |
| | PARKING PROPOSED: | 40± SPACES |
| J | LAND USE: | MEDIUM DENSITY RESIDENTIAL (MDR) |
| | PARCEL SIZE: | 16.1± ACRES |
| | BUILDING SQUARE FOOTAGE: | 160,000± SQUARE FEET |
| | PARKING PROPOSED: | 630± SPACES |
| K | LAND USE: | MEDICAL / OFFICE |
| | PARCEL SIZE: | 9.5± ACRES |
| | BUILDING SQUARE FOOTAGE: | 64,000± SQUARE FEET |
| | PARKING PROPOSED: | 400± SPACES |
| L | LAND USE: | COMMERCIAL / RETAIL |
| | PARCEL SIZE: | 13.7± ACRES |
| | BUILDING SQUARE FOOTAGE: | 150,000± SQUARE FEET |
| | PARKING PROPOSED: | 575± SPACES |
| M | LAND USE: | COMMERCIAL / RETAIL |
| | PARCEL SIZE: | 8.5± ACRES |
| | BUILDING SQUARE FOOTAGE: | 50,000± SQUARE FEET |
| | PARKING PROPOSED: | 215± SPACES |
| N | LAND USE: | COMMERCIAL / RETAIL |
| | PARCEL SIZE: | 8.6± ACRES |
| | BUILDING SQUARE FOOTAGE: | 35,000± SQUARE FEET |
| | PARKING PROPOSED: | 295± SPACES |
| | NOTE: | |
| | GROSS SITE AREA: | 118.3± ACRES |
| | NET SITE AREA: | 107.0± ACRES |

## LEGEND

- Master Plan Boundary
- Medical / Office Area
- Commercial / Retail Area
- Resort / Hotel Area
- Park / Recreation Area
- Medium Density Residential (MDR) Area

## DISCLAIMER

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## DATA SOURCES:

- Boundary information & parcel line work is taken from Sussex County GIS.
- Master Plan is subject to County and State approvals.

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 Gilroy Road, Hunt Valley, MD 21031

# Key Property Master Plan

City of Milford
Sussex County, Delaware

APRIL 2020

0 200' 400'

NORTH
NAD 83

C:\Users\dbeacon.century\eng.com\Global-CE\DOCProjectData\Projects\16901200 (Key Properties group)\16901202 (South Milford Properties Entrance Design)\CADD FILES\Circulation concept\Drawings\16901202 (KP_Circulation Master Plan).dwg Apr 29, 2020 at 1:01pm dbeacon

Current Future Land Use Exhibit amended in 2019

# South East Neighborhood Master Plan

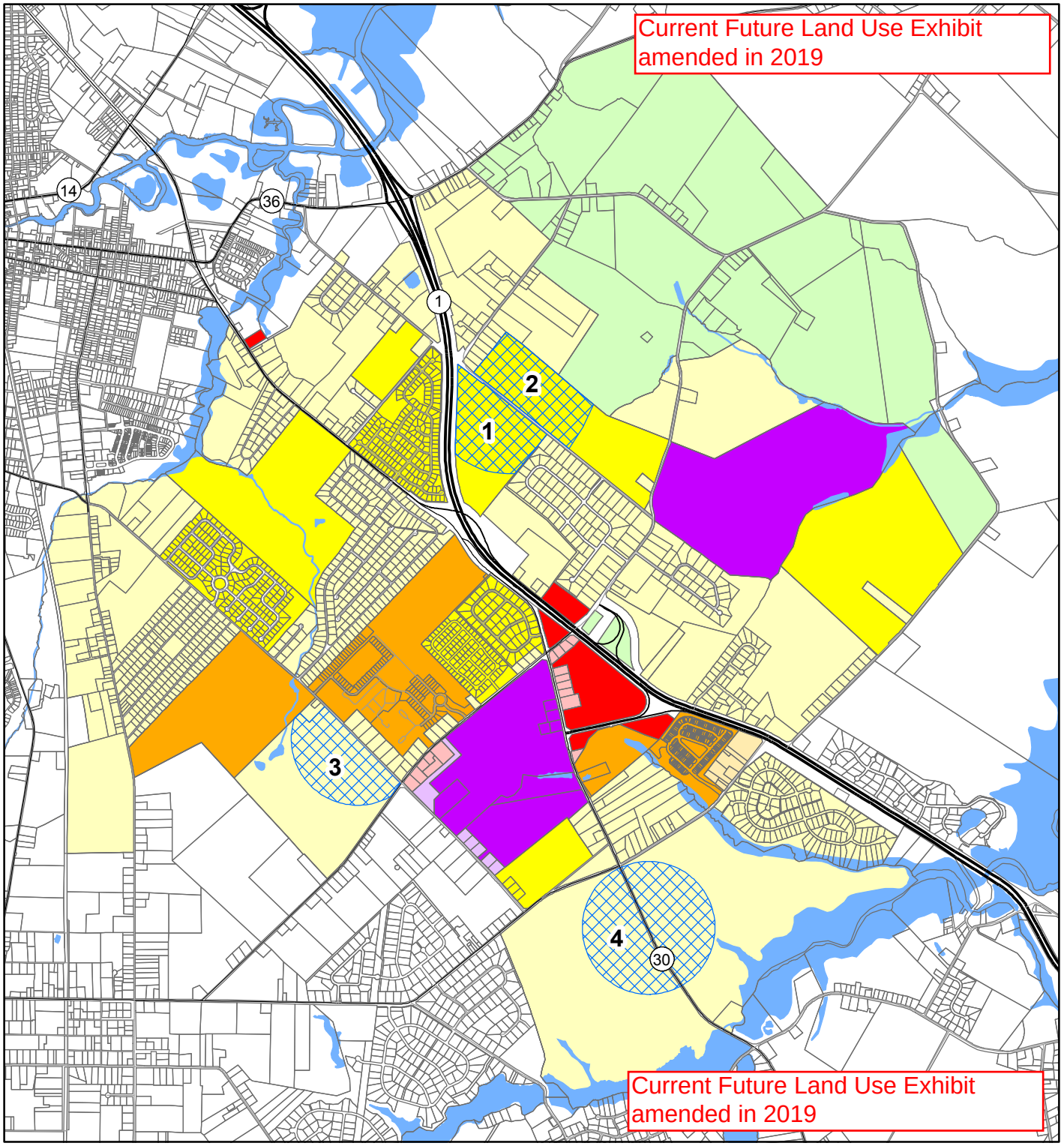
## Map #1
## Land Use

Revised March 2019

**Legend**

- TDR Receiving Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture




Current Future Land Use Exhibit amended in 2019

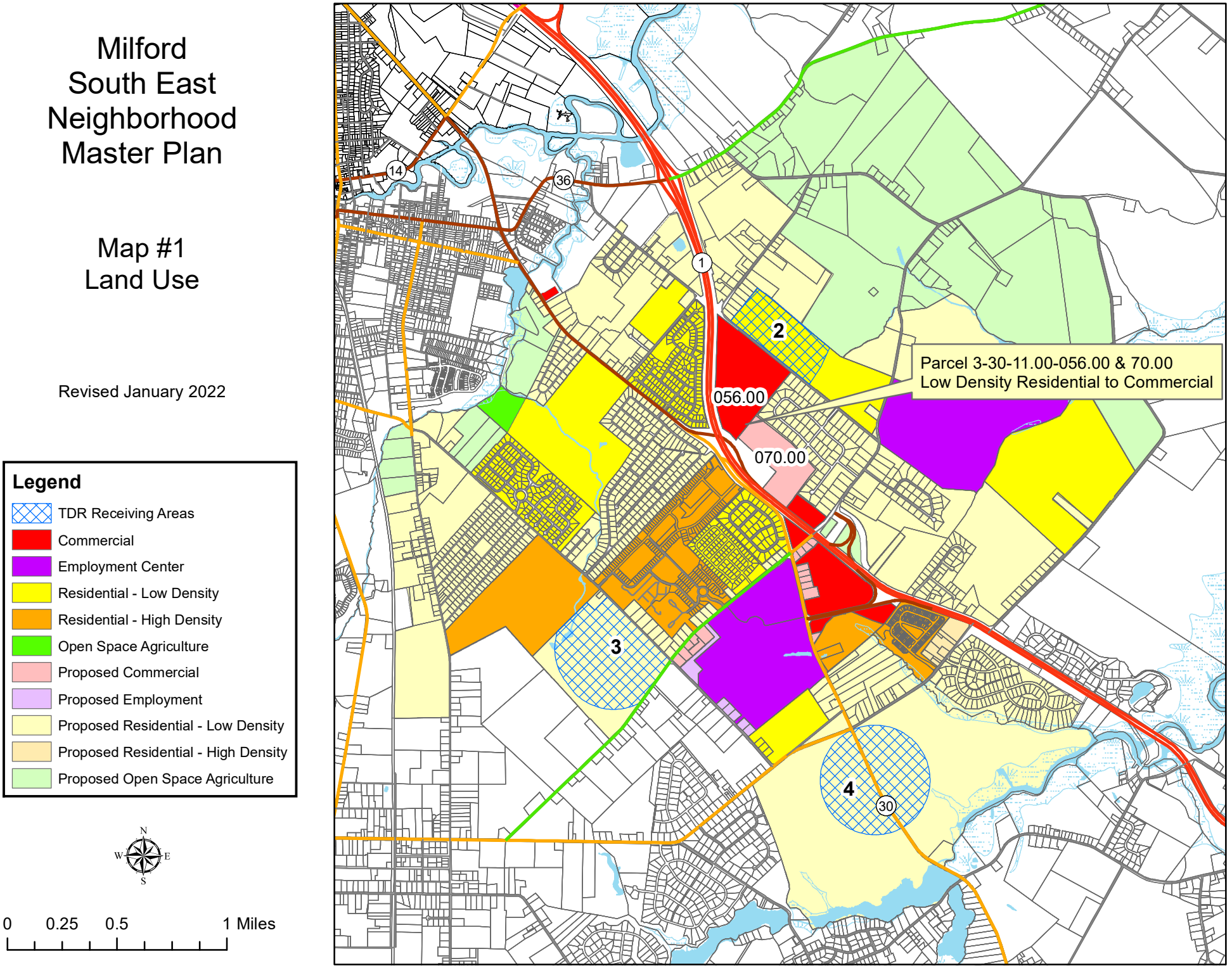
Current Future Land Use Exhibit amended in 2019

Current Future Land Use Exhibit amended in 2019

# Milford South East Neighborhood Master Plan

## Map #1 Land Use

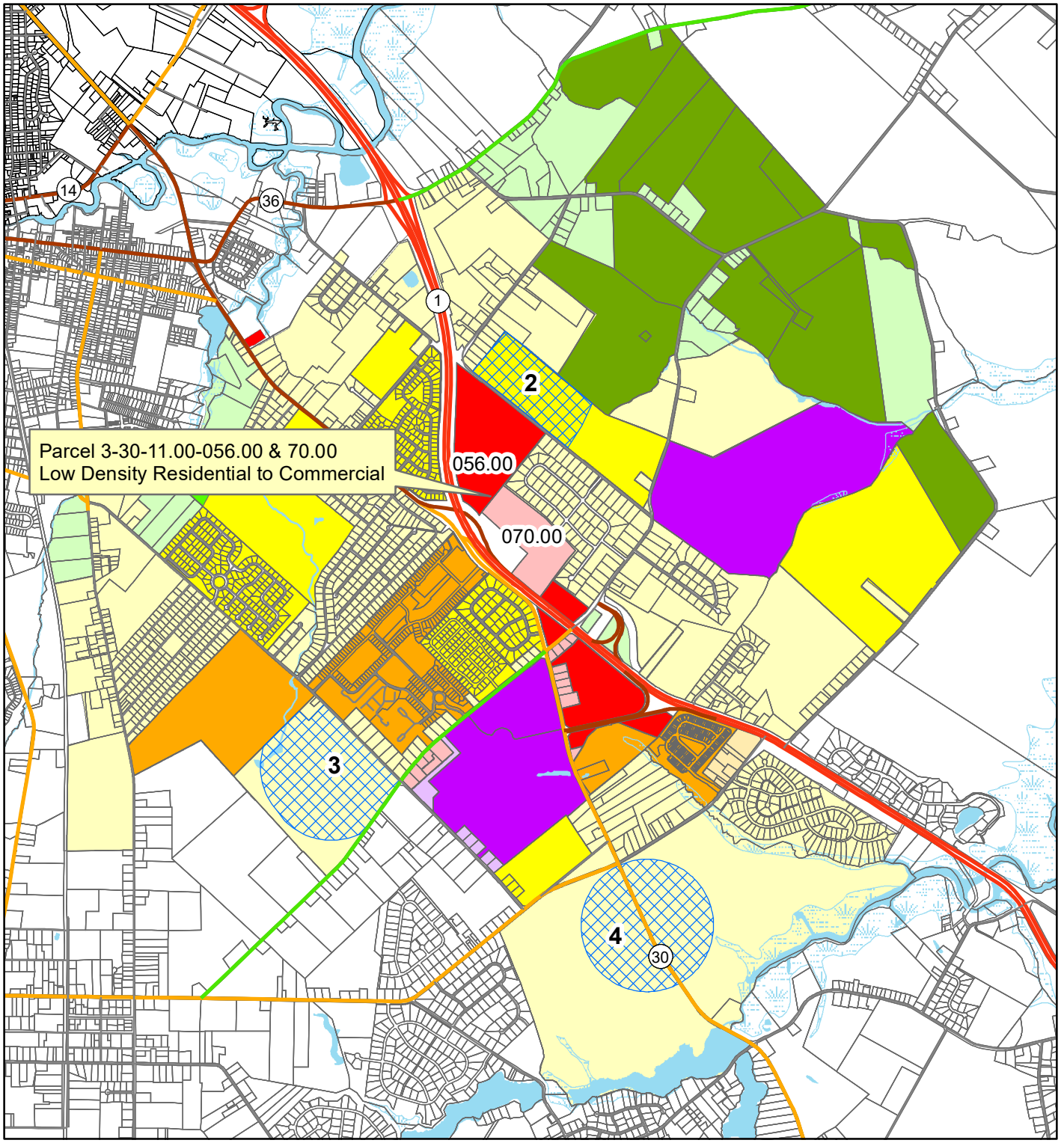
Revised January 2022



# Milford South East Neighborhood Master Plan

## Map #2 Land Use & Agriculture

Revised January 2022




**Legend**

- TDR Receiving Areas
- TDR Sending Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

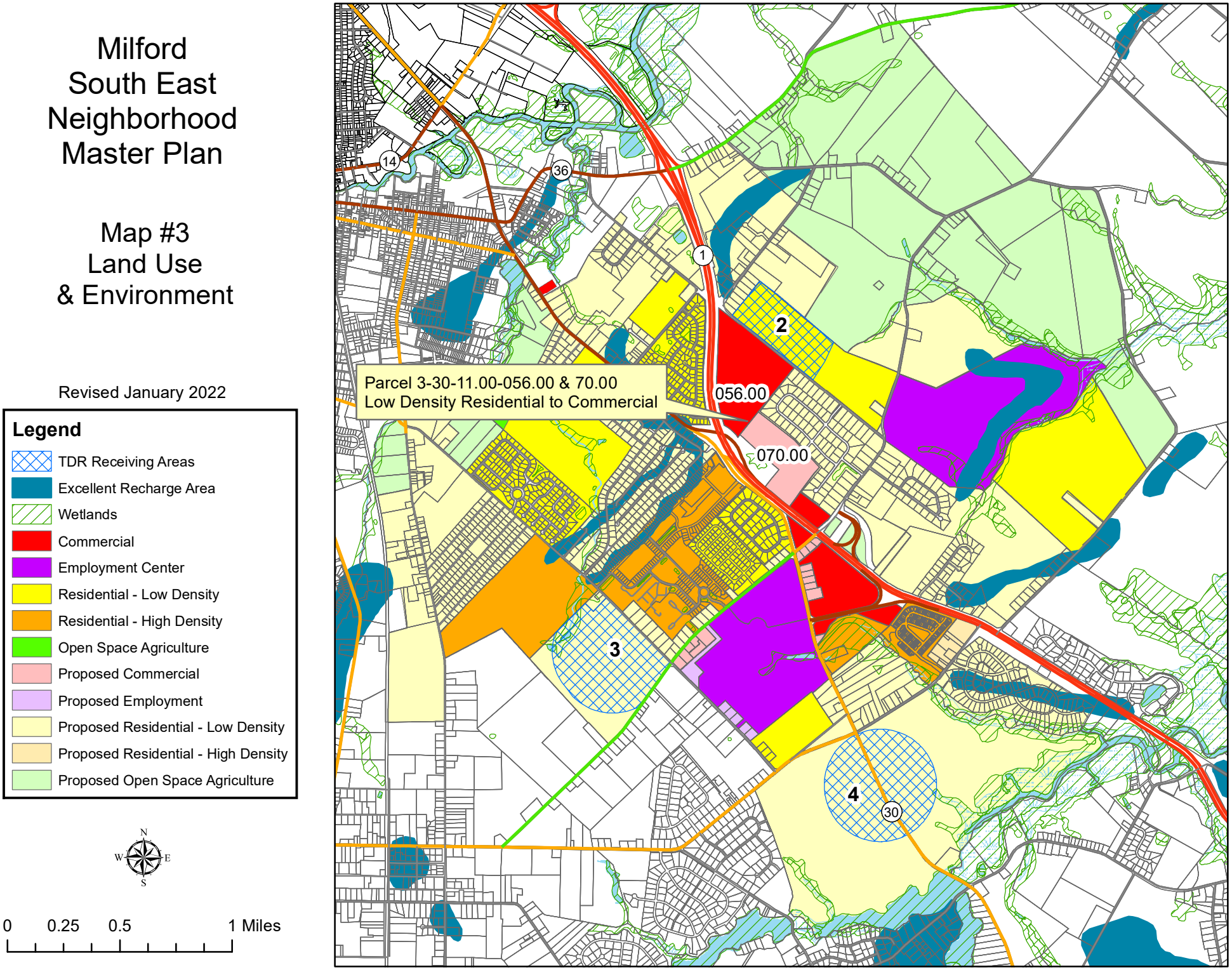
N W E S

0 0.25 0.5 1 Miles

# Milford South East Neighborhood Master Plan

## Map #3 Land Use & Environment

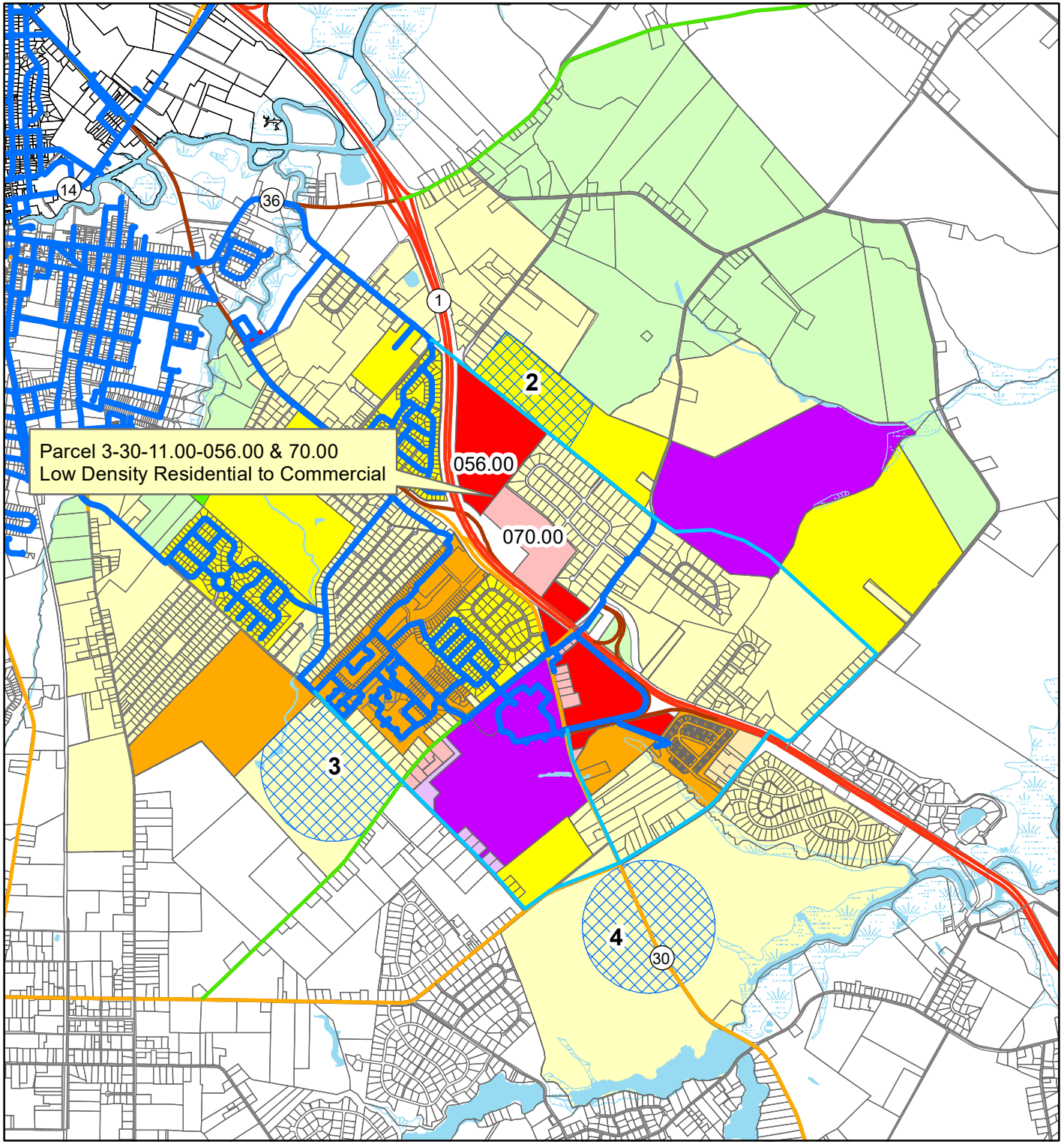
Revised January 2022



# Milford South East Neighborhood Master Plan

## Map #5 Land Use & Water

Revised January 2022




**Legend**

- Proposed Water System
- Existing Water Mains
- TDR Receiving Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

*Conceptual alignment subject to change

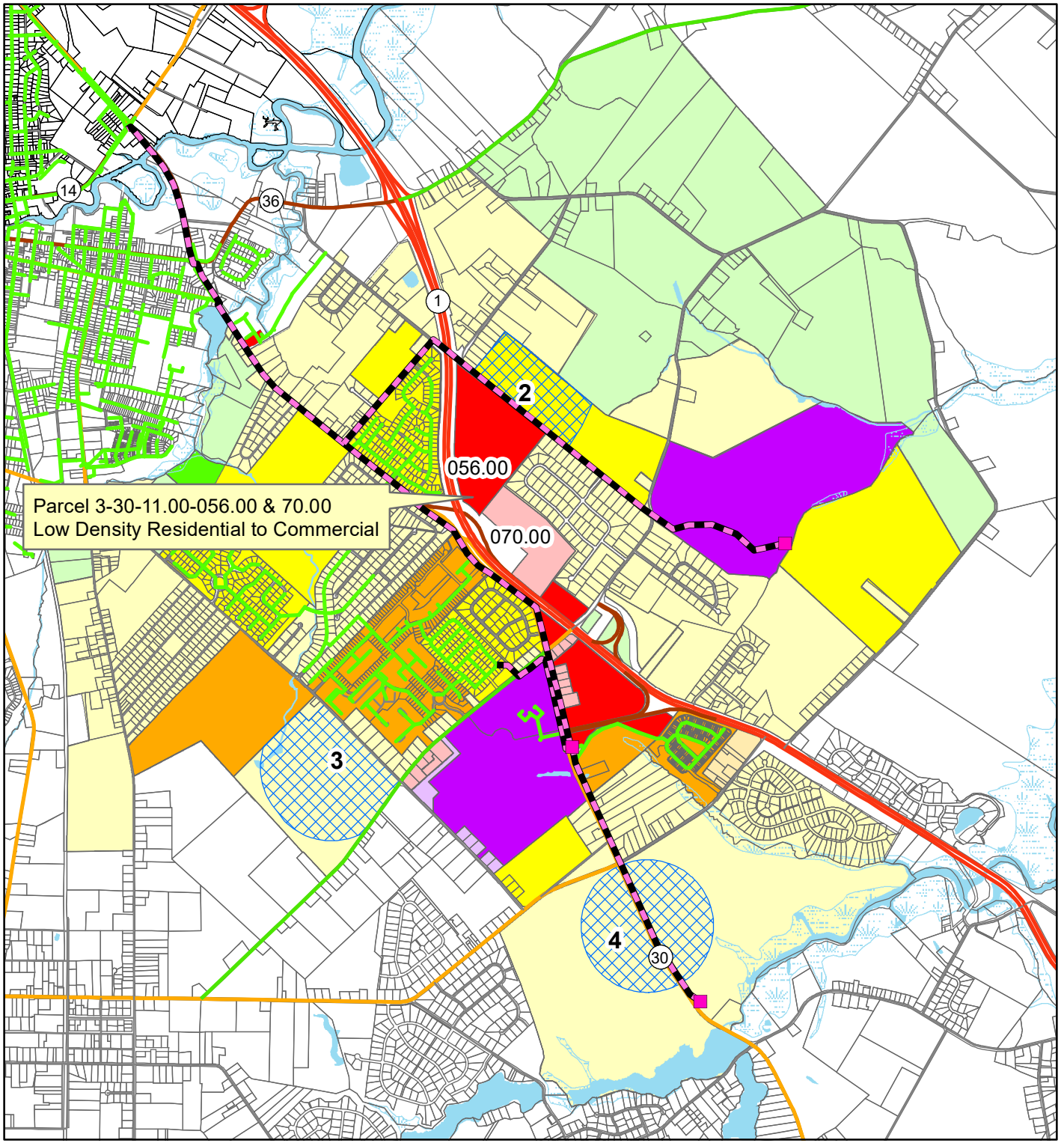
N W E S

0 0.25 0.5 1 Miles

# Milford South East Neighborhood Master Plan

## Map #6 Land Use & Wastewater

Revised January 2022




**Legend**

- Proposed PS
- Proposed FM
- Existing Gravity Sewer
- TDR Receiving Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

*Conceptual alignment subject to change

N W E S

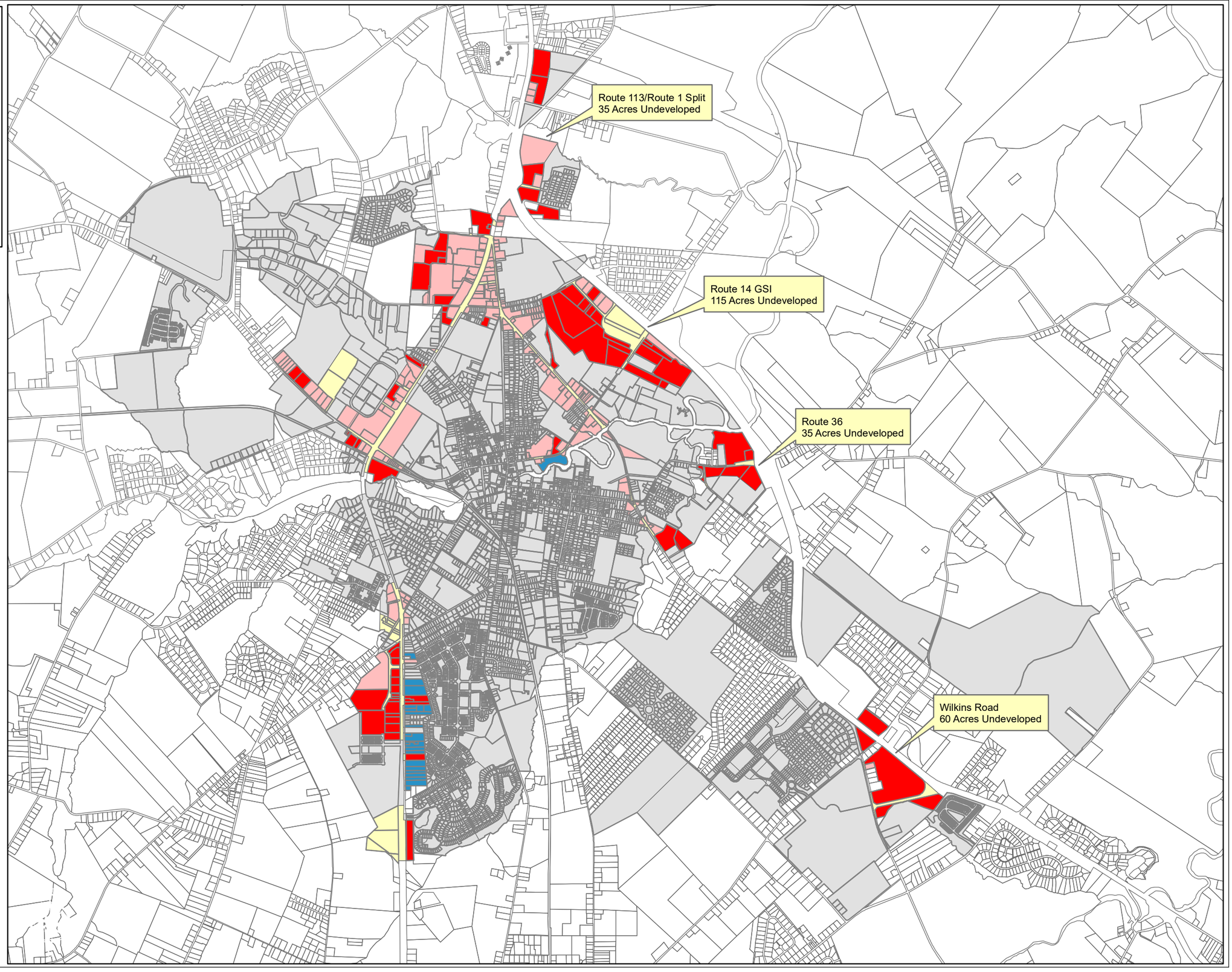
0 0.25 0.5 1 Miles

# C-3 Highway Commercial Land Inventory

- Vacant/Underutilized - 397 Acres
- Developed - 322 Acres
- ROW/Utilities/Government - 173 Acres
- Comp Plan FLU Comm - 40 Acres

55% of the C-3 zoned property within City limits is vacant/underutilized. This means that we could theoretically rebuild all of the highway commercial a second time within what is available for development.

The Route 1 Corridor contains 245 +/- Acres of vacant/underutilized C-3, which is 62% of the planned commercial.




0 3,000 6,000 Feet

Date: 1/13/2022 User Name: RPierce
CommercialLandInventory

**STATE OF DELAWARE**
**EXECUTIVE DEPARTMENT**
**OFFICE OF STATE PLANNING COORDINATION**

March 18, 2022

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

RE: PLUS review 2022-02-08 – Milford Comprehensive Plan Amendment – Mr. Wiggles

Dear Mr. Pierce:

Thank you for meeting with State agency planners on February 23, 2022, to discuss the proposed comprehensive plan amendment for the City of Milford. According to the information received, the proposed plan amendment would change the Future Land Use classification on parcel 330-11.00-56.00 from Low Density to Commercial and to transfer TDR densities from Receiving Area 1.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

**Office of State Planning Coordination – Contact Josh Thomas 739-3090**

- This property is located in Investment Levels 1 and 2 which is consistent with the 2020 Strategies for State Policies and Spending. The property is within Milford city limits. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future.

- The proposed comprehensive plan amendment is a significant change to the Southeast Neighborhood Master Plan. The master plan was developed through an inclusive planning process that incorporated input from stakeholders and members of the public. State agency and City of Milford officials reached consensus on the future build-out of the planning area. A land-use change this significant has potential effects on quality of life, such as transportation, environmental, and agricultural preservation impacts.

- It is our recommendation that the City open a formal process to thoroughly reevaluate the proposed land-use in the Master Plan before acting on this proposed comprehensive plan amendment. It is also highly recommended that the public be fully engaged and consulted about this proposed land-use change to the Master Plan. Our office will work with the relevant state agencies to coordinate their activities and participation in this process.

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

- DelDOT offers no comments on the proposed amendment as such but offers the following comments on the Master Plan provided by Key Properties, which may bear on the City's consideration of the amendment.

- **Suggestions**

  - The subject land has frontage on Bucks Road (Sussex Road 210) but the Key Properties Master Plan shows no connection to Bucks Road. Instead, it shows three connections to an apparently proposed access road that would parallel Delaware Route 1, one apparently proposed connection to the existing flyover ramp connecting northbound Route 1 to Rehoboth Boulevard, and one connection south through the Country Life Homes Parcels (Tax Parcel Nos. 3-30-11.00-070.00 and 070.03) to Route 1 directly and to Wilkins Road (Sussex Road 206).

  - Presently, DelDOT is working with Century Engineering, which firm apparently drew the Key Properties Master Plan, on concepts for a Delaware Route 1 Master Plan that will be the subject of workshops in the late spring or early summer of this year. The Route 1 Master Plan, when adopted, may or may not include the access road and flyover connection shown. Direct access on Route 1 will not be permitted, and access to Wilkins Road will not be permitted as shown.

  - Pending the development and adoption of the Route 1 Master Plan, DelDOT recommends that the City assume access to the subject land will be by way of Bucks Road.

  - The development contemplated on the Key Properties Master Plan is inconsistent with the planning for the recently adopted Southeast Milford Transportation Improvement District (TID). Working with the City, DelDOT planned for certain types and amounts of development on the lands shown in the Master Plan. On the Mr. Wiggles Property, DelDOT planned for 485 single-family detached houses.

  - DelDOT anticipates requiring the developer to improve their frontage on Bucks Road to provide 11-foot lanes and 5-foot shoulders, consistent with that road's Functional Classification.

**Department of Natural Resources and Environmental Control – Contact K. Clare Quinlan 735-3480**

- **Disclaimer Clause:** Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the comprehensive plan amendment submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project. Developers and municipal officials are encouraged to reach out to Clare Quinlan at (302) 735-3480 if they have any specific requests for information.

- The City of Milford seeks to amend the Future Land Use map by changing parcel 3-30-11.00-056.00 from Proposed Low Density Residential to Proposed Commercial. The parcel was the location of a proposed Transfer of Development Rights (TDR) receiving area which has been relocated.

- DNREC reviewers have no comments, concerns, or objections to the proposed amendment.

**Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394**

- The DE State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the DE State Fire Prevention Regulations. This Agency asks that a MOU be established between the DE State Fire Marshal's Office and the City of Milford. The State Fire Marshal's Office would be issuing approvals much like DelDOT, Kent Conservation, and DNREC. This Agency's approvals are based on the DE State Fire Prevention Regulations only.

- The Delaware State Fire Marshal's Office has no objection to the comprehensive plan update.

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

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

- There is low archaeological potential on this parcel. The closest source of fresh water is over half a mile away. Therefore, there is low potential for prehistoric archaeological resources. Historic aerials and topographic maps show the parcel has remained unoccupied agricultural fields. There is low potential for historic archaeological resources due to the lack of known occupation.

- If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

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.

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

Sincerely,

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

*Article III-Use and Area Regulations, 230-14 C-3 Highway Commercial District, C. Conditional Uses is hereby amended as follows:*

*C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:*
*(1) Motels or hotels with a minimum lot size of three acres.*
***(19) Aquarium***

*Section 3.*
*Article III-Use and Area Regulations, 230-14.-C-3 Highway Commercial District, D. Area Regulations is hereby amended as follows:*

*D. Area regulations.*
*(1) Minimum lot area shall be one acre.*
*(2) Maximum lot coverage shall be 80%.*
*(3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.*
*(4) Height of buildings shall not exceed three stories or 35 feet,* ***with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 feet.***

*Section 4. Dates.*
*Planning Commission Review and Public Hearing: September 20, 2016*
*City Council Introduction: October 10, 2016*
*City Council Public Hearing and Adoption: October 24, 2016*

Motion carried by the following unanimous vote:

Councilmember Mergner - yes
Councilmember Campbell - yes
Councilmember Peel - yes
Councilmember Brooks - yes
Councilmember Morrow - yes
Councilmember Starling - yes

Councilman Morrow stated that he feels this will work because of the conditional use process that is in place that begins at the Planning Commission level.

*Amending and Adopting by Ordinance A Third Amendment to the 2011 Southeast Master Plan of the 2008 City of Milford Comprehensive Plan East of Route 1:*
*Mr Wiggles LLC (3-30-11.00-056.00)*
*Change of future land use designation from low density residential to highway commercial.*
*Country Life Homes Incorporated (3-30-11.00-070.00 & 3-30-11.00-070.03)*
*(Former Beverly Thawley Lands)*
*Change of Future Land Use Designation from Low Density Residential to Highway Commercial*

*Adoption/Ordinance 2016-17*

Mayor Shupe then asked Solicitor Rutt to explain the public hearing process for the comprehensive plan change.

The City Solicitor then stated the following:

*There are a lot of people here this evening and everyone will be given an opportunity to be heard. He wants to provide some ground rules to make the process go smoothly.*

*When Council holds public hearings on zoning applications, they are legislative hearings because Council will use the information gathered during the hearings to decide whether to adopt or deny an ordinance to amend and, in this case, the Comprehensive Zoning Map and the Southeast Milford Master Plan as was requested by the applicant.*

*Milford in its zoning and land use decisions does not discriminate against persons based on race, color, religion, national origin, disability, familial status, sex, creed, marital status, age or sexual orientation. Public comments made on the basis of bias and stereotype concerning people within these protected classes will not be taken into consideration by the Council in its deliberations.*

*After each application has been announced by the Mayor as has been in this situation, Planning Coordinator Rob Pierce will review with Council the minutes and testimony from the Planning Commission hearings and those minutes will become part of the record, along with any exhibits introduced at the Planning Commission hearings, and any recommendation made by the Commission.*

*The applicant will then be called on to present and explain its application and present reasons for supporting the application. Council, through the Mayor, may question the applicant and any of the applicants' witnesses.*

*After the applicant has presented its application, Council will provide an opportunity for anyone else in favor of the application to speak.*

*After that, any persons who oppose or question the application will be allowed to state the reasons for their opposition or questions. Following that, there will be no rebuttal per say by the applicant or applicants' counsel and the hearing will be closed unless the Council decides to seek answers to specific questions that arise from the opposing position to find out any further facts they may need.*

*Further, the applicant will not be allowed to question persons who speak in opposition; and persons who speak in opposition will not be allowed to question the applicant or its witnesses. They will all be directed to the Mayor who will be conducting the public hearing.*

*If you intend to speak, please come to the front and stand at the podium, state your name and home address before you make your statement. Because of the number of people in attendance, please use the microphone which can be adjusted to allow everyone to hear you. If you represent or speak for a group or organization, please identify whom you represent. When you make your statement, please be concise and do not repeat yourself. If you have a written statement, you can hand it to me and it will be made part of the record. If there is more than one witness for the applicant or more than one person in opposition, please do not repeat points that the prior speaker has already stated. However, you may make a statement similar to supporting another speaker's stance, for example. If you wish to rely on a letter rather than speak, you may do so.*

*All persons in attendance should conduct themselves in an orderly fashion. No applause, no cheers, no jeers or other disruptive behavior that will prolong the hearing or negatively affect the record being made. If you have a cell phone, pager, beeper or other telephonic device with you, please take the time to turn it off or switch it to silent service.*

*At the conclusion of the public hearing, Council will take the application under consideration and may either approve it, deny it or defer it to a later date. The procedure will be explained at that time.*

*A copy of Title 22 entitled Municipalities and specifically Chapter 7 Planning Commission was provided to City Council.*

*Title 22 Municipalities Chapter 7 Planning Commission Section §702(b) reads as follows:*

*Comprehensive plan means a document in text and maps, containing at a minimum, a municipal development strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land within the community, and critical community development and infrastructure issues. The comprehensive planning process shall*

*demonstrate coordination with other municipalities, the county and the State during plan preparation. The comprehensive plan for municipalities of greater than 2,000 population (applies to Milford) shall also contain, as appropriate to the size and character of the jurisdiction, a description of the physical, demographic and economic conditions of the jurisdiction; as well as policies, statements, goals and planning components for public and private uses of land, transportation, economic development, affordable housing, community facilities, open spaces and recreation, protection of sensitive areas, community design, adequate water and wastewater systems, protection of historic and cultural resources, annexation and such other elements which in accordance with present and future needs, in the judgment of the municipality, best promotes the health, safety, prosperity and general public welfare of the jurisdiction's residents.*

*Speakers need to keep in mind what the comprehensive plan is to encompass which is something for the applicant and the opposition to consider and to present into the record.*

Mayor Shupe then asked that City Planning Coordinator Rob Pierce establish the advertising that was done, as is required by law.

Mr. Pierce explained that Ordinance 2016-17 was advertised in the Milford Beacon on September 21, 2016. Letters were sent to property owners within 200 feet of the subject parcels. An information workshop was also held on October 12, 2016 at which time approximately forty people attended. This process meets the advertising and notification requirements.

The Planning Coordinator referred to the packet which included a staff report, comments resulting from the PLUS process and the Office of State Planning, along with various exhibits.

Mr. Pierce then referred to the overhead showing the site location and current zoning of the area. The three subject parcels include the Mr. Wiggles property, which is currently in city limits and consists of 70 acres zoned R-1 residential. It also includes the Thawley Farm property which is outside the City of Milford and in Sussex County's jurisdiction. The third property was annexed into the City and consists of nine acres and is already zoned C-3 highway commercial.

He then read the following report into record:

*In October 2014, Key Properties Group LLC submitted an application to rezone parcel numbers 3-30-11.00-56.00 (70.07 +/- acres of land known as the Mr. Wiggles property) from R-1 Single Family Residential to C-3 Highway/Commercial. Accompanying the rezoning application was a second application to annex five parcels of land, known as the Thawley farm properties and located in the middle of the three properties, into the City as C-3 Highway/Commercial. These five parcels have since been combined into parcel 3-30-11.00-70.00 as shown in the packet. As mentioned, parcel 3-30-11.00-70.03 is already located within the City of Milford and is designated C-3 Highway Commercial.*

*The applications were reviewed by Davis, Bowen & Friedel, Incorporated in November 2014 where it was determined that the requests were not in compliance with the Comprehensive Plan and the Southeast Master Plan future land use exhibits. Comments were forwarded to Key Properties Group in November 2014.*

*On August 27, 2015, Key Properties Group submitted a letter to the City requesting an amendment to the land use exhibits for the Southeast Master Plan, requesting a change of the previously-described parcels from Residential Low Density to Highway Commercial.*

*City Staff prepared the State-required PLUS application for an amendment to the Comprehensive Plan. The application was presented for informational purposes only to both the Planning Commission and City Council in October 2015. The application was then submitted and reviewed by the State in November 2015. PLUS comments received by the City in December 2015 are included in the staff report. In addition to the proposed land use changes, the amendment application included relocating the TDR (Transfer of Development Rights) sending areas, currently located on the Mr. Wiggles property, to the Red Cedar Farms parcel along Bucks Road. Currently, the City does not have an active TDR program though something that will be worked on in the near future.*

*In August 2016, Key Properties and the City met with representatives from DelDOT to discuss transportation and property*

*access concerns.*

*On September 22, 2016, parties of the original Southeast Master Plan, including the City, Office of State Planning Coordination, DelDOT, DNREC and the Delaware Department of Agriculture, met to review the proposed future land use amendment. Updated agency comments dated October 3, 2016 are also provided for review in the Council packet.*

*A public workshop was held on October 12, 2016 from 5:00 to 7:00 p.m. at City Hall where City staff and the City Manager provided additional information regarding the proposed comprehensive plan amendment to the general public.*

Mr. Pierce then provided information on items that were included in the Staff report for consideration under the Analysis Section:

*The 2011 Southeast Master Plan was an amendment to the City's Comprehensive Plan and is used to guide growth and development in this area of the City. The goal of the Master Plan was to provide predictable, shovel ready development and proactive preservation. The Master Planning process included an extensive public participation effort with input from local residents and property owners. As mentioned in the 2015 PLUS comments, the subject parcels were considered for commercial land use during the initial phase of the Master Plan, but commercial was not ultimately recommended due to difficulty in gaining road access to the property and its proximity to low density residential. The Master Plan was approved by City Council and certified by the State of Delaware in 2011.*

*Also included in the packet is an overview map of the city zoning identifying large areas of undeveloped C-3 Highway Commercial properties. As shown, there is approximately 275 acres of land, currently within City limits that are zoned C-3 and undeveloped from a commercial perspective.*

*The surrounding transportation network around the subject properties, including Cedar Neck Road, Bucks Road and State Route 1 are State-maintained. Access to these roads will require DelDOT approval. DelDOT comments related to road access can be found in the attached 2015 PLUS comments and correspondence dated October 3, 2016. Statements from October 2016 are newer and provide additional information in comparison to what was provided in the November 2015 PLUS comments*

*The Knollac Acres subdivision is located within the unincorporated areas of Sussex County and is directly east of the subject property. The subdivision is not fully built-out and contains single family detached units. According to Sussex County tax maps, the Thawley property, that is under consideration for annexation, has limited access through Knollac Acres via Thawley Lane which was a concern expressed during the public workshop.*

*A portion of the current Bayhealth site, consisting of 110 to 115 acres, was a property owned by the applicant and was originally zoned C-3. The applicant wants to relocate that particular commercial use in the Southeast neighborhood. When Bayhealth moved their health campus to the west side of Route 1, that eliminated approximately 110 acres of C-3 Highway Commercial land.*

*No one from DelDOT is present this evening though they attended the Planning Commission meeting and were able to answer questions regarding access.*

Mr. Pierce then explained this is only the first step in the process that would allow future land use applications to be processed by the City. If approved this evening, the proposal would require additional public hearings for the annexation and change of zone request. They would subsequently be followed by public hearings for a site plan and/or subdivision plan, based on the future use of the property.

Included in the packet is a copy of the October 18, 2016 Planning Commission meeting. The Planning Commission recommended a denial of the application to amend the Comp Plan by a vote of 6 to 0.

Mr. Pierce concluded by referring to the support correspondence from Bayhealth and Ocean Atlantic Sothebys International Realty included in the Council packet.

When questioned about access to the proposed site(s), Mr. Piece then read into record the following and most recent comments from the Office of State Planning Coordination:

*This message is to provide DeIDOT's comments on a proposed amendment to Milford's Southeast Regional Master Plan. The amendment would re-designate an assemblage of parcels, presently designated for residential use, to commercial use with the intent of permitting the development of a regional shopping center or mall. The parcels, known as the Thawley and Mr. Wiggles Properties, are located on the east, or north side of Delaware Route 1 and the north, or west side of Cedar Neck Road. As we understand it, one of the parcels, on the northwest corner of Route 1 and Cedar Neck Road, is already zoned for commercial use.*

*DeIDOT does not regulate land use. Commercial development on these parcels would require significant road improvements that have yet to be fully determined, much less included in our planning for the area.*

*Presently, the access to these parcels from Route 1 is limited to a single driveway, the use of which is limited to the existing farm and its residential use on the existing residential lots. The intersection of Route I and Cedar Neck Road is grade-separated, and the geometry of that grade separation is such that direct access from Cedar Neck Road would be difficult, if not impossible. Therefore, commercial development on these parcels presently would need to be by way of Beaver Dam Road.* (Initially called Beaver Dam Road, Mr. Pierce believes that DelDOT is referring to Bucks Road though its name was changed after access onto Route 1 was eliminated).

*Commercial development of the sort contemplated would require significant improvements to Beaver Dam Road and Cedar Neck Road, and likely Bucks Road, Sapp Road and Cedar Beach Road. Specific improvements would need to be determined either through a Traffic Impact Study or Land Use and Transportation Study associated with the Transportation Improvement District that DeIDOT and the City are now contemplating for this area.*

*We have discussed, with the City, some ways in which a developer could improve their access to the subject land. One way would be to acquire a pair of residential properties on Cedar Neck Road across from the northbound Route 1 ramps, and thereby obtain access at that ramp intersection. Another way, might be to modify the existing flyover ramp, from northbound Route 1 to northbound Route 14, to allow for access into the land. Approval for this modification would be necessary from the Federal Highway Administration as well as from DelDOT. Finally, a bridge could be built across Route I to reconnect the two halves of Beaver Dam Road.*

Councilman Brooks asked if that plan would require access through the rear yards of Meadows at Shawnee. Mr. Pierce said not if the only improvements were made to the northbound side. However, it is the flyover that dumps traffic onto Route1A just south of the Meadows at Shawnee entrance.

The Planning Coordinator noted there is a transportation engineer in attendance with the applicant who may be able to share some additional thoughts.

Mr. Pierce reconfirmed the plan does not necessarily require access through the rear yards of the residents. He noted that if DelDOT representatives were present, they could clarify their previous comments. He emphasized than any proposals at this point are only hypothetical.

Councilman Campbell asked how many access roads have been considered besides going through Knollac Acres. Mr. Pierce explained that DelDOT provided three potential options. He again reviewed the three options:

*(1) One way would be to acquire a pair of residential properties on Cedar Neck Road across from the off ramp from Route 1;*
*(2) Access the site off Bucks Road;*
*(3) Major improvements to Route 1 that would have to be approved by DelDOT and the Federal Highway Administration.*

Councilman Campbell asked DNREC's involvement and if there is potential for water runoff. Mr. Pierce answered that

DNREC made recommendations though they were not major comments which is typical during the PLUS reviews. They are concerned about any type of intense development and the development of approximately 150 acres could potentially result in a considerable amount of impervious cover which could have negative impact on water quality and stormwater management.

Mr. Pierce reiterated these are general statements that are typically made about any development.

Councilman Brooks stated the State indicates there is a potential for up to 80% of the land under consideration to be impervious coverage causing a negative impact on area water quality and stormwater management. Mr. Pierce pointed out that per the City code, the C-3 zoning district permits up to 80% coverage though the development could use less than that amount. Depending on if this it is in an excellent recharge area, there are provisions within the City code to protect such areas.

When asked for more clarification, Mr. Pierce explained that typically during the site plan or subdivision review process, there is a need to determine if the area has been designated by DNREC as an excellent groundwater recharge areas. That involves sandy soils that allow water to percolate down into the aquifers for drinking water. Those areas need to be kept free from development so that the groundwater source can be replenished.

He reiterated there are provisions in the code for such areas with even more restrictions in terms of impervious coverage and that proof will be required that pre-development and post-development conditions will be similar.

Councilman Campbell asked how far the potential access road going through Knollac Acres would be from the residential properties. Mr. Pierce stated there has not yet been an access point determined on the property and it is only in the preliminary stages. The State has stated that access to this property would be difficult but not impossible. The main concern from many of the residents at the informational workshop and Planning Commission Public Hearing was the use of Thawley Lane through Knollac Acres. That could be closed off or not used depending on what occurs with the development plan.

Mr. Campbell asked how this could potentially impact Meadows at Shawnee. Mr. Pierce commented that any access to the site is only hypothetical at this point. He has not yet seen anything on paper showing improvements to the interchange or the flyover ramp. Councilman Campbell confirmed that realistically no one knows at this point.

With no further questions for Mr. Pierce, Mayor Shupe called the applicant to comment.

Attorney James Griffin from Griffin and Robertson, P.A. was representing applicants' Country Life Homes and Key Properties and stated that he owns two residential units in Milford.

Mr. Griffin asked to start with a clarification on what Mr. Rutt was reading from the Delaware Code as to the areas and guidelines that are considered when adopting or amending a comprehensive development plan. At the very end {Section 702(B)}, it talked about the things that can be considered, the planning components, transportation, economic development, community facilities, community design, adequate water and sewer. He said that is followed by the words "in the judgment of the municipality, best promote the health, safety, prosperity and general public welfare of the jurisdictions' residents".

He asked Council to keep in mind that the jurisdiction is the City of Milford and the residents of this jurisdiction are those that live within its borders. When a comprehensive plan is adopted, it is done for the people in that City to better promote the growth of the City and to provide a good standard of living to those people living within its borders. He mentions that because he is not sure the Planning Commission held those precepts in very high regard when they voted.

Mr. Griffin recalled the hearing that was held here last week, pointing out there were eighteen people who spoke against the proposal. Of the eighteen, fourteen were nonresidents of the City and of the fourteen who spoke in opposition, 78% were nonresidents opposing the change. Only 22%, or four people, were residents of the City. He stated that the applicant had a presentation and people also spoke in their favor.

He said he is not trying to cast aspersions on the intentions of the many people who were nonresidents who came and spoke.

He then asked Council to be very clear and when talking about amending a comprehensive plan, it is a play to pay proposition. Council is acting in the highest regard for the City's residents and not promoting quality of life for people outside the borders.

He feels Delaware Law is very clear on that and talks about what is best for the City residents.

Mr. Griffin pointed out there have been several prior annexations of land east of Route 1 including the seventy-acres Wiggles property and the nine-acre Thawley piece. Under the 2008 City comp plan, all three pieces totaling approximately 120 acres were shown as C-3 highway commercial. He said it is not as if these commercial properties have never been C-3 highway commercial.

He noted that the 2011 Southeast Master Plan essentially downgraded the future land uses of two of those parcels and left the nine acres as C-3 highway commercial.

Mr. Griffin stated that when the Planning Commission voted, the findings that were given by them did not emphasize any of the touchstones or guidelines that are in Delaware Law for amending a comp plan. The findings that were given by those Commissioners who stated their findings, picked and chose negative comments out of the 2016 PLUS review and really did not give any play to the September 2016 PLUS comments which are more favorable. Their findings cited and relied heavily on the proximity to low density, existing planned residential communities such as Knollac Acres and major impacts on established communities, such as Knollac Acres and residential housing along Bucks, Cedar Neck and roads east of these properties.

Mr. Griffin reiterated there have been several annexations east of Route 1. In connection with those annexations, opportunities would have been given for a number of the folks that live there but who are not city residents and don't want this to happen to themselves and do not want to become citizens of the City. They obviously did not chose to do that and if they had, they would be paying City taxes and City utilities.

He is asking Council to focus on tonight taking this first step that would allow the applicant to come back at a later date with a fully developed plan. He stated that many of the comments that Council will hear tonight deal with issues that would not even come up in the planning process until someone presents a site plan though Council is well aware of that having approved a number of site plans. He said you will hear things such as what happens if you do this and it gets zoned for a shopping center and if there is a McDonalds and I'm trying to sleep and we can hear the microphone from people placing orders twenty-four hours. Those are things that would not come up until this gets in the site plan review.

The attorney stated that this step would simply restore a future land use designation that existed for several years before the 2011 downgrade. If you understand the 2011 downgrade history, that happened at a time when the economy was in a free fall between 2008 and until 2011. At that time, there was a mindset on the part of the State Planning Office not to allow commercial development east of Route 1.

He believes that has changed which is evident from the fact that the comments from the 2016 State Planning Commission review have become more favorable. In 2015, there were concerns from DNREC and if one reads the comments from the September 2016 comments that DNREC identified three areas of environmental concern back in 2015. The comments today as of September are saying none of those are located anywhere near these three parcels of ground.

Mr. Griffin said in other words, these three parcels of ground do not infringe on that. Regarding impervious cover and related issues, DNREC is now saying they recommend the developer use native grasses and named a number of other recommendations that the developer could follow and they would be obliged to say that would satisfy the issues of water runoff.

In addition, he pointed out that DelDOT's comments from 2015 were more negative. He believes there was a comment in the 2015 report that the Office of State Planning basically said there could be a better piece of ground somewhere else for this type of use. In the September 2016 DelDOT comments, they very clearly point out there are options for access. It is not a negative thing the State would have to approve the options for access and instead is a good thing. It is also not a negative thing the federal government could be involved and that is understandable because the money to build Route 1 was

either an 80/20 federal/state or a 70/30 federal/state match of funds.

He said of course any changes to Route 1 for access will be through either of the overpasses so tying into this development would have to be approved by the federal government. It would extend the time for obtaining those approvals and he believes that in the planning process for updating the comp plan is ten years in terms of vision.

The project, according to Mr. Griffin, will probably be within that time frame. There could be two to three years of obtaining official approvals necessary for the site plan, which would have to come with a preliminary site plan though a final site plan could not be acquired until all the governmental agency approvals are received. He anticipates that to be a fairly lengthy process.

Mr. Griffin said if they get through all of those steps, they then begin construction and locating possible uses. He said this could take a five to seven year buildout which would dovetail with the City's considerations of what is good for the residents of the City over the next ten years.

He then referred to Section 702(E) of Delaware Title 22 which states at least every five years a municipality shall review its adopted comprehensive plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas. The adopted comprehensive plan shall be revised, updated and amended as necessary...

Mr. Griffin mentioned that because the Southeast Master Plan that was adopted in 2011, has been amended four times in four years; once in 2012 and three times in 2015. Therefore, it would be difficult to say it is inappropriate to make another amendment. In his opinion, the number of changes suggest the 2011 Southeast Master Plan possibly is not in keeping with the direction in which the City is moving and perhaps some consideration should be given to doing away with the 2011 update and restoring the future land use designation as it existed in the 2008 comp plan.

He stated that his client's reason for asking that the Southeast Master Plan be changed to restore the highway commercial uses that previously existed under the 2008 comp plan is because his client wants to relocate the commercial zoning it had planned for the Bayhealth parcel which is about 160 acres compared to the 120 acres that make up the Thawley and Mr. Wiggles properties. For a number of years prior to the slowdown in the economy, some of Council may remember that his client did a considerable amount of work to market the City of Milford as an appropriate location for a major shopping facility with the idea of locating it on the property the hospital chose to go. He would clearly like to fulfill that dream on the other side of the road which is Route 1.

He recalled that the City approved that concept and the use for that parcel back before it was sold to Bayhealth. The seventy acres of Mr. Wiggles property is already in the City but its land use was downgraded from highway commercial to residential. The nine acres of the Thawley property is also in the City and was designated for highway commercial though it is not a very large parcel of ground. In terms of any type of use that could be made of that property as a C-3 highway commercial parcel, given the fact it does not a very deep depth limits its use to something that would be not be very desirable in that area.

Mr. Griffin continued by explaining the City code highway commercial definition talks about a fairly wide variety of uses and includes a strip shopping center though there seems to be a lot of that in Milford on Route 113, Route 14 and other areas of the City. Something at least more comprehensive than a strip center would be more in keeping with the direction in which the City wants to go as far as future development. It could be something like a mini storage or a warehouse which are uses that are not the most attractive type of use but could involve extended usage.

His client is thinking of something that is more complimentary and would serve the need of not only the people that reside in the southeast quadrant of the City but also serve the need of the users of the hospital complex. Once that is built out, people coming will need a place to stay, a place to eat and a place to buy soft goods. All of that could play into a very nice orderly planned area on both sides of Route 1 and be within City limits.

With the seventy acres and the nine acres already in the City, the only one that needs to be annexed is the forty acres in between the other two which is the site of the former Thawley Property.

Mr. Griffin stated that as Council knows, redesignating the future land use to restore what it was before 2011 does not mean his client gets permission to do anything. It only means that his client would then have the right to ask that application that was filed two years ago and has sat dormant for two full years be allowed to take the orderly process of going to hearings before the Planning Commission and City Council, all of which involves the opportunity for public input.

He said they are not here tonight to tell Council what his client is going to do to a certainty and every use that will be put there because it is all theoretical. It would be mute unless the uses were restored that existed until 2011. At that time, there were no issue with the seventy and forty acres being designated highway commercial before the 2011 change.

Mr. Griffin said they have heard, which was part of the City Planner's presentation, the City has 275 acres of undeveloped commercially-zoned land which is a lot. However, very little of that is east of Route 1 though one of the pieces is the nine acres of the Thawley property.

He emphasized that development will happen and money will be invested in commercially-zoned area that is desirable for development. The fact there is 275 acres does not mean this is not a good location and he reminded Council they thought it was a good location for highway commercial until 2011.

Mr. Griffin asked Council to consider the big picture and not get focused on the fact that there is other land that has not been developed. If there were investors clamoring to invest monies in the 275 acres, Council would be seeing those applications. Some may be in the process though he is unaware of that, but it should be a point of consideration and it is an area the developer is willing to bear his fair share of the infrastructure costs and make the investment necessary to make it possible.

He noted that his client is not, under any stretch of imagination, asking that the residents of the City of Milford to bear any of the costs of any infrastructure that would only serve his development.

Mr. Griffin then informed Council that if they say they will not consider restoring the highway commercial designation these two properties enjoyed for a number of years before they were downgraded. His client did not own the properties at that time and did not have the right to come in and say hold up, what are you doing. He said that Council may be saying no to a developer contribution that would pay for the extension of utilities to the east side of Route 1 and infrastructure improvements required to bring electric and sewer to that side of Route 1. He believes there may already be a 12-inch water main that has been installed.

He pointed out that Council would be saying no to the developer paying its fair share of the City's engineering fees, utility impact fees, building permit fees and the possibility of benefitting from roadway infrastructure improvements financed by the developer who would pay his fair share of contributions necessary to make those roadway improvements.

He said if the Federal and State Highway is changed to benefit only one development, that developer has to pay for all of it. If there is an after-analysis by those agencies and those infrastructure improvements serve that development but also promote the better flow of traffic, the accessibility of traffic in and out of the city, then there is a formula for accessing the part the developer has to pay versus the part being paid by the Federal and State governments.

Mr. Griffin further stated that if Council says they will not consider this, they are saying no to the receipt of transfer taxes on the sale and to the lease of out parcels and pad sites; they are saying no to the payment of City property taxes and utility user fees from the developer and the tenants of this commercial center.

Statistics have shown that many seniors must continue working through their retirement years due to inadequate savings or increases in cost of living or health issues, not covered by insurance. A shopping facility of this type would provide employment to many seniors who reside in the City. He will ask other speakers who are part of their presentation to explain that.

Mr. Griffin reiterated that his client is not trying to pass along the cost of improvements that would be needed to develop these properties to the City or the residents of the City.

Mr. Griffin noted that the comments of the Planner basically state that the proposed commercial land use area will replace

the previously designated commercial area changed to employment center as part of the Bayhealth submission earlier this year. The City anticipates ancillary commercial needs close to its planned medical campus. This development would provide those ancillary commercial needs.

Mr. Griffin then presented a petition signed by 41 people of which 39 are residents and live within the town limits of the City of Milford. Two are non-residents.

Mr. Griffin then asked City Council if they had any questions.

It was confirmed that no site plan has been presented. Mr. Griffin explained it is not anticipated or required at this level. It would only be something that his client is required to do if the comp plan is upgraded and his client goes through the hearings for annexation. In connection with annexing the forty-acre property, the zoning status is assigned and at that level, site plans are expected and required. They have not been asked to do that because they know it would be irrelevant if the future land use of highway commercial is not restored.

Councilman Campbell asked about the comments in which the State objected to the fact that the City wanted to revise the comprehensive plan in this area; Mr. Griffin confirmed if what Councilman Campbell is referring to is connected to his client's applications. Mr. Griffin explained that when his client filed these application back in 2014, one reason for the long delay is that State law requires an application that involves a different zoning category, for instance changing from residential to commercial, is only made possible if the comprehensive plan shows the future land use development for the piece involved to match. Instead it showed the City downgraded these parcels from highway commercial to residential in 2011 making an inconsistency with the 2008 comp plan. They were told they could only proceed to the level of annexation and zoning if they could get City Council to restore the land uses that existed before 2011.

Mr. Griffin asked if Councilman Campbell is referring to the Office of State Planning discouraging frequent amendments to the comp plan. He said that as he pointed out, the City has done four amendments in the last four years, three within 2015 alone. As a result, that argument loses credence when it was found necessary and reasonable to make four amendments in four years to a plan that comes up for renewal in 2018. The Office of State Planning only oversees this; the City determines the uses and zoning categories within the City limits. If Council agrees to restore the highway commercial uses before they were downgraded, the Office of State Planning is obligated to respect that and that will become part of the City code and the fact that these properties could then be used for a commercial purpose. The Office of State Planning has no right to overrule the City's decision on land use and the City is paramount.

Solicitor Rutt asked to clarify one of Mr. Griffins' statements. Mr. Rutt said Mr. Griffin has been talking the 2008 comp plan versus the 2011 amendment. He confirmed that Mr. Griffin's client did not purchase the property until after the 2011 amendment. Mr. Griffin stated yes. Mr. Rutt asked if Mr. Griffin is looking for a by-right type of restoration. Mr. Griffin stated no he is making the point that up until 2011, these properties had the commercial use category that his client is now trying to ask be restored.

Mr. Rutt asked if Mr. Griffin was aware there was a Memorandum of Understanding (MOU) between the City of Milford and the State of Delaware that there would be no approval granted for any development east of Route 1 until the master plans had been adopted.

Mr. Griffin asked the date of the MOU. The solicitor deferred to City Planning Coordinator Rob Pierce who stated it was signed in March 2008. Mr. Griffin pointed out that was about the same time the update was completed. He said regardless of that, there have been four updates made in four years since that time so he does not see where that Memorandum of Understanding was followed.

Mr. Rutt emphasized the MOU specifically related to the properties east of Route 1 and those updates have not occurred.

Mr. Rutt then pointed out that Mr. Griffin indicated that his client wants to restore the commercial development opportunity he lost as a result of the hospital land purchase. The Solicitor asked if the property that Bayhealth is now developing was not just gifted but instead was sold to the hospital; Mr. Griffin agreed it was sold.

Mr. Rutt noted then there was a realization of the use of that commercial property though not for shopping centers or something to that effect. Mr. Griffin said that is why the City changed it from C-3 back to the employment center designation.

Mr. Rutt then stated that even though the property east of Route 1 might not be commercial, it could still be used as residential; Mr. Griffin said that is how it is currently zoned. Mr. Rutt said that would require improvements of infrastructure, impact fees, permit fees, utility extension, etc. Mr. Griffin said not to the extent the City would have with a commercially developed center.

Mr. Rutt asked if Mr. Griffin is aware that the City is in the process of updating its comp plan so that it will meet the 2018 date; Mr. Griffin answered as is every other City.

Mayor Shupe asked if Council had any other questions.

Councilman Campbell stated that when he was reading the State Agency comments, many red flags came up. The review by the Office of State Planning, the Department of Transportation and the Department of Natural Resources all raised very serious concerns as to the advisability of amending the plan to change the designation to commercial. The Office of State Planning made comments that summarized that the request represents a significant deviation from land use, concept put forward, in the comprehensive and master plan that could result in a domino effect theory with wide ranges of consequences upon other elements that include transportation, environmental, agricultural and preservation issues. Commercial use of this property is not recommended in either the comprehensive plan or the master plan due to the difficulty of road access and proximity of low density, existing planned residential communities.

Mr. Griffin said he is familiar with those which were part of the December 23, 2015 comments from the Office of State Planning. As he suggested earlier, that is what the Commission focused on. But if you look at the more recent comments from the Office of State Planning, they do not repeat those comments. The portion that was given to City Council relates to the position taken now, as of last month, by DelDOT, saying there are ways the developer could improve access to the land and they describe the options. Also DNREC states the proposed amendment to the master plan changing some lands east of Route 1 from residential to commercial zoning does not occur in or near their three areas of environmental concern.

He emphasized the comments were quite different in 2015 when it appeared that the clear effort of the Office of State Planning was to not move forward. If you look at the comments in September 2016, they do not say that. It says the message is to provide comments on the Southeast Regional Master Plan amendments. It basically says that DelDOT or the Office of State Planning does not regulate land use and instead the City of Milford does. If City Council says they want to designate those areas back to the commercial they were at one time, then they will have to accept that and the State will have to work with the City and cannot overrule the City.

Councilman Campbell said he is not arguing that but is only bringing up facts and is trying to figure out how this would fit. There continues to be a lot of unanswered questions on the City side as well as the State's side. In the meantime, Mr. Griffin is not giving any information that helps him. Mr. Griffin said he does not speak for the Office of State Planning. Hopefully, Council would hold in advance an opinion on these issues until all the information comes in from the hearing and this is thoroughly discussed by all of Council and the votes are given.

Mr. Griffin then called Mark Muller of Sierra US and asked him to explain who he is, his employment and how he would be involved in the effort to develop this property in a commercial fashion if the City sought to change the future land use designation as it was prior to 2011 and the processes of rezoning and annexing if this is approved.

Mark Mueller of 364 Point to Point Road, Bel Air, Maryland 21015 stated he is a commercial real estate broker who has been involved actively in development and leasing of retail real estate, both in Maryland and Delaware for 35 years. He has leased approximately two million square feet of retail space during that time. He works in partnership with another brokerage firm, KLNB Retail. Mr. Kevin Barrett, who is very familiar with the applicant, also worked with the applicant the first time around when they were trying to develop the site that has since become the hospital campus. He was also with KLNB and left that company in 2010 though he and Mr. Barrett continue to work closely on various projects including this project.

Mr. Mueller explained the whole goal is to look at a site in its entirety from a critical mass. He cannot speak for any of the retailers specifically though they have talked to some in the past that needs a site with some size. The nine-acre site is too shallow and would probably be developed similar to a Royal Farms or Grottos Pizza considering the depth is not there.

He agreed there is retail on Route 113, but retailers prefer access, visibility and parking. Those retailers do not have the best visibility on Route 113 according to Mr. Mueller.

He reported that they represent several retailers including a movie theater chain and a home center that have expressed an interest in Milford in the past. However, they want to be seen from the road.

In addition, Mr. Mueller noted that a large piece of parcel is needed to develop some kind of mixed use. That could involve a combination of entertainment with the theater or it could be the home center. It could also have some soft uses such as offices that would be relative to the hospital.

They also see soft goods as a good potential. Currently the town only has Walmart and Peebles as far as department stores. They think there are definite users like a Kohls, though they have not yet expressed an interest. However, that type of junior box store could have some interest in coming to Milford.

He said this has to be developed properly and the same concerns that everyone has expressed about access are the same concerns these retailers have. The current access would not work and no national retailer would even consider it. It has to be a carefully planned design for it to take place.

Mr. Mueller said the recession took its toll and there were several retailers that Mr. Barrett was working with that backed out because their entire expansion program was stopped. That is no longer the case and he believes that a number of large retailers could be interested. However, it has to be of a sizable nature and he cannot see anything in the nine-acre range that would be anywhere close to accommodating the needs of these retailers.

He confirmed this would be a large project. If retailers don't see something that is easy to get to, they will not develop there. Therefore, a joint effort is needed to ensure it is properly developed.

Mr. Griffin asked Mr. Mueller, based on other centers in which they have found customers for, and considering this will be in the range of 100 to 120 acres, what examples of other type stores would be attractive to similar sized centers. Mr. Mueller explained that he was involved locally in the Capano Shopping Center, where Dollar Tree recently opened though that is a 60,000 to 80,000 square foot shopping center. A center that would attract retailers like they want to get into Milford will most likely require a 300,000 to 400,000 square feet center.

Mr. Griffin asked Mr. Mueller what types of stores or brands he would attempt to attract; Mr. Mueller answered Kohls, Lowes Home Center and possibly Home Depot. They think one thing that is needed is a better restaurant and beyond those normal restaurants you see on Route 113. They believe chains such as Cheddars and other lifestyle restaurants would express an interest.

Mr. Mueller said a combination of home goods, soft goods, convenient services and other softer semi-office users would most likely go there.

Mr. Griffin said before you can attract specific tenants to a center not in existence, are you required to have approvals in place approvals for zoning as well as access plans. Mr. Mueller explained these retailers receive submissions constantly from perspective developers across the country. They only have so much time and if you send them a site that is not properly zoned or does not have an access plan, they are not going to give you the time of day. A very specific site plan is needed to attract retailers and it must be zoned properly to do that. They would not attempt to approach that with those items in place.

Mr. Griffin then asked if Mr. Mueller has put together a booklet he would like to make available to City Council. Mr. Mueller stated yes adding this is a booklet that highlights the location of the three parcels and provides some architectural treatments. He added that retailers and consumers no longer want to see the same old big box shopping centers. Design

elements that are state of the art must be included and examples have been included in the booklet.

Mr. Griffin asked if the design elements include any proposed housing units; Mr. Mueller said it is possible to have housing on the second and third stories and apartments above some of the service-oriented retailers. However, that would not happen with national chains like Kohls. This would be a mixed use element of everything including residential, offices and retailers.

Councilman Brooks then asked if Mr. Mueller has visited the site and is familiar with the surrounding roads and asked if they are sufficient; Mr. Mueller stated he has observed the roads and the road are absolutely not sufficient. Councilman Brooks asked about access off Bucks Road into this property. Mr. Mueller said he is not an engineer and would assume there would be a secondary access though that is not his area of expertise. He said the site is large enough to justify retail as far as the market but they would not go on the site with the current access and would have to be a situation that satisfactory to them and DelDOT.

Councilman Brooks pointed out that DelDOT has limited access on Route 1 from New Castle County to Nassau. Mr. Griffin said he will have a traffic engineer that will later testify with regard to that statement.

Councilman Campbell responded to Mr. Griffin's earlier comment regarding the residents who live outside the City and the fact they are not paying City taxes. He said they are bringing revenue into the City and are shopping in Milford and supporting our restaurants and their children go to school here. He feels that was an inappropriate statement.

Councilman Mergner asked Mr. Mueller if there is a certain distance or time expectation for retails such as a Home Depot in relation to exiting from a highway and getting to their store. Mr. Mueller said they want access, visibility and parking. The retailers have to put themselves in a consumer's shoes. If a center is difficult to get in and out, they ask themselves if people will really want to shop there. There is no scientific method but more of a feel in his opinion.

Councilman Brooks then referenced the State Planning comments stating Delaware Code Title 17, Section 145 authorizes DelDOT to develop and maintain a Corridor Capacity Preservation Program (CCPP) on Delaware Route 1 from Dover Air Force Base to Nassau. Because the subject lands have other access as was discussed, DelDOT will not permit these lands to have commercial access on Route 1.

Mr. Griffin responded by saying that DelDOT in September 2016, discussed with the city ways in which the developer can improve their access to the subject land. He said what Councilman Brooks is reading is in conflict with what DelDOT is saying now. He said to be honest about it, DelDOT cannot say to a person who owns land that they don't have access to their road and if they do say that, they have to buy your land and pay you fair market value for it.

Councilman Brooks again referenced Delaware Code Title 17, Section 145 which authorizes DelDOT to develop the CCPP and that commercial development will not be permitted access off Route 1. Mr. Griffin reiterated DelDOT is saying access is there and it may be expensive, but it is there and there is a means to get it. He suggests that Councilman Brooks ask the City's esteemed Counsel for an interpretation of that. He added he is not allowed to give Councilman Brooks legal advice.

Mr. Griffin then called Alex Schmidt of 694 Milford Neck Road, Milford, Delaware. Mr. Schmidt stated he is an employee of Century Engineering and is present on behalf of Key Properties. He is a registered professional engineer in the State of Delaware and his entire career has been spent working on projects with DelDOT and project development.

Mr. Schmidt stated that Key Properties initially approached them in July of this year and informed them they had parcels on the east of Route 1. They informed him they had been before DelDOT and had discussions with DelDOT who had taken the stance that no access would be allowed to these parcels.

Key Properties asked him to discuss the access issues with DelDOT. A meeting followed with himself, DelDOT Assistant Planning Director Drew Boyce, Corridor Capacity Preservation Program Manager Tom Felice and Mark Cote' Subdivision Engineer Development Coordination. The purpose of the meeting was to discuss these parcels and whether access could be granted. DelDOT first asked what the developer was planning to propose at this site. Mr. Schmidt said they do not know because the developer cannot get any interest until they get through this process first.

Mr. Schmidt then explained that DelDOT cannot make a commitment until the point when the developer can say there is a potential to put something specific on this property. They were able to discuss some very basic concepts of what could go there. There were a couple of options that DelDOT brought up and a couple that Mr. Schmidt suggested. One was access off Bucks Road and DelDOT stated that the Routes 36 and 30 interchanges are there to provide access east of Route 1 and a plan that calls for improvements to the local roads in that area. The developer would then be able to utilize Bucks Road to get to that site.

He said the developer is concerned about that, as Council will hear from many people tonight, because that will have a large impact on all the local residents in that area. The preference would be for access directly off Route 1. DelDOT initially stated, as Councilman Brooks earlier mentioned, that there will be no access off Route 1 to properties east of Route 1. However, they understood the position the developer was in and agreed there were some alternatives that could be explored.

He reported that three options were discussed. One would be realigning the Route 30 interchange as was mentioned. Another would be improvements to the Route 1 Business/South Rehoboth Avenue interchange which is a flyover; the third would be the construction of a collector distributor road along the east side of Route 1 though that is a unique situation. The engineer explained it could actually collect many exits and distribute them separately.

Mr. Schmidt explained the Route 30 and 36 and State Route 1 business interchanges would all be separated from Route 1 and combined into one exit that would also have a local road with access to the site.

The engineer further reported that these are not unusual configurations and there is actually one being proposed for Dover Mall from Scarborough Road and south of Dover Downs. The purpose of that is exactly what the developer is asking for in this situation which is to provide better access to Dover Mall and Dover Downs.

He recalled that at the workshop held a couple weeks ago, a lot of people expressed concern about the existing interchange for Route 1A/South Rehoboth Avenue. The existing flyover allows people to come off Route 1 at highway speeds and get dumped directly in front of the Meadows at Shawnee doing 70 miles an hour. If the developer were allowed to move forward with his plan, they could go back to DelDOT with concepts that would help address those traffic concerns that exist in the area.

Mr. Schmidt stated the one key item he wants to leave Council with is that DelDOT has said there are options available and while they will not be easy and will require DelDOT review and approval and the Federal Highway Administration involvement, there are options that exist and there is potential.

In regard to the PLUS comments, Mr. Schmidt explained that one of their concerns is that the PLUS review focuses on a very broad high level view and is informational only. The original comments in 2015 stated that no access would be allowed. After they met with DelDOT and showed them a little more about what the developer was willing to do, the comments changed to say there is a potential for access. As this project moves further along, those comments will begin to align more with what those options the developer can do. As the State receives more information, they will be able to provide better comments.

Mr. Schmidt stated that Thawley Lane is a concern as is the road that goes through Knollac Acres. The developer is willing to commit to not using that road for commercial access. Potentially, it could become a three-way intersection with no commercial traffic using Thawley Lane.

Councilman Brooks then questioned the three-way intersection; Mr. Schmidt explained that would be on Thawley Lane coming from Bucks Road through Knollac Acres. Currently it has deeded access onto the parcel that the applicant now owns. The applicant is willing to cede that access so the residents in Knollac Acres will not have commercial traffic coming through their development.

Mr. Griffin confirmed that Mr. Schmidt is saying there will be no interconnection between the developed commercial land and Knollac Acres. Mr. Schmidt stated that is correct. He referenced Thawley Lane on the map that continues onto the parcel. He noted that currently there is a potential for it to be utilized for access to the parcel. The developer is willing to cede that option and turn at a three-way intersection so that no traffic would utilize the subdivision to access the commercial

parcels.

Councilman Brooks asked if Mr. Schmidt is stating that in this situation, Bucks Road would not be needed.

Mr. Schmidt referenced a map showing Bucks Road and Thawley Lane. He said he did not want to get into too much detail, but local roads could be used with access through a private parcel and traffic coming off the two interchanges and accessing the parcel.

He said the two options discussed–one being the collector distributor road that could provide access on the east side and not require the acquisition of any privately owned property, are based on the concepts discussed with DelDOT.

The other option is the reconfiguration of the interchange that would provide northbound Route 1 access onto and off the commercial property without acquiring any private property. The Route 1 southbound access would need to be considered requiring a lane behind Meadows at Shawnee and a crossover to get to the property.

Mr. Schmidt feels that is the only one he can really see that would potentially require the acquisition of private property and something the developer would have to deal with. He noted that the developer does not have the right to condemnation.

Councilman Campbell asked where the Meadows at Shawnee fit into this scenario. Mr. Schmidt said that is the only development he would be concerned about if a southbound ramp was needed to exit. If they were unable to do that, the developer would have to decide if this could be done without Route 1 southbound access directly onto the site. In that situation, vehicles would have to travel to the Route 30 interchange, exit, come back and cross over.

Mr. Griffin stated that according to the procedures explained by the City Solicitor, the applicant has no right of rebuttal after the people speak in opposition of this amendment. Therefore, he wants to make some remarks to try and summarize what has been presented.

Mr. Rutt then explained that everyone will have an opportunity to speak even if the hearing lasts until 1:00 a.m.

Mr. Griffin then asked Council not to make a snap decision on this. He said there is a lot of information that needs to be considered. He referenced his earlier comment about the State law that states Councils' decision should be for the benefit of its residents. He explained that he was in no way being critical of people who do not live in the City but only informing Council what the law says.

Mr. Griffin asked that Council consider deferring the decision considering all the issues and comments and what would be to the best interest of the City and its residents. They are asking Council to decide differently from the recommendation of the Planning Commission and are asking Council to approve the amendments to the 2011 Master Plan that would designate two properties–the 70 acres Mr. Wiggles property and the 40-acre Thawley property to have the land uses they had until 2011.

He asked other people who were present to speak in favor of this amendment.

Solicitor Rutt noted that Mr. Griffin provided two documents. One being the petition he presented and one document from KLBN Retail which become part of the record.

Mayor Shupe then asked for anyone wishing to speak in favor of the application to come forward. No one responded. Mayor Shupe repeated the request for anyone in favor of the amendment to come to the podium.

Henry Lacaillade of 4402 Fullerton Court, Hearthstone Manor, stated he is in favor of the plan being returned to what it should have been in 2011. He said this could be an opportunity missed for potential income into the City of Milford. He said the City of Milford should consider themselves, first and foremost.

No other person responded to speak in favor of the amendment.

Mayor Shupe then stated Council will now hear testimony from those persons opposed to the application.

Mr. Ken Naegeli of 20949 Surrey Court stated the following:

We moved down here four years ago from Pennsylvania. When anyone asks them where we live, we say we live in Milford, Delaware. My nephew is a junior college soccer coach and I got him a player from Milford High School. We pay taxes to Milford School District and just got a tax increase probably for higher than most people in Milford because of the property values in this development. We have put a lot of money into our properties even though we are not rich by any means. We did things frugally during our lifetime and this was a good place to bring our grandchildren who visit Grampy and Grammy a lot more because we are down by the ocean and were fortunate to be able to afford it.

We are very close to Milford and we go to church in Milford and we buy everything in Milford and the same applies to everyone in our development. We don't go to Lewes or Dover and instead we choose to shop, eat and get our cars fixed in Milford and just support the community of Milford. We hire a plumber and other repair people from Milford. I believe in supporting the local community. For that gentleman to slyly say that we are outside the City limits and Council needs to do this for Milford residents. Well guess what? We are Milford and I don't like that at all.

The gentleman talked about Thawley Lane. He said we are going to cede access to Thawley Lane. This is a private development and we have rules in our development and he cannot just say he is going to cede access and we won't allow access to that. We can change our bylaws and somewhat shut if off if we want to. He does not know where he is coming from to be able to do this because commercial traffic has no relevance there.

Down the road, if Milford ever wants to annex Knollac Acres, we are a private development and have rules. We don't want that to happen because we don't want to change and make our happy people unhappy. DelDOT at the meeting the other night, suggested no related access from Route 1. They did not say it was impossible but said that they would not suggest it at all. The Planning Commission at length not only voted against it, but talked quite a bit before they voted no. They talked about safety. There are safety issues with any kind of commercial development. If they wanted to, they could go with the conditional uses for special requirements. They could put a methadone clinic in there if they really wanted. This is something we are concerned with.

The planning commission voted unanimously to keep the zoning on the three parcels on east of Route 1. They referenced a commercially approved area on Route 1 adjacent to the new hospital and suggested that site. Safety issues were brought up by the Planning Commission relating to future mission statements for the City of Milford. This was the current mission statement they somewhat adopted and is the direction they wanted to go. Many times in that process they mentioned safety. We don't have protection from the Milford Police Department and have to go through the State Police. If you were living in that development and I ask you, would you want this to happen to you? Would you be comfortable with it? Because you could very well end up in that situation too.

What we have is the State Police and their response time. We had an alarm go off at the house and it took the State Police 2½ hours to show up. If someone is coming through our development that is a problem because increased crime is always an issue with commercial. Do you want the increased crime on the perimeter of your City and a little further away from your downtown? I do not think so. That should be a major issue.

If someone is stealing something or shoplifting and running or driving through our area and through our yards because someone is chasing them, they could potentially get into our house with a gun and we could do nothing about it. There is a lot just on the mind play and psych issues involved with this plan. There is a lot of anxiety.

The valuation lost to our homes is an automatic. We had a developer who abandoned our development and nothing was being done. I was trying to get the community going and I used to cut the community grass that was supposed to be handled by the developer. We were going to get the potholes fixed because we wanted people to come and invest into this community. It is a very nice community and we were at that point when a new developer finally came in and did that. The main reason he did that is because the hospital will be built and he sees the potential and wants to make some money. He is building some nice houses and we are meeting with him on Thursday.

There will also be major increases in noise and light pollution to the community which is inherent with any commercial project. There is the probability of increasing crime to our community and to the City of Milford itself. It will require the Milford Police Department to go on the east side of Route 1 which will take them away from other areas. It is not a quick and easy access for them from the west side of Route 1.

We had no advance warning of development by the developers and absolutely zero communication. I respect the Hearthstone Manor residents, who at the Planning Commission meeting, spoke against this development. The previous gentleman talked about 24 emails he received in favor of it and that he had only received one against it. Basically the other residents said we thought it was a joke and don't want to get involved but most of the people in that area don't want it. I am sure there will be people here tonight from Hearthstone that will speak against it.

They were asked to poll the Hearthstone residents to ask what type of stores they would want. As noted by the people speaking for the Fannins, nobody asked anyone east of Route 1 and this will be beside us. Why was that? There is no known plan as to what will go onto the land and it is somewhat subjective at this point. Once you get the approval, they can more or less do what they want with it. It will eventually receive some kind of approval.

Our development is a private development and the State would not take over the roads. If this is developed commercially, it will stop houses from being built and people will not want to live next door to a big shopping area. We will never get to the point where the State will take the road maintenance over and now the development has to deal with doing it ourselves.

There is also a fiduciary responsibility relating to the Thawley commitment and I believe there was something in writing that says she has to look out for the well being of the Knollac Acres development and homeowners. I think we have a legal issue and will look into that and whether it can be purchased for a commercial use.

I ask you to consider living in Knollac Acres and how you would feel about this intrusion. There are a lot of areas on Route 113 that could be developed and other areas around Milford that would not have this kind of impact to the surrounding residential areas. This is not just Knollac Acres but includes the houses on Bucks Road, Cedar Neck Road and other areas. There are a lot of people here from those areas. Many of these people have lived there a lot longer that I have and some have lived in this area fifty and sixty years. Could they be displaced? Sure.

One person said that cars travel 70 miles an hour on the flyover exit and he has got to be kidding. That exit has a 90-degree turn and if you were going 70 miles an hour you would be up in the air traveling off of it. You might pick up speed when you come off the ramp and enter Alternate Route 1, but definitely not when you exit on Route 1.

The attorney mentioned the comments from the Office of State Planning from December 2015 to September 2016. There was no need to mention it again. It was already stated and nothing changed.

Thank you very much. I appreciate your time.

Debbie Campbell of 103 Hickory Branch Court, Hearthstone Manor, provided the following statement:

I reiterated everything that Mr. Naegeli stated including the quality of life issues. A lot of the things presented tonight I don't need to reinforce because everyone has heard the proposals as far as the details on how it will impact this area. The thing I want to say is I moved here almost ten years ago from upstate New York. Basically I moved here for quality of life. I came by myself and I have no family here. I used to vacation here and actually started to look in Lewes and Rehoboth and loved it there. I came up here and this was where I wanted to be immediately. I seriously researched for almost two years before I bought a home here. I feel a bit betrayed because I bought my home from Country Life Homes and I expected to live in the country. I have cow fields down the road from me and it smells like the country and I love it.

The culture in the area I love. We have yards, we have music and we have a theater in town. We have stores. I tell all of my family that everything I want is seven minutes from home. If I need something that is not in town or if I am shopping for a wedding, I can go north to Dover in thirty minutes or thirty minutes south to Rehoboth. But I don't want to live in those places. I want to live here and I want to live in the country and have the life that Milford offered us. It somewhat

upsets me that the applicant is someone that sold my home and that was my expectation to live here. When I mentioned upstate New York where I came from, I lived about 80 miles north of New York City. After 9-11, New York City just exploded into my area and I don't even recognize it today and I seriously mean that. It is now elevated highways and a new shopping mall. What happened? Not only the old downtown but even the downtown of the seventy's, which was somewhat like we have on Route 113, all died. Everything moved to another area and all the businesses that previously had supported the area where I lived, went away or became empty buildings or warehouses. So we got nothing from it. Before everything was invaded, there was a ten minute ride to my local hospital. Where I worked, now takes a half hour to forty-five minutes at night because of having to sit through all the traffic lights. I do not want that here and I do not think most of us want that. The convenience of shopping is here and available.

I am all in favor in change. I think change is good but it has to be well planned and well thought out and just as important, it has to be welcomed. I do not think that most of us welcome this kind of change.

It is sad when someone buys property and they cannot do with it what they want. But that property was purchased by the developer after the developer knew it was zoned residential. Those developments are all in place and I suspect that part of why that zoning may have changed is because of all the residential development in that area. It is not that we have no commercial property available for development. If those properties have already been improved, then that is part of the City's master plan and that is where the future development should go. I do not think we should be turning property that is in the middle of a big residential area and is going to impact the country roads. I think the hospital will already change a lot of the area where we live. My back yard is Wilkins Road and that is something we will have to deal with. But to throw a major shopping mecca in the middle will bring people from all over and through our town to get to it. I just think this is not meeting the dreams of the people who live here. Thank you.

Komba Kpakiwa of 30063 Stage Coach Circle, Milford provided the following statement:

Could I please ask the planner to bring back the pictures from the area I live?

Ladies and gentleman, I live in this neighborhood and my lot is right there. You can see what they are trying to ask for and the zoning change. I have to tell you one thing before I proceed. If you look at the house, it currently sits on a farm. The farmer has a requirement to have a buffer between my property and the farm. Guess what? When I moved there in 2007 and bought the property, there was a buffer between my house which was larger than you can find today. Guess what they did? They said according to County law, he had the right to take 132 feet of my land to meet the zoning requirement for the farm.

I will be making some comments here but this reminds me of something. You see everyone sitting here? Anybody who is familiar with the comprehensive plan knows it is nothing more than something we can imagine we would want to be like in five years, ten years or twenty years. That is why anybody who is familiar with comprehensive planning or economic development planning, has a temporary limit on describing what they are going to do.

In 2007, we made sure that the land that was adjacent to mine was zoned R-1 residential. That made my wife and me to invest every penny we had in Delaware after 32 years of work with the State of Pennsylvania. I had a lady that said she did her research. My background is planning, policy. If I came down here, not only did I want to know what the City looks like, I wanted to know from the FBI statistics and where I should live. At that point, I didn't have any problem. Milford became my home and I moved here.

Now you want to change the land use. Why do you need to change it? It was changed to R-1 and the comprehensive plan says that in the future there would be no commercial on that side of Route 1. What changed? I know what changed. Somebody sold the commercial area which is the land that we are all happy about having a hospital there and love it. I don't have to go to Baltimore, don't have to go all the way up north to the hospital or back to Hyattsville to find a doctor. That is wonderful and I am going to be near a hospital.

To be fair with you, I am not here to tell you about the impact of the hospital and the potential impact on the economy and currently my land. Anybody who is coming here with planning has to tell you if they are honest. Just like a realtor says

location, location, value. When I bought my house in 2007, in fact that was before the market went down, it was valued at more than $700,000 and has 5,200 square feet, sits on 1.025 acres because I love the country. When I was in Harrisburg between Hershey, I lived on 3.5 acres. When I decided to come down here, I liked to live somewhere that I can eat my spaghetti and my neighbors are not going to smell it. Seriously. So I decided to move there. Milford was perfect for me. But now what you are trying to do to me, if you look at what I just showed you, and the current value of my land will go way down. Which means you are basically telling me that you should call me and ask to rezone my property commercial. That way I can keep the value. But I know you guys are too busy.

A few things for discussion. I have already told you about the comprehensive plan. There was a comment about residents and non-residents of Milford. I kept looking at you guys and somebody probably put a big smile on your face. What are you talking about? You are a lawyer. In this country, the way to happiness is through the constitution and you know what it says? Liberty, freedom, justice. He did not care what his client was going to do to us. That is not representative of what you and I believe of that constitution.

I can stand here and say the constitution will let me sue them. Take them to court. But you and I know, the most explicit thing to do in this country, even though the constitution guarantees that I can sue you, is the cost of suing you won't stop me from taking anything from you. So if you are big enough and have enough money, you can walk all over me. I will probably go back and sit in my house and start crying. I don't have money. But you can protect the little guy and I don't have money to take Key Properties on.

At this point, you can prevail just like the Planning Commission did. They talked about the adverse impact on our properties and our quality of life. I think you see the quality of life. I thought the comprehensive plan was supposed to maintain that.

Are we forgetting? I recall I told you I came here for quality of life. Why would you entertain the thought and indiscretion about calling me 'not in Milford'? My taxes just went up almost $900. You tell me why I pay my money. I am not a kid. I am 71 years old. I know people that live in Hyattsville but it's cheaper to pay my taxes here. Could the gentleman really consciously think in the context of this great country, then turn around and tell me that I am not from Milford? Guess what? You cannot take my land without due process. Even if you were to say you want my land for public use, we have to bargain. That commercial land will devalue my property. If Key Properties wants to buy up this place, they need to work it. He is a guy with a deep pocket. Buy all of these properties then we will see. Buy them all. Go for them. Then we are out. But don't ask these honorable people to cover your responsibility.

Yes, we love business. But I don't think business should be an inconvenience to us or destroy us, when we are too old or could die. I am 71 and I don't have any more money. I live on a fixed income. The last time the Planning Commission talked about the income impact and we all sat down here and listened to a lecture about impact and businesses. Is the gentleman aware of the facts that some of us have done this before? What information Key Properties presented to you here should be resolved by site analysis.

The gentleman who came from Maryland to talk about the economic impact on the City forgot that people live in the City. You have to stop it. If your conscience says no, you should support the Planning Commission.

Finally, I know we don't have time but I am going to end this by explaining this to you or at least making sure you understand where I'm coming from. One more time. In this great country of ours, the way to happiness is through happiness. Liberty is freedom. Liberty and justice for all. You will not be doing us justice if you allow this to go ahead. You already know, the State agency has said no. It does not take into account the comprehensive plan because he forgot to make the transportation analysis. Do you have anything in front of you? Anybody? I don't think so. All they can say is --here's a big shopping plan. We have this honorable guy from Maryland who is going to make this wonderful place. Someone asked how fast would you be exiting from the highway into that development. No, he is not a transportation analyst. And if you look at the engineer, he came theoretically. You are dealing with people's lives, not theory. I am asking you one more time. Like your Planning Commission said, that project is a no go. Please save us and keep us happy. That is what the constitution says. Thank you.

Bill McTheny of 5567 Bucks Road stated the following:

I am very concerned about both sides of the project. I don't know how many of you have been on Bucks Road. But let's face it, those roads are very narrow. When they were built, they were literally farm roads. I had an opportunity the last time when Bucks Road and Sapp Road were repaved, to talk with the supervisor. In the conversation I had with him, he said these roads are too narrow. Ideally, they should be at least a foot or two feet wider than they were built.

Traffic out there even now is horrendous. There are people that drive up and down that road 45 to 50 miles an hour. There are a number of people in that area, including me, that walk our dogs, we walk, we run, we ride our bicycles in those areas. That is a gift to me.

The other factor is years ago, when DelDOT closed off both sides of Beaver Dam Road and the side east of Route 1, it was my understanding the reason they did that is because they wanted to make Route 1 as limited an access to the highway as they could for beach traffic and all other traffic. If you have stood out there on Sunday afternoon watching the traffic going north, it can be horrendous.

My understanding is that when it was closed, DelDOT intended to make it as limited an access as they possibly could. If any of the projects go forward, it seems like it would be reversing what DelDOT has intended this to be for all of those years.

Those are the two reasons I am very, very opposed to this. I am concerned about the impact to my side as well as the other side. I am afraid the quality of life would just go down hill tremendously if these projects move forward.

Norman L Wilfong of 5396 Bucks Road stated the following:

The other people have done all the complaining I wanted to say. The only thing I want to add is the property is not in the City limits. We are thankful for that. They told me when I bought that property from the State that they would not annex that area. They have annexed in the area and right in the front on my road but the property we own is not in the City. And we are thankful because of the recent tax increase as a result of Milford School District. So we cannot afford to pay any more property taxes.

The roads are not adequate to accommodate more traffic. We have too much traffic now with Knollac Acres and the apartment house that is there now.

They had to have a reason for DelDOT not to want any commercial property to have access off Route 1. When he bought his property, they told him that no commercial would be allowed east of Route 1. They had reasons because there are all kinds of commercial developments in Milford. Anything you want, you can get there. I can't see any reason to have a commercial development in this area with all the children out there who will be jeopardized by all the additional traffic.

As far as the road, they have never been blacktopped. DelDOT put stone down and sprinkled a little oil on top and that is what the road is made of. How in the heck are you going to have big tractor trailers coming in there and running up and down the road? They will demolish the roads.

I have been in construction all my life. These engineers will do anything to make a dollar.

That one councilman has my respect for asking all those questions. Nobody else has sense enough to do that.

Sara Donald of 38 Lexington Drive, Shawnee Acres, stated the following:

I want to acknowledge what everyone else has said. I don't want to take up too much time because it is late. I found some things really interesting tonight. I have voiced a lot of my concerns about living in Shawnee Acres and things that were done with the Hearthstone Community by this developer that were not done the way they were supposed to be done. The land was attempted to be taken from people in Shawnee Acres because the buffer zones weren't allowed and there were other issues. I am not sure all of that is in the minutes but it is concerning. I do think that is going to happen with Knollac Acres residents and I do think that the overpass being turned into a flyover will be a concern for the Meadows at Shawnee residents.

To listen to a developer with a prior history of not completing things the way it was supposed to be done is something that should be taken into consideration.

The other interesting thing is that Mr. Mueller is from Bel Air, Maryland where I grew up. I lived right across the street from him on Hunters Drive and my sister lived in Point to Point Square. I don't know if he was involved in any of the development that occurred in Bel Air, but I lived there twenty years ago and go back multiple times every year. And I cannot stand the traffic.

My grandfather owned a little car dealership called Luby Chevrolet. It was a place where my dad grew up. Everyone knew everyone. It was a lot like Milford. You went to the same family restaurants. We all go to Abbotts and Arenas. I saw the Mayor at the International Food Festival last week in the park. Those things do not happen when you bring in retail or commercial space like is being considered. We don't need a Cheddar's but we still need Abbotts. We don't need a Lowes because we go to Ace Hardware and we can travel if we need something bigger. Losing those little family places and the people is what is going to happen. Though we may not technically live in the City limits, my kids go to school in the same place that City Councils' kids go to school. They don't know or care if I pay the same taxes you do. It doesn't matter. Milford is a family regardless of your tax situation.

I think we really need to remember that when we make these decisions, we are going to impact future generations. Do you want them to grow up in a place like downtown Wilmington, Dover or Bel Air as it exists today? Or do we want them to grow up in the Milford that we all know and love where we can go to Irish Rose and get cool Christmas presents for someone and where we know the shop owner? Where we do the Holiday Stroll and we all see each other and know who everybody is. We are supporting local business and I find it really interesting the City brought in a consulting firm to discuss what we need to do to revitalize our downtown. And the meeting before the last hearing was about what was needed to make this a more attractive place and a better family place and a place that doesn't have empty retail downtown. On the other hand we want to create more highway commercial and take all that business away from those businesses downtown.

It does not make sense. If you bringing in a firm and you decide to change the zoning, then you might as well let them go. It is just an oxymoron. I just want you to remember the Milford that we live in and what it could become if Council approves this change.

Joanne Burbage of 32 Hidden Meadows Terrace, Milford stated the following:

I have been a resident of Delaware for 72 years, 42 of which have been spent in Milford. First we lived in Woodshaven, then on a small poultry farm, I raised my children here and who are all grown, then I retired and we now live in Hidden Meadows. My children attended Avenue Church Preschool, attended Milford Public Schools where they graduated. They went to college and I have great gratitude to the Milford School District, their coaches and the roots of Milford. I think that is part of the legacy and the heritage that we have here in Milford.

Also, I would like to ask a quick question. Can you tell me the population as listed in the City of Milford versus the population of the Greater Milford area? In the reports, projects and places we have been, there are two statistics and I have a reason for asking that.

Mayor Shupe said the population is just under 10,000 in the City limits and anticipates the Greater Milford area to be approximately 25,000 which includes City of Milford residents.

Ms. Burbage continued by stating:

The first time I experienced the people of Milford, and not just the City, but the countryside and contiguous beaches, and there was a vote to preserve the areas of Milford including the marshes, the beaches and farmlands east of Route 1. Back in the 60s, there was a proposal for wind-powered turbines and offshore oil facilities along the coastal beaches like Slaughter Beach. The City people of Milford rejected it. I was not a resident at the time but was here teaching a night course at Milford High School in archeology and was with the Archeological Board of Delaware. The people of Milford welcomed us, opened their farms for excavation and gave us a preview of the artifactual collections. All the excavations and artifacts

provided great information of the history of Milford and the State of Delaware. It was then provided to the Smithsonian. But all these people spoke at that time. There was a petition and the project was rejected and the outcome was there would be no commercialization east of Route 1.

The people understood that we are more than just the City and all the outlying areas including the farms, coast and wetlands and we just don't have the Delaware Bay, but instead go all the way to the Chesapeake Bay.

Every Native and Aboriginal who was transported through here knows that process and we know it too. It is not just what we do here, but it connects and touches everyone.

In the 1960s, Milford was ahead of everyone. Then in the 1970's, the Coastal Zone Act was enacted. The first sentence of the Coastal Zone Act says "It is hereby determined that the Coastal Areas of Delaware are most critical for the future of this State in terms of the quality of life."

That is what resonated through the last meeting here and all the conversations that Milford cares and has a heritage which is something they want to preserve, protect and pass on.

Consider Route 1 and the east side and the west side. The requested zoning for the approximately 120 acres of commercialization east of Route 1 is in an area that if you went from Route 1 and 113 at the north end of Milford, to Nassau straight down linear miles would be about 20 miles. There is no heavy commercialization along that strip. What is east of Route 1 is 50,000 acres of the Delaware Bay, Milford Neck Wildlife area, woods, fields, DuPont Nature Center, wetlands, Marvel Preserve at Slaughter Beach, farms, golf course, residences, Prime Hook Wildlife Refuge, Fowler Beach, Shorts Beach, Broadkill Beach and Rum Island Nature Preserve. These are things east of Route 1. To put a spot commercial 120-acre development within that 50,000 acres of farmland, residential and wetlands is contrary to every principal the people for Milford rejected fifty years ago. Milford has been very wise in trying to zone commercially and zone historically with preservation in mind. I feel they have done a wonderful job and it is now the responsibility of the people of Milford and our planners to respect that.

There is adequate commercial property available in other places and Key properties probably has other lands they can develop commercially. Commercial on the west side perhaps should be considered. But on the east side in the coastal zone area does not seem appropriate. It is possible they are not aware of the history that Milford has had in preserving and protecting and even going ahead of the State in preserving this area. It is very possible they do not understand that is a legacy of Milford and they might not understand the environmental impact. It is very possible they could consider alternatives to their zoning requests and embrace and contribute and support the stewardship and guardianship east of State Route 1 to the bay. Thank you very much.

Angela Muncie of 30036 Stage Coach Circle, Knollac Acres stated as follows:

When my family moved to Knollac Acres seven years ago, there were few children in our neighborhood. But I had hoped for a thriving community. Today that wish has come true. There are more than fifty children in Knollac Acres with the majority between the ages of 6 to 12. That number is growing because of U&I Builders who is building many new homes in our neighborhood. Our children run from yard to yard, riding bikes throughout our development. Many of these people live in Knollac Acres and know my family is seen walking around the neighborhood every night with my dogs, my children and my baby stroller. It is our modern day Mayberry. I stand here today and ask you to vote against this plan for us because it butts up against our development and there is absolutely no buffer as Mr. Komba says between the farm and our community.

For decades, concerns over residential market impacts from commercial land uses have been discussed in a wide array of academic literature and political debates and agendas such as this. The potential negative spillover effects are the primary rationale for zoning in many American cities is an effort to protect the residential neighborhoods such as ours from noise pollution, traffic, excessive night lighting and aesthetic deterioration. We ask that you follow the same sound judgment of many cities before you that have encountered the same dilemma. With the addition of the new hospital, there is a growing need for nearby residential neighborhoods who can meet the needs of the new doctors, nurses and medical staff moving to

this area. Knollac Acres is one of these communities. Please don't risk the safety and welling being of our children, a growing number of fifty children, by bringing into our front yards a commercial development. Help us keep our Mayberry.

Mr. Griffin says the people that are outside the City limits don't matter. If that is true, who is fighting for us and who is going to be our voice. My children go to Lulu Ross School and I am a member of the PTP and I promote this town's events to the 150 members of my Mom's Club of Coastal Delaware. I shop locally and I think my money and I think my family matters. I think the people in this room and their discretionary income matters too. I hope you feel the same. Thank you.

Kathy Stetson of 147 Hickory Branch Court, Hearthstone Manor stated the following:

I am a fairly new resident in Milford and I concur with the testimony that was previously mentioned. I want to remind the Council that good planning must consider adjacent uses and buffers even if the occupants aren't residents of the City. Buffer zones in planning are vital. One usually does not put commercial uses right next to low density. It is usually buffered up to even medium density, higher density, residential uses and on up. A commercial development is going to have a very big impact. If you look at the map, it creates this designation and would create an island of commercial zoning in a sea of residential zoning which does not make sense from a planning perspective.

I thought it was interesting that the zoning of these properties were designated as low density at the time the current owner purchased the property. He presumably understood what that meant and the limitations on what type development could be done. If you look at the map, that whole area could be residential which makes much more sense and there would be much less impact to the current development that exists there. Someone mentioned that the new hospital will require some places for these people to live. It seems like there is a market there. Now is the time to protect this property before it goes any further. I think that in 2011 when the designation was changed, it seemed like that was a good decision.

Chad Roberts of 20951 Surrey Court, Knollac Acres stated as follows:

One of the Councilmembers asked how close the road would be and that answer is 15 feet, which is just about as close as you and I are. That is how close the road would be if it came through that development. I agree with the quality of life concerns that everyone has stated. I love Knollac Acres and I love Milford and I have lived here longer than I have anywhere else during my life.

I just want to reiterate a couple of things. The 2011 decision to reverse that future land use back to R1 residential seems like the logical thing to do. Back before then when development was going buck wild, it could have been a good idea to make that commercial. But if you look at the map like Ms. Stetson just stated, it makes perfect sense for that land to stay residential. I am personally for development and I talked to the City Planner at the meeting a couple weeks ago and yes, I am dying for a movie theater. I am not against development and if I was against development, I would not be living in Knollac Acres but instead would still be living in the house that was taken from us for the Route 30 overpass.

We were not forced to move from that property, but volunteered to go early. We specifically picked Knollac Acres because it is on the east side of Route 1 where we were assured that no commercial development would ever happen. That is the reason we moved there.

There was some mention of complimentary commercial areas for the hospital. I am looking at a map now and I see a gigantic red piece of C-3 property right next to the hospital. That seems like a pretty easy place to put those needs instead of way on the other side of Route 1 where you will have all kinds of issues getting to and from it.

One other quick thing. I was also talking to Mr. Pierce about the thru way on Thawley Lane because I was one of the ones that was very concerned about that. I understand the deeded access is restricted to R1 which means it is conditionally deeded to residential. They are ceding something or giving away something that is not theirs to give.

Tom Chilton of 38 Meadow Lark Drive, Milford, stated the following:

I live at the Meadows at Shawnee that is right across from the property proposed to be zoned commercial. I am extremely

worried about the drainage in the area of the Meadows at Shawnee. A few weeks ago we had a major rain and water filled up both ponds and it was basically flowing directly from the farm and across Route 1, through our development and partially next to my yard. When we had frozen weather like we did in the spring, there was a tremendous problem because the water had no place to go except right through all the properties.

I am very worried about drainage and just as worried about traffic. There are a lot of kids on the road, a lot of schools buses and I have no idea how they would make the traffic pattern re-circle back to Route 1 to this commercial property. I just don't understand how Council could even consider making that land commercial tonight without some sort of a site plan. These guys say the site plan will come, but some sort of a plan should be presented together to show how the traffic could be managed, how the drainage could be managed with engineered input. It could show where a bridge might be built.

I just don't know how this can even be considered at this point. Once this land is changed to commercial and all the arguments start about what goes here and there, it is pretty much a done deal as has been the case in the past.

I do not support making the land commercial.

Kay Webb of 5536 Cedar Neck Road stated the following:

I am a lifelong resident of Delaware of which 44 years have been spent in Milford. My husband and I have the Century Farm on Cedar Neck Road which runs down Sapp Road and Bucks Road. Our children are the fifth generation on our farm. At any given time, we have 300 to 400 beef animals on the farm. We raise grain and we have vegetables.

Mr. Griffin said there is City electric. We are City of Milford electric and have three electric meters on our farm. One for just our grain tanks so you can imagine what we pay the City of Milford. I agree with everything that everyone else has said. I don't really need to go over it. I think Milford does need to preserve the farming aspect east of Route 1 which is called Cedar Neck. The City always said it was going to remain residential and farming. So I just ask you to reconsider and really think hard, but we are Delaware Century Farm and were one of the first ones in the State of Delaware to get that designation. Thank you.

Mayor Shupe asked to check for lobby area for anyone that wished to speak.

Karen Gillespie of 6552 Cedar Neck Road stated the following:

I agree with everything everyone has said. I am in their court. I want to bring out my background. My grandmother was Indian. She moved every two years. She has lived in just about every house in the City of Milford during the 1960's and 1970's. My dad took up that same trait and moved our family every two to three years. I have been to several schools in Milford, then we moved over the line and I ended in Milton. Then we moved into the Lake Forest School District. I made up my mind that when I got married and had kids, I wanted to go somewhere and stay. I did not want to move. When we built the house we built, we did that with the intention that we were going to stay there until we died.

We have been there since 2000 and wanted to buy the land that was next door to the property we were on. We were told by Mrs. Beverly Thawley that if we would move next door, she would take $1,500 off the price of the land. She said that land was going to be made a dead-end road and that there would never be another home beside us and there would never be anything built on that side of us. That is what she told us when we bought the land though all of that has changed now.

I was one of the advocates to try to get the bypass or intersection fixed because our first two to three years, we saw many accidents and deaths. The overpass built in front of our house has greatly changed our way of living. I am not as safe there with my grandchildren playing in the front yard and we have many people that come up to our home that don't belong there. It has just brought a lot more people and cars into this area. I do not feel as safe as I used to living there even though I don't regret that decision based on the number of people who were suffering from accidents and the number of people that were killed at that intersection. There wasn't one night I didn't worry about what was going to happen at that intersection until my kids were safe at home because I knew they had to cross that intersection. I don't know why we need a Lowes when I can be at Lowes in 20 minutes if I go north or 20 minutes if I go south. What is going to happen to 84 Lumber in Milford

if Lowes comes here? I think if this is approved, we are going to see a lot of the area businesses suffer.

I may not be in City limits, but our land butts up against the property where they are planning to build and I believe that should be considered.

When the overpass was being built, it created damage to our home. And everyone walked away and no one would claim responsibility for it because they knew we did not have the money to fight them. My husband was recovering from a brain trauma injury and they knew that. I had a spider bite and almost lost my right leg and they knew that. But everyone walked away and we were unable to get any help with the house damage that was a result of the overpass construction. I don't think we could take a lot more construction next door to us and don't want to go through that again.

I agree with everyone's concerns and you see the representation that is here who are against it. No one is against the City of Milford and I have lived here since 1965 and have always supported the stores and businesses in this area. We raised our kids in this area and love this area.

I only ask that you vote for the people.

Bill Pfaffenhauser of 25 Goldenrod Circle, Milford stated as follows:

We should preface the concerns by keeping in mind the number of accidents that have occurred at the Route 1 and 206 intersection prior to the overpass and the results of those horrific accidents we all remember. We all like to beat up on DelDOT but the end results of their efforts speak for themselves by the life savings difference it has made for the residents east of Route 1. Going forward now that the overpass is complete would be a crime to even think about putting people's life and limbs in jeopardy again in that vicinity.

We have heard a lot of talk about how traffic could be routed into the area that is under consideration. As far as routing that traffic through residential areas, we have heard plenty of reasons from a road standpoint and how they were never built for commercial traffic to the impact that would have on people's property values and sanity.

That leaves the options of accessing by a collector distributor, or the modification to Route 1 flyover. Not having seen any proposed route for the collector distributor road, one can only conjure up images of lights on the east side of the Route 1/206 overpass and the resurgence of accidents we had at the intersection prior to the grade separation.

The problem with the lights is that it won't look and feel like what I thought the City seemed to want east of Route 1. As far as modifying the flyover, think of the issues raised with traffic coming from the south on Route 1. Residents east of Route 1will all converging at, or near the flyover ramp, in order to get into the commercial area or onto South Rehoboth Boulevard.

Imagine the confluence of moving vehicles during the holidays or Sunday-homebound summer traffic.

Furthermore, we have heard a lot about getting into the area. How are people going to get back onto Route 1? If it is going to be by a C-D road, we are we are back to the traffic light or intersection that was previously eliminated. If it is by the flyover solution, I can only imagine it would need to be directly onto Route 1 from the commercial area. If that is going to be anything like the entrance to Route 1 from the Royal Farms site that was built between NE Front Street and Tenth Street, it will surely end up being another death trap given the blind spot created by the curve the flyover is on.

In conclusion, have we as a community become so preoccupied with shopping and so tight on time that we cannot drive the ten minutes to take advantage of the shopping opportunities available to all of us west of Route 1? Is the land in question truly big enough for any kind of shopping complex per say and if not, are we looking at yet another strip mall when the ones we have in town are not full to capacity? Perhaps as part of the effort to re-energize Milford, the City needs to offer seminars helping us to adjust our lifestyles in order to enjoy that river town, art town and hometown feeling the City is promoting. Thank you.

Howard Webb of 5536 Cedar Neck Road, Milford stated the following:

I am a nonresident but I buy electric from the City and I feel fully engaged as a citizen of Milford. I would like to touch on three points.

Sixty-six years ago I started school here. The school bus route was Bucks Road. I think I am as familiar with Bucks Road as anyone here or possibly could be. The flyover bridge that is being discussed will not make any significant improvement. And I think the State has it right when it says there are significant access problems off Bucks Road.

The second thing is this developer did a good deed when he sold his commercial property for a new hospital. But he sold it at a profit. So we are not obligated to provide him C-3 on another property that will destroy our neighborhoods–yours or mine.

Third point is, if this was a good idea, in July of 2011, this Council unanimously approved a TDR program in southeast Milford. The area under consideration now was a sending area where they would have to buy the increased density. We are not talking about residential density tonight but we are certainly talking about density of atmosphere which is not much difference. Thank you.

Mr. Pasquale Visioli of 6294 Bucks Road, Milford stated the followed:

Everybody took the wind out of my sails. They covered everything I wanted to talk about. But I want to expand on something that Mr. Rutt spoke about earlier when he mentioned that Mr. Fannin sold the property to the hospital. Also, Mr. Griffin tonight, and last week, stated that Mr. Fannin had a dream for a regional shopping center. Well I am old school and I still read the paper and I didn't embrace the electronic age. I still read the paper, especially the business section. The so-called anchorage, Macys, Sears and JC Penney are all phasing down and some stores are being closed. So Mr. Fannin's dream regional shopping center, I think would have turned into a nightmare, if it wasn't for the hospital taking that land off of his hands.

Could I have the map back up please? If you put a legitimate service road through Mrs. Thawley's property, it will take up quite a bit of space and the only thing you will be left with is another strip mall in that section. We have five strip malls in Milford now and I don't think we need another strip mall. When we talk about a service road, are we talking about a legitimate service road or are we talking about two white lines down the middle of the parking lot? That is what we have at Milford Plaza where Peebles and Advance Auto is located. Just a traffic line being used to depict a road.

The other point I want to make is about the flyover. One of the flyovers that was discussed last week would be at the corner of where Bucks Road makes the sharp right turn at the point of the Mr. Wiggles property. That is the point where the City of Milford Electric Department extends around and down Bucks Road and serves the front of approximately ten to eleven properties down Bucks Road.

Using Mr. Griffin's logic that you should only take care of people inside of your corporate lines, I am glad the City of Milford's electric department decided to come down Bucks Road and not ignore those residents because they are not inside City limits.

The other point I want to make is that Mr. Griffin said that Mr. Fannin is going to pay for all the utilities and whatever expenses are required. He is not doing that out of the bigness of his heart, because he is going to pass those expenses along to the tenants and someone else is going to pick up those costs. That will not be coming out of Mr. Fannin's pocket.

What I am asking you to do is think across the line and not just listen to Mr. Griffin. If you do, you will have to stop at the corporate line. He somewhat contradicts himself and in one sentence he is saying what you decide here tonight is for the benefit of the area and then he gets upset because 40 people last week who were opposed lived outside of the City limits. If he takes a head count tonight, he is really going to be upset. I ask you to use common sense and make the right decision. Thank you.

Lucius Webb of 20516 Sapp Road stated the following:

The reason why I am here tonight is to give you a perspective of a realtor and talk about the trend in retail and what kind of money does a developer really makes when they buy a property and then having it rezoned. I have great respect for Mr. Fannin's ability to make money. He buys a property like Mrs. Thawley's for about $15,000 an acre. Once it is rezoned, it is worth about $500,000 an acre. Pad sites are worth even more than that.

We can be enticed and say, well, we really need a Cheddars. If we really need a Cheddars, Mr. Silicato has sufficient space up by Grottos. We do not need a Cheddars in this area when we have much more appropriate land by Royal Farms and Grottos. Regarding the trends in retail, retail is really on the demise and most people are shopping on line and especially the younger people who have adapted technically.

We have some sadness in that retail front with Kmart and Sears' stores basically going out of business. Macy's is closing a hundred stores next year. Kmart is closing 78 stores; Ralph Lauren is closing 50 stores and Sports Authority is closing 400 stores. Walmart is closing 289 stores and it goes on and on. I have been working with developers trying to have a property rezoned and we are not getting there because the interest of retailers no longer exists. Milford does not have the economic base for the type of retailers they would really like to have as were once espoused by the sales staff at Hearthstone. People were told at one time when they walked in that there was going to be a Neiman Marcus where the hospital is now being built. Neiman Marcus would never think about coming to Milford. I could go on and on but I have great admiration for the Mayor and what this City Council is doing and their focus on downtown Milford. There is true promise for our community. Please stay focused. Thank you.

Tammy Sturgeon of 6246 Bucks Road. Milford stated the following:

I am probably the poor person on the block. I live right next door to the Wiggles Farm and I guess my concern is how are you guys going to protect me from big business. When I moved there, there were very few houses. The community has built up and it is a nice little community. When I walk, I see people walk their dogs and we all say hi to one another. It is just a very scary thing happening and I have to put my trust in you guys and hope you do the right thing by protecting me. Thank you.

Mayor Shupe asked if anyone else who wished to provide testimony in opposition of the application. No one responded.

The Mayor then asked if there is anyone else who would like to give testimony that are not opposed nor in support of the application. No one responded.

Mayor Shupe then asked for a show of hands for those in favor of the application. It was noted there were five people who raised their hand.

Mayor Shupe then asked for a show of hands of those persons who are opposed to the application. Solicitor Rutt counted 67 persons whose hands were raised in opposition.

Mayor Shupe stated that after hearing and accepting testimony from the applicant and representatives, those in favor of the change to the comprehensive plan and those opposed to the comprehensive plan, he closed the public comment portion of the meeting.

Solicitor Rutt asked to raise a point of order before the Council discussed the matter. He stated that under the City Code Section230-58(d), in the event there had been an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of three-fourths of City Council. He explained that since the City Planning Commission denied the application, to overturn their recommendation would require the affirmative vote of six members of City Council.

Mayor Shupe then provided City Council the opportunity to ask additional questions or to discuss the matter before them.

There being no comments or questions, Solicitor Rutt informed Council there are three options:

*Vote to deny the application;
*Vote to reverse the recommendation of the Planning Commission who recommended denial;
*Table the matter and consider it at a later date.

Councilwoman Peel then moved to deny the application, seconded by Councilman Campbell. Motion carried by the following 6-0 vote:

Councilmember Mergner stated as followed:

I vote to deny the application. It does not make sense and for me to sit here representing my ward which is Ward One who had a number of residents present tonight who were opposed and a lot of other residents who are not present. They have expressed their opinion by opposing the proposal to have this area be developed commercially. I am also in a younger area in my development where we do want change and I want change. I would not mind some commercial but it has to be in the right area and planned the right way. This area is not adequate for this type of development and many of the people are not in favor it because of safety issues, traffic issues and there was a little support so he does not support the application and votes to deny.

Councilmember Campbell stated as follows:

I also vote to deny the application mainly because of the situation with the developments and access roads and I think that being a representative of Ward One makes this a definite no in my eyes along with my constituents. Because of the comments from the State, the Planning Board recommendation and the red flags raised by the Planning Commissioners and being a former Commissioner, I feel it is important to support their concerns and recommendation.

Councilmember Peel states as follows:

I agree with what was mentioned and vote to deny the application on behalf of all the residents of Milford and those that are here and the concerns they have expressed tonight. Because we value their business, we value their citizenship and we want them to be a part of Milford and that to me, includes much more than the in-town area and I appreciate everyone being here to share those concerns.

Councilmember Brooks states as follows:

I vote to deny the amendment for the same reason Councilman Mergner, Councilman Campbell and Councilwoman Peel stated and also comments that DNREC made during the State planning process, as well as the safety concerns that have been mentioned. And I agree with the people there are problems with Bucks Road as was stated and I vote to deny it.

Councilmember Morrow states as follows:

I vote to deny the amendment based on the reasons stated by my other four colleagues and also based on the recommendation of the Planning Commission and feel it is very important to support their recommendation.

Councilmember Starling states as follows:

I vote to deny the amendment because of the reasons that have been stated by the residents who are here opposing it as well.

Mayor Shupe reported the motion to deny the proposed change to the comprehensive plan that is before City Council passed by a 6 to 0 vote of City Council.

There being no further business, Councilman Mergner moved to adjourn, seconded by Councilman Brooks. Motion carried.

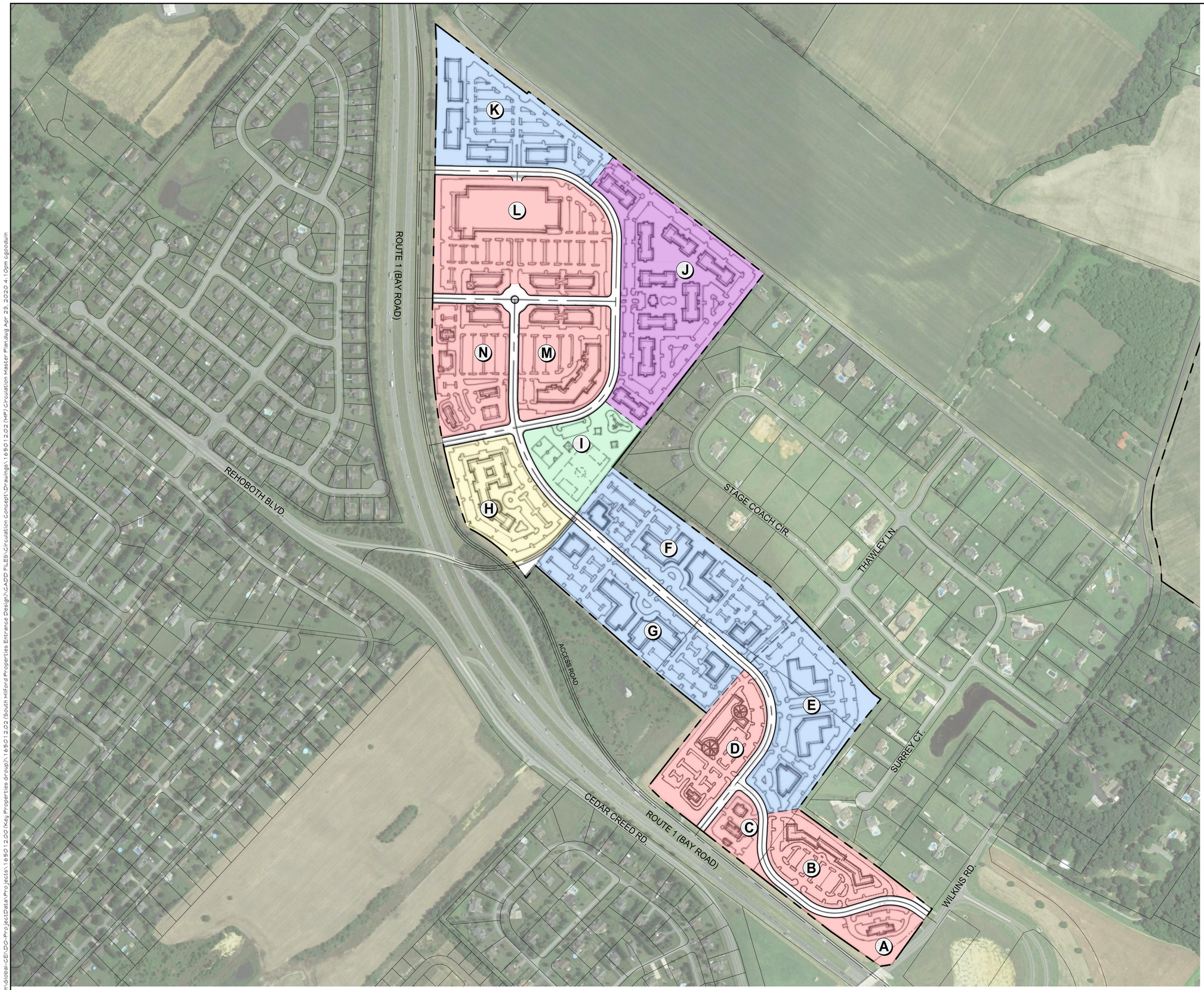
The Public Hearing adjourned at 10:21 p.m.

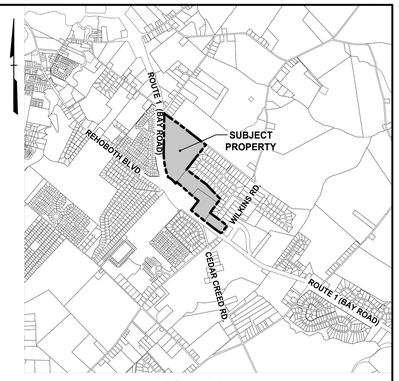
Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

Attachment:

Comp Plan Amendment Support/Petition




VICINITY MAP

SCALE: 1" = ½ MILE

## SITE DATA

**A**
LAND USE: COMMERCIAL / RETAIL
PARCEL SIZE: 2.3± ACRES
BUILDING SQUARE FOOTAGE: 5,500± SQUARE FEET
PARKING PROPOSED: 50± SPACES

**B**
LAND USE: COMMERCIAL / RETAIL
PARCEL SIZE: 5.4± ACRES
BUILDING SQUARE FOOTAGE: 35,000± SQUARE FEET
PARKING PROPOSED: 200± SPACES

**C**
LAND USE: COMMERCIAL / RETAIL
PARCEL SIZE: 1.8± ACRES
BUILDING SQUARE FOOTAGE: 4,100± SQUARE FEET
PARKING PROPOSED: 30± SPACES

**D**
LAND USE: COMMERCIAL /RETAIL
PARCEL SIZE: 6.0± ACRES
BUILDING SQUARE FOOTAGE: 35,000± SQUARE FEET
PARKING PROPOSED: 230± SPACES

**E**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 9.5± ACRES
BUILDING SQUARE FOOTAGE: 75,000± SQUARE FEET
PARKING PROPOSED: 525± SPACES

**F**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 10.4± ACRES
BUILDING SQUARE FOOTAGE: 85,000± SQUARE FEET
PARKING PROPOSED: 525± SPACES

**G**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 9.1± ACRES
BUILDING SQUARE FOOTAGE: 80,000± SQUARE FEET
PARKING PROPOSED: 510± SPACES

**H**
LAND USE: RESORT / HOTEL
PARCEL SIZE: 6.5± ACRES
BUILDING SQUARE FOOTAGE: 50,000± SQUARE FEET
PARKING PROPOSED: 325± SPACES

**I**
LAND USE: PARK / RECREATION
PARCEL SIZE: 4.6± ACRES
BUILDING SQUARE FOOTAGE: 1,000± SQUARE FEET
PARKING PROPOSED: 40± SPACES

**J**
LAND USE: MEDIUM DENSITY RESIDENTIAL (MDR)
PARCEL SIZE: 15.1± ACRES
BUILDING SQUARE FOOTAGE: 150,000± SQUARE FEET
PARKING PROPOSED: 630± SPACES

**K**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 9.5± ACRES
BUILDING SQUARE FOOTAGE: 64,000± SQUARE FEET
PARKING PROPOSED: 400± SPACES

**L**
LAND USE: COMMERCIAL / RETAIL
PARCEL SIZE: 13.7± ACRES
BUILDING SQUARE FOOTAGE: 150,000± SQUARE FEET
PARKING PROPOSED: 575± SPACES

**M**
LAND USE: COMMERCIAL / RETAIL
PARCEL SIZE: 6.5± ACRES
BUILDING SQUARE FOOTAGE: 50,000± SQUARE FEET
PARKING PROPOSED: 215± SPACES

**N**
LAND USE: COMMERCIAL / RETAIL
PARCEL SIZE: 6.6± ACRES
BUILDING SQUARE FOOTAGE: 35,000± SQUARE FEET
PARKING PROPOSED: 295± SPACES

NOTE:
GROSS SITE AREA: 118.3± ACRES
NET SITE AREA: 107.0± ACRES

## LEGEND

- Master Plan Boundary
- Medical / Office Area
- Commercial / Retail Area
- Resort / Hotel Area
- Park / Recreation Area
- Medium Density Residential (MDR) Area

## DISCLAIMER

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## DATA SOURCES:

- Boundary information & parcel line work is taken from Sussex County GIS.
- Master Plan is subject to County and State approvals.

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 Gilroy Road, Hunt Valley, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401

# Key Property Master Plan

City of Milford
Sussex County, Delaware

APRIL 2020

0 200' 400'

NORTH
NAD 83

\\solomon.centuryeng.com\Global>C$\2D-ProjectData\Projects\16901202 (Key Properties Group)\16901202 (South Milford Properties Entrance Design)\CADD FILES\Circulation Concept\Drawings\16901202 (MP) Circulation Master Plan.dwg Apr 29, 2020 4:10pm cgoodwin

## Multifamily Housing (Mid-Rise) (221)

| Weekday, ADT | | | | Weekday, AM Peak Hour Generator | | | | Weekday, PM Peak Hour Generator | | | | Wkdy, Adjacent Street AM Peak Hour (7-9) | | | | Wkdy, Adjacent Street PM Peak Hour (4-6) | | | | Saturday, ADT | | | | Sunday, ADT | | | | Saturday, Peak Hour Generator | | | | Sunday, Peak Hour Generator | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Dwelling Units** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| T = 5.45(X) - 1.75 | | | | Ln(T) = 0.83 Ln(X) - 0.27 | | | | Ln(T) = 0.83 Ln(X) - 0.05 | | | | Ln(T) = 0.98 Ln(X) - 0.98 | | | | Ln(T) = 0.96 Ln(X) - 0.63 | | | | T = 3.04(X) + 417.11 | | | | T = 10.13(X) - 341.89 | | | | T = 0.42 (X) + 6.73 | | | | T = 0.39(X) | | | |
| % Enter: | 50% | % Exit: | 50% | % Enter: | 27% | % Exit: | 73% | % Enter: | 60% | % Exit: | 40% | % Enter: | 26% | % Exit: | 74% | % Enter: | 61% | % Exit: | 39% | % Enter: | 50% | % Exit: | 50% | % Enter: | 50% | % Exit: | 50% | % Enter: | 49% | % Exit: | 51% | % Enter: | 62% | % Exit: | 38% |
| Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting | Dw. Units | Trips Ends | Entering | Exiting |
| 315 | 1715 | 858 | 857 | 315 | 90 | 24 | 66 | 315 | 113 | 68 | 45 | 315 | 105 | 27 | 78 | 315 | 133 | 81 | 52 | 315 | 1375 | 687 | 688 | 315 | 2849 | 1425 | 1424 | 315 | 139 | 68 | 71 | 315 | 123 | 76 | 47 |

## Hotel (310)

| Weekday, ADT | | | | Weekday, AM Peak Hour Generator | | | | Weekday, PM Peak Hour Generator | | | | Wkdy, Adjacent Street AM Peak Hour (7-9) | | | | Wkdy, Adjacent Street PM Peak Hour (4-6) | | | | Saturday, ADT | | | | Sunday, ADT | | | | Saturday, Peak Hour Generator | | | | Sunday, Peak Hour Generator | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Occupied Rooms** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| T = 12.23(X) | | | | T= 0.65(X) | | | | T= 0.73(X) | | | | Ln(T) = 0.87 Ln(X) + 0.22 | | | | T = 0.73(X) - 0.49 | | | | T = 10.50(X) | | | | T= 8.48(X) | | | | T= 0.87(X) | | | | T= 0.75(X) | | | |
| % Enter: | 50% | % Exit: | 50% | % Enter: | 55% | % Exit: | 45% | % Enter: | 57% | % Exit: | 43% | % Enter: | 58% | % Exit: | 42% | % Enter: | 49% | % Exit: | 51% | % Enter: | 50% | % Exit: | 50% | % Enter: | 50% | % Exit: | 50% | % Enter: | 56% | % Exit: | 44% | % Enter: | 46% | % Exit: | 54% |
| Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting | Oc. Rooms | Trips Ends | Entering | Exiting |
| 900 | 11007 | 5503 | 5504 | 900 | 585 | 322 | 263 | 900 | 657 | 374 | 283 | 410 | 234 | 136 | 98 | 410 | 299 | 147 | 152 | 900 | 9450 | 4725 | 4725 | 900 | 7632 | 3816 | 3816 | 900 | 783 | 438 | 345 | 900 | 675 | 310 | 365 |

## Public Park (411)

| Weekday, ADT | | | | Weekday, AM Peak Hour Generator | | | | Weekday, PM Peak Hour Generator | | | | Wkdy, Adjacent Street AM Peak Hour (7-9) | | | | Wkdy, Adjacent Street PM Peak Hour (4-6) | | | | Saturday, ADT | | | | Sunday, ADT | | | | Saturday, Peak Hour Generator | | | | Sunday, Peak Hour Generator | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Acres** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| T = 0.64(X) + 88.46 | | | | T = 0.15(X) | | | | T = 0.08(X) + 15.36 | | | | T = 0.02(X) | | | | T = 0.06(X) + 22.60 | | | | T = 1.96(X) | | | | T = 2.19(X) | | | | T = 0.20(X) + 26.40 | | | | T = 0.18(X) + 36.85 | | | |
| % Enter: | 50% | % Exit: | 50% | % Enter: | 67% | % Exit: | 33% | % Enter: | 40% | % Exit: | 60% | % Enter: | 59% | % Exit: | 41% | % Enter: | 55% | % Exit: | 45% | % Enter: | 50% | % Exit: | 50% | % Enter: | 50% | % Exit: | 50% | % Enter: | 55% | % Exit: | 45% | % Enter: | 39% | % Exit: | 61% |
| Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting | Acres | Trips Ends | Entering | Exiting |
| 4.6 | 91 | 45 | 46 | 4.6 | 1 | 1 | 0 | 4.6 | 16 | 6 | 10 | 4.6 | 0 | 0 | 0 | 4.6 | 23 | 13 | 10 | 4.6 | 9 | 4 | 5 | 4.6 | 10 | 5 | 5 | 4.6 | 27 | 15 | 12 | 4.6 | 38 | 15 | 23 |

## Medical-Dental Office Building (720)

| Weekday, ADT | | | | Weekday, AM Peak Hour Generator | | | | Weekday, PM Peak Hour Generator | | | | Weekday, Adjacent Street AM Peak Hour (7-9) | | | | Weekday, Adjacent Street PM Peak Hour (4-6) | | | | Saturday, ADT | | | | Sunday, ADT | | | | Saturday, Peak Hour Generator | | | | Sunday, Peak Hour Generator | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **1000 Sq Feet Gross Floor Area** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| T= 38.42(X)-87.62 | | | | T= 3.43(X)+2.57 | | | | T= 4.27(X)-4.63 | | | | Ln(T)= 0.89Ln(x)+1.31 | | | | T= 3.39(X)+2.02 | | | | T = 8.57(X) | | | | T= 1.42(X) | | | | T= 4.94(X)-50.78 | | | | T= 0.32(X) | | | |
| % Enter: | 50% | % Exit: | 50% | % Enter: | 62% | % Exit: | 38% | % Enter: | 39% | % Exit: | 61% | % Enter: | 78% | % Exit: | 22% | % Enter: | 28% | % Exit: | 72% | % Enter: | 50% | % Exit: | 50% | % Enter: | 50% | % Exit: | 50% | % Enter: | 57% | % Exit: | 43% | % Enter: | 52% | % Exit: | 48% |
| GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| 350500 | 13379 | 6690 | 6689 | 350500 | 1205 | 747 | 458 | 350500 | 1492 | 582 | 910 | 350500 | 682 | 532 | 150 | 350500 | 1190 | 333 | 857 | 350500 | 3004 | 1502 | 1502 | 350500 | 498 | 249 | 249 | 350500 | 1681 | 958 | 723 | 350500 | 112 | 58 | 54 |

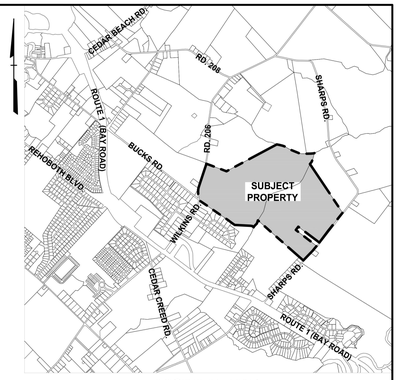
## Shopping Center (820)

| Weekday, ADT | | | | Weekday, AM Peak Hour Generator | | | | Weekday, PM Peak Hour Generator | | | | Wkdy, Adjacent Street AM Peak Hour (7-9) | | | | Wkdy, Adjacent Street PM Peak Hour (4-6) | | | | Saturday, ADT | | | | Sunday, ADT | | | | Saturday, Peak Hour Generator | | | | Sunday, Peak Hour Generator | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **1000 Sq Feet Gross Leasable Area** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ln(T) = 0.68 Ln(X) + 5.57 | | | | T = 2.76(X) + 77.28 | | | | Ln(T) = 0.72 Ln(X) + 3.02 | | | | T = 0.50(X) + 151.78 | | | | Ln(T) = 0.74 Ln(X) + 2.89 | | | | Ln(T) = 0.62 Ln(X) + 6.24 | | | | T= 21.10 (X) | | | | Ln(T) = 0.79 Ln(X) + 2.79 | | | | T= 2.79(X) | | | |
| % Enter: | 50% | % Exit: | 50% | % Enter: | 54% | % Exit: | 46% | % Enter: | 50% | % Exit: | 50% | % Enter: | 62% | % Exit: | 38% | % Enter: | 48% | % Exit: | 52% | % Enter: | 50% | % Exit: | 50% | % Enter: | 50% | % Exit: | 50% | % Enter: | 52% | % Exit: | 48% | % Enter: | 49% | % Exit: | 51% |
| GLA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GLA | Trips Ends | Entering | Exiting | GLA | Trips Ends | Entering | Exiting | GLA | Trips Ends | Entering | Exiting | GLA | Trips Ends | Entering | Exiting | GLA | Trips Ends | Entering | Exiting | GLA | Trips Ends | Entering | Exiting |
| 264600 | 11651 | 5825 | 5826 | 264600 | 808 | 436 | 372 | 264600 | 1137 | 568 | 569 | 264600 | 284 | 176 | 108 | 264600 | 1116 | 536 | 580 | 264600 | 16293 | 8146 | 8147 | 264600 | 5583 | 2791 | 2792 | 264600 | 1335 | 694 | 641 | 264600 | 738 | 362 | 376 |

## TOTAL SITE

| Weekday, ADT | | | | Weekday, AM Peak Hour Generator | | | | Weekday, PM Peak Hour Generator | | | | Wkdy, Adjacent Street AM Peak Hour (7-9) | | | | Wkdy, Adjacent Street PM Peak Hour (4-6) | | | | Saturday, ADT | | | | Sunday, ADT | | | | Saturday, Peak Hour Generator | | | | Sunday, Peak Hour Generator | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting | | Trips Ends | Entering | Exiting |
| | 37843 | 18921 | 18922 | | 2689 | 1530 | 1159 | | 3415 | 1598 | 1817 | | 1305 | 871 | 434 | | 2761 | 1110 | 1651 | | 30131 | 15064 | 15067 | | 16572 | 8286 | 8286 | | 3965 | 2173 | 1792 | | 1686 | 821 | 865 |




VICINITY MAP

SCALE: 1" = ½ MILE

## SITE DATA

**A**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 13.6± ACRES
BUILDING HEIGHTS: 1 - 3 STORIES
BUILDING SQUARE FOOTAGE: 200,000± SQUARE FEET
PARKING PROPOSED: 1,000± SPACES

**B**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 8.6± ACRES
BUILDING HEIGHTS: 1 - 2 STORIES
BUILDING SQUARE FOOTAGE: 115,000± SQUARE FEET
PARKING PROPOSED: 600± SPACES

**C**
LAND USE: OPEN SPACE
PARCEL SIZE: 2.4± ACRES

**D**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 6.8± ACRES
BUILDING HEIGHTS: 1 - 2 STORIES
BUILDING SQUARE FOOTAGE: 89,000± SQUARE FEET
PARKING PROPOSED: 420± SPACES

**E**
LAND USE: OPEN SPACE
PARCEL SIZE: 2.9± ACRES

**F**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 24.5± ACRES
BUILDING HEIGHTS: 1 - 4 STORIES
BUILDING SQUARE FOOTAGE: 500,000± SQUARE FEET
PARKING PROPOSED: 2,500± SPACES

**G**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 33.4± ACRES
BUILDING HEIGHTS: 1 - 5 STORIES
BUILDING SQUARE FOOTAGE: 715,000± SQUARE FEET
PARKING PROPOSED: 3,500± SPACES

**H**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 31.9± ACRES
BUILDING HEIGHTS: 1 - 4 STORIES
BUILDING SQUARE FOOTAGE: 565,000± SQUARE FEET
PARKING PROPOSED: 2,800± SPACES

**I**
LAND USE: MEDICAL / OFFICE
PARCEL SIZE: 23.8± ACRES
BUILDING HEIGHTS: 1 STORY
BUILDING SQUARE FOOTAGE: 215,000± SQUARE FEET
PARKING PROPOSED: 1,050± SPACES

**J**
LAND USE: SINGLE-FAMILY RESIDENTIAL
PARCEL SIZE: 150.1± ACRES
NUMBER OF LOTS PROVIDE: 312
MINIMUM LOT SIZE: 80' x 125' (10,000 SQFT.)
PROPOSED OPEN SPACE: 42 ACRES (25%)

NOTE:
TOTAL BUILDING AREA PROPOSED IN 'IS' ZONE IS ~2,400,000 SQUARE FEET.
TOTAL PARKING PROPOSED IN 'IS' ZONE IS ~11,870 SPACES.

## LEGEND

- Master Plan Boundary
- Medical / Office (Zoned IS)
- Open Space
- Single-Family Residential (Zoned R1)
- Pedestrian Circulation
- Proposed Storm Water Management

## DISCLAIMER

- Master Plan is subject to County and State approvals.

## DATA SOURCES:

- Boundary information & parcel line work is taken from Sussex County GIS.
- Aerial photograph from Google Earth.

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 Gilroy Road, Hunt Valley, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401

# Fannin Property Master Plan

City of Milford
Sussex County, Delaware

MAY 20, 2020

0 200' 400'

NORTH
NAD 83

\\solomon.centuryeng.com\Global-CENDO-Projects\Data\Projects\16901200 (Key Properties Group)\16901202 (South Milford Properties Entrance Design)\CADD FILES\Circulation Concept\Drawings\16901202 (FMP) Fannin-Circulation Master Plan.dwg May 20, 2020 3:57pm cgoodwin

# Fannin Property Master Plan Trip Generation

| Land Code | Site A: Medical-Dental Office Building (720) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | T= 38.42(X)-87.62 | | | | Ln(T)= 0.89 Ln(X) + 1.31 | | | | T= 3.39(X) + 2.02 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 78% | | % Exit: 22% | | % Enter: 28% | | % Exit: 72% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 200,000 | 7,596 | 3,798 | 3,798 | 200,000 | 414 | 323 | 91 | 200,000 | 680 | 190 | 490 |

| Land Code | Site B: Medical-Dental Office Building (720) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | T= 38.42(X)-87.62 | | | | Ln(T)= 0.89 Ln(X) + 1.31 | | | | T= 3.39(X) + 2.02 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 78% | | % Exit: 22% | | % Enter: 28% | | % Exit: 72% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 115,000 | 4,331 | 2,165 | 2,166 | 115,000 | 253 | 197 | 56 | 115,000 | 392 | 110 | 282 |

| Land Code | Site D: Medical-Dental Office Building (720) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | T= 38.42(X)-87.62 | | | | Ln(T)= 0.89 Ln(X) + 1.31 | | | | T= 3.39(X) + 2.02 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 78% | | % Exit: 22% | | % Enter: 28% | | % Exit: 72% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 89,000 | 3,332 | 1,666 | 1,666 | 89,000 | 201 | 157 | 44 | 89,000 | 304 | 85 | 219 |

| Land Code | Site F: Medical-Dental Office Building (720) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | T= 38.42(X)-87.62 | | | | Ln(T)= 0.89 Ln(X) + 1.31 | | | | T= 3.39(X) + 2.02 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 78% | | % Exit: 22% | | % Enter: 28% | | % Exit: 72% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 500,000 | 19,122 | 9,561 | 9,561 | 500,000 | 935 | 729 | 206 | 500,000 | 1,697 | 475 | 1,222 |

# Fannin Property Master Plan Trip Generation

| Land Code | Site G: Medical-Dental Office Building (720) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | T= 38.42(X)-87.62 | | | | Ln(T)= 0.89 Ln(X) + 1.31 | | | | T= 3.39(X) + 2.02 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 78% | | % Exit: 22% | | % Enter: 28% | | % Exit: 72% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 715,000 | 27,383 | 13,691 | 13,692 | 715,000 | 1,286 | 1,003 | 283 | 715,000 | 2,426 | 679 | 1,747 |

| Land Code | Site H: Medical-Dental Office Building (720) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | T= 38.42(X)-87.62 | | | | Ln(T)= 0.89 Ln(X) + 1.31 | | | | T= 3.39(X) + 2.02 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 78% | | % Exit: 22% | | % Enter: 28% | | % Exit: 72% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 565,000 | 21,620 | 10,810 | 10,810 | 565,000 | 1,043 | 813 | 230 | 565,000 | 1,917 | 536 | 1,381 |

| Land Code | Site I: Medical-Dental Office Building (720) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | T= 38.42(X)-87.62 | | | | Ln(T)= 0.89 Ln(X) + 1.31 | | | | T= 3.39(X) + 2.02 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 78% | | % Exit: 22% | | % Enter: 28% | | % Exit: 72% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 215,000 | 8,173 | 4,086 | 4,087 | 215,000 | 441 | 344 | 97 | 215,000 | 731 | 205 | 526 |

| Land Code | Site J: Single Family Detached Housing (210) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Time Period | Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
| X-Axis | 1000 Sq Feet Gross Floor Area | | | | | | | | | | | |
| Equation | Ln(T)= 0.92 Ln(X) + 2.71 | | | | T= 3.39(X) + 2.02 | | | | Ln(T)= 0.96 Ln(X) + 0.2 | | | |
| Direct. Dist. | % Enter: 50% | | % Exit: 50% | | % Enter: 25% | | % Exit: 75% | | % Enter: 63% | | % Exit: 37% | |
| | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| | 312 | 2,962 | 1,481 | 1,481 | 312 | 226 | 56 | 170 | 312 | 303 | 191 | 112 |

5/26/2020

# Fannin Property Master Plan Trip Generation

Land Code

Time Period

## Sum of All Developments

| Weekday, ADT | | | | Wkdy, Adjacent Street AM Pk Hr (7-9) | | | | Wkdy, Adjacent Street PM Pk Hr (4-6) | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting | GFA | Trips Ends | Entering | Exiting |
| N/A | 94,519 | 47,258 | 47,261 | N/A | 4,799 | 3,622 | 1,177 | N/A | 8,450 | 2,471 | 5,979 |

# KEY PROPERTIES, MILFORD

## CONCEPTUAL C-D ROAD ACCESS



CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, May 17, 2022 @ 7:00 PM
City Council Hearing: Monday, May 23, 2022 @ 7:00 PM

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not intended to influence any decision of City Council.

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, May 17, 2022 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, May 23, 2022 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 2022-24**
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #13
MR. WIGGLES, LLC
3-30-11.00-056.00

FUTURE LAND USE DESIGNATION CHANGE AND TEXT AMENDMENT

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-Muncipalities, 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 February 23, 2022, the Planning Director prepared and consulted with the Office of State Planning the thirteenth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use Maps and Text, which will permit the future land use designation change of Sussex County Tax Parcel 3-30-11.00-056.00 from Low Density Residential to Commercial; and

WHEREAS, the amendment involves changes to the Comprehensive Plan, Appendix B, SE Master Plan, Future Land Use Maps, which will eliminate proposed Transfer of Development Rights (TDR) Receiving Area #1 on Tax Parcel 3-30-11.00-056.00 and increase the size of TDR Receiving Area #3 on Tax Parcel 3-30-15.00-024.00; and

WHEREAS, the amendment involves changes to Appendix B, SE Master Plan, Chapter 4, replacing Table 4.2 entitled "Milford TDR Receiving Areas" to accommodate the change in future land use designation for the Mr. Wiggles, LLC property; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review

and comment on the thirteenth 2018 Comprehensive Plan amendment on May 17, 2022 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 thirteenth amendment of the 2018 Comprehensive Plan on May 23, 2022 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Purpose: The 2018 Comprehensive Plan is hereby amended to modify the Future Land Use Maps and associated text.

Section 2. The Future Land Use of Sussex County Tax Parcel 3-30-11.00-056.00 owned by Mr. Wiggles, LLC is hereby changed from low density residential to commercial.

Section 3. The Future Land Use maps of the SE Master Plan are hereby amended to eliminate TDR Receiving Area #1 and to increase the size of TDR Receiving Area #3.

Section 4. The 2018 Comprehensive Plan, Appendix B, SE Master Plan, Chapter 4 is hereby amended by deleting Table 4.2 entitled "Milford TDR Receiving Areas" in its entirety and replacing with the below Table 4.2.

*Table 4.2. TDR Receiving Area Analysis*

| *Milford TDR Receiving Areas* | | | | | |
|---|---|---|---|---|---|
| *ID* | *Tax Parcel Number* | *Receiving Area Acreage* | *Base Zoning at 3 DU/Acre* | *TDR Zoning at 8 DU/Acre* | *Total Transfer Credits Allowed* |
| *2* | *3-30-11.00-068.00* | *55* | *165* | *440* | *275* |
| *3* | *3-30-15.00-024.00* | *115* | *345* | *920* | *575* |
| *4* | *3-30-16.00-016.00 & 3-30-15.00-071.00* | *120* | *360* | *960* | *600* |
| | | *290* | | *2,320* | *1,450* |

Section 5. Dates.
Planning Commission Review & Public Hearing: May 17, 2022
City Council Introduction: May 9, 2022
City Council Review & Public Hearing: May 23, 2022

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

*041822*
*Published: Beacon 04/27/22*

PUBLIC NOTICE
NOTICE OF ORDINANCE REVIEW

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford City Council. City Council has the option to approve, deny, or make changes to the proposed language. By adopting the ordinance, City Council will approve the ordinance which is the reason for the language being written in the affirmative. This form of writing is not used to influence any decision of City Council:

# ORDINANCE 2022- 25
# CHAPTER 84
# Bicycles, Skateboards and Other Conveyances

The City of Milford is amending the current Chapter 84: Bicycles, Skateboards and Other Conveyances to remove antiquated language and to provide further clarification regarding regulations.
WHEREAS, the current City of Milford Chapter 84: Bicycles, Skateboards and Other Conveyances contains antiquated and irrelevant language; and
WHEREAS, the City Council has a goal to maintain ordinances in an up-to-date fashion; and
WHEREAS the City Council has expressed a desire to no longer require bicycles to be required to register at the Police Department; and
WHEREAS, further clarification of the ordinance was deemed necessary by staff; and
WHEREAS, the Milford City Council held a Public Comment Session on Monday, May 23, 2022 to allow for additional comments and review of the proposed ordinance, after which a final determination was made; and
WHEREAS, this ordinance becomes effective ten days following the date of its adoption by City Council.

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

Section 1. Upon the adoption of this Ordinance, bicycles will no longer be required to be registered with the Police Department in Milford.

Section 2. Scooters will be regulated under the same guiding principles that regulate skateboards.

Section 3. Safety guidelines will be required to be followed regarding use of mobility scooters during the day and at night.

Section 4. Direct penalties for failure to follow the enumerations of Chapter 84 are left up to the discretion of police officers.

Section 5. Chapter 84 is hereby amended by removing text that is stricken through and adding new language in bold and underlined text:

Chapter 84 - BICYCLES, SKATEBOARDS AND OTHER CONVEYANCES
Footnotes:
--- (**1**) ---
ARTICLE I – **General Provisions** ~~Use on Sidewalks~~

§ 84-1. – **Purpose** ~~Prohibited acts; penalties.~~

**Bicycles, skateboards and other conveyances have become an increasingly frequent occurrence in the City of Milford on streets, sidewalks and other public areas used by automobile traffic and pedestrians. The City has determined the following regulation of such conveyances in public areas is necessary in order to protect and preserve the public health, safety and welfare.**

~~A. Any person or persons using, riding, propelling themselves or being propelled upon any bicycle or tricycle or skating upon roller skates or wheeling a wheelbarrow or pushing any pushcart with slop on it upon any of the sidewalks or pavements within the Town of Milford shall forfeit and pay a fine of not less than $1 nor more than $10, to be collected as other fines are collected.~~

~~ARTICLE II - Bicycle Registration~~

§ 84-2. – **Definitions** ~~Procedure; fees.~~

As used in this article, the following terms shall have the meanings indicated:

**CONVEYANCE: A bicycle, skateboard, scooter, pair of roller skates, pair of roller blades, or other devices used for transportation.**

DESIGNATED SKATEBOARDING FACILITY — A public area which is designed and operated for skateboarding, approved and designated as such by Milford City Council.

**MOBILITY SCOOTERS AND WHEELCHAIRS — Any self-propelled device, regardless of the number of wheels, powered by any style motor, which is designed and intended primarily for use by individuals with mobility disabilities.**

**MOTORIZED SCOOTER – A vehicle consisting of a footboard between two small end wheels, controlled by an upright steering handle attached to the front wheel, propelled by an electric or gasoline motor.**

POSTED AREAS — Areas ~~that contain "no skateboarding" signs~~ **with signs restricting skateboarding, rollerblading, scootering, or bicycling.**

PUBLIC AREAS — Any place which is open and available to public use, occupation, passage or traffic, whether owned by a public or private entity, and including all streets, lanes, ways, alleys, sidewalks, parking lots, parks, plazas, tennis courts, basketball courts, playgrounds and school yards. In addition to its ordinary meaning, "public place" shall also include the City's benches, plaques, memorials, steps and railings.

**PUBLIC STREETS – Roads, highways, sidewalks or any other thoroughfare dedicated, constructed or maintained by the City of Milford or the State of Delaware within the municipal limits.**

**ROLLER BLADES – A type of roller skate that has two front and two rear wheels, typically referred to as "inline skates."**

**ROLLER SKATES - A shoe or boot with a set of wheels attached to its sole for skating on hard surfaces.**

**SCOOTER – A vehicle typically ridden as recreation, consisting of a footboard mounted on two wheels and a logn steering handle, propelled by resting one foot on the footboard and pushing the other against the ground.**
**SCOOTERING – The act of pushing, propelling or riding a scooter.**
SKATEBOARD — A single platform mounted on **a wheel or** wheels **in which a person can ride in a standing or crouching position, propelling themselves by occasionally pushing one foot against the ground or operating a motor.**

SKATEBOARDING — The act of pushing, propelling, or riding a skateboard.

~~Beginning August 15, 1974, any bicycle being on the streets or other public places within the City of Milford shall have been registered with the Milford Police Department, as follows:~~

~~A. The bicycle is to be brought to the Milford Police Department, where a registration form giving pertinent information about the owner and the bicycle will be filled out and kept at the Police Department.~~

~~B. A registration tag will be issued each owner, and the registration number thereon will be permanently stamped into the frame of the bicycle for identification purposes.~~

~~C. In the event of change of ownership of a bicycle registered under this article, the new owner shall appear at the Milford Police Department with proof of ownership and have the registration transferred into his name within 10 days.~~

~~D. A fee of $1 shall be charged by the Police Department for each bicycle registered under this article.~~

~~E. Any bicycle being owned by a resident of the City of Milford and being upon the streets or other public places within the city and not registered as set forth in this article shall be impounded by the Police Department, and an impoundment fee of $5 will be charged the owner thereof. The five-dollar fee is a flat fee.~~

~~F. Upon payment of the impoundment fee the bicycle will be properly registered and released to the owner.~~

~~G. All registration and impoundment fees collected under the terms of this article shall be shown on the monthly police report, as are other miscellaneous sources of income.~~

~~ARTICLE III. Skateboards~~

**ARTICLE II – Bicycles**
§ 84-3. – **Permitted use** ~~Purpose~~
**Any person or persons using, riding, propelling themselves or being propelled upon any conveyance upon any of the sidewalks or pavements within the City of Milford shall do so in a safe manor.**
~~Skateboarding has become an increasingly frequent occurrence in the City of Milford on streets, sidewalks and other public areas used by automobile traffic and pedestrians. The City has determined the following regulation of skateboarding in public areas is necessary in order to protect and preserve the public health, safety and welfare.~~
§ 84-4. – **Prohibited acts** ~~Definitions~~
**A. When parking and securing bicycles in public locations, bike racks shall be used. When bike racks are not available, no bicycle shall be attached to a post, tree, bench**

**or fence located on any sidewalk, street or public place within the City limits in such a manner that impedes pedestrian travel or public safety.**

**B. The Chief of Police or City Manager (or designee) may post areas where bicycle riding is prohibited to ensure the safety of the public. In such cases, no person shall ride or operate any bicycle within areas posted by the City of Milford.**

~~As used in this article, the following terms shall have the meanings indicated:~~

~~DESIGNATED SKATEBOARDING FACILITY — A public area which is designed and operated for skateboarding, approved and designated as such by Milford City Council.~~

~~POSTED AREAS — Areas that contain "no skateboarding" signs.~~

~~PUBLIC AREAS — Any place which is open and available to public use, occupation, passage or traffic, whether owned by a public or private entity, and including all streets, lanes, ways, alleys, sidewalks, parking lots, parks, plazas, tennis courts, basketball courts, playgrounds and school yards. In addition to its ordinary meaning, "public place" shall also include the City's benches, plaques, memorials, steps and railings.~~

~~SKATEBOARD — A single platform mounted on wheels, having no mechanism device with which to power, steer, or control direction of movement while being used, operated or ridden.~~

~~SKATEBOARDING — The act of pushing, propelling or riding a skateboard.~~

**ARTICLE III –Skateboards and Scooters**

§ 84-5. – Use in public areas ~~prohibited~~

**Skateboards and scooters may be operated in the following public areas:** ~~No person shall operate, or cause to be operated, a skateboard on a public area except:~~

A. In a designated skateboarding facility.

B. In a privately owned ~~public~~ parking lot, if the owner has provided express written permission.

**Motorized skateboards and scooters are prohibited in public areas.**

**ARTICLE IV – Mobility Scooters and Wheelchairs**

§ 84-6. – **Safety Equipment** ~~Enforcement; rules and regulations~~

**A. Daytime Operation. All Mobility Scooters and Wheelchairs operating in Public Areas during daylight hours shall be equipped with at least one of the following:**

**(1) Slow moving vehicle fluorescent triangle on the rear of the device; or**

**(2) Red safety flag.**

**B. Nighttime Operation. All Mobility Scooters and Wheelchairs operating in Public Areas at night or any other time when lighted lamps are required under 21 Del. C. § 4331 shall be equipped, at a minimum, with all of the following:**

**(1) A lamp emitting a white light which, while the device is in a Public Area, illuminates the Public Area in front of the operator and is visible from a distance of 300 feet in front and from the sides of the motorized scooter or wheelchair.**

**(2) A red reflector on the rear of the device of the type approved by the Department of Transportation for bicycles, as defined under 21 Del. C. § 4198F(b).**

**(3) A white, yellow, or red reflector on each side of the device that is visible from a distance of at least 200 feet.**

**C. Every Mobility Scooter and Wheelchair operating in Public Areas shall be equipped with a braking system which enables its operator to stop the device within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.**

~~A. This article may be enforced by any law enforcement officer.~~

~~**B.** River Park Skating Committee shall adopt written rules and regulations governing the use of skateboards and operation of a skateboarding facility or designated area.~~

**ARTICLE V – Violations and penalties; enforcement**

§ 84-7. - Violations and penalties.

A. Any person found in violation of this article shall be penalized as follows:

(1) First offense: written warning.

(2) Second offense: fine of $10.

(3) Third offense: fine of $25.

(4) Fourth offense: fine of $50.

(5) Fifth offense: fine of $100.

B. Fines may be doubled in areas where signs are posted.

C. In the case of any violator 16 years or younger, the parents will be subject to a court summons if the fine is not paid. If not paid within 30 days, the offender is subject to a court summons, with a fine up to $150.

~~ARTICLE IV – Motorized Scooters and Wheelchairs~~

§ 84-8. - **Enforcement** ~~Definitions~~

**A. This chapter may be enforced by any law enforcement officer.**

~~MOTORIZED SCOOTERS AND WHEELCHAIRS – Any self-propelled device, regardless of the number of wheels, powered by any style motor, which is designed and intended primarily for use by individuals with mobility disabilities.~~

~~PUBLIC STREETS – For purposes of this Article IV shall mean roads, highways, sidewalks or any other thoroughfare dedicated, constructed or maintained by the City of Milford or the State of Delaware within the municipal limits.~~

~~§ 84-9. - Safety equipment.~~

~~A. Daytime Operation. All Motorized Scooters and Wheelchairs operating on Public Streets during daylight hours shall be equipped with at least one of the following:~~

~~(1) Slow moving vehicle fluorescent triangle on the rear of the device; or~~

~~(2) Red safety flag.~~

~~B. Nighttime Operation. All Motorized Scooters and Wheelchairs operating on Public Streets at night or any other time when lighted lamps are required under 21 Del. C. § 4331 shall be equipped, at a minimum, with all of the following:~~

~~(1) A lamp emitting a white light which, while the device is on the Public Street, illuminates the Public Street in front of the operator and is visible from a distance of 300 feet in front and from the sides of the motorized scooter or wheelchair.~~

~~(2) A red reflector on the rear of the device of the type approved by the Department of Transportation for bicycles, as defined under 21 Del. C. § 4198F(b).~~

~~(3) A white, yellow, or red reflector on each side of the device that is visible from a distance of at least 200 feet.~~

~~C. Every Motorized Scooter and Wheelchair operating on Public Streets shall be equipped with a braking system which enables its operator to stop the device within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.~~

~~§ 84-10. - Enforcement.~~
~~This article shall be enforced by the City of Milford Police Department.~~

~~§ 84-11. - Fines and penalties.~~

~~A. Any person found in violation of this article shall be penalized as follows:~~
~~1) First offense: Written Warning.~~
~~2) Second offense: $10 fine.~~
~~3) Third offense: $25 fine.~~
~~4) Fourth offense: $50 fine.~~
~~5) Fifth and subsequent offenses: $100 fine.~~

Section 6. Scheduled Dates.
City Council Introduction: Monday, May 9, 2022
City Council Public Comment: Monday, May 23, 2022

Section 7. Effective: Ten (10) Days following adoption.

For additional information, please contact Melody Barger, the ICMA Local Government Management Fellow. Melody Barger may be contacted by email at MBarger@milford-de.gov or by calling 302.422.1111 ext. 1215.

Advertised: Milford Beacon May 18, 2022

Local Government
Management Fellow
201 S. Walnut St.
Milford, DE 19963

PHONE 302.422.1111 Ext. 1215
www.cityofmilford.com

Date: May 9, 2022

To: Mayor Archie Campbell and Members of City Council

From: Melody Barger, Local Government Management Fellow

Re: Chapter 84 Revisions

Dear Mayor and Members of Council,

In your packet you will find some revisions to Chapter 84 of the Municipal Code, Bicycles, Skateboards and Other Conveyances. The main intent of this revision is to remove city regulation requiring bicycles to be registered. The revision accomplishes this task and offers a few clarifications to the rest of the ordinance. For example, scooters and motorized scooters were not included in the original ordinance, but have now been defined and prohibited (in concurrence with the state code). Furthermore, safety equipment requirements for mobility scooters have been updated, as has some of the language in the ordinance that does not appear to be relevant in modern times. I think you will find the updated ordinance to be better organized, less choppy, and more reasonable than the original ordinance. Please let me know if you have any questions or changes.

Sincerely,

Melody Barger

# Delaware League of Local Governments



Monthly Dinner Meeting

**Thursday, May 26, 2022 - 5:30 p.m.**

Maple Dale Country Club
180 Mapledale Rd, Dover, DE 19904

Keynote Speaker:

**Jim Purcell**

**Director of Development**

**Energize Delaware-Empowerment Grant**

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# Sussex County Association of Towns

*37 The Circle, Georgetown, Delaware 19947*

*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*

## S.C.A.T. Dinner for Wednesday, June 1, 2022

LOCATION: Big Fish Grill
30415 Cedar Neck Road
Ocean View, DE 19970

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

HOST: Town of Millville

SPEAKER: Dr. David A. Tam, President & CEO of Beebe Healthcare

COST: $54.00 per person

MENU: Seasonal Crudités Platter
House Spring Mix Salad – Diced Tomatoes, Gorgonzola, Toasted Walnuts, Maple Walnut Vinaigrette
Shrimp Penne
Cashew Crusted Cod
Lemon Rosemary Tuscan Chicken
Neva's Potatoes
Saffron Rice
Daily Fresh Vegetables
Key Lime Pie
Carrot Cake
Regular/Decaf Coffee, Fountain Sodas

For reservations, please contact Wendy Mardini at
(302) 593-0449 or by email: wmardini@mvtown.com
no later than **May 25, 2022 BY NOON**

Please make checks payable to **Town of Millville**
Mail to: Town of Millville
Attn: Wendy Mardini
36404 Club House Road
Millville, DE 19967

## Reminder: S.C.A.T. Steering Committee Breakfast

**Friday, June 3, 2022 at 9AM, First State Community Action Agency**
**308 North Railroad Avenue, Georgetown, DE 19947**
**Cost $11.00 (checks written to First State Community Action Agency)**
**RSVP to Kayla Pedrick kpedrick@ci.lewes.de.us**

Finance Dept Report

# RESOLUTION 2022-07

UDATES MLFORD CITY COUNCIL RULES OF PROCEDURE

WHEREAS, Resolution 2018-01 was approved by unanimous vote of City Council on February 12, 2018 adopting the Milford City Council Rules of Procedure; and

WHEREAS, Resolution 2022-02 was approved by unanimous vote of City Council on February 14, 2022 adopting amended Milford City Council Rules of Procedure; and

WHEREAS, Council has requested a 15-minute Public Comment Period be added prior to the Official Council Meeting; and

WHEREAS, some minor amendments by Council have also been incorporated based on comments of City Council during reviews of rules.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Milford, during a lawful session duly assembled on the 23rd day of May 2022, by a favorable majority vote adopt the Procedural Rules hereto attached as Exhibit A(3), as amended, are hereby adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 23rd day of May 2022.

Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson

# RESOLUTION 2022-08

## Schedules Board of Revision & Appeal Hearing

WHEREAS, the provisions of Article VII, Section 7.05 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment, as adjusted, to be posted in two public places in the City of Milford and there to remain for the space of ten days for public information; and

WHEREAS, attached to said copies shall be notice of the day, hour, and place that Council will sit as a Board of Revision and Appeal for said General Assessment.

NOW, THEREFORE, BE IT RESOLVED, that on Monday, July 25, 2022 at 6:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2022-2023 General Assessment.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Milford to be affixed this 23rd day of May 2022.

_____

Mayor Arthur J. Campbell

Attest:

_____

City Clerk Teresa K. Hudson

# ***PUBLIC NOTICE***

## *City of Milford Property Tax Appeals*

Please be advised that on Monday, July 25, 2022 at 6:00 p.m., the City Council of the City of Milford will sit in the Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware, as a Board of Revision and Appeal, in regard to the 2022-2023 City of Milford General Property Assessment.

Property owners wishing to appeal the value of their property under the 2022-2023 General Assessment must contact Customer Service Department at 302-422-6616 Extension 1204 by 4:30 p.m. on Friday, July 8, 2022.

Copies of the 2022-2023 General Assessment are posted for public information at Milford City Hall, 201 South Walnut Street, Milford, Delaware and the City of Milford Customer Service Center, 119 South Walnut Street, Milford, Delaware.

Issued this 23rd day of May 2022 pursuant to Article 7 of the Charter of the City of Milford, Delaware.

s/Mark Whitfield
City Manager

*Posted 05 23 2022*

# RESOLUTION 2022-09

## Further Clarification of City of Milford Poll Workers' Salaries

WHEREAS, the City of Milford Charter mandates an annual municipal election to elect a Mayor and City Councilmembers, based on staggered two-year terms of office; and

WHEREAS, there is a need from time to time to hold special elections and referendums for certain annexations, city council vacancies, borrowing scenarios, and other reasons as governed by the Charter and Code of the City of Milford and/ or authorized by City Council; and

WHEREAS, over the past few years, we have seen the critical role our election workers have and how stressful the job can be; and

WHEREAS, these workers have been in short supply in recent years resulting in the need to ensure proper compensation is received for the rigorous work they do; and

WHEREAS, Resolution 2021-22 previously addressed Election Workers' pay for the purpose of retaining and hiring experienced poll workers to ensure City elections continue to be conducted fairly and efficiently was adopted on November 22, 2021 and became effective ten days later; and

WHEREAS, there is a need to clarify the rate that will be paid to City of Milford Full-time Employees and Part-time Employees.

NOW, THEREFORE, BE IT RESOLVED:

Poll Workers, including Non-City and City Part-Time and Full-Time Employees, shall be paid based on the job they perform on Election Day and any associated training as determined in the following table:

| Election Positions | Normal Work Day | | | Saturday | |
|---|---|---|---|---|---|
| | Non-City Employee | City Employee Exempt | Full-Time City Employee Non-Exempt | City Employee Exempt* & Part-Time City Employees | Full-Time City Employee Non-Exempt |
| Board of Elections | $240 | $0 | hourly rate + OT over 8 hours | $240 | 1.5 x hourly rate |
| Judges | $200 | $0 | hourly rate + OT over 8 hours | $200 | 1.5 x hourly rate |
| Clerks | $200 | $0 | hourly rate + OT over 8 hours | $200 | 1.5 x hourly rate |
| Training | $50 | $0 | hourly rate + OT over 8 hours | $50 | 1.5 x hourly rate |

Resolution 2022-09 replaces Resolution 2021-22 in its entirety.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 23rd day of May 2022.

Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson