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

CITY COUNCIL AGENDA
March 13, 2023

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 available for viewing by the public by accessing the following link:
https://zoom.us/j/99156131279
or
http://www.cityofmilford.com/553/Watch-Public-Meetings

Members of the public may also dial in by phone using the following number:
Call 301 715 8592 Webinar ID: 991 5613 1279

6:00 PM
15-Minute Public Comment Period*

Virtual attendees must register prior to start time of meeting by calling 302-422-1111 Extension 1300 or 1303, or by sending an email to cityclerk@milford-de.gov and providing your name, address, phone number, and the specific agenda item you wish to comment on.

COUNCIL MEETING

Call to Order – Mayor Arthur J. Campbell

Invocation

Pledge of Allegiance

Roll Call

Approval of Previous Minutes

Recognition
- Introduction/New City Employees

Staff Reports
- Monthly Police Report
- Monthly City Clerk Report

Monthly City Manager Report:
- Public Works Department
- Electric Department
- Planning & Zoning Department
- Parks & Recreation Department
- Human Resources
- Economic Development & Community Engagement
- IT Department
- Finance Department

Communications & Correspondence

Unfinished Business

New Business

Authorization/Agreement/SE Transportation Improvement District/DELDOT
Authorization/New Position/Technical Services
[3]Adopt Resolution 2023-04/Investment Policy
Authorization/Investment Management Agreement
Authorization/Tyler Technologies Contract Amendment/ERP System
Authorization/Purchase of Available Non-Hybrid Police Vehicles/Take-Home Vehicle Program
[1] Reappointment/City of Milford Election Board
Approval/DNREC Mosquito Spraying Control Policy [2]

Introduction/Ordinance 2023-09 - Conditional Use
Application of Bay to Beach Builders, Inc.
0.172 +/- acres of land located along the north side of
SE Second Street between Montgomery Street and Franklin Street
Comprehensive Plan Designation: Low Density Residential
Zoning District: R-2 (Residential District)
Present Use: Vacant
Proposed Use: Single-family Semi-detached
Tax Parcel: 3-30-7.17-118.00

Introduction/Ordinance 2023-10 - Conditional Use
Application of Jaasiel, LLC
0.304 +/- acres of land located at the northwest corner
of the NE Front Street and East Street intersection
Comprehensive Plan Designation: Commercial
Zoning District: C-2 (Central Business District)
Present Use: Single-Occupancy Retail
Proposed Use: Mixed Use – (3) Commercial Tenant Spaces and (10) Apartments
Tax Parcel: MD-16-183.10-03-68.00

Introduction/Ordinance 2023-11 - Conditional Use
Application of Patricia Persia
0.238 +/- acres located along the north side of School Place
between Lakeview Avenue and Seabury Avenue
Comprehensive Plan Designation: Low Density Residential
Zoning District: R-1 (Single-family Residential District)
Present Use: Single-family Detached Dwelling

Proposed Use: Single-family Detached Dwelling with an Accessory Dwelling Unit
Tax Parcel: 1-30-3.08-028.00

Introduction/Ordinance 2023-13/City of Milford Comprehensive Plan Amendments:
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #15
MILFORD MINI-STORAGE, INC.
3-30-11.09-134.00
FUTURE LAND USE DESIGNATION CHANGE

Introduction/Ordinance 2023-15 – Change of Zone
Application of Milford Mini-Storage, Inc.
0.08 +/- acres of land located along the south of
Industrial Boulevard and Watergate Boulevard North
Comprehensive Plan Designation: Industrial
Present Zoning: R-3 (Garden Apartment & Townhouse)
Proposed Zoning: I-1 (Limited Industrial)
Present Use: Vacant
Proposed Use: Self-Storage
Tax Map & Parcel 3-30-11.09-134.00

Introduction/Ordinance 2023-12 - Conditional Use
Application of Milford Mini-Storage, Inc.
1.82 +/- acres of land located along the east side of Marshall Street
approximately 1,025 feet north of the McCoy Street intersection
Comprehensive Plan Designation: Industrial
Zoning District: I-1 (Limited Industrial District)
Present Use: Vacant Lot
Proposed Use: Outdoor Storage
Tax Parcel: 3-30-11.09-029.01

Introduction/Ordinance 2023-14/City of Milford Comprehensive Plan Amendments:
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #14
SOUTHERN STATES MILFORD COOPERATIVE, INC.
MD-16-182.00-01-03.00
FUTURE LAND USE DESIGNATION CHANGE

Introduction/Ordinance 2023-16 – Change of Zone
Application of Southern States Milford Coop, Inc.
4.959 +/- acres of land located along the north side of
Milford-Harrington Highway at the intersection of Williamsville Road
Present Zoning: I-1 (Limited Industrial)
Proposed Zoning: C-3 (Highway Commercial)
Present Use: Vacant
Proposed Use: Retail Sales
Tax Map & Parcel MD-16-182.00-01-03.00

Executive Session

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed

Return to Open Session

Potential Vote/Real Estate Purchase/Sale/Lease
Potential Vote/Personnel Matter/Communications Item

Adjournment

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

ALL 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, DISTRIBUTED, OR PRESENTED AT MEETING ONCE PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE. ANY MATERIALS UTILIZED DURING THE MEETING SHALL BE FROM THE COUNCIL PACKET AND REFERENCED BY PRESENTER USING AUDIO AND VISUAL MEANS TO ENSURE VIRTUAL PARTICIPATION BY ALL IN ATTENDANCE.

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

**Comments restricted to same date's Council agenda items.*
The time limit is three minutes per speaker, not to exceed a total of fifteen minutes for all speakers.

020123 030623 030723
030823 Items Removed
030823 [1]Late Request by Police Chief/Amendment to Take-Home Vehicle Program
030823 [2]Late Addition/City Clerk rec'd Paperwork from CM this Date/Due Date 031323
031323 [3]Late Addition by City Manager/Adopt Resolution 2023-04



CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
January 18, 2023

The City Council of the City of Milford convened in a Workshop Session on Wednesday, January 18, 2023, beginning at 6:06 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Mike Boyle, Todd Culotta, Brian Baer, Jason James Sr., and Katrina Wilson

STAFF: City Manager Mark Whitfield, Acting Chief Edward Huey, and Deputy City Clerk Katrina White

COUNSEL: Solicitor David Rutt, Esquire

Broadband/Community Wi-Fi Feasibility Study

Uptown Services, LLC
Dave Stockton & Neil Shaw, Principals

City Manager Whitfield recalled this study was brought before Council to consider during the Capital Improvement Plan discussion. Uptown Services out of Colorado who work with cities who own their own electrical services. They will provide the results of whether it is feasible for the city to supply broadband and public wi-fi throughout the city.

Mr. Shaw explained the scope of the study involves market research, product strategy, the operation of the business, the technology strategy, and what the financial performance of the proposed business is across different scenarios.

Mr. Stockton then summarized the study scope with the six key tasks performed to evaluate the financial feasibility to enhance the capacity of broadband infrastructure for residents and businesses:

1. Local Market Assessment and Product Strategy
2. Analysis of Business Models
3. Wireless Network Strategy
4. Conduct Market Research
5. Pro Forma Financial Analysis
6. Evaluate Financing & Funding Availability

Mr. Stockton shared there are mainly two buckets of wireless broadband today to residential customers—Verizon and Comcast with Comcast having the market share with cable modem. Their 1.2 gig services start at $80 going up to over $100, depending upon any promotional discounts and other factors including add ons. There is sufficient access today in terms of capacity relative what's going on, though the pricing is high.

Bloosurf has deployed fiber in some communities. But availability searches on their websites indicate that only fixed wireless service is available in Milford. Starlink is scheduled to become available next year but is expensive.

On the business side, a variation of models is found within municipal broadband today. All public private partnership deals seem to be customized. Four main models are seen consistently, starting on the wholesales side, with dark fiber where cities have installed conduit and/or fiber over time and then lease out that layer, one connectivity.

Next is a public private partnership, sometimes referred to as the three P's. They can also be public-public partnerships thought the idea typically is that a municipality would build out an extensive amount of fiber infrastructure and the investment either be shared or not shared with a private partner.

But typically the investment is shared and the private sector partner typically serves as the functional ISP and retails of service, and more or less does all the day-to-day activity.

There are also a couple of variants of the retail model. The own and operate model is where a city basically does everything and run the business day to day.

The own and operate with an operating partner is attractive when available. Clients have usually been proximate to another municipality that is already offering broadband. Usually they are new and will hire on board for at least five years and basically outsource some of the functions that that other provider is already performing. This is a very efficient win-win proposition to offload some of the early staffing needs and subsequent operating expenses as that new system is getting up and running and building up the revenue stream.

He also reviewed some typical financials though there are some variations with the dark fiber, public-private partnerships and by the retailer to the wholesale provider which is based on how many premises are passed.

On the own and operate model to an own and operate with an operating partner, the payment is usually made by the owner.

Depending on where Milford wants to go next, there are options in terms of forming partnerships or not.
Mr. Stockton continued by stating a completed sample of 683 respondents was done in the survey out of 4,400 households selected. It showed that 96 percent of Milford households presently subscribe to internet service at home with 77 percent using a wired connection. About 8 percent use home internet, which is usually through a cellular plan, while about 6 percent use satellite and another 4 percent have no internet. Most households received broadband services from Comcast, though Verizon and T-Mobile were also represented, and a few additional residents connected via Bloosurf or Starlink.

The survey results indicated that lower income residents tended to select less pricey wired connections, though most Comcast and Verizon users were unaware that they could likely qualify for discounts to further reduce their costs. The Affordable Connectivity Program taps into federal funds that would lower the average user's bill by approximately $30 per month. The savings on the existing plan appealed to many consumers who said they were fine with their current service and were not inclined to switch to something new. However, others said that they would be willing to switch to a city-owned fiber delivery system if it were the less expensive option.

Speed testing was also completed with 41% of households receiving more than what they were subscribing to.
In comparisons, 48% of households stated they subscribe to between 100 and 250 Mbps, while lower income households are more likely to subscribe to lower capacity internet tiers.

The average spending is $78 though most customers did not know the cost due to bundling packages.

Internet satisfaction levels are slightly above average compared to other markets, with price being the service attribute with the lowest satisfaction levels. Across all service attributes, the percentage of households that are 'very satisfied' with a rating of 9 or 10 is low at 17%.

The vast majority of 74% of Milford households feel that at the present time they have the ability to get the Internet speed that they desire.

Mr. Shaw then continued the review. He stated there are over 3,800 primary electric poles that could be used and there is available space available at the top of the communications zone. The pole owner is allowed to place fiber cable 30 inches below power which should significantly reduce pole make ready costs.

He also talked about the city's fiber network in relation to size and capacity. They believe the system will be well suited for use as the future broadband backbone. He then presented three wireless broadband options:

1) Macrocell Fixed Broadband
2) Microcell Licensed wireless ("5G")
3) Targeted Microcell Wi-Fi

Option 3 was recommended based on the targeted nature of the broadband need in Milford.

Also discussed was wireless deployment scenarios.

Milford Owned System Supported by Adding Resources to IT Department

- This scenario is not operationally feasible currently due to lack of resources and synergies

Milford Owned System Supported by New City Department

- Main approach for Uptown studies and municipal broadband deployments
- New department allows for focused attention by dedicated staff
- Stand-alone departments require greater scale to support higher overhead (management)
- Targeted Wi-Fi not likely to provide the level of cash flow required

Milford Owned System Supported by External Operating Partner (ISP)

- Emerging model for smaller broadband deployments
- Milford system can be supported remotely using cloud-based monitoring capabilities
- Proposed Wi-Fi network would only have 22 fiber gateways and 41 access points
- City would need to provide emergency truck rolls to provide "local hands and a toolbox"
- No in home customer service or repair would be assumed for the proposed service level

Third Party Retail Owner / Operator

- Private ISP builds, owns and operates Wi-Fi system
- ISP sets price and service levels
- Milford may choose to offer dark fiber on existing network

In conclusion, Mr. Shaw pointed out that in this study, the main issue in many households is the affordability of the Internet. Among households without an Internet subscription, 54% state the reason is lack of affordability and 63% are currently under-utilizing Internet capacity due to affordability issues; only 9% of households are aware of the ACP subsidized Internet program with 14% to 25% eligible for the ACP program, but only 11% participating.

The facilities-based Wi-Fi strategy isn't feasible nor is it close. It would have to be something that would be done as a substitute. The initial investment is doable though ongoing operating losses make the venture unsustainable. The target market is not large enough to support the minimum level of fixed expenses.

The next steps would be to try to tap in more to the Affordable Connectivity Program (ACP) benefits within the target community. Hopefully, collaborating with local providers to enhance their offerings and awareness campaigns for ACP. Also, partnering with a local school to gain a better understanding of student needs while providing some solutions would be helpful. He also asked the city to consider limited wi-fi in public spaces. It can be very powerful and a high value service.

Unfortunately for this scenario, it does not work.

Following a few questions by Councilmembers, it was noted there were no GEO codes included in survey. Mr. Shaw also explained that a user rate had not been established for the budget to break even. They would need to go back into the pro forma, to run a sensitivity to determine the price point. That would be need a follow up before that information could be provided.

Regarding subsidized cable and DSL, what speeds are offered, and Councilman Baer understood it was rather slow. He also asked the data cap per user; Mr. Stockton explained that Comcast employes a data cap and removing it adds another $30 to the amount of the bill.

He also added the Affordable Connectivity Program requires that any service provider participating in that program and receiving federal funds offers that discount on every tier they offer to the residential market.

When asked if Comcast and Verizon, at the DSL level are the only services available in Milford, or if Fios is available, Mr. Stockton stated, yes, he indicated that FIOS is not available in city, though Verizon has it but it is not available in Milford.

It was agreed that only 9% are aware of the discounts available, and in terms of feasibility, this is not a business that in at least, in the City Manager's opinion of next steps, he believes the ACP is something the City needs to work with the school.

On the other side of where free Wi-fi should be considered publicly, he suggests partnership with Comcast to have it installed in the Riverwalk area. Both the library and Boys and Girls Club already offers it, that is a doable area. But rolling something out citywide is not feasible.

Councilman Culotta believes the city should wait for 5G to become more widely available and proceed at that point.

The consensus of Council was to do a public outreach to provide information on this resource to our resident.

The City Manager noted the information was provided in the newsletter several times, though that does not seem to be working. Instead, working with the schools and churches and providing the information that residents need to sign up for the discount.

Economic Director Blum confirmed the information is available and pamphlets available at City Hall. She will contact PIO Trish Gerken of the Milford School District to follow up.

A discussion followed regarding some municipalities providing fiber to residential customers.

The Broadband presentation by Uptown Services LLC concluded at this time.

The Workshop Session was temporarily recessed at 7:10 p.m., to allow for a Special Meeting and Executive Session of City Council.

City Council resumed the Workshop at 8:12 p.m.

Pedestrian Safety Ordinance

The City Manager stated that he presented the pedestrian safety ordinance for consideration back in November . At that time, it was recommended the ordinance be discussed at a workshop before Council takes final action during a regular meeting. He then asked for comments.

Councilmember James referenced section 197-5 which states that any violation of 197-5 will result in a fine of not less than $100. When he goes to the proposed ordinance, section 4 states a violation of the above will result in a fine of not less than $100 and if that is speaking to the violation of no one may park or leave standing a vehicle where prohibited or suddenly decreased the speed of the vehicle to respond to persons violating the above, or is referring to no operator of a vehicle shall park, stop or leave standing a vehicle on a street?

City Manager Whitfield said he is unsure and cannot answer it right now.

Councilmember James said he can understand that if it refers to section 3, but it is referring to section 2 loitering in a median for an excessive amount of time and it is considered prima facie evidence of the violation above. He feels there is a conflict with that.

Councilmember James believes that if the person is there, they are probably there soliciting money and by levying a fine And considering the position the person is in, that will put them in a worst condition. The reality of collecting a fine is probably zero. He provided some potential constitutional amendment violation examples that are unenforceable, adding that he prefers not to institute something that is irrational or unenforceable.

Solicitor Rutt said to make the ordinance conform with the proposed statute, the statute says violation of 197-5 which would be everything. To conform, it could say violation of the adopted ordinance or violation of the above sections, will result in a fine of not less than $100.

City Manager Whitfield said this is a pedestrian safety order only and has nothing to do with panhandling. It also states that the individual cannot stand in the intersection for more than two signal changes.

Councilman James asked about the 200 feet of the intersection. City Manager Whitfield clarified that this ordinance will not prohibit people from standing within a right-of-way but will not allow them to be within the signalized intersections.

Councilmember Baer noted the comments regarding this ordinance being unconstitutional and asked how it has been corrected to be considered. He does not want something to be adopted that is unconstitutional.

Solicitor Rutt said this applies to health and safety and is not unconstitutional nor does it have anything to do with anyone soliciting money. The problem will be the cheerleaders or somebody similar out there with their cans running up and people dropping nickels in the can.

City Manager said Penn state had weekends where students would go out and can at intersection. There were several students that ended up getting struck by cars, and even students killed. They finally did away with it because it is was too dangerous.

When the $100 fine was questioned again, City Manager Whitfield said there must be a penalty. Moving them out of the roadway will be difficult without a penalty of some sort and the reason it is in the ordinance.

When asked Acting Chief Huey's opinion, he said that he and the City Manager had this conversation very early in this process. It came up because of panhandling complaints. The Acting Chief determined the Supreme Court has held that the First Amendment covers charitable appeals for funds and that panhandling, solicitation, or begging are protected speech under that First Amendment.

However, after watching the panhandlers, he was concerned about the way they were standing in the roadways, especially at the Route 113 and Masten Circle intersection with their backs to the intersection when considering a high impact collision, They would hear it and naturally turn to look at the accident but not give themselves time to get out of the way of a car that may become out of control. But separating that from anything to do with panhandling is a wise choice and it cannot relate to the prevention of panhandling activities.

When asked if the 200 feet from the intersection helps mitigate the safety risk, Acting Chief Huey stated that normally, you might have a rear end collision 200 feet back, though they are rarer within the confines of the intersection and are typically 30, 50, 80 feet back from the intersection, though that can send a car out of control. He hopes that would create a safety zone to prevent these individuals from being hit by a vehicle.

Councilman Baer also mentioned that 2023 it is now unlawful for anyone to be on any city street and approach any vehicle in operation. He does not see any mention of signalized intersection there. It reads like someone is standing and approaching a car by the library on Washington Street for example.

Councilmember Baer also noted the number of streets that are state-maintained roads within the city and asked if that applies. Solicitor Rutt confirmed it would apply. DelDOT has the maintenance, but in terms of public safety, the city patrols those streets withing its boundaries.

Councilmember Baer said he was under the impression this involved signalized intersections. In his opinion, the ordinance as written, is much too general.

Solicitor Rutt said if this is something Council wants added to an agenda, these are the kinds of questions that can be addressed in terms of the language that would ultimately come before Council or discuss when it is before Council. Tonight, the City Manager is asking if this is something Council wants to consider.

The Solicitor also noted that this language tracks the Seaford ordinance with the exception of the fine. The Seaford ordinance does not have a fine.

City Manager Whitfield pointed out there has been no challenges to their ordinance.

Councilmember James asked that the language in ordinance subsections 5A-E is consistent with what will be reflected in the ordinance.

Planning Commission & Council Approval Requirements

Planning Director Rob Pierce recalled the last amendments to the City's Subdivision and Zoning Codes. Those updates have been effective for more than a year, and he wanted to give the Board of Adjustment an opportunity to review the codes and to provide recommendations as well. That was done in December after which the board did not feel there was a need for any additional updates.

He again went back to the Planning Commission to provide then another opportunity to make any changes to the two codes. After a general introductory discussion last night, he presented a couple of goals that he wanted to try to address.

There were some grammatical errors that have been caught and need to be fixed.

Planner Pierce also wanted the Planning Commission to look at the permitted and conditional uses in each zone without confusing everybody as occurred during the last code overhaul. Lastly, he wanted to know if there was any interest at the Council level or interest that City Council can provide to the Planning Commission on amendments to the land use application approval requirements.

The below presentation followed:

Types of Land Use Applications:

- Minor Subdivision
- Annexation
- Change of Zone
- Permitted Use Site Plan
- Conditional Use Site Plan
- Conditional Use
- Planned Unit Development
- Major Subdivision

Approval requirements.

- Minor Subdivision, Lot Line Adjustment, Lot Consolidation
  - Reviewed Administratively
- Annexation
  - Annexation Committee – Public Meeting
  - Planning Commission – Public Hearing
  - City Council – Public Hearing
- Change of Zone
  - Planning Commission – Public Hearing
  - City Council – Public Hearing
- Permitted Use Site Plan
  - Preliminary Plan - Planning Commission – Public Meeting
  - A by-right site plan cannot be denied if all code requirements are met.
  - Final Plan – Reviewed Administratively
- Conditional Use Site Plan
  - Preliminary Plan – Planning Commission – Public Hearing
  - Preliminary Plan – City Council – Public Hearing
  - Final Site Plan – Reviewed Administratively
- Conditional Use
  - Planning Commission – Public Hearing
  - City Council – Public Hearing
- Planned Unit Development
  - Preliminary Plan - Planning Commission – Public Hearing

- Preliminary Plan – City Council – Public Hearing
- Final Site Plan – Planning Commission – Public Hearing

- Major Subdivision
  - Preliminary Plan -Planning Commission –Public Hearing
  - Preliminary Plan –City Council –Public Hearing
  - Final Plan –Planning Commission –Public Hearing
  - Final Plan –City Council –Public Hearing

He asked Council to consider modifying the land use approval requirements to allow the Planning Commission to have the final determination for Conditional Use, Conditional Use Site Plan, Major Subdivision and Planned Unit Development applications.

In the meantime, the Planning Commission will meet over the next few months to review Chapter 230 Zoning and Chapter 200 Subdivision of Land, primarily focusing on the following:

- Land Use Application Review and Approval Process.
- Permitted and Conditional Uses within each zoning category.
- Reduction of the number of Conditional Uses within each zoning district by making some uses permitted with specific conditions to be met.

In comparison, Planner Pierce reported that in Kent County, a by-right major subdivision application stops at the Regional Planning Commission. It does not go before Levy Court because if it meets the code requirements, it gets approved.

The PUDs (planned unit developments)/conditional uses are still reviewed by the elected officials within the county.

In the town of Smyrna, all subdivision and conditional use applications go to the Town Council for final approval.

In conclusion, he stated the purpose is to speed up some of the meeting and reduce many of the public hearings and the burden on agendas that Council is presently dealing with.

Councilman James commented on preliminary plans that currently come before City Council. He would consider revising that and just seeing the final.

He would consider handling planned unit developments in the same manner.

He is contemplating any changes in conditional uses. He would rather have the Planning Commission review what is permitted as a use in comparison what requires a conditional use and if there really is an adverse impact or a use seems appropriate to fall under a certain zoning.

According to the City Planner, that is part of the scope the Planning Commission will be considering and whether certain conditional uses need to be moved as a permitted use and eliminate the conditional use hearing process in totality.

Councilman Culotta agrees with that for all of them. For a preliminary approval, that is something Council currently votes on. It should go to the Planning Commission for their recommendation, then it comes to Council. Once the preliminary approval is granted, unless there are major changes to the plan, it should not have to come back for final approval. The two-step process he does not think is necessary.

Councilman Culotta said he does not care how long it takes Council to give approval, that is not the problem. The issue is the speed and ease for investment to come into Milford and the cost to those developers to go through the approval process to ensure they receive a profitable investment.

He agrees that also applies to the PUD. However, it should come back to City Council. Council are the elected officials that are put in these seats by our constituents. Council needs to make the final decision.

Mr. Pierce pointed out we have robust preliminary plan review process. After receiving preliminary approval, he explains to the developers they have their marching orders going forward and know what is expected. If there is a significant deviation to either a site plan or a subdivision, he will make them come back for preliminary again. He does not want it to look different at the final step. He has the staffing, as well as consultants, to ensure there is compliance with the preliminary approval.

Like the site plans, it requires three signatures from city officials to authorize recordation.

Solicitor Rutt explained a site plan is a technical review and whether it meets the code. A conditional use application is a legislative matter that should have both hearings. The same applies to the PUD which is also a conditional use. That should have the redundant public hearings by the Planning Commission and City Council. As far as the final plan, that any major change could be left to the discretion of the planning direction to determine if an application needs to go back before Council.

Councilmember Boyle agrees with Solicitor Rutt. However, it is a subjective decision by the Planner. Things used to happen in this town, and he often hears things didn't used to be like that. He wants to tell them that we don't have those records either.

It was agreed to streamline the process for investors as much as possible, but there are some subjective matters that need deliberation and decisions by elected officials.

It was confirmed that presently Mr. Pierce authorizes the final plan.

The various applications were then reviewed and discussed again. It was noted that at the time of preliminary approval, not all agency approvals have been received.

Mr. Pierce was asked by Council for Planning Commission to focus mainly on the shift from conditional uses to permitted uses.

Councilman Baer pointed out that streamlining the process for developers is good, but he also does not want to eliminate the public hearing opportunity for our citizens.

The Workshop Session concluded at 8:55 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriptionist

CITY OF MILFORD
COUNCIL MEETING MINUTES
January 31, 2023

The City Council of the City of Milford met in a Special Session in the Training Room of Milford City Hall at 201 South Walnut Street, Milford, Delaware, on Tuesday, January 31, 2023.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Nirmala Samaroo, Jason James Sr., and Katrina Wilson

STAFF: City Manager Mark Whitfield and Deputy City Clerk Katrina White

COUNSEL: Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Campbell called the meeting to order at 8:31 a.m. All members in attendance.

EXECUTIVE SESSION

Councilmember Boyle moved to go into Executive Session reference the below statute, seconded by Councilmember James:

Personnel-Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed.

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:32 a.m., to go into Closed Session, for the purpose as permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Fulton moved to return to Regular Session at 5:38 p.m., seconded by Councilmember James. Motion carried.

Motion

Councilmember Fulton made a motion to offer the Chief of Police position to candidate one, and if not selected or accepted by candidate number one, then make the offer to candidate number three, and if not selected or it is turned down, then move and offer it to candidate number six. Motion seconded by Councilmember Culotta. Motion carried by a voice vote with no one opposing.

ADJOURNMENT

There being no further business, Councilmember Fulton moved to adjourn the meeting, seconded by Councilmember Boyle. Motion carried.

The Council Meeting adjourned at 5:49 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL MEETING MINUTES
February 13, 2023

The City Council of the City of Milford met in Regular Session on Monday, February 13, 2023, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING:	Mayor Archie Campbell
IN ATTENDANCE:	Councilmembers Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Nirmala Samaroo, Brian Baer, Jason James Sr., and Katrina Wilson
STAFF:	City Manager Mark Whitfield, Police Captain Edward Huey, Police Chief Cecilia Ashe, and Deputy City Clerk Katrina White
COUNSEL:	Solicitor David Rutt, Esquire

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 are being held in the Council Chambers at City Hall, with attendees also participating virtually.

PUBLIC COMMENT PERIOD PRIOR TO MEETING

The Public Comment session began at 6:02 p.m.

Vincent Olsen of 213 South Walnut Street, Milford, wished to speak about the fire siren which is not on the agenda. He then welcomed the Police Chief and Fire Chief.

Tor Hazzard, President, of Carlisle Fire Company, present with Fire Chief Shawn Hinton. He spoke about the enhancement fund noting the intention was to provide the fire company funds to purchase equipment or enhancement to the building, in addition to the costs of the substation. He also talked about the original agreement.

Fire Chief Hinton of Carlisle Fire Company then asked for clarity about the broad range of public safety equipment, though they want to continue with the city.

Vivian Donnelly of 206 South Walnut Street, said she was mistakenly led that she was able to speak about the problems with the fire siren on the water tower this evening.

According to City Manager Whitfield it will be on the February 22nd agenda. Solicitor Rutt then noted that the workshop does not include a public comment session.

Solicitor Rutt then explained the purpose of a Public Workshop, noting that at the February 22nd workshop, there will be no public comment. All agendas are publicized on the website and on the board in the lobby, and at that time, there will be an opportunity to speak on the sirens during the public comment session.

Peggy Schmidt of 210 SE Front Street said Council's responsibility is to ensure the residents safety and that of their properties. She then spoke about the expenses and revenues of Carlisle Fire Company and noted their recent profit, in addition to $7 million they have in accounts. She clarified the information is public and can be found on the IRS website. Ms. Schmidt also talked about the need for proper communication for the firefighters and asked Council to ensure an ongoing fire safety program that is responsive to the citizen's needs.

CALL TO ORDER

Mayor Campbell called the meeting to order prior to the unofficial Public Comment Session period at 6:02 p.m.

The official meeting commenced at 6:15 p.m.

INVOCATION AND PLEDGE

The innovation was given by Councilmember Wilson, followed by the Pledge of Allegiance prior to the start of the Council Meeting.

ROLL CALL

All members in attendance.

EXECUTIVE SESSION

Motion to Recess into Executive Session

Councilman Boyle made a motion to go into Executive Session, seconded by Councilmember Baer, for the purpose as noted on the agenda.

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed (Police Chief)

Motion carried.

Mayor and City Council, Solicitor Rutt, City Manager Whitfield and Deputy City Clerk White left the Council Chambers at 6:16 p.m.

Return to Open Session

After returning to the Council Chambers, Councilmember Fulton moved to go back into regular session, seconded by Councilmember James. Motion carried.

Chief Cecilia Ashe's Employment Contract

Councilmember Boyle moved to authorize Mayor Campbell to execute an employment agreement for Cecilia Ashe of Wilmington, Delaware, to serve as Milford's Police Chief, effective immediately. Motion seconded by Councilmember James and carried with no one opposed.

Swearing In/Newly Appointed Police Chief

The Honorable Noel Eason Primos of the Delaware Superior Court, then administered the Oath of Office to the newly appointed Chief, who was accompanied by her wife and children.

Deputy Police Chief Edward Huey then welcomed Chief Ashe, issuing her the Milford Police Chief's badge.

Vice Mayor Jason James then commended Chief Huey for the work he has done and the outstanding service to the citizens of Milford.

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the January 9, 2023 and January 23, 2023 Council Meetings. With one minor correction needed, a motion was made to approve by Councilmember Fulton, seconded by Councilmember Boyle. Motion carried.

RECOGNITION

Lillian Harrison/Armory Update

Ms. Harrison read a letter into the record as the Executive Director for the Elevated Community Development Corporation, which is a nonprofit that maintains the Milford Armory.

She asked to consider the purchase of the formally abandoned Milford armory now converted into a community service center.

Ms. Harrison talked about the efforts to revitalize the armory, which was once neglected, of course, and is now a vibrant and thriving community hub. She then spoke about the various services and programs provided at that location.

She stated it would be in the best interest we feel for the city to consider, allowing them to purchase the property by her organization. If unable to allow the purchase, she asked Council to consider a long-term lease of 50 to 99 years. Understanding that this is a significant request, working together ensures that the Community Service Center will continue to provide essential services and support the residents for many years to come.

While a lot of work has been done on the renovation of the facility, there are some major projects needed, including the complete replacement of the heating system. Grants and tax incentives are available, and this change would place them in a better position to qualify for those funds.

When asked about the requirements that would enable this opportunity, Ms. Harrison said there are organizations they are working that would be able to get the technical jargon down for the heating system. The USDA and other organizations can provide capital grants. However, they are unable to do so without, at the very least, a long-term lease.

When questioned, she shared that the USDA had specifically mentioned a minimum 35-year lease.

She continued with a presentation of the services, small business assistance, and provided photos of the upgrades to the armory.

The Executive Director also provided additional information on the upgrades needed to the heating system which would allow year-round use of the building, which is simply too cold in the winter for her volunteers.

She concluded by stating they will be holding an Open House on March 26th and invited Mayor and Council to attend.

Solicitor Rutt then read November 2014 deed that states by acceptance of the deed, the City of Milford acknowledges that, as described in Senate Bill, 227 0f the 147th General Assembly, the property cannot be sold or transferred to any person, corporation, or association, or used for a non-public purpose, without further legislative approval from the Delaware General Assembly.

He added that title companies look at long term leases from 70 to 99 years as a conveyance of interest.

When asked the consideration of a shorter lease, Mr. Rutt states the title companies may not have as much shorter terms, but there is a need restriction that exists that does require legislative approval from the General Assembly before any consideration can be given.

Councilmember James said that this Council needs to be find out what would create a lender or a company that may be willing to record the title, as if it was conveyance, if Council agreed to a long term lease. Without knowing these things, deliberating on this seems futile at this point.

Councilmember Wilson recalled years ago, the City leased the land to Head Start, and that is still working today. She suggests asking the City Clerk who most likely has that information.

She then shared with Council her relationships with local legislators and the advisors she works on.

Council commended her on the work she has done at the Armory and informed her that they will check into that.
Ms. Harrison concluded by explaining the qualifications of the USDA funding which would be their primary source of income.

ORDINANCE ADOPTION/PUBLIC COMMENTS

Adoption/Ordinance 2023-06/Chapter 26/Enhancement Funds
Additional Fire Company Districts/Award of Funding

City Manager Whitfield then presented the ordinance that would amend Chapter 26, Enhancement Funds. He said the changes are needed to correct the ordinance that presently only permits Carlisle Fire Company to receive the funding, as they were the sole fire company serving the city at the time it was implemented.

The Hickory Glen Subdivision lies within the Houston Fire District, though it is in the City of Milford. There are additional areas included in the growth areas of our comprehensive plan that are served by the Ellendale Fire Company. Any future money collected will be placed in separate accounts, based on the fire district in which the development occurs, and made available to those fire companies for future grants.

It has also been recommended that the fire companies have the ability to utilize the funds for any fire safety purpose that City Council deems reasonable. In speaking with Solicitor Rutt, this is not something that you technically need. but does make it explicit there is a right to utilize those funds for fire safety purposes.

When asked if Ellendale and Houston receive similar enhancement funds, Mr. Whitfield stated that they, as Carlisle does, receives money from Kent and/or Sussex County, but do not receive enhancement funds from building permits.

It was confirmed the first districts would remain unchanged, as set for by the State Fire Commission.

Scheduled for public comments, the floor was then opened.

President Hazzard stated that they have no problem with the verbiage, with the exception of paragraph five that states 'The City Council, at its sole discretion, may utilize the funds for any fire safety purpose it so deems reasonable.'

He clarified his previous point, that the Carlisle Fire Company Enhancement Fund was put in place, and developed by a past president and former city manager to supply and give extra funding to the fire department for needs, building additions, future substations, etc. The way it currently reads, without any input from the fire company, that council can use that money for whatever they want. For example, fire sirens, fire hydrants, and so forth.

Chief Hinton said that fire safety, regardless of if it is fire sirens, maintenance of the entities, and they feel some clarity is needed and the fire company would like to have input on when these funds are utilized.

Nadia Zychal of 303 South Walnut Street, Milford, states that this fund was created to maintain and to expand our overall safety infrastructure. Our town has grown, and its needs have expanded. Our footprint has grown, and the population has grown exponentially. If it is the responsibility of the city and of the fire department that it serves to make sure there is adequate equipment and infrastructure to be able to do their job to the best of their ability. She sees no problem with simply codifying this as a general fund for the city for this infrastructure. Since it is served by more than one fire department and since it has grown, to be able to just let the ink dry and clean up the verbiage and let it be clear that the funds are available for city council to appropriate as needed without having a papal bull and 15 layers of bureaucracy and 75 meetings later, and not have something done. Efficiency is also a safety concern, and she will leave it at that.

Councilmember James asked if the authority referenced in section five already exists in the current ordinance. City Manager Whitfield said it does, and though Council cannot put rules upon themselves, Council has the prerogative to make the rules.

Councilmember James noted this is an enhancement fund for a particular purpose which is fire safety. So any disbursement from this fund must be directly related to this purpose and nothing other than that particular purpose.
There is a risk of being challenged if the funds are used for anything other than their intended purpose by those that already paid into it.

Councilmember Boyle said there are specific items this money can be used for and are typically for equipment, capital and for capital improvement.

He verified this money will not be used for other items that will help relieve the city when paying for items such as water towers, hydrants, etc.

The City Manager confirmed that Council always had the ability to use the funds for such items, though the language in this ordinance makes that ability clearer.

Councilmember Fulton moved to adopt Ordinance 2023-06, amending Chapter 26 Enhancement Funds, seconded by Councilmember Baer. Motion carried with no one opposed.

STAFF REPORTS

Monthly reports from each department are included in council packet. Please see for further information.

Monthly Police Report

Captain Huey presented the police report and provided a brief synopsis of the department's monthly activities.

Councilmember Wilson thanked Captain Huey on the recent updates provided to Council and asked him to pass on her appreciation for the number of recent criminal arrests, many involving weapons.

Councilmember Wilson moved to adopt the monthly police reported, seconded by Councilmember James. Motion carried.

City Clerk

Deputy City Clerk reported on the receipt of code book amendments.

She also informed Council that the notices of redistricting to those impacted citizens, totaling approximately 500 residents.

Councilmember James moved to accept the City Clerk's report, seconded by Councilmember Wilson. Motion carried.

Monthly City Manager Report

City Manager Whitfield recognized Steve Ellingsworth for his work in resolving some low water pressure issues at the Silicato Building on Silicato Boulevard.

The Manager also commended Tony Chipola for his efforts in investigating the electrical issue involving a house that had had its weatherhead pulled by an electrical pole that had been struck by a vehicle. He also worked on the fire siren relocation and those vendors. Councilman James agreed his response time was commendable.

Councilmember James asked that Carlisle Fire Company be kept involved in the fire siren location; City Manager Whitfield then talked about the decimal level and associated map he created to prevent disrupting the lives of those in the downtown area. When asked the decimal level at City Hall, the City Manager deferred to the Electric Director who stated 120, which is within the 100-120 which is extremely high for a residential area.

Public Works Department

Public Works Director expanded on two items included in his report. One being the changes to the downtown intersection sections and possible start delays because of the various road closings and detours around Milford.

He also talked about the Kent County Sewer Advisory Board and the announcement of the recent deficit which will a 10% increase approved a 4-3 vote of the board, a study on the use of future electric vehicles within the city fleet and potential funding.

An update was provided on the new police facility and subsequent design meetings with the police dispatchers. The Public Works Director also talked about the change orders though the additional money is within the approved budget authorized by City Council.

An anticipated completion date is October 2024.

Electric Department

Director Chipola talked about the messages received regarding the December load reduction request that went out on social media and thanked the community for those that participated. This was in response to PJM asking for volunteers to reduce loads. The load well exceeded the amount of generation to the point where PJM was asking for a voluntary rate reduction to avoid any kind of forced outages.

Discussions continued with DNREC on EV charging station installations and selected areas that are potential flooding sites. Work continues with City Engineer James Puddicombe on ways to raise the chargers to prevent any water impact.

The current plan is for two chargers with four dedicated parking spaces.

He thanked Steve Zeveney for his assistance with technical issues regarding pump station controls and the transition to a new system.

Concern was expressed about the load increase created by the new EV charging stations when asking customers to reduce load voluntarily. The Director recalled Council asking for a field assessment of the system, which will include short term and long-term forecasts to prevent forced outages.

Director Chipola confirmed these are fast chargers but will check to confirm the exact models. Councilman Baer talked about chargers with batteries that would not have the impact on the infrastructure the traditional chargers do.

Questions were asked about surveying work being performed in Meadows at Shawnee which may have been working on the proposed utilities at the Red Cedar Farm Development that include the use of the manhole adjacent to Kirby Road.

Planning Department

Planning Director Pierce reviewed his reports noting that he arranged some pre-construction and construction meetings that the Wickersham Development, Wash It Laundromat, William Allen Property Management LLC, Cypress Hall Phase 2, and Simpson Crossing Phase 1.

He also referenced the progress reports created by his Code Officials that are included in the packet but are also available on the website.

Rental Inspections will occur in Ward 4 this year with over 300 completed already this year by the two officials.

Captain Huey commended the City Code Officials noting they have become more active in the community and the properties have been cleaned up as are seen in the photos included in the packet.

Parks & Recreation

Director Brad Dennehy commented on the work his staff does, noting that in attendance is one of his part-time employee Joey from Causey Mansion who waters plants, pulls weeds, installs banners, and was instrumental in the Veterans banners that were installed in the downtown area this year.

He also talked about the proposed beautification plan for downtown that will be before the Tree Preservation and Advisory Board, and then back before Council.

The pickleball court contractor is ready to proceed with a Groundbreaking Ceremony scheduled for

When asked about the downtown bathrooms, Director Dennehy said the design should be completed by the end of this month, confirmed by Public Works Director Svaby.

Human Resources Report

HR Director Jamesha Williams said she continues to work on the open positions throughout the city. She is also working on the first Wellness and Health Kickoff on Monday, June 5th for our employees, with a theme of Happy to be Healthy.

She is focused on all our benefit vendors, including vendors for financial wellness and counseling services that will benefit our employees and their families.

Mayor Campbell thanked Ms. Williams for hiring two police officers that speak Spanish, one in billing/cash operations, and an engineering technician.

IT Report

IT Director Bill Pettigrew shared that the budget approval at the last meeting allowed the purchase of the hardware needed to virtualize the twenty physical servers that will provide a lot of advancement with moving servers, up time, and high availability.

The ERP project is moving forward with many of our employees in training.

The new PBX cloud phone system should be in and operating this time next week. This will provide our employees the ability to work anywhere in the world as long as they have internet.

HR and IT have had difficulty filling a new network security position. In the interim, the decision was to hire a consultant who will be 1/3 the cost of another employee, and provide 365 days, 24/7 monitoring of critical infrastructure. The adjusted cost will allow the elimination of a couple monitoring solutions that will be replaced.

He has met with Comcast regarding the feasibility of getting limited Wi-Fi in the riverwalk and park areas. They recommended a vendor, and he is now waiting on their proposal for the project.

They are also moving forward with affordable broadband that involves the $30 benefit from the federal government, which will result in free internet for many of our citizens.

Finance Department

Finance Director Lou Vitola addressed Council stating that his team has been working closely with a lot of the other departments, including HR to fill an open position. They have also spent a number of hours in the ERP implementation as they move closer to the go live date of July 3rd.

He has included the financial updates of the police facility project in this month's report and dropped the statistics part of the report.

In terms of utilities, past dues, tax payments, and the auto pay dollars, have improved since last month due to efforts of the customer service group, though some occurred organically.

Councilmember Fulton moved to accept the monthly City Manager reports, seconded by Councilmember James. Motion carried.

COMMUNICATIONS & CORRESPONDENCE

Trains Carrying Hazardous Materials

Councilmember Boyle talked about the trail derailment accident in Ohio and a number of citizens want to know if any type of hazardous materials come through Milford. He was told to contact Cliff Gunstra of Delmarva Central Railroad he informed Councilmember Boyle a lot of propane is carried through town, but hazardous materials are not carried on a regular basis.

He suggests approaching this subject with the fire company and ask if they have had refresher training when dealing with this type of materials.

A training carrying dangerous materials is a concern considering the number of residential neighborhoods the train travels through.

SCAT & DLLG

The packet included dinner invites and anyone wishing to attend should contact the Deputy City Clerk.

Pallet Village

A resident contacted Councilmember Baer with concerns about the potential of Milford having a pallet village for the homeless, similar to the one in Georgetown.

UNFINISHED BUSINESS

None to report.

NEW BUSINESS

Partial Termination and Release of Deed Restriction/119 South Walnut Street

Finance Director Vitola explained that when the city purchased the old PNC Bank, they added a number of deed restrictions, one of which gave them the Right of First Refusal in the event the city wanted to place an ATM on that property or inside the building.

Currently, different kiosk solutions for utility and tax payments, are being considered, and one solution is with our bank WSFS, which has a built in ATM within the kiosk. But in order to place that kiosk on that property, at a minimum, we would need a waiver of that right of first refusal from PNC.

Instead, for no cash consideration or payment of any kind, PNC has offered to give the city a free and clear waiver of all ATM operations at that site and completely removing the restriction in perpetuity. The city would benefit from the deed restriction removal, and it would pave the way to place a kiosk and ATM combo on the property.

Staff recommends that Council approve the partial termination, release, and extinguishment of the deed restriction as prepared and can be found in the packet.

Councilmember James moved to authorize the Mayor to sign the deed restriction relief granted by PNC Bank, seconded by Councilmember Baer. Motion carried.

Authorization/TIIF Grant Agreement - COM Industrial Park

The packet contains an Agreement for the Transportation Infrastructure Investment Fund grant award for the Roundabout project at Airport Road and Canterbury Road, in relation to the Corporate Center. The grant award is for reimbursement of expenditures for the project up to $2,766,799.89.

Councilmember Fulton moved to authorize the city manager execute all agreements and documents pertaining to the transportation and infrastructure investment fund, seconded by Councilmember James. Motion carried.

Authorization/ Christiana Excavating Company/Utility Agreement/Outside City Limits

Planner Pierce read the memo stating the city received a request from Davis, Bowen & Friedel, Inc. on behalf of Christiana Excavating Company to extend water, sewer, and electric service beyond our current municipal boundary. The request includes two parcels located in Sussex County along the east side of South Walnut Street just south of the Milford Pond, Parcel Numbers 3-30-14.00-001.0 & 001.01.

The properties are not contiguous to city limits but only have one parcel between the current municipal boundary and subject parcels. The owner contacted the adjacent property owners to see if they are interested in annexing into the City of Milford but they have not received an answer to date.

Staff is seeking guidance from City Council on whether to allow this property to connect to the city's electric, water and sewer utility. If permitted, the city would require the property owner to sign an agreement which would require the properties to annex into the City of Milford if and when the properties become contiguous to city limits.

Planner Pierce said Baltimore Air Coil was handled in a similar situation. The next item on the agenda would be another area. There is also individual residential lots within Shawnee Acres Subdivision or other similar areas where we have run infrastructure to serve our developments.

Councilman Boyle stated there are two issues. The first is extending municipal services outside the city boundary.
He always thought it was our policy not to and referenced the next request from Colony West. That development is 33 years old.

This is a stipulation there that is just not achievable. Looking at the map, it appears they will never be annexed because of the number of properties between the city and this property.

The excavating company has tried to contact the owners of the properties, but they got no answer. The Councilmember prefers answers to see if the other property owners are interested.

The other one is educational because we had the opportunity to read thirty-year old transcripts from the Council and the Planning Commission.

Then it dawned on him the owner did pay to have a pipe laid from inside Milford and instead capped into something and he believes it was IG Burton. He asked how many things we have out there, beyond city limits, we are sending utilities to. He would like a list from customer service of how many properties we are providing services to because realistically because of their geographic location, or some other reason.

Mr. Pierce said he can put a complete list together, that includes homes in Shawnee Acres, that have connected primarily because the sewer line and water line is in the street. If their septic fails, DNREC does not issue a new permit for a septic if central sewer is available, and the same applies to water.

He added the Colony West/South, which is next on the agenda, would be the largest area served outside the city.
Other than that, they are most likely wells and sceptics that were abandoned as part of a remediation project.

When asked the extent of this if we violate this policy, and referenced the sewer line break, we discovered we had an agreement with a property off Elks Lodge Road, that we are supposed to supply utilities. It is vacant farm land right now, but could be later developed with a lot of homes. He is concerned we have lost control of this and instead think let's do it, because they are our friends.

He does not want to see Milford get into a commitment to provide utilities and asked at what point we put ourselves in a position where we cannot defend turning someone down.

Solicitor Rutt talking about living outside the city and is provided city election. He lived in Woodshaven and had city water which was a loop which provided better pressure which was offered to the Woodshaven residents.

He stated it depends on the agreement and how it is written.

Councilman Culotta said he agrees with Councilmember Boyle and feels there is little benefit annexing into the city unless sewer and water are provided. If given out without requiring annex, why would a property owner ever annex unless the city required it as soon as the property tapped into the water.

He asked Mr. Whitfield what the higher rate those living outside the city pay that makes it equitable though he does not know what that is. However, electric is the same rate.

Councilman Culotta feels that these customers need to be annexed into the city. Once they receive water and sewer, there are no further benefits that will make them annex. It needs to be a requirement.

Solicitor Rutt cited state law that requires a property to be contiguous to a municipality before it can be annexed. He referenced a law suit Milford was involved in out on Route 1 where they tried to make a property annex that was not contiguous except for Route 1 and the court rules against the city.

Councilmember Boyle moved to defer action on both requests until further information can be obtained, seconded by Councilmember Fulton. Motion carried.

Authorization/Colony West/Colony South/Utility Agreement/Outside City Limits

Planner Pierce stated the minutes related to this property stated we agreed to provide water service to this property.
The record plans from twenty years ago, are stamped and approved for a project that already provide water service to the townhouses and apartments in Colony West. This is the next phase, which was part of that whole development.

The owners were seeking approval for the construction plans from public works and he wanted to try and tidy up the missing links. He prepared an agreement to be signed by Interfaith Housing that still maintains a majority of the properties up there.

When asked how many properties are between this property and the city, Planner Pierce stated only the dealership which is under one owner.

Mr. Pierce reviewed the request sharing that first phase of the project was approved in the late 1980's, early 1990's and is already served by City water and electric. The newer portion of the project was recorded in the early 2000's. Based on the June 11, 1990 minutes, City Council authorized the extension of water utilities to serve 43 acres of land in the vicinity of this project and required the signing of a Water Service Agreement.

The minutes allude to the fact that the properties "agreed to come into the City as soon as it is possible."

Mr. Pierce continues to look for a copy of the agreement. And if the agreement cannot be located, in an effort to allow the Colony South project to move forward, he recommends authorizing Mayor Campbell to sign an agreement documenting the extension of City utilities beyond our corporate limits. This agreement would be recorded with Kent County Recorder of Deeds.

Councilmember Fulton pointed out that until the agreement is signed, the previous motion included both requests and asked that any action on this item also be deferred.

Solicitor Rutt said it is not inappropriate to table both requests.

Because it was undetermined if a vote was taken, the motion was made by Councilman Boyle to defer action until we have more information on our liability, for agreements to supply utility services beyond the city limits, and until we find the agreement for Colony West/South, seconded by Councilmember Fulton. Motion carried with no one opposed.

Introduction/Ordinance 2023-07/Oak Forest Park LLC/Change of Zone

Mayor Campbell introduced the following ordinance:

ORDINANCE 2023-07
Legal Owner Oak Forest Park, LLC for a Change of Zone from
R-2 (Residential District) to C-1 (Neighborhood Commercial) (Proposed Lot 1 only)
on 3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard
Present Use Golf Course, Clubhouse and Restaurant;
Proposed Use Restaurant/Brew Pub (Proposed Lot 1)

Tax Map & Parcel 3-30-11.00-008.00 (portion)

Introduction/Ordinance 2023-08/Chapter 197/Adds new Article IX

Mayor Campbell introduced the following ordinance:

ORDINANCE 2023-08
Amends Chapter 197-- Chapter 197 Streets, Sidewalks, Storm Sewers and Other Places
Adds New Article IX entitled Pedestrian Safety

Both ordinances are scheduled for a final public hearing on Monday, February 27, 2023 at 6:00 p.m.

EXECUTIVE SESSION

Motion to Recess into Executive Session

Councilmember Fulton moved to go into Executive Session, seconded by Councilmember James, reference the below statute:

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property

Motion carried.

City Council left the Council Chambers at this time to meet in a closed session.

Return to Open Session

City Council returned to open session at 9:07 p.m.

Councilmember Boyle moved to return to Open Session, seconded by Councilmember Baer. Motion carried.

Potential Vote/Property Sale or Lease

Councilmember Wilson moved to allow the City Manager to proceed with the potential acquisition of real estate, seconded by Councilmember Baer. Motion carried.

Councilmember Fulton moved to authorize the City Manager to obtain a real estate appraisal as needed for future real estate dealings, seconded by Councilmember James. Motion carried.

ADJOURNMENT

Councilmember Wilson moved to adjourn, seconded by Councilmember Baer. Motion carried.

The Council Meeting adjourned at 9:08 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriptionist

OFFICE OF THE CHIEF OF POLICE
CECILIA E. ASHE
cecilia.ashe@cj.state.de.us

THE CITY of Milford DELAWARE

400 NE Front Street
Milford Delaware 19963
302.422.8081 Fax 302.424.2330

TO: Mayor and Members of City Council

FROM: Chief Cecilia E. Ashe

DATE: March 7, 2023

RE: Activity Report/February 2023

Monthly Stats:

A total of 613 arrests were made by the Milford Police Department during February 2023. Of these arrests, 134 were for criminal offenses and 479 for traffic violations. Criminal offenses consisted of 28 felony and 106 misdemeanors. Traffic violations consisted of 63 Special Duty Radar, 15 Drunk-Driving charges, 448 others.

Police officers investigated 51 accidents during the month and issued 132 written reprimands. In addition, they responded to 1161 various complaints including city requests and other agency assistance.

Monthly Activities:

Throughout the month of February, participated in numerous conference calls, virtual meetings and in-person meetings including the monthly State, Kent and Sussex Chiefs meetings, DPCC Meeting, City Council and Workshop meetings, bi-weekly City Manager's meeting with Department Heads, and PD Staff meetings. Mayor & Council are provided weekly updates on major incidents throughout the month and ensure they stay informed of the status and results of these incidents.

Attended the Dover Municipal Police Academy Graduation on March 3, 2023, held at the Dover High School. I am proud to inform Mayor & Council that the department had two recruits graduate from the academy with one recruit receiving both the Academic Achievement Award for the highest level of academic proficiency throughout academy training and the Francis T. Schneible Resiliency Award awarded to the recruit who showed the most resiliency during the academy.

Training –

One officer attended T3: Tact, Tactics & Trust Training held at the DSP Academy in Dover on February 7, 2023.

One officer attended Child First Conference held at Wilmington University in Dover from February 27 – March 3, 2023.

Social Media Update –

February statistics are as follows. Our Nextdoor post reached 431 people during the month. Nextdoor reaches 1853 households in 15 neighborhoods according to statistics provided by the website. Our Facebook page has 12,315 followers. Posts during the month reached 15,314 people. On Twitter our Tweets made 988 impressions and our followers are at 1397. Our Instagram account has 1791 followers and posts during the month reached 1796 users. Below are news stories covered by area media outlets.

https://baytobaynews.com/delaware/stories/ricketts-named-milford-police-department-officer-of-the-year,100634

https://www.wboc.com/news/smyrna-man-charged-with-fourth-dui-after-driving-the-wrong-way/article_95b77768-b2e0-11ed-a7ed-8342120ed0c0.html

https://www.wmdt.com/2023/02/traffic-stop-leads-to-dui-firearm-charges-for-smyrna-man/

https://www.wgmd.com/smyrna-man-arrested-in-milford-following-impaired-driving-investigation/

https://www.wrde.com/news/milford-police-announce-officer-and-civilian-of-the-year/article_697387fa-9837-11ed-8073-37cdc827639b.html

Numerous media outlets from the region covered the appointment of Chief Ashe as well.

SRO –

S/Cpl. Bloodsworth attended the Multilingual Olympics at Lulu Ross Elementary Schools. This event had students and their families from all three elementary schools in the district.

S/Cpl. Bloodsworth has begun plans for a Safety Day event at Mispillion Elementary School. This event will be scheduled for later this spring.

S/Cpl. Bloodsworth participated in a weather disaster drill at Mispillion Elementary School.

Sgt. Masten participated in a meeting led by Dr. Sylvia Henderson, which is part of an ongoing effort to examine the school districts discipline policies. Dr. Henderson currently works for Wilmington University, but was a long time MSD administrator and retired Superintendent from the Capital School District.

Sgt. Masten led the "tabletop" exercise at Milford Senior High School. Under Delaware law each school district must conduct a "tabletop" exercise each year, in addition to the various intruder drills and trainings. This past summer MSD was recognized by the Delaware Comprehensive School Safety Program for their efforts. The most recent "tabletop" exercise was centered around planning for an emergency during an extracurricular event.

Sgt. Masten continues planning for the annual Milford's Night Out, with this year's date being set for August 1st. The Funsters have again committed to providing the music for the event.

K9 Unit –

For the month of February 2023, the Milford Police Department K9 Unit had the following stats:

K9-1 (Mason)

- Precaution 1
- Area Search 1
- Building Search 1
- Drug Search 1
- Assist Other Agency 2

*Located a missing child in the woods after the child had walked out of an elementary school.
*Assisted DSP Sort team with the apprehension of a felonious suspect out at Silver Lake Estates.

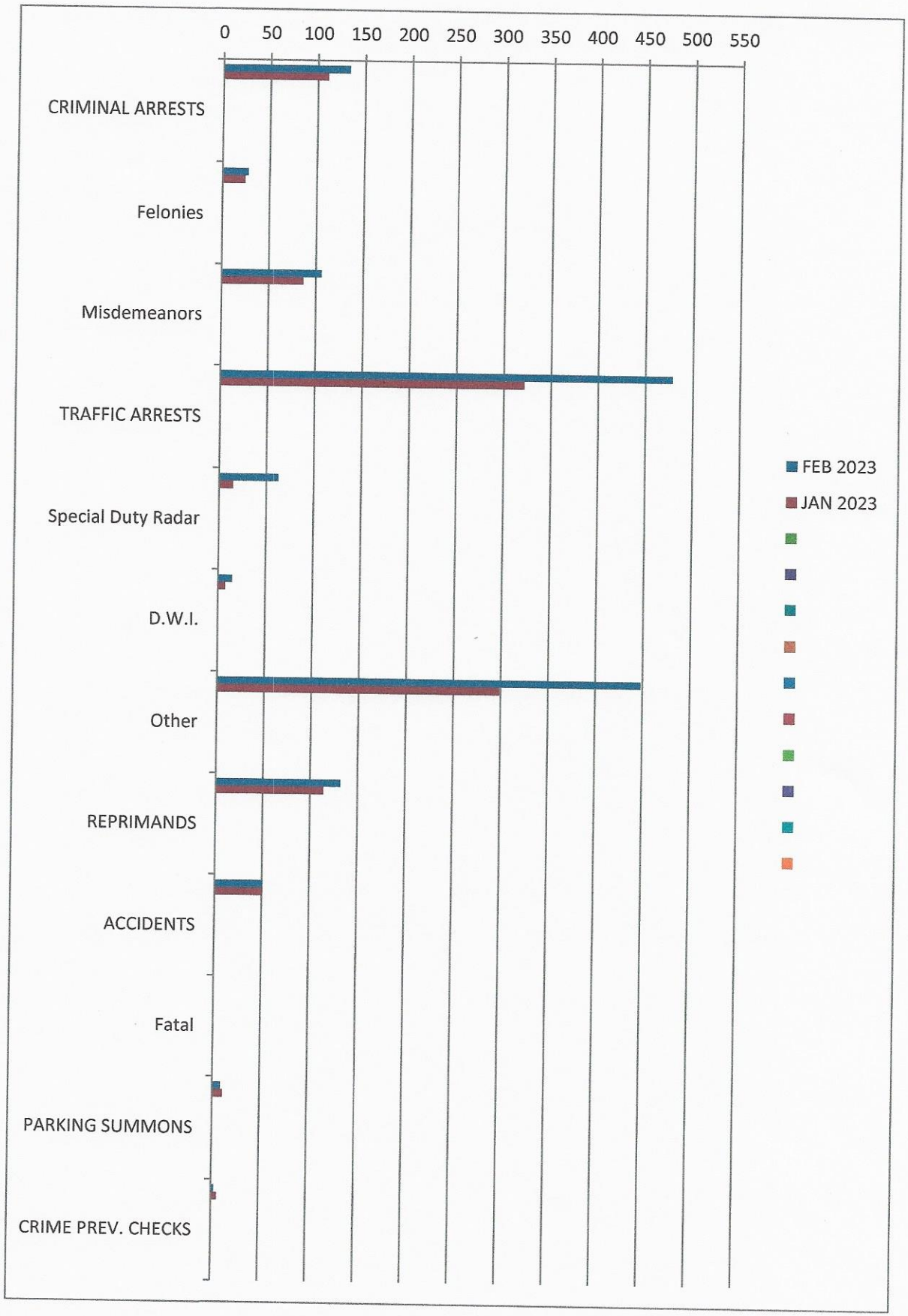
K9-2 (Raven)

- Demo 1
- Drug Sniff 4
- Precaution 1
- No-Bite Apprehension 2
- Track 1

Seized Items	Amount
• Cocaine	4.3 grams
• Marijuana	87 grams
• Methamphetamines	5.2 grams
• Currency	$6,873.00 sized in suspected drug proceeds

FEBRUARY 2023 ACTIVITY REPORT

	FEB 2023	TOTAL 2023	FEB 2022	TOTAL 2022
COMPLAINTS	1161	2294	1078	2070
CRIMINAL ARRESTS	134	245	99	204
Felonies	28	52	10	15
Misdemeanors	106	193	89	189
TRAFFIC ARRESTS	479	801	381	619
Special Duty Radar	63	78	73	97
D.W.I.	15	23	6	13
Other	448	747	302	509
REPRIMANDS	132	246	95	163
ACCIDENTS	51	102	34	90
Fatal	0	0	0	0
PARKING SUMMONS	9	20	2	5
CRIME PREV. CHECKS	3	9	14	23
FINES RECEIVED	$11,616.83	$ 11,616.83	$4,127.94	$9,586.43


0
50
100
150
200
250
300
350
400
450
500
550
CRIMINAL ARRESTS
Felonies
Misdemeanors
TRAFFIC ARRESTS
Special Duty Radar
D.W.I.
Other
REPRIMANDS
ACCIDENTS
Fatal
PARKING SUMMONS
CRIME PREV. CHECKS
FEB 2023
JAN 2023

Dates	Hours Worked	Meetings Attended/Hosted	Trainings Attended	# of NEW Contacts	New Contact Notes	# of Diversions from Arrest	# of Diversions from ER	# of Follow-Up's
February 1-February 5, 2023	38.5	1. Rural Subcommittee Meeting	N/A	5	**Referrals to Services:** Overdose Check the Welfare Resisting Arrest 10-81	0	0	8
February 6-February 12, 2023	56.5	1. Opioid System of Care Meeting	1. Practical Psychodynamics To Enhance Pharmacologic Outcomes With Treatment-Resistant Patients 2. Assessing Suicidality in Corrections	8	**Referrals to Services:** Shoplifting DUI Disorderly Domestic Check the Welfare	1	1	8
February 13-February 19, 2023	59	1. Division of Substance Abuse and Mental Health Meeting 2. City of Milford Council Meeting	1. Effective De-Escalation for Psychotic Patients	14	**Referrals to Services:** Check the Welfare Public Assistance 10-81 Domestic Overdose	1	1	11
February 20-February 26, 2023 **M: President's Day**	50.5	1. Delaware Housing Authority Meeting 2. Meeting w/ Sun Behavioral Health 3. Delaware League of Local Governments Dinner	1. The Trauma of Microaggressions 2. Opioid Affected Youth Imitative - Working Together to Support Wellness 3. Lethal Means Counseling	8	**Referrals to Services:** Domestic Public Assistance Victim Services Check the Welfare	1	0	12
February 27-February 28, 2023	26	1. Statewide Behavioral Health Stakeholders Meeting 2. Meeting w/ Sun Behavioral Health	N/A	4	**Referrals to Services:** Runaway Domestic Public Assistance	0	0	2
Totals:	230.5			39		3	2	41
Overall Totals:	4121.35			877		67	88	819

Milford Police Department - February 2023 BHU Statistics
Jenna Haines, LMSW, MSW, DE-CMHS
Gregory Bisset, LCSW, C-AADC
Danielle Blackwell, LMSW

OFFICE of the City Clerk
201 South Walnut Street
Milford, DE 19963

THE CITY of Milford DELAWARE

Teresa K. Hudson, MMC
O 302.422.1111 | F 302.424.3558
www.cityofmilford.com

DATE: March 8, 2023

TO: Mayor and Members of City Council

FROM: Terri Hudson, City Clerk

RE: February 2023

Codification updates continue. Ordinances adopted in early 2023 were forwarded to our Code Company in February for inclusion in our electronic version to keep current. That will continue on a monthly basis. As a reminder and as another quick and convenient reference, each adopted ordinance can be found on the City website under 'Your Government' 'City Clerk' (drop down menu) or by using the following link https://www.cityofmilford.com/Archive.aspx?AMID=144&Type=&ADID=.

Our office is also working with HR Director Williams on plans to codify the Employee Handbook under Chapter 55 – Personnel. There are several uncodified employee policies and procedures that will remain on the HR webpage at https://www.cityofmilford.com/421/Employee-Policies-Procedures-and-Forms.

City Clerk Hudson was asked to Chair the IIMC Research and Resource Committee. This committee assists with membership surveying on a number of issues throughout the year and ensure the more than 15,000 members are provided quick and accurate answers to inquiries through membership network and resource library.

This year's goals and objectives include the review of in-house publications, development and dissemination of information to membership as requested by the Board of Directors, Committees, and IIMC staff, and the update and creation of current and new IIMC Technical Bulletins.

Election Cancelation Notices have been provided to the Department of Elections and all media outlets. The Board of Election will need to be appointed so that they may meet and officially certify the four unopposed candidates as elected without the need for election. A final voter list will be prepared and recorded on the voter registration deadline date, for recording purposes only.

As previously mentioned, the Annual Organization will be held on May 1st at 6:00 p.m. at which time Councilmembers Marabello, Culotta, Samaroo, and James will be sworn in to begin their next two-year term. Congratulations to those Councilmembers.

Please see upcoming events sponsored by DLLG. Let our office know if you wish to attend as soon as possible, to prevent missing the deadlines.



Register for Hill Day!

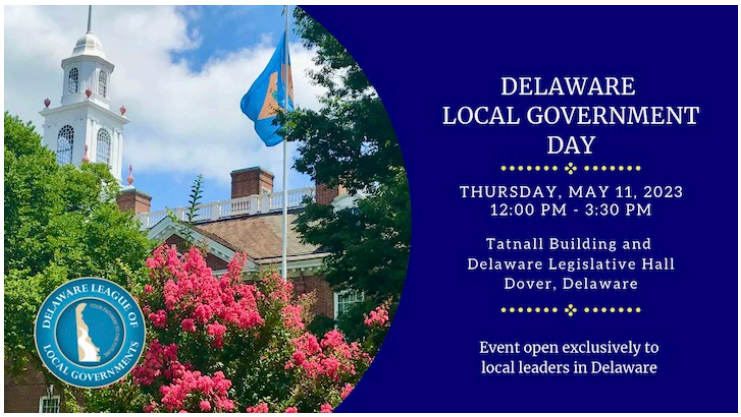
Tuesday, March 28, 2023, 10 AM - 1 PM

U.S. Capitol Visitor Center, SVC 202, First St NE, Washington, DC

Join Delaware local leaders at the U.S. Capitol for Hill Day on Tuesday, March 28! Hill Day is FREE and open exclusively to Delaware local leaders. It provides an opportunity for Delaware's local officials (elected and appointed) to meet directly with Delaware's Congressional Delegation to discuss federal issues, legislative priorities, and other matters impacting Delaware's local governments.

- 10:15 a.m. - 11:00 a.m.: Congresswoman Blunt Rochester
- 11:15 a.m. - 12:00 p.m.: Senator Carper
- 12:00 p.m. - 12:45 p.m.: Senator Coons

Local government leaders - register (at no cost) by 3/23 via Eventbrite. Please submit a list of federal legislative priorities or issues to DLLG Executive Director Marcia Scott (msscott@udel.edu) by 3/23.



Delaware Local Government Day 2023
May 11, 2023, 12:00 - 3:30 PM
Tatnall Building Room 112 and Delaware Legislative Hall, Dover, DE

Local government leaders from Delaware villages, towns, cities, and counties are invited to attend Delaware Local Government Day.

Delaware Local Government Day is a FREE event planned in collaboration with Delaware's Lt. Governor Bethany Hall-Long and her leadership team. It provides an opportunity for local officials to informally engage with the Lt. Governor, Governor/Governor's Office, and members of the Delaware General Assembly. Register via Eventbrite by 5/8/23.

- ❑ Coordinated SCAT Dinner registrations and payments (11)
- ❑ Coordinated SCAT Breakfast registrations and payments (3)
- ❑ Coordinated DLLG Dinner registrations and payments (7)
- ❑ Assisted several Delaware Municipalities with policy, procedural and related items
- ❑ Record requests/assistance from City Departments (4)
- ❑ FOIA 20 for the Year; worked with other departments to fulfill.
- ❑ Created/prepared 2/13 Council Meeting Agenda (11)
- ❑ Created/revised/reloaded 2/13 Council Meeting Packet (10)
- ❑ Created/revised/reloaded 2/22 Council Workshop Agenda (3)
- ❑ Created/revised/reloaded 2/22 Council Workshop Packet (10)
- ❑ Created/revised/reloaded 2/27 Council Meeting Agenda (10)
- ❑ Created/revised/reloaded 2/27 Council Meeting Packet (8)
- ❑ Executive Sessions Year to Date (8)
- ❑ Created/revised/reloaded Planning Commission Notices (1)
- ❑ Created/revised/reloaded Planning Commission Agenda (1)
- ❑ Created/revised/reloaded Board of Adjustment Notices

- ❑ Created/revised/reloaded Board of Adjustment Agenda
- ❑ Created/revised/reloaded P & R Advisory Board Agenda
- ❑ Created/revised/reloaded P & R Advisory Board Packet
- ❑ Created/revised/reloaded Tree Preservation Advisory Council Agenda (1)
- ❑ Created/revised/reloaded Tree Preservation Advisory Council Packet (1)
- ❑ Provided Notary Public Services (6)
- ❑ Transcribed and proofread Minutes from City Council Meetings (4)
- ❑ Transcribed and Proofread Minutes from Board of Adjustment (0)
- ❑ Transcribed and proofread Minutes from Planning Commission (2)
- ❑ Transcribed and proofread Minutes from P & R Advisory Board
- ❑ Transcribed and Proofread Minutes from Milford Community Cemetery Board
- ❑ Transcribed and Proofread Minutes from Tree Preservation & Advisory Council
- ❑ Proclamations Created, Signed, Sealed, and Distributed Year to Date (5)
- ❑ Resolutions Created, Signed, Sealed, and Distributed Year to Date (4)
- ❑ Special Event Permits Requested to Date (6)
- ❑ Ongoing Research Continues on Records Management & Storage Contractor

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

THE CITY of Milford DELAWARE

PHONE 302.422.1111
FAX 302.424.3553
www.cityofmilford.com

To: City Council and Mayor
From: Mark A. Whitfield, City Manager
Subject: February 2023 Monthly Report
Date: March 8, 2023

- I am happy to report Valerie Heritage began work on February 1 as the City Manager's Executive Assistant. Valerie comes from Smyrna where she recently retired as the Town Clerk/Assistant to the City Manager.
- We were notified by DELDOT on February 1 about their need to close the Mispillion drawbridge for repairs. The project was anticipated to take a month to complete. We were notified this past week that the repairs are more extensive, and the bridge will be closed until "sometime in April". The closure had had a significant impact on downtown traffic that has included some long que lines for several intersections. We will continue to monitor and notify DELDOT of any changes needed to traffic routing that may be necessary.
- I met with the Carlisle Fire Company regarding the fire siren, enhancement funds, and annual funding.
- I met with the Hearthstone developer regarding their plans for 2023.
- Tony Chipola continues to work with various vendors on the relocation of fire sirens.
- Bill, Tony, Brad, James and I met with a representative from Custom Cabling, a subcontractor of Xfinity, regarding public WiFi along the Riverwalk and Memorial Park.
- Staff met to update the Capital Project Report.
- Councilman James, Mayor Campbell and I attended the SCAT Steering Committee breakfast in Georgetown where we heard a presentation from Sussex Habitat for Humanity on workforce housing.
- Brad, Valerie and I attended the WIIN meeting.
- Valerie and I met with Friends of the Milford Museum regarding their desire for modifications to the City code
- I attended the monthly DEMEC Executive Board meeting.
- Rob, Brad and I met with Milford School District regarding the Herring Branch Greenway and the path network connections to school properties.
- I completed an interview for DEMEC to be used as part of their Annual Report.
- Friday February 17 was ICMA Local Management Fellow Melody Barger's last day. Valerie Heritage has taken over most of Melody's duties and projects, as well as filling in for Sara during her maternity leave. We had a small recognition party for Melody and various staff that worked closely with her came to say goodbye. She will be missed.
- A new VIOP phone system will be installed over President's Day weekend. IT provided training on the system on Thursday of this past week.

- Mayor Campbell and I met with Chief Ashe to review current coordination issues that need to be addressed by her in the coming weeks and months.
- Melody and I met with Ann Marie Townshend (Lewes' Manager) to go over Melody's review and to cover loose ends.
- I attended the Greater Milford Chamber of Commerce Executive Board meeting.
- Brad and I attended the quarterly meeting of the Tree Preservation Advisory Board
- I met with Rhiannon Slater, Mike Svaby and Brian Jester regarding on going budget and personnel issues in Solid Waste
- I met with Finance Director Lou Vitola regarding upcoming tasks for the Finance Department and how to proceed to address staffing and tasks.
- Lou, Tony and I met with Dawn Lund with UFS on the electric rate study refresh. The good news was relayed to us that for the past 3 years we were within 1% of the projections made during the last rate study. The only concern raised was the need to account for depreciation. UFS will be presenting their findings and recommendation to Council in April.
- Mayor Campbell, Councilman James, Rob and I met with Springboard Collaborative, the group that completed the pallet village in Georgetown. We discussed how such a project could be accomplished in Milford.
- I received word that I have been approved as Credentialed Manager with ICMA.
- Rob, Valerie, and I met with Becker Morgan Group regarding the Milford Corporate Center. Preliminary subdivision plans have been submitted for review and comment. We expect formals submission in April. Becker Morgan will give an update at Monday night's council meeting.
- Chief Ashe, Valerie, Mayor Campbell, Councilman James, Councilwoman Wilson, Jenna Haines and I attended the DLLG dinner in Dover on Thursday night.
- Councilman James, Lou and I met to review the monthly financial report.
- Valerie planned for Max Walton to do ethics training for the 3/22 workshop. Terri planned for Max to also do the FOIA training the same evening.
- Discussed having "speeding" reports included with MY MILFORD app with Chief Ashe
- I discussed several areas where there are speeding concerns with Chief Ashe.

PUBLIC WORKS FACILITY
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THE CITY of Milford DELAWARE

DIRECTOR MICHAEL J. SVABY
O 302.422.1110, EXT 1173
C 302.387.9389
msvaby@milford-de.gov

TO: Mayor and City Council

THRU: Mark Whitfield, City Manager

FROM: Michael Svaby, Director, Public Works

DATE: March 8th, 2023

RE: February 2023 - Public Works Department Staff Report

The following input represents a high-level list of activities and accomplishments for the month of February 2023.

Director's Office

- Attended the following external meetings:
  - Monthly DEWARN meeting
  - Led multiple meetings with DelDOT and Century Engineering on intersection conversion of S Walnut/SW Front/Causey Sts
  - DFIT
- Participated in HR Interviews (6): Mechanic (3), Civil Engineer (2), Public Works Equipment Operator (1)
- Submitted FEMA Security HSGP grant to DEMA.
- Submitted Energize DE Grant for Fleet Analysis and EV Replacement
- Coordinated downtown intersection and two-way traffic with DelDOT and Century Engineering using Streets and Utilities, Facilities and Electric personnel.
- **Police Dept Project** - Attended job meetings, filed monthly Department of Labor report for US Census, coordinated tours, attended interior and dispatch design meetings, and reviewed transmittals and progress payments for the PD Building project. Dry walling will begin in the next few weeks. Once this is complete, temporary doors will be hung and building will be secured overnight.

Public Services Division

Streets/ Utilities

- Prepped intersection change (S Walnut/SW Front/Causey) with temporary and permanent signage
- Signs replaced in Ward 1
- New delineators installed on N Church St. on south side
- Coordinated road shutdown for crane on N Washington St.

Facilities/Refuse Management Section

Self

- Fixed soap dispensers at Customer service- needed to be remounted.
- Hung Tv for IT Department
- Worked with Fleet to inspect and accept the new SW Collection Vehicle.





Vendor Coordination

- Public Works rear gate with Hickman Door - needed new relay switch.
- HD Camera installation on PDF Tower

Engineering

- Redrafted topcoat paving letter for mailing to current residential developers
- Prepared and Presented Lead/Copper/Rule changes to Council.
- Compiled interview questions and supported two candidates for Civil Engineering position.
- Resolved several utilities issues on City property.
- Worked with HR to identify and set up summer intern program
- Continued intermittent infrastructure inspections with Milford Ponds
- Formulated Streets list for publishing on website.

Operations/Administration

- Compiled and submitted CIP Budget input among various Public Works functions
- Coordinated location of obsolete radios with State of DE, Division of Communications
- Attended multiple Tyler Munis implementation meetings.

- Resolved several invoicing and budget transfer issues.

New Employee Starts

- On Monday, February 27, 2023, Sean Barnes joined the Milford Public Works team as a Public Works Equipment Operator-Streets & Utilities. In this role, Sean will report to Streets and Utilities Supervisor Charlie Nordberg. Residing in Lincoln, Sean enjoys clay pigeon shooting, dirt track racing, and spending time with his family.



Public Works Department - February 2023	*Feb 2022*	Feb 2023	*FY22 YTD (07/01/21-01/31/22)*	FY23 YTD *(07/01/22-01/31/23)*
Streets/Utility Division				
Signs Installed/Replaced	10	29 signs 37 poles	131	249
Curb Miles Swept	1,235	1,425	4,490	7,950
Sewer Lines Flushed (in feet)	3,000	2,700	20,650	35,298
Sewer Back-up Response	3	1	26	12
Sewer Line Repaired	0	0	4	3
Water Hydrants Flushed	12	4	233	58
Fire Hydrants Replaced/Installed	0	0	8	2
Water Line Repair	0	0	13	9
Water Valves Exercised	24	6	167	86
De-icing Salt Used (tons)	0	1	102	1
Potholes Filled - Cold Patch	55	18	392	397
Potholes Filled/Spray Patch - Gallons Emulsion Used	0	0	7	0
Leaves Collected (Tons)	2	0	102	113
After Hours Calls		3	51	39
Crack Sealing (pounds of sealant used)	0	300	100	500
Work Orders Completed		6	137	128
Storm Sewer Inlets Cleaned	60	72	532	592
Street Closures/Festivals	0	1	24	18
Engineering Division				
Utility Locates Completed	194	**Feb not rec.**	*1,188*	**1159**
Infrastructure Work Orders Completed	*Data Unavailable*	16	*63*	94
Backfill Inspection Work Orders Completed	*Data Unavailable*	4	*68*	73
Operations Division				
Fleet Work Orders Completed	29	15	*161*	**235**
Fuel Use-Diesel (Gallons)	2,101	2,277	*17,332*	18,424
Fuel Use-Gas (Gallons)	3,618	3,617	*27,300*	18,773
Blue Def (Gallons)		81		560
Solid Waste & Facilities Division				
Refuse Collected (Tons)	194.39	269.58	*2,033*	2,761

Recycle Collected (Tons)	53.33	57.05	*487*	629.77
Yard Waste Collected (Tons)	12.75	23.25	*381.37*	421.25
Diversion Percentage (%)	*Data Unavailable*	*Feb not rec*	*0.31*	**34.00%**
Missed Collections	*Data Unavailable*	39	*Data Unavailable*	335
Bulk/Brush Collection Requests Completed	34.00	41	*465*	464
Containers Delivered	39.00	36	*328*	311
Containers Serviced (Swap, Replacement, Removed)	*10*	9	*192*	212
Facilities After Hours Calls	*Data Unavailable*	53	*Data Unavailable*	56
Facilities Work Orders Completed	*Data Unavailable*	7	*Data Unavailable*	60

Active Developments - February 2023	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Awaiting Final Inspection
Hearthstone Manor I				X
Lighthouse Estates II			X	
Brookstone Trace				X
Brookstone Trace II				X

Orchard Hill				X
West Shores at New Milford				X
Watergate			X	
Walnut Village				X
Milford Ponds Phase I				X
Hearthstone Manor II	X			
Milford Ponds Phase II	X			
Simpson's Crossing Phase 1a				X
Simpson's Crossing Phase 1b			X	
Simpson's Crossing Phase 1c		X		
Cypress Hall Phase I				X
Cypress Hall Phase II		X		
Wickersham		X		
Mispillion Landing		X		
Riverwalk Villas	X			
Windward on the River				X
Milford Ponds Phase III	X			
Red Cedar Farms	X			
Hickory Glen	X			
Knights Crossing	X			

Commercial Projects - February 2023	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Awaiting Final Inspection
Wash-It		X		
Splash Laundry Mat	X			
Deep Branch Plaza		X		
Police Station			X	
Delaware Mini Storage	X			
William Allen Property Lot 3		X		
Food Bank		X		
Arbys	X			
PAM	X			

PUBLIC WORKS FACILITY
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THE CITY of Milford DELAWARE

Anthony J. Chipola III, Electric Director
PHONE 302.422.1110, Ext 1137
achipola@milford-de.gov

To: Mayor and City Council
From: Anthony Chipola, Electric Director
Subject: February 2023 Electric Dept Staff Report
Date: March 8, 2023

Director's Office

- Participated in public WiFi Access walkthrough led by B. Pettigrew
- Participated in discussions with Food Bank regarding Solar Integration
  - Identified System Limitations
  - Reviewed several options
- EV Charging stations
  - Chargers Received at Public Works
  - Reviewed Site design w/ City Engineer, J. Puddicombe
  - Met with DEMA rep RE: potential grant funding for site improvements
- Participated in Transformer Production and Delivery call
- Attended DEMEC Board Meeting
- Attended discussion on EnerGov GIS mobile workforce
- Interviewed Candidate for open Line Technician Position
- Attended AMP Safety Webinar on Conflict Resolution
- Attended Joint APPA / E-ISAC Threat Briefing
- Attended various preconstruction meetings for new businesses / developments
- Developed preliminary CIP for FY24-28
- Worked on Fire Siren Presentation for Council Workshop

Electric Lines

- Monthly Substation Inspections completed – No Issues Noted
- Escorted SD Myers Personnel for PCB sampling of Del 1 Equipment
- Relocated Poles and Equipment along S. Walnut in support of Simpson's Crossing Development
  - Required Brief Outage for Customers along Walnut S./McCoy
- Developed various estimates for new developments
- Responded to various outages

Technical Services

- Reviewed underfrequency load shedding scheme for PJM submission
- Work with AMP to resolve issues with AMI devices and software
- Met with various contractors to specify metering equipment and advise on installation.
- Developing Displays for SCADA
- Reviewed Solar interconnection requests
- Work with customer service to identify and resolve issues with meters
- Assist water department with industrial control issues and troubleshooting

Electric Department -February 2023	February 2022	**February 2023**	FY22 YTD *(07/01/21-02/28/22)*	**FY23 YTD *(07/01/22-02/28/23)***
Electric Division				
Trouble Service Call	21	**15**	188	**160**
Work Orders Completed	49	**25**	322	**280**
Outages	5	**1**	73	**55**
LED Street Lights Replaced	6	**7**	62	**115**
New Service Install	1	**2**	57	**25**
Poles Replaced	0	**8**	11	**31**
After Hours Calls	9	**4**	87	**109**
Trees Cut (Days)	0	**0**	10	**19**
Technical Services Division				
New Electric Service Installed/Meter Set	42	**2**	190	**88**
New Water Service Installed/Meter Set	11	**2**	57	**28**
Electric Meter Replacement	3	**10**	32	**61**
Water Meter Replacement	51	**51**	299	**445**
Work Orders Completed	679	**691**	5,179	**5,359**
After Hours Calls	9	**7**	36	**44**

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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

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Planning Director

DATE: March 1, 2023

RE: February 2023 – Planning Department Staff Report

- During the first two months of the 2023 calendar year, the City issued 13 new residential construction permits. The total construction investment in Milford for through the end of January based on issued building permits was $5,398,238.
- The City of Milford has seen 158 projects with a committed investment of over $32.5 million within the Downtown Development District (DDD) area since September 2016 (based on permit valuations from submitted applications). The State of Delaware has committed or awarded over $3.5 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over $650,00 in permit fees and taxes associated with these projects in accordance with Chapter 19 Economic Development and Redevelopment and DDD program guidelines (click the below link to see project locations).
  https://milfordde.maps.arcgis.com/apps/MapSeries/index.html?appid=ab3ecb0d8cbc44d884b7c3063f75125c
- The Planning Commission will review eight land use applications at the March meeting. The commission will review two comprehensive plan future land use map amendments and two change of zone applications, a conditional use application for another accessory dwelling unit, a conditional use application for a mixed-use project downtown, a conditional use application for a new duplex and a conditional use application for a storage business.
- The Planning Commission began reviewing permitted and conditional uses within the zoning code at the February meeting. We will continue our review over the next few months before bringing recommended amendments to City Council on any changes.
- The Board of Adjustment will review two variance requests during the month of March. One is related to an accessory dwelling unit on School Place and the other is an accessory building height variance on Delaware Avenue.
- The City received and reviewed a Preliminary Conditional Use Site Plan for Napa Valley Investments, LLC for the development of a vacant lot within the Greater Milford Business Complex. Staff provided review comments to the applicant and are awaiting a resubmission before scheduling.
- The City is currently reviewing a final major subdivision submission for the Westwood development on Williamsville Road.
- The City received a Preliminary Major Subdivision submission for the Milford Corporate Center project and the plans are currently in the review process.
- The City received a Preliminary Conditional Use Site Plan for Caliber Collision for an expansion of a car repair business at the R&D Collision site. The plans are currently under review.

- The City received a Final Site Plan submission for the Masten Circle, LLC project. The plans are currently under review.
- The City received a Preliminary Conditional Use Site Plan application for the Milford Middle School redevelopment. The plans are currently under review.
- The City reviewed a resubmission for construction plans for a minor subdivision at the end of Pennsylvania Avenue and provided plan review comments to the applicant.
- Staff attended the weekly ERP Project update meetings.
- The City Engineer and myself met with a couple of Milford Ponds residents to review concerns regarding construction within their development. We also discussed development trends and projects that are in the works throughout the City.
- Attended the monthly Builders and Remodelers Association of Delaware (BRAD) / City of Milford Nuts and Bolts meeting.
- Met with the developer for West Shores, representatives from the Sussex Conservation District, and the City Engineer to discuss ongoing issues with the stormwater management facility to the rear of the development. The developer is investigating converting the infiltration pond to a traditional facility with an outfall that would discharge through an existing easement to the drainage network along Route 30/Cedar Creek Road. The City also met with representatives from the Matlinds Estates HOA to discuss utilizing an existing City easement within the community open space to assist with remedying the pond issue.
- Staff attended a municipal meeting with the Sussex Conservation District and various Sussex County jurisdictions to review the role of the SCD within our communities. SCD would like the cities and towns to sign a Memorandum of Understanding regarding each entities roles and responsibilities when it comes to stormwater management review and inspection.
- Met with representatives of the Milford School District to discuss connectivity options in the Marshal's Pond area.
- Attended the bi-monthly Dover/Kent County Metropolitan Planning Organization (MPO) Technical Advisory Committee (TAC) meeting.
- Staff sent out rental operating license late notices for those properties that didn't renew prior to the January 31st deadline.
- The Electric Director, City Engineer and myself met with Tyler Technologies to review the mobile workforce extension for the new ERP system.
- Staff prepared updates to the draft 5-year Capital Improvement Plan and has begun working on FY24 operating budget.
- Attended monthly Milford Corporate Center progress meeting. Staff is currently reviewing the preliminary major subdivision submission and anticipates the plans being before the Planning Commission and City Council in April.
- Prepared for the March 8th open house regarding streetscape concept plans for SW Front Street, Park Avenue, Denney Row and N. Washington Street.
- The Code Enforcement Officials continue to perform rental inspections on 800 plus units in the larger apartment complexes in the 4th Ward. Individual properties will receive notices in the next couple of weeks to begin scheduling for inspections in May.
- Staff continue to work towards implementing the goals and objects of the 2018 Comprehensive Plan, SE Master Plan, Downtown Development District (DDD) application, Rivertown Rebirth Master Plan and Strategic Plan (see below links).
    - **2018 Comprehensive Plan & SE Master Plan (Click Here to View)**
    - **Downtown Development District Plan (Click Here to View)**
    - **Rivertown Rebirth Master Plan (Click Here to View)**
    - **Strategic Plan – Press Play: Vision 2023 (Click Here to View)**

Case Activity:

	Total
New Cases	13
Closed Cases	4
Open Cases at Start of Period	141
Open Cases at End of Period	150

*0 open cases is for tall grass, which stays open the entire growing season.

Violation Activity:

New Violations Cited	Total
Abandoned Vehicle	3
Dangerous Tree	0
Furniture Violation	1
Generic Violation	6
Property Maintenance Violation	0
Rubbish & Garbage	1
Weeds & Grass	0
Zoning Use Violation	2
Total	13

Rental Licenses Issued: 61
Vendor Licenses Issued: 0
Contractors Licenses Issued: 58
Business Licenses Issued: 44

Building Permits Issued:

Permits Issued by Type	Count
Commercial Demolition	0
Commercial Foundation	0
Commercial Building Permit	3
Construction Trailer	2
Residential Demolition	3
Residential Building New Construction	10
Residential Renovation/Accessory	14
Roof/Siding Permit	12
Sign Permit	3
Solar Panel Permit	0
Utility Permit	4
Total	51

Inspections Performed:

Inspections Performed by Type	Count
Footer	3
Foundation	5
Framing	16
Insulation	10
Final	32
Residential Rental	285
Total	351

PARKS & RECREATION DEPARTMENT
207 Franklin Street
Milford, DE 19963

PHONE 302.422.1104
FAX 302.422.0409
www.cityofmilford.com

TO: Mayor and City Council

FROM: Brad Dennehy-Parks and Recreation Director

DATE: March 8, 2023

RE: February 2023 – Parks and Recreation Staff Report

Parks

- Heavy trash run was done for all the facilities the parks department maintains.
- Crews began cleaning up the banks of the Mispillion in the location of Wilmont Chaney, including removing trash and overgrown vegetation.
- The floating dock behind Arena's restaurant was pressure washed and large section of sidewalk due to goose waste.
- Staff responded to more reports of illegal dumping on the Riverwalk via the seeclickfix app. This continues to be an ongoing problem since the homeless camp was dispersed. The dumping is primarily clothing and items used for bedding.
- Staff began prepping the flower and mulch beds in preparation to begin reapplying mulch in March when the temporary staff come back.
- 3 large irrigation reels were taken in for winter servicing.
- Signs were installed in the cemeteries advertising for the annual March cleanup.
- Staff assisted the Arborist with trimming trees along the Riverwalk and removal of a couple of trees along the river's edge.
- Lawn tractors continued to be serviced over the winter in preparation for the cutting season.
- Staff began removing trash, weed trimming and vine vegetation removal behind the police station.
- Park Superintendent attended the Awards and Recognition committee meeting, the Safety committee meeting, Community clean up meeting, planned for the planting season with seasonal staff and interviewed potential seasonal staff for the up and coming grass season.
- Park Superintendent also attended a walk through of the Riverwalk to discuss public Wi-Fi in the downtown and along the Riverwalk.

Arborist

- Trimmed large walnut tree away from right of way and electric lines on Sussex Ave.
- Performed mechanical vegetation control at Marshals pond shoreline, removed several large nuisance trees (3days worth of work).

- Performed vegetation control at the Mill St. annex of the river walk. Vegetation removal along shoreline causing trash to be held up, and a blind spot for vagrancy.
- Cleaned out the outfall next to the Riverwalk along Mill St., removed trees that were growing into the bulkhead casing infrastructure damage, removed vegetation that was causing drainage issues, removed all submerged trash and rearranged rocks as they supposed to be above and below outfall.
- Removed large dead tree along shoreline that was causing water flow issues and holding trash and dead vegetation at the Mill St. annex of the river walk.
- vegetation control (mechanical manual) along the Church St. area of the Riverwalk which was causing complaints from residents and promoting loitering and excessive littering into the waterway.
- Trimmed trees along main electric transmission line circuit on Williams Ave.
- Trimmed limbs out of triplex lines at the medical office on Williams Ave. supplying 2 homes.
- Continued to do routine maintenance to electric lines and respond to electric department request from customers as needed.
- Attended the Electric department safety meeting.

Recreation

- **Winter Programming**

Our Winter programs have officially ended.

- **Indoor Soccer**: Final games were played Sunday February 19th. Participants left this program with knowledge of the fundamentals of dribbling, shooting, and passing. Older groups got the opportunity to sharpen their iron for the upcoming Spring season.
    - Survey Comments
        - "The coaches are amazing. The skills that are taught are valuable and age appropriate. It is fun for all the kids".
        - "Staff were patient and supportive of my son despite low proficiency with the game".
        - "Well run, convenient".

- **Taekwondo**: This program introduced participants to a collective of martial art/self-defense strategies that they can utilize in real world situations.
    - Survey Comments:
        - "My son enjoyed learning the different stretches, movements, discipline, and providing safe sparring opportunities".
        - "My kid loves the sparring".
        - "The friendliness of the staff"

- **Youth Basketball**: This 7-week program introduced participants to the basics of basketball in a fun and enjoyable way. Our older age groups participated in competitive leagues that introduced the team aspect of basketball.
    - Survey Comments:
        - "The professionalism of parks and recs staff. Well organized and fluid".

        - "I liked that everyone seemed to be given court time during the games and that the coaches took time during the timeouts to teach/coach their players".
        - "It is fun for the kids, and they seemed to really enjoy the practices and games".

- **Pickleball:** This program has been our most successful adult program with 104 drop-in players and 7 enrolled players throughout the course of 8 weeks.
    - Survey Comments
        - "Love that we can play locally and don't have to drive up north or down south".
        - "Looking forward to the outdoor courts."

- **Adult Basketball**: This program provided the opportunity for some seasoned players to get out and play during the Winter. Over the course of the program there were 88 drop-in players and 19 enrolled players.
    - Survey Comments:
        - "Convenient for local people and love playing basketball inside".
        - " Shared time with all players"
        - "Love playing basketball, thank you for keeping this program going and keeping me in decent shape!"

- **Little Buc Wrestling:** This program introduced wrestling to little guys and gals looking to roll around on the mat. Participants were very active competing in a variety of local and regional tournaments.
    - Survey Comments:
        - "Coach Duffy and Coach Newsome are amazing!"

<u>Spring Programming</u>

Sign-ups are underway for our Spring programs.

Spring Youth Basketball

- This program will serve as a way for players to train during the early offseason. Program coordinators will begin to implement changes that were suggested by participants of the Winter league.
- April 10th – May 25th

Soccer

- This program will introduce players to a full-size soccer pitch with 7 on 7 play.
- April 4th – May 27th

Tennis

- April 10th – May 24th

Flag Football:

- Flag Football kicks off in April. New NFL rules will be used as our instructive foundation for this program. Players will be able to take what they learn and play flag football on a variety of local and regional levels.
- April 12th – May 24th

Promo Video
Please go check out the Departments promotional video. Viewable on our Facebook page at: https://www.facebook.com/milfordeparksandrec/posts/pfbid0cegLFGkDukgMvWzfXndxKrnUQy7tA73tXYct85fsd5h7XEGnb7hRXcfVpmMu9un4l or prvideov7.mp4

Other

- Director met with City Manager and Planning Director and members of the Milford School District to discuss potential pedestrian trail systems.
- Director attended a meeting regarding the implementation of the City's new phone system.
- Director attended the WIIN project group meeting and coalition meeting.
- Director attended the Tree Preservation and Advisory Board meeting.
- Director met with members of the Sussex Conservation District to discuss remedies for erosion along the banks of the Mispillion Riverwalk.
- Director continued to communicate with the contractor and design professionals for the new pickleball courts and playground and make daily site visits.
- Director was invited to participate in the Delaware Outdoor Recreation plan and will be involved in the update of the plan at the State level.
- Director coordinated with Public works and a contractor to have some water meter pit issues resolved regarding older pits and settlements and metering in the downtown.
- Director met with a Tree advisory board member to discuss spring plantings.
- Director got recertified as a Certified Park and Recreational Profession (CPRP). This is a qualification form the National Recreation and Parks Association. There are still only 4 CPRP's in the State of Delaware.

HUMAN RESOURCES
10 SE Second Street
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.424.5142
FAX 302.424.5932
www.cityofmilford.com

TO: Mayor and City Council

FROM Jamesha C. Williams, MBA, MSL- Human Resources Director

DATE: March 7, 2023

RE: February 2023 –Human Resources Department Staff Report

- Onboarded new hires for the following positions:
  Public Works Equipment Operator-Streets & Utilities
- Interview conducted for the position of Electric Line Technician, First Class.
- Interviews scheduled in March for the position of Cash Operations Clerk II.
- Job offer extended and accepted for the position of Civil Engineer I.
- Job offer extended and accepted for the position of Mechanic.
- Retirements effective March 1, 2023: Valerie Springer, Police Dispatcher and Edward Huey, Police Captain





- Rooster Recipient: Brian Jester, Building Operations and Refuse Supervisor received the Rooster for his efforts to implement safety improvements to City Hall, Finance and Parks and Recreation.



- **<u>Current Job Openings as of March 7, 2023:</u>**
  Electric Line Technician, First Class-1 opening
  Cash Operations Clerk II=1 opening
  Police Dispatcher-1 opening
  Police Officer-2 openings- 1 Union, 1 Command Staff

INFORMATION TECHNOLOGY
201 South Walnut Street
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

City Hall 302.422.1098
www.cityofmilford.com

Date: March 13th 2023

To: Mayor and City Council

From: Bill Pettigrew

Re: March 2023 Information Technology Department Staff Report

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Mr. Mayor and City Council, the full March 2023 report is in your packages, I will address some highlights.

Virtualization

All new server storage and memory were delivered and populated, the server clusters were configured last week, and we started the virtualization process. Milford now officially has a long overdue virtualized server environment; I thank council for the budget adjustment that gave us the upgrades allowing us a network with high availability and failover.

ERP

We are still on track to go live with financials in early July, training has started for additional modules. Moving forward with Inventory, and Human Capital Management (HR). We are starting discussions with other towns
to learn their trials and tribulations of Munis implementations and best practices.

Cloud PBX

Besides a few fax machine issues, the President's Day phone switchover was a huge success, this cloud phone system with Microsoft Teams integration is the pinnacle of Milford's mobile workforce and business continuity plan.

Network Security

Since last month the IT department has replaced our network monitoring and antivirus with a more robust 365/24/7 monitoring system. The new system replaces Solarwinds monitoring and Malwarebytes antivirus with Subnets and Crowdstrike, two business class solutions. The tools put in place will monitor and patch our network for security and they will be available should any mitigation be needed in the case of a breach; this could help as well with price on cybersecurity insurance.

Riverwalk Wifi

A vendor we requested a quote from said that they could not provide one because of supply chain issues. We are awaiting a meeting with another vendor and have reached out additionally to Comcast for a solution. We may have to go to an RFI.

FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.424.5140
FAX 302.424.5932
www.cityofmilford.com

To: Mayor and City Council
From: Louis C. Vitola, Finance Director
Date: March 8, 2023
Re: February 2023 Finance Department Staff Report

- Monthly Financial Reporting
  - The Report for the YTD period ending January 2023 was presented to City Council
- Staffing
  - The Cash Operations recruitment remains open with a new round of interviews starting in March
- Training and Improvement Efforts
  - The Finance team participated in a collective total of 48.5 training hours for the City's phone upgrade and the Tyler ERP Implementation in the areas of core financials, inventory, HR/payroll, bank reconciliation, and workflow, among others
  - The Customer Service team participated in 16.5 hours of training related to the ERP Implementation and the phone upgrade
- Police Facility Project Financing
  - USDA Officials continue to participate in weekly project update meetings when available, and a representative from Selective Insurance[1] scheduled a site visit in March
  - Construction activity – financial summary:

Police Facility Project: Budget & Payment Activity	Approved Budget	Incurred thru 2/28/23	Less: Retainage & Unpaid	Paid as of 2/28/23
Construction & CM: Total Bid Awards	$ 13,650,954	$ 5,430,555	$ (807,989)	$ 4,622,566
Plus (Less) Proposed Change Orders	300,310	-	-	-
Subtotal: Construction & CM Contracts	$ 13,951,264	$ 5,430,555	$ (807,989)	$ 4,622,566
Other Project Expenses & Contingencies				
Design / Architect (BMG)	$ 823,088	$ 774,971	$ (30,319)	$ 744,652
Builder's Contingency	226,667	-	-	-
Owner's Contingency	670,897	101,363	(14,698)	86,665
Owner's FFE ($350k) / Tech ($150k)	500,000	-	-	-
Subtotal: Pre/Post-Construction & Contingencies	$ 2,220,653	$ 876,334	$ (45,017)	$ 831,317
Grand Total Project Budget	$ 16,171,916	$ 6,306,889	$ (853,006)	$ 5,453,883

- Investment Management RFP
  - PFM Asset Management[2] presented to City Council at February's investment management workshop, leading to a proposed update to the City's Investment Policy and a recommendation to award a contract for investment advisory services to PFMAM in March
- Billing & Customer Service Department
  - Kiosk selection and placement are being coordinated among departments for input
  - Past Due Property Tax Statistics for **Current** and Prior Years are reported in the following tables:

Property Tax Levy	Past Due ($000) as of: 11/1/22	12/1/22	1/3/23	2/2/23	3/1/23	As % of Levy 3/1/23
2022 ***(FY23)***	$237	$208	$197	$169	$132	2.7%
2021 & Prior	$202	$196	$196	$186	$176	3.6%
Total	**$439**	**$404**	**$392**	**$355**	**$308**	**6.3%**

Property Tax Levy	As of: 3/2/22	As % of Levy 3/2/22
2021 ***(FY22)***	$119	2.6%
2020 & Prior	$163	3.5%
Total	**$282**	**6.1%**

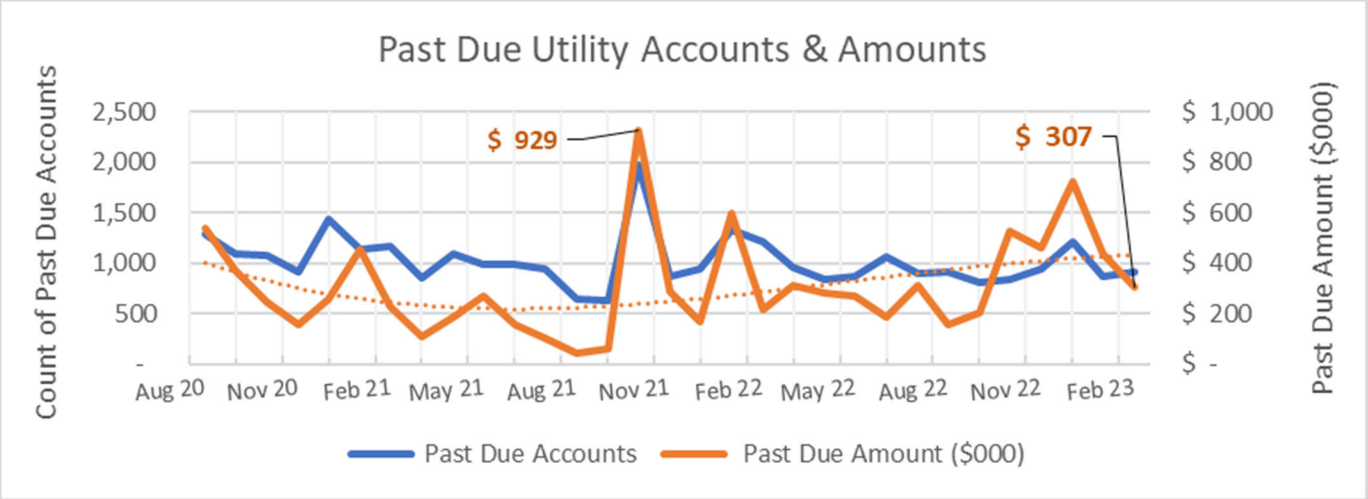
[1] Selective Insurance holds the Builder's Risk Policy covering the PD Facility during construction
[2] One of the investment managers serving the Office of the State Treasurer; https://www.pfmam.com/

FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

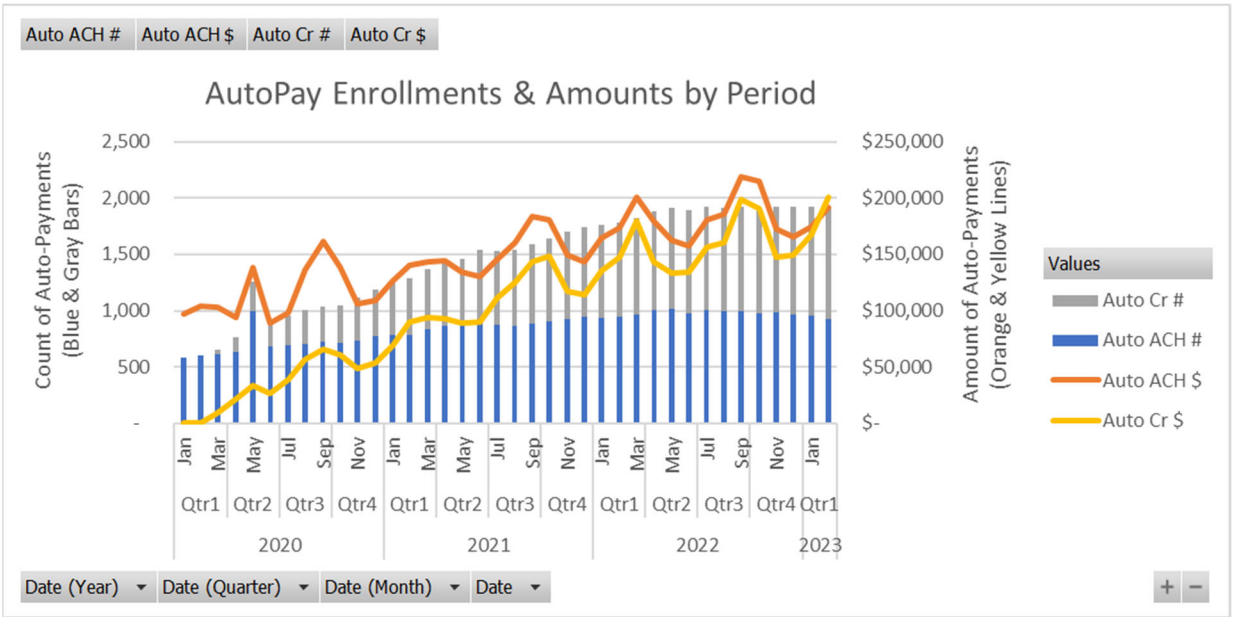
THE CITY of Milford DELAWARE

PHONE 302.424.5140
FAX 302.424.5932
www.cityofmilford.com

- Billing & Customer Service Department, Continued
  - Past due utility balances improved for the second month in a row thanks to continued efforts of the customer service team to reach out to the most past due former customers with personal phone calls prior to remitting accounts to the City's third-party collections firm
  - February results are mixed compared to averages and to last February
    - The dollar amount past due (orange line) is higher than last February but equal to the long-term average
    - The accounts with any amount past due (blue line) is 11% below the long-term average and 25% below last February



  - The graph below exhibits the number and dollar amount of automatic payments by type and period from 2020 through the month ended February 28, 2023
    - The auto-payment count is one single payment higher this month than last, while dollar volume is almost $50,000 higher (14.5%) than January
    - The auto-payment count is 8% higher this February than last, and dollar volume is nearly $72,000 higher (22%) than last February



Sussex County Association of Towns

P.O. Box 227 Lewes, DE 19958

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, April 5, 2023

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: Allison Stine, 2023 President, Sussex County Association of REALTORS® and Stephanie Moody, Association Executive, Sussex County Association of REALTORS®

COST: $52.00 per person

MENU:

Appetizers
Seasonal Crudités Platter

Salad
House Spring Mix Salad – Diced Tomatoes, Gorgonzola, Toasted Walnuts, Maple Walnut Vinaigrette

Entrée
Shrimp Penne
Cashew Crusted Cod
Lemon Rosemary Tuscan Chicken

Dessert
Key Lime Pie
Carrot Cake
Regular/Decaf Coffee

For reservations, please contact Wendy Mardini at
(302) 593-0449 or by email: wmardini@mvtown.com
no later than **March 29, 2023 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: No April S.C.A.T. Steering Committee Breakfast

PLEASE RSVP TO KATRINA NO LATER THAN MARCH 17th TO ENSURE ATTENDANCE. THANK YOU!



DLLG March Dinner Meeting

Thursday, March 23, 2023, 5:30 - 8:00 PM

League members, partners, and friends are cordially invited to attend DLLG's monthly dinner meeting from 5:30 - 8:00 p.m. on Thursday, March 23, 2023 at the Maple Dale Country Club in Dover. The event features a keynote presentation from Kimberly A. Schlichting, President & CEO of the Delaware Municipal Electric Corporation (DEMEC).

This presentation will bring local leaders up to speed and discuss the "must-run" situation at the coal-powered Indian River Power Plant. The scheduled shutdown of Delaware's only remaining coal-fired power plant, and one of the state's top polluters, has been delayed while upgrades to the electrical grid are made. The ultimate cost of the extension will be passed on to electric customers and could impact Delaware's clean energy goals.

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

TO: Mayor & City Council

FROM: Rob Pierce, AICP - Planning Director

DATE: March 13, 2023

RE: SE Master Plan – Transportation Improvement District (TID)

Background

Below is an overview of planning activities related to the proposed TID that have occurred in the southeast neighborhood since 2008.

- *2008 Comprehensive Plan Update* - The 2008 Comprehensive Plan was adopted by City Council on January 26, 2009; however, the City signed a Memorandum of Agreement in 2008 with the State of Delaware which committed the City to partnering with State agencies to develop a master plan for the southeast neighborhood.

- *2011 SE Master Plan* - The SE Master Plan was adopted and certified as an amendment to the 2008 Comprehensive Plan on July 25, 2011 and was signed by the Mayor, DNREC, Department of Agriculture, DelDOT and the Office of State Planning.

  Implementation items within the SE Master Plan included designing and installing water infrastructure, designing and planning sewer infrastructure, establishing a Transfer of Development Rights (TDR) Program for agricultural preservation, and establishing a Transportation Improvement District (TID).

- *2018 Comprehensive Plan Update* – After an 18-month planning effort involving several public meetings and workshops with the Planning Commission, the 2018 Comprehensive Plan was adopted by City Council on January 22, 2018, which incorporated the SE Master Plan as an appendix.

- *April 22, 2019* – City Council authorized the execution of the initial TID agreement between DelDOT and the City. DelDOT began the preparation of a transportation model based on the future land use maps from the City's Comprehensive Plan and SE Master Plan.

- *May 24, 2021* – The City solicited public comment on proposed service standards and City Council authorized DelDOT to move forward with the preparation of cost estimates and renderings for the proposed improvements.

Updated Transportation Improvement District Agreement

Enclosed in your packet is an updated Transportation Improvement District Agreement that would replace the original that was executed in 2019. The agreement includes Exhibit A – TID Boundary Map, Exhibit B – Service Standards, Exhibit C – Land Use and Transportation Plan, Exhibit D – TID Capital Transportation Program (TID-CTP) and Exhibit E – Initial Contribution Rates.

Exhibits A and B remain unchanged from previous discussions.

Exhibit C incorporates a bicycle infrastructure plan that was developed during the preparation of concepts and cost estimates and is based on the City's adopted Bicycle Master Plan.

Concept renderings are provided in the PowerPoint presentation within the packet material.

Exhibit D incorporates the cost estimates that were developed based on the prepared renderings for the overall transportation improvements for the area.

Exhibit E provides for a range in developer contributions (30% to 35%) to fund the capital costs outlined in Exhibit D.

Exhibit E – Initial Contribution Rates

City Council will need to determine the preferred developer contribution rate. DelDOT has provided fee tables based on a 30% developer contribution and a 35% developer contribution. The primary benefit of the higher percentage developer contribution is that transportation projects within the TID-CTP could be funded sooner due to a larger local funding match.

Summary and Staff Recommendation

The SE Milford TID was a primary goal from the SE Master Plan which was approved by City Council in 2011. Since 2019, the City has been working with the DelDOT to forecast projected growth and development in the Southeast Neighborhood based on the City's adopted 2018 Comprehensive Plan Future Land Use maps to determine needed transportation improvements. Concept renderings and cost estimates have been developed and DelDOT has provided a draft TID fee schedule for the City's consideration.

Staff recommends City Council authorize the Mayor to execute the revised Transportation Improvement District (TID) with the desired developer contribution rate outlined in Exhibit E.

AGREEMENT REGARDING

SOUTHEAST MILFORD TRANSPORTATION IMPROVEMENT DISTRICT

BETWEEN

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION,

AND

CITY OF MILFORD

PROJECT MANAGER: SARAH COAKLEY, AICP, PRINCIPAL PLANNER, DELDOT

THIS AGREEMENT, made and entered into this _____day of _____ 2023, by and between the State of Delaware, Department of Transportation, as First Party, hereinafter referred to as the **DEPARTMENT**, and the City of Milford, as Second Party, hereinafter referred to as the **CITY**.

WITNESSETH:

WHEREAS, the **DEPARTMENT** and the **CITY** established the Southeast Milford Transportation Improvement District, hereinafter referred to as the **TID**, for the purpose of securing required improvements to transportation facilities in that area; and

WHEREAS, the **DEPARTMENT** and the **CITY** entered into an initial agreement establishing the TID effective on May 16, 2019 (the **Prior Agreement**); and

WHEREAS, the **DEPARTMENT** and the **CITY** agreed to develop and adopt service standards, a Land Use and Transportation plan (LUTP), a TID Capital Transportation Program, an Infrastructure Fee Program, and a Monitoring Program as elements of the TID agreement; and

WHEREAS, the **DEPARTMENT** and the **CITY** hereby acknowledge and agree that this **Agreement** supersedes and replaces in its entirety the **Prior Agreement**. Upon the execution of this **Agreement** by all parties, the **Prior Agreement** shall no longer have any force or effect.

NOW, THEREFORE, for and in consideration of the mutual covenants, hereinafter stipulated to be kept and performed, it is agreed between the parties as follows:

SECTION 1. GEOGRAPHIC BOUNDARIES

A. The boundaries of the **TID** are shown on Exhibit A, attached hereto, and are described as follows:

1. Participant Boundary. Beginning in the northwest, where the municipal boundary intersects the Indian River Secondary Rail Line, the boundary follows Herring Branch north and east to Deep Branch, goes north along Deep Branch to Rehoboth Boulevard, runs east along the municipal boundary to Cedar Beach Road, and continues east along Cedar Beach Road to about 2,350 feet east of its split from McColley Road, follows parcel lines southeast about one mile to Cedar Neck Road, Cedar Neck Road west to Sharps Road, Sharps Road east and south to the parcel line immediately north of Beaverdam Branch, runs west and south along this parcel line and the adjacent parcel line back to Sharps Road, follows Sharps Road south and west to Coastal Highway (SR1), Coastal Highway southeast to the eastern boundary of Cedar Creek Landing, south and west along Cedar Creek and Swiggetts Pond, runs north along the eastern property line of Logans Run, east along Johnson Road, north along Elks Lodge Road to Wilkins Road, follows Wilkins Road west to the first parcel line on the north side of Wilkins Road, follows this parcel line northwest to the municipal boundary, runs north and west along the municipal boundary to Marshall Street, follows Marshall Street south to the first parcel line on the west side of Marshall Street, this parcel line west to the rail line, and north along the rail line to the point of beginning.

2. Facilities Boundary. Beginning in the northwest, at the intersection of Rehoboth Boulevard and Walnut Street, the boundary follows Rehoboth Boulevard southeast to Southeast Front Street, Southeast Front Street west to Walnut Street, Southeast Front Street back east to Rehoboth Boulevard, Cedar Beach Road east to McColley Road, Cedar Beach Road back west to Sapp Road, Sapp Road east to Cedar Neck Road, Cedar Neck Road east to Sharps Road, Sharps Road to Coastal Highway (SR1), Sharps Road back to Cedar Neck Road, Cedar Neck Road southwest to Cedar Creek Road, Cedar Creek Road south to Fleatown Road, Cedar Creek Road back north to Johnson Road, Johnson Road east to Coastal Highway (SR1), Johnson Road back west to Cedar Creek Road, Johnson Road west to Dupont Boulevard (US 113), Johnson Road back east to Marshall Street, Marshall Street north to Elks Lodge Road, Elks Lodge Road west to Walnut Street, Elks Lodge Road back east to Marshall Street, Marshall Street north to Second Street, Second Street west to Walnut Street, Second Street back east to Marshall Street, and Marshall Street north to Southeast Front Street.

B. The TID shall have both a Participant (inner) Boundary and a Facilities (outer) Boundary. The purpose of having two boundaries is to better provide for adequate infrastructure on all sides of developments inside the Participant Boundary. All land developments requiring a subdivision or land development plan within the City of Milford and within the Participant Boundary and all State-maintained capital transportation facilities (roads, bridges, sidewalks, bus stops, etc.) within the Facilities Boundary shall be subject to the terms of this agreement.

C. The boundaries of the **TID** may be amended at any time by mutual agreement of the parties in the form of a supplement to this **AGREEMENT**.

D. The **CITY** shall, at a minimum, evaluate the need to amend the boundaries of the **TID** in updating their Comprehensive Plan.

SECTION 2. TARGET HORIZON YEAR

A. The Target Horizon Year for which land use, or population and employment, was forecast in creating the TID is 2045.

B. The Target Horizon Year may be amended at any time by mutual agreement of the parties in the form of a supplement to this **AGREEMENT**, but shall ordinarily be at least 10 years after the most recent US Census.

C. The **CITY** shall, at a minimum, evaluate the need to amend the Target Horizon Year of the **TID** in updating their Comprehensive Plan.

SECTION 3. SERVICE STANDARDS

A. The parties hereby agree on a set of standards (Service Standards) for conditions in the **TID** in the Target Horizon Year, which is incorporated into this **AGREEMENT** as Exhibit B.

B. The Service Standards include minimum acceptable Levels of Service for the weekday evening peak hour.

C. Prior to incorporating Service Standards into this **AGREEMENT**, the parties solicited public comment on proposed standards at the May 24, 2021 meeting of the City of Milford City Council and considered the comments received.

D. The Service Standards may be amended at any time by mutual agreement of the parties in the form of a supplement to this **AGREEMENT**, provided that the public is first afforded an opportunity to review and comment on the proposed amendment.

E. The **CITY** shall, at a minimum, evaluate the need to amend the Service Standards of the **TID** in updating their Comprehensive Plan.

SECTION 4. LAND USE AND TRANSPORTATION PLAN

A. The parties agree to adopt as Exhibit C to this agreement the Land Use and Transportation Plan, hereinafter referred to as an **LUTP** for the **TID.**

B. When updating their Comprehensive Plan, the **CITY** shall consider the need to update the **LUTP** and shall initiate that effort if the land use forecast for the **TID** area has changed significantly. The parties hereto shall, upon review and approval, readopt the revised **LUTP** as an Appendix to this Agreement.

C. For updates to the **LUTP**, the **CITY** shall supply to the **DEPARTMENT** a parcel-level land use forecast for the **TID** area, composed of the following components:

1. Existing land use at the time of the update.
2. Development approved and/or recorded but not yet built as of that date, including any "sunset" provisions.
3. Development expected or in the land development process but not approved as of that date.
4. Development not yet proposed but projected by the Target Horizon Year, based on population and employment forecasts, and the current Comprehensive Plan and zoning map.

D. For updates to the **LUTP**, the **DEPARTMENT** shall inventory the existing transportation network and programmed improvements thereto within the **TID** area, which inventory shall include the following information:

1. Functional Class and Traffic Pattern Group;
2. Numbers, assignments and widths of lanes at each intersection;
3. Type of control at each intersection;
4. Typical section and type of pavement on each road segment;
5. Roadway geometry deficiencies in sufficient detail to determine whether the agreed upon Service Standards are met;
6. Roadway capacity and Level of Service conditions (to the extent known) in sufficient detail to determine whether the agreed upon Service Standards are met;
7. Presence, and frequency of transit service;
8. Any bicycle and pedestrian facilities not covered under Item 4 above.

E. For updates to the **LUTP**, the **DEPARTMENT** shall forecast traffic on the study area road network for the Target Horizon Year, shall determine what locations would need improvement to meet the Service Standards, in that year, and shall identify conceptually what improvements are needed in those locations.

F. The **DEPARTMENT** shall provide an updated Exhibit C each time the **LUTP** is amended.

SECTION 5. TID CAPITAL TRANSPORTATION PROGRAM (TID-CTP)

A. For the deficient locations identified in the adopted **LUTP**, the **DEPARTMENT** shall identify a set of projects needed to address those deficiencies and shall develop cost estimates for those projects. The **DEPARTMENT** shall update the cost estimates periodically as needed. Subject to review and approval by the **CITY**, this set of projects shall constitute the **TID** Capital Transportation Program (**TID-CTP**).

B. The **CITY** shall annually recommend projects from the **TID-CTP** for inclusion in the **DEPARTMENT**'s 6-year Capital Transportation Program. Inclusion of recommended projects shall be subject to the **DEPARTMENT**'s normal process for development of the 6-year program. Projects included in the **DEPARTMENT**'s 6-year Capital Transportation Program shall be eligible to receive funding from the **CITY** consistent with Paragraph 7D below, in addition to applicable State and Federal funds.

SECTION 6. DEVELOPMENTS EXCLUDED FROM PARTICIPATION

A. Where the **LUTP** has been agreed upon by the parties and a proposed development is determined by both the **DEPARTMENT** and the **CITY** to be both inconsistent with the land use element of the **LUTP**, and to generate sufficient traffic to warrant a Traffic Impact Study (TIS), the **DEPARTMENT** and the **CITY** shall require a TIS and, as necessary, additional off-site improvement contributions, beyond payment of the usual TID fee as a contribution to the TID-CTP projects, in accordance with the **DEPARTMENT**'s Development Coordination Manual.

B. Developments outside of the City of Milford shall be excluded from the requirements of this agreement.

C. Development applications submitted to either the **DEPARTMENT** or the **CITY** prior to City Council approval of this agreement shall be excluded from the requirements of this agreement.

SECTION 7. INFRASTRUCTURE FEE PROGRAM

A. The **CITY** shall require that any activity requiring a subdivision or land development plan within the Participant Boundary of the TID participate in the improvement of transportation facilities within the Facilities Boundary of the TID in accordance with the current LUTP and this Agreement. The **DEPARTMENT** and the **CITY** shall require that the manner and extent of that participation be documented on the record subdivision or land development plan. The manner of participation shall be through the payment of a fee, right-of-way dedication or the construction of physical improvements identified in the TID-CTP, or some

combination thereof. The extent of participation shall be in accordance with Paragraph E below. The **CITY** shall collect any fees prior to issuance of building permits. The schedule for construction of physical improvements shall be specified on the record subdivision or land development plan and shall be subject to approval by both the **DEPARTMENT** and the **CITY**.

B. Dedication of rights-of-way in lieu of some or all of the fee shall be by agreement between the developer, the **DEPARTMENT** and the **CITY**, with payment of the fee being required if any party is not amenable to the proposed dedication. The value of the rights-of-way to be dedicated shall be determined in accordance with **DEPARTMENT** policies and regulations. The creditable area shall be determined based on highway plans acceptable to the **DEPARTMENT** and shall exclude the standard dedications provided in **DEPARTMENT**'s Development Coordination Manual, rights-of-way for any proposed subdivision or city streets and any lands needed to accommodate the site entrance.

C. Design and/or Construction of physical improvements in lieu of some or all of the fee shall be by agreement between the developer, the **DEPARTMENT** and the **CITY**, with payment of the fee being required if any party is not amenable to the proposed construction. If a developer seeks to design and/or construct physical improvements in lieu of paying into the Fee, the developer shall be required to obtain a minimum of three bids for the work. The bids shall be subject to review and approval by the **DEPARTMENT**. Credit toward the fee shall be based on the developer's payments to the selected contractor. Design and Construction of improvements required by the **DEPARTMENT** and the **CITY** as part of the development's entrance construction or on-site infrastructure, e.g. subdivision streets, and curb ramps, turn lanes, acceleration lanes at development entrance, shall not be creditable toward the fee. At their discretion, the **DEPARTMENT** and the **CITY** may require improvements beyond the site entrance to correct an unsafe condition that they find would be created or worsened by the proposed development. Such improvements may include, but are not limited to, the addition or widening of shoulders, and/or the construction of a shared-use path or sidewalk along the development's frontage. In that case, the cost of that work shall be determined by the **DEPARTMENT**, using the Shared-Use Path and Sidewalk Fee Calculation Form for those items and current comparable contract bid prices as a guide for other items, and shall be creditable toward the fee.

D. The **CITY** shall create and administer a separate account or accounts expressly for the purpose of managing the funds needed to pay for design and construction costs of work identified in the **TID-CTP** under the terms of this Agreement. The account shall be funded by Infrastructure Fee payments from developers as called for by this Agreement. If a developer seeks to design and/or construct physical improvements in lieu of paying into the Fee, the developer shall be required to obtain a minimum of three bids for the work. The bids shall be subject to review and approval by the **DEPARTMENT**. Credit toward the fee shall be based on the developer's payments to the selected contractor, which payments shall

be subject to audit by the **CITY**. To the extent that the **CITY** finds that the developer has paid the contractor more than the fee that the developer would have paid per paragraph E below, the **CITY** may reimburse the developer, provided that the **CITY** shall maintain a positive balance in its account(s). The **CITY** may also pay the **DEPARTMENT** from the account(s) to design and build improvements identified in the **TID-CTP** sooner than the **DEPARTMENT** might otherwise construct them, again provided that the **CITY** shall maintain a positive balance in the account(s). The **CITY** shall, at the **DEPARTMENT**'s request, transfer funding from the **TID** account to the **DEPARTMENT** for the design and/or construction of the improvements identified in the **TID-CTP**.

E. As detailed in Exhibit C (to be attached), developers shall participate in the improvement of transportation facilities within the Facilities Boundary of the **TID** in accordance with the current **LUTP** as follows:

1. In the Target Horizon Year, the **LUTP** shows that a total number of trips will be generated within the Participant Boundary of the **TID** in an average weekday evening peak hour. The total estimated cost to construct the improvements identified in the **TID-CTP** can also be determined. Development within the Participant Boundary of the **TID** can be grouped into broad land use categories, each with an associated trip generation per square foot or per dwelling unit. The **DEPARTMENT** and the **CITY** will establish per unit costs for residential development and per square foot costs for non-residential development. Therefore, for each subdivision or site plan, the **CITY** shall require participation consistent with the established rates in Exhibit E, which amounts shall be adjusted annually as set forth in paragraph F below. Where there is a question as to how to characterize a specific development, the **CITY** shall refer to the **LUTP** and may consult the **DEPARTMENT** as necessary.

2. Improvements by the **DEPARTMENT**'s Division of Maintenance and Operations are excluded from the **TID-CTP** and are not eligible for funding through the Infrastructure Fee Program.

F. While transportation improvement projects await construction funding, the costs of constructing the project will escalate at the rate of inflation for highway construction projects. The amounts paid by developers, therefore, shall be subject to an annual increase, beginning on January 31, 2024 and increasing by the established amount on January 31 of each year thereafter. The actual amount of the increase shall be set by DelDOT in January of each year, based upon the average of the annual changes in the Consumer Price Index (CPI) for Delaware Region during the previous five years. Escalation shall only apply to contributions unpaid on January 31 of each year.

SECTION 8. TRANSITIONAL RULES FOR DEVELOPMENTS PRIOR TO EXECUTION OF THIS AGREEMENT

A. The property owner and/or developer of any subdivision or site plan, submitted to the **DEPARTMENT** and/or the **CITY** before the effective date of this **AGREEMENT**, may request participation in the **TID** for that subdivision or land development plan, in lieu of completing a Traffic Impact Study and/or making off-site contributions.

B. Should existing Record Plan transportation improvement requirements conflict with the requested participation in the **TID**, the **DEPARTMENT**, the **CITY,** and the Property Owner shall work together to expedite the modification(s) to the Record Plan notes. The revision will be a ministerial review, incorporating the **TID** participation into the Record Plan notes. The **DEPARTMENT** and the **CITY** review fees for this reconciliation will be considered satisfied from the initial Record Plan Review fees. For any other changes requiring a revised subdivision plan and review, the associated fees will be the responsibility of the legal owner.

SECTION 9. MONITORING PROGRAM

A. The **DEPARTMENT** shall monitor traffic volumes within the Facilities Boundary of the **TID** and shall provide the **CITY** with an annual report of their findings and their recommendations as to what improvements in the **TID-CTP** are needed at the time of the report and what improvements in the **TID-CTP** are likely to be needed in the next six years.

B. A comprehensive review of the **LUTP** and update of it to be consistent with the **CITY**'s Comprehensive Plan shall be completed by both parties in 2028 and every five years after that.

C. The extent of the monitoring effort shall be at the **DEPARTMENT**'s discretion but the **DEPARTMENT** will accommodate reasonable requests from the **CITY** for the inclusion of specific information.

SECTION 10. PUBLIC INVOLVEMENT

Absent a specific agreement to the contrary, to the extent that a public meeting, workshop or hearing is needed pertaining to procedural matters relating to this **AGREEMENT**, said public meeting, workshop or hearing shall be publicized and hosted by the **CITY**. Materials for said public meeting, workshop or hearing shall be provided by the **CITY** and/or the **DEPARTMENT**, with the other party having an opportunity to review and comment on them. The **DEPARTMENT** shall send appropriate representatives to such events as necessary. For specific improvements to be made in the **TID**, the **DEPARTMENT**'s Public Involvement Process shall govern.

SECTION 11. SCOPE OF AGREEMENT

This **AGREEMENT** constitutes the sole understanding by and between the **DEPARTMENT** and the **CITY** and nothing outside of this **AGREEMENT** shall be construed as an alteration, modification and/or revision hereof. This **AGREEMENT** shall not be modified except in writing subscribed by all parties.

SECTION 12. SUCCESSOR AND ASSIGNMENTS

The **DEPARTMENT** and the **CITY** each binds itself, its successors, legal representatives, agents, employees, officers, and assigns, to each other to this Contract.

SECTION 13. LAWS OF DELAWARE

This **AGREEMENT** and the terms thereof shall be construed in accordance with the laws of the State of Delaware.

IN WITNESS WHEREOF, the parties hereunto have caused this **AGREEMENT** to be executed, the date and year first above written.

FOR THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION:

_____ DATE:_____
Nicole Majeski, Cabinet Secretary

ATTEST:

_____ DATE:_____
Charlanne Clymer, Director, Finance

APPROVED AS TO FORM:

_____ DATE:_____
George T. Lees III, Deputy Attorney General

FOR THE CITY OF MILFORD:

ATTEST:

_____ (SEAL)
Honorable Arthur J. Campbell
Mayor DATE:_____

APPROVED AS TO FORM:

_____(SEAL)
Printed Name_____
Deputy Attorney General DATE:_____

_____ (SEAL)
Terri K. Hudson
City Clerk, City of Milford DATE:_____

Exhibit A to accompany Southeast Milford TID Agreement

TID Boundary Map

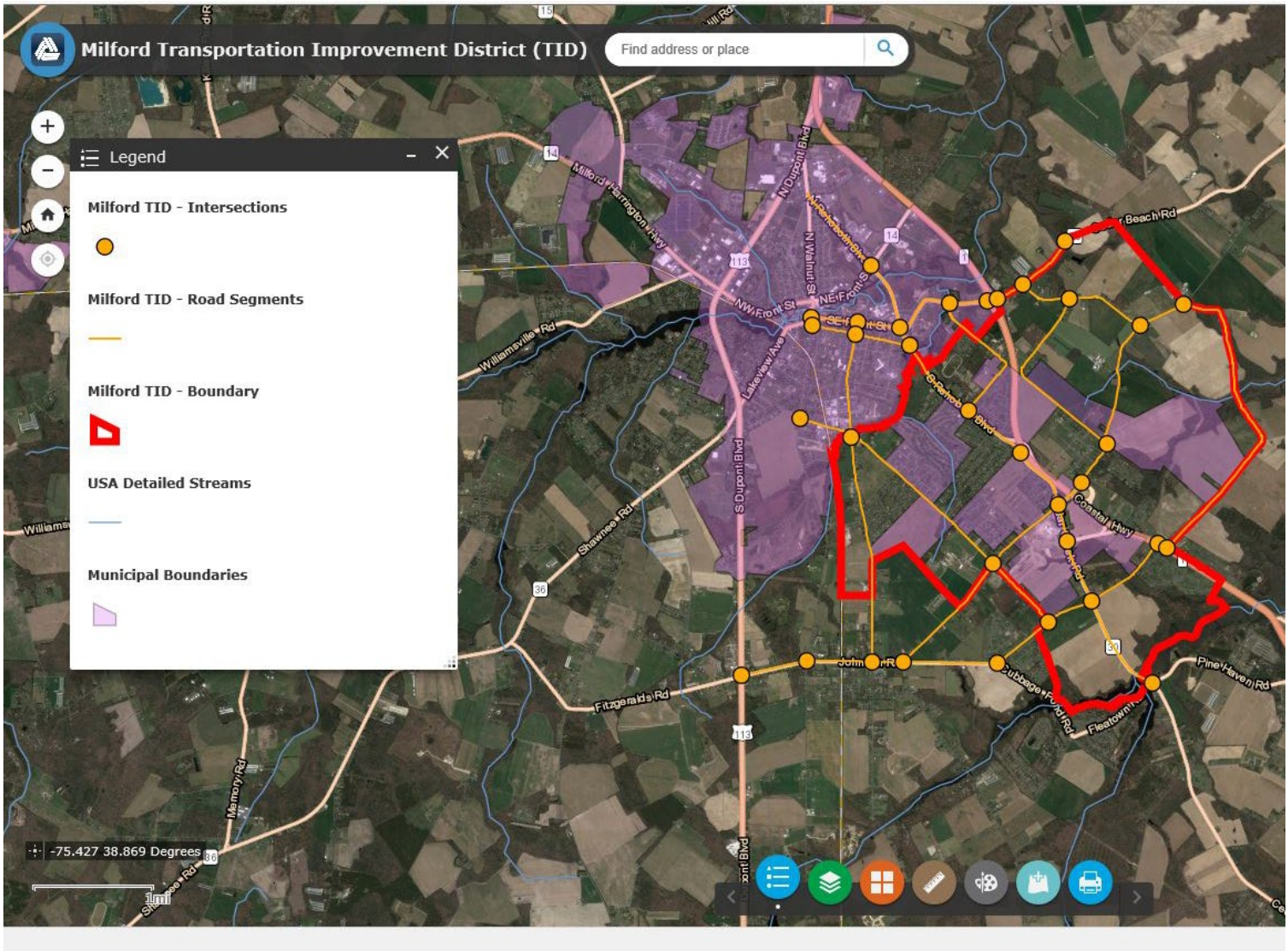


Exhibit B to accompany Southeast Milford TID Agreement

Service Standards

Draft Service Standards for Southeast Milford TID

These standards describe the standards to which DelDOT will work in developing transportation improvement projects that are to be built as part of the Southeast Milford TID. They in no way obligate DelDOT or the City to make specific improvements. They describe the form and function that improvements are to have if improvements are to be made.

I. Inside Participant Boundary

A. Capacity and Level of Service Standards

1. To account for seasonal variations in traffic, DelDOT shall adjust weekday traffic counts to approximate annual average volumes.

2. DelDOT may further adjust specific volumes to account for errors in the counted volumes where such errors become apparent and for instances where it is apparent that traffic has increased since the counts were done.

3. The same standards for all roads in the study area shall be assumed except:

a. None at present.

4. Use of the procedures in the 6th Edition of the Highway Capacity Manual and applicability only to the Automobile Mode are assumed except as specified in this document. Those standards are summarized in the tables below for reference.

Control delay is the delay associated with vehicles slowing in advance of an intersection, the time spent stopped on an intersection approach, the time spent as vehicles move up in the queue, and the time needed for vehicles to accelerate to their desired speed.

Signalized Intersections		
Control Delay (sec/veh)	Volume-to-Capacity Ratio ≤ 1.0	Volume-to-Capacity Ratio > 1.0
≤ 10	A	F
>10-20	B	F
>20-35	C	F
>35-55	D	F
>55-80	E	F
>80	F	F

Unsignalized Intersections		
Control Delay (sec/veh)	Volume-to-Capacity Ratio $\leq$ 1.0	Volume-to-Capacity Ratio > 1.0
$\leq$ 10	A	F
>10-15	B	F
>15-25	C	F
>25-35	D	F
>35-50	E	F
>50	F	F

5. Minimum intersection Levels of Service (LOS) are as follows:

   a. Overall Level of Service for Weekday (Monday through Friday) Morning and Evening Peak Hours at signalized, roundabout and all-way stop-controlled intersections: E. LOS for specific approaches and movements may be F.

   b. Level of Service for Weekday (Monday through Friday) Morning and Evening Peak Hours at two-way stop-controlled intersections: E for left turns from the major street. LOS for minor street approaches and movements may be F.

   c. For all facilities, 95th percentile queue lengths should not exceed available turning lane lengths and through movements should not queue through adjacent intersections.

   d. For unsignalized intersections where traffic on the major street does not stop or yield, an overall intersection LOS cannot be calculated. The minimum LOS standard for stop-controlled movements shall be E. However it is recognized that where traffic volumes are insufficient to warrant delaying the through traffic with an all-way stop, roundabout or signal, this standard may be unobtainable. In such situations DelDOT and the City shall agree on what, if any, remedies are appropriate to mitigate congestion.

6. In the following specific locations, DelDOT and the City agree that improvements outside the existing right-of-way will not be required, regardless of Levels of Service and queue lengths:

   a. None at present

7. Facilities to be analyzed shall include all at-grade intersections of one or more State-maintained roads with:

a. Other State-maintained roads;
b. Rail lines
c. City-maintained streets, excluding alleys;
d. Commercial or institutional driveways served by traffic signals.

B. Geometric Standards

1. Use of posted speed limits is assumed. The City requests consideration of reducing posted speed limits on the following roads;
   a. Cedar Creek Road – from Cedar Creek north should be reduced to 35 mph.
   b. Wilkins Road/Cedar Neck Road – from SR1 overpass to Elks Lodge Road stop sign should be reduced to 35 mph.
   c. Elks Lodge Road – from Wilkins Road to Marshall Street – should be reduced to 35 mph.

2. The DelDOT Functional Classification Map, applicable DelDOT design standards, and DelDOT's Complete Streets Policy are assumed.

3. With specific regard to typical sections on State-maintained roads, the following minimum widths are required:

   a. 11-foot through lanes;
   b. 10-foot turning lanes (12-foot for two-way left turn lanes, 15-foot for a right turn lane if a 5-foot bicycle lane is included);
   c. 5-foot shoulders on local roads;
   d. 8-foot shoulders on collector and minor arterial roads; and
   e. 10-foot shoulders on principal arterial roads.

C. Access and intersection control

1. DelDOT's Development Coordination Manual shall apply to access on State-maintained roads. Subdivision streets within the City limits will be built to City standards and for private or municipal maintenance.

2. On state maintained roads roundabouts shall be considered first as a means of intersection control in accordance with DelDOT Design Guidance Memorandum Number 1-26, incorporated here by reference. This consideration shall be part of a larger intersection control evaluation. In the assessment of the proper intersection control several factors are to be considered, including but not limited to, safety, capacity, and right-of-way need and property impacts.

3. Proposed changes to intersection control shall be based on evaluation of crash data and designed in accordance with the Delaware Manual on Uniform Traffic Control Devices and other criteria as may be adopted by DelDOT for that purpose.

D. Fixed Route Transit

Existing DART First State bus service is assumed to continue. Addition of new stops and the amenities required at each stop shall be at the discretion of the Delaware Transit Corporation based on the goals and objectives of Milford's SE Master Plan.

E. Aesthetic Standards

With the possible exception of Scenic Byways, addressed, plain bituminous pavement with Portland cement concrete curbs and sidewalks, galvanized steel signal poles and streetlight heads, grass or concrete medians and grass or bituminous-paved shoulders are assumed.

F. Delaware Byways

If a road is designated by DelDOT as part of a Scenic Byway and there is a Corridor Management Plan, and/or a Master Plan, for that Byway, the Plan(s) shall govern the implementation of these standards with respect to that road.

G. Drainage

Where new road construction is proposed to address otherwise substandard conditions, adequate drainage shall be provided as part of that construction. In the following locations, inadequate drainage is known to exist and shall be addressed as part of this effort:

1. Wilkins Road between Elks Lodge Road and Cedar Creek Road

H. Pedestrian and Bicycle Facilities

1. The City's Bicycle and Pedestrian Master Plan should be referenced when making design decisions related to bike and pedestrian facilities.

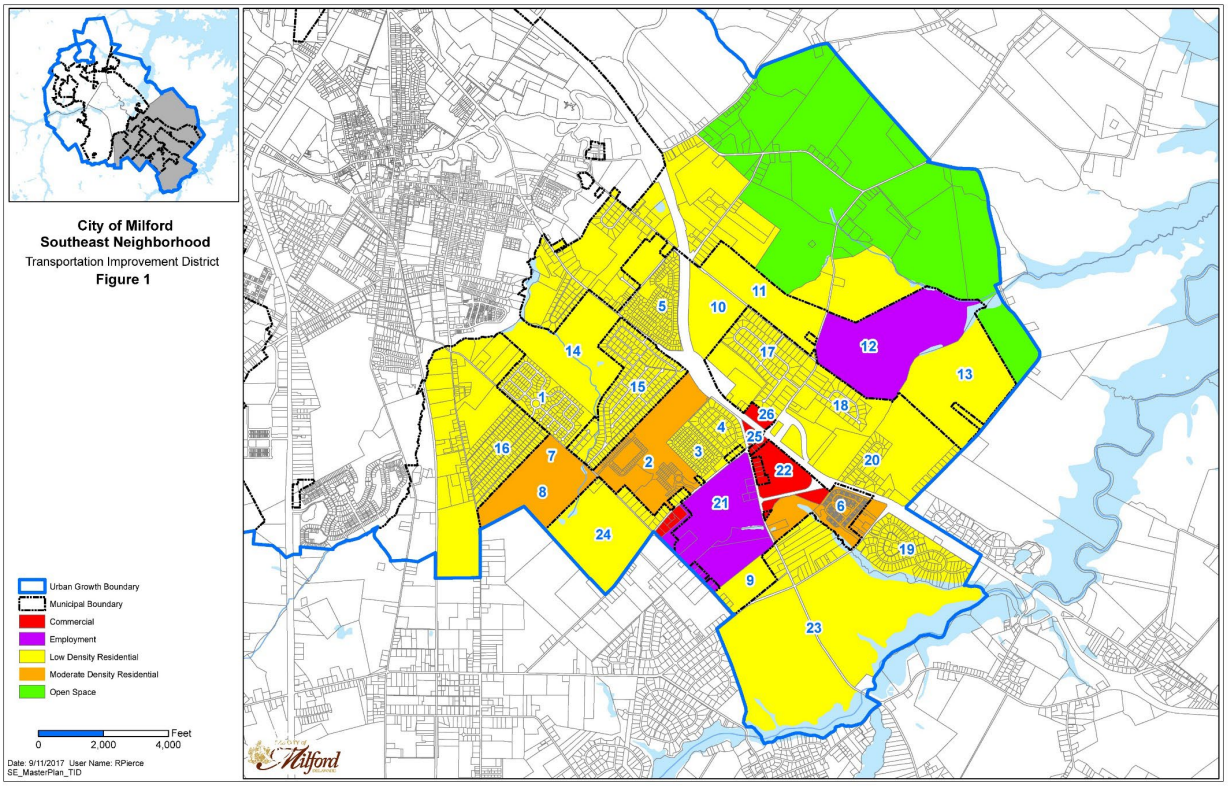
2. Existing and proposed pedestrian crossing treatments (at intersections and/or mid-block) should be evaluated and designed using national and local research. Preferred design is to incorporate a median refuge island to create a two-stage crossing.

3. Below are a list of proposed improvements or known areas of concern related to bike and pedestrian facilities;
    a. The City would like to see the shared use path extended along the south side of Wilkins Road from the Bayhealth property to Elks Lodge Road. The City owns a strip of land that extends from Elks Lodge to Wilkins Road that could be used as an alternative off-alignment route for the shared use path.
    b. The City would like to see a shared use path along Elks Lodge Road from Wilkins Road to Marshall Street.
    c. A shared use path should be considered along Cedar Neck Road and Bucks Road for any new development, connecting with Cedar Creek Road and Route 36.
    d. There is an existing bike lane in the shoulder of northbound Cedar Creek Road/S. Rehoboth Boulevard that ends abruptly at the SR1 flyover to S. Rehoboth Boulevard.

II. Outside Participant Boundary but within Facilities Boundary – Same as inside.

Exhibit C to accompany Southeast Milford TID Agreement

Land Use and Transportation Plan



ITE Trip Generation

Map #	Milford TID Development	Status	Existing Zoning	Acres	Single Family Detached Planned	Townhouse Planned	Condominium Planned	Commercial S.F. Planned	ITE Code	AM In	AM Out	AM Total	PM In	PM Out	PM Total
1	Orchard Hill	In Progress	R-2	n/a	20				210	5	14	19	14	8	22
2	Hearthstone Manor I	In Progress	PUD	n/a	94		536		210 and 221	78	226	304	212	122	334
3	West Shores at New Milford	In Progress	R-2	n/a	52				210	11	31	42	34	20	54
6	Wickersham	Recorded / In Play	R-3	n/a		200			220	21	71	92	69	40	109
7	Hearthstone Manor II - Phase I	Recorded / In Play	PUD	n/a	40		200		210 and 221	26	75	101	78	50	128
8	Hearthstone Manor II - Phase II	Recorded / In Play	PUD	n/a	83		815		210 and 221	86	246	332	257	160	417
9	Wilson Contracting	In Play	R-2	38	143				210	27	79	106	90	53	143
10	Mr. Wiggles	In Play	R-1	70	485				210	87	262	349	292	171	463
11	Red Cedar Farms	In Play	R-2	102	658				210	118	354	472	391	229	620
12	Innovation Park as Residential	In Play	IS	199	1194				210	213	640	853	692	406	1098
12	Innovation Park as Medical Office	In Play	IS	199				325,000	720	498	140	638	309	795	1104
13	Mills Property	In Play	R-1	176	528				210	96	285	381	316	186	502
14	Preserves at Shawnee		R-2	149.3	254				210	46	139	185	157	92	249
17	Knollac Acres	In Progress	Sussex	n/a	33				210	7	21	28	22	13	35
18	Hidden Meadows	n/a	Sussex	n/a	5				210	2	6	8	4	2	6
19	Cedar Creek Landing	n/a	Sussex	n/a								0			0
20	Saraglen Acres	n/a	Sussex	n/a								0			0
21	Bayhealth Health Campus	In Play	IS	110				650,000	720	993	280	1273	618	1589	2207
22	Hall Property (Commercial)	In Play	C-3	45				450,000	820	234	143	377	794	860	1654
23	Hall Property (Residential)	In Play	R-1?	565	2719				210	484	1451	1935	1525	895	2420
24	Wilkins Farm	In Play	R-1?	135	806				210	144	433	577	474	279	753
25	Key Properties	In Play	C-3	4.8				48,000	820	109	67	176	152	164	316
26	Thawley Commercial	In Play	C-3	9.2				92,000	820	123	75	198	245	266	511
	TOTAL (with Innovation Park as Residential)				7,113	200	1,551	1,240,000		2,910	4,898	7,808	6,436	5,605	12,041

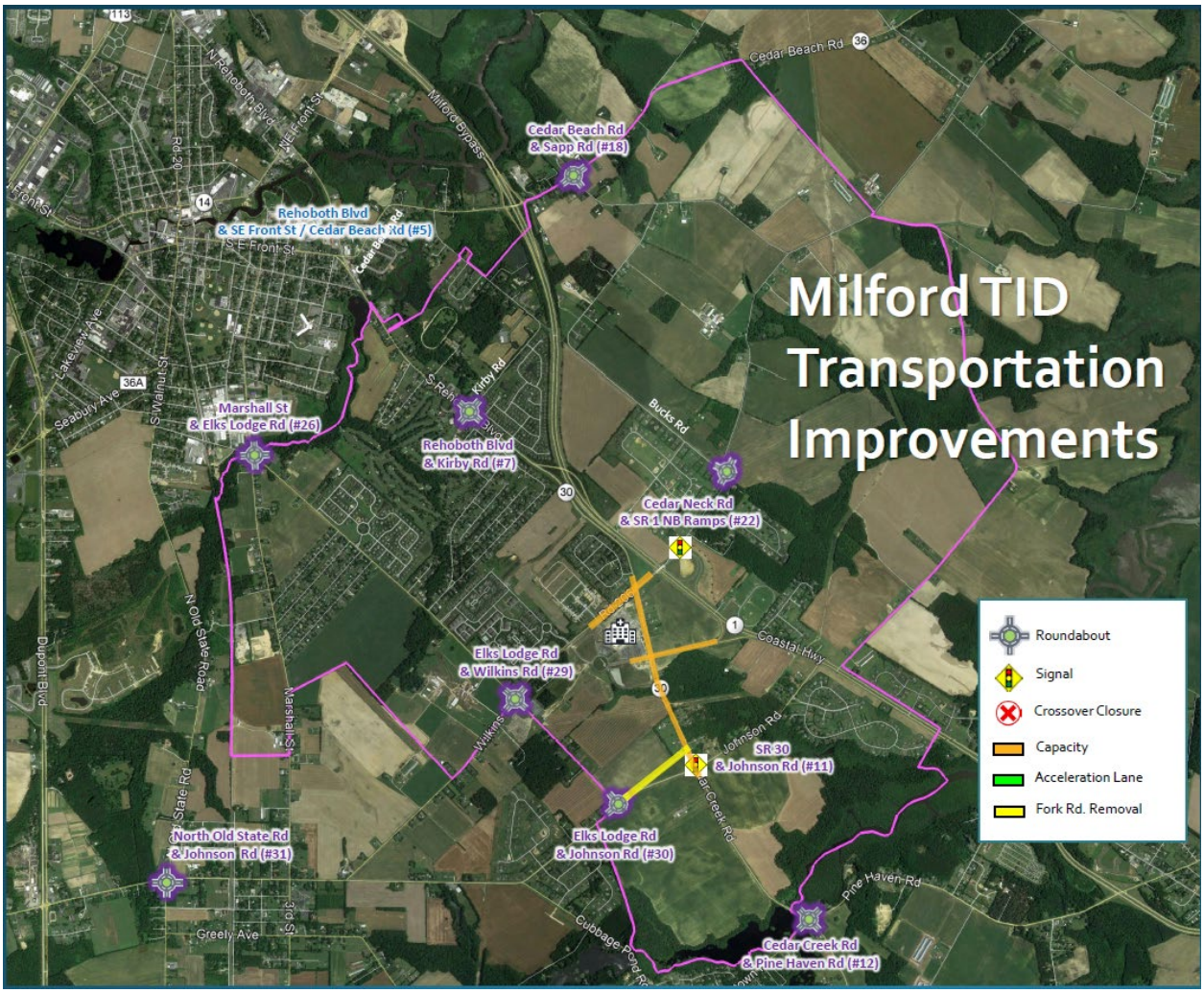
Does not include map numbers for developments designated as already completed by the City of Milford

+8,864 new residential units by year 2045
+1,240,000 new commercial square footage by year 2045

=

+7,808 AM peak hour trips by year 2045
+12,041 PM peak hour trips by year 2045

Maps showing all transportation improvements



Bicycle improvements

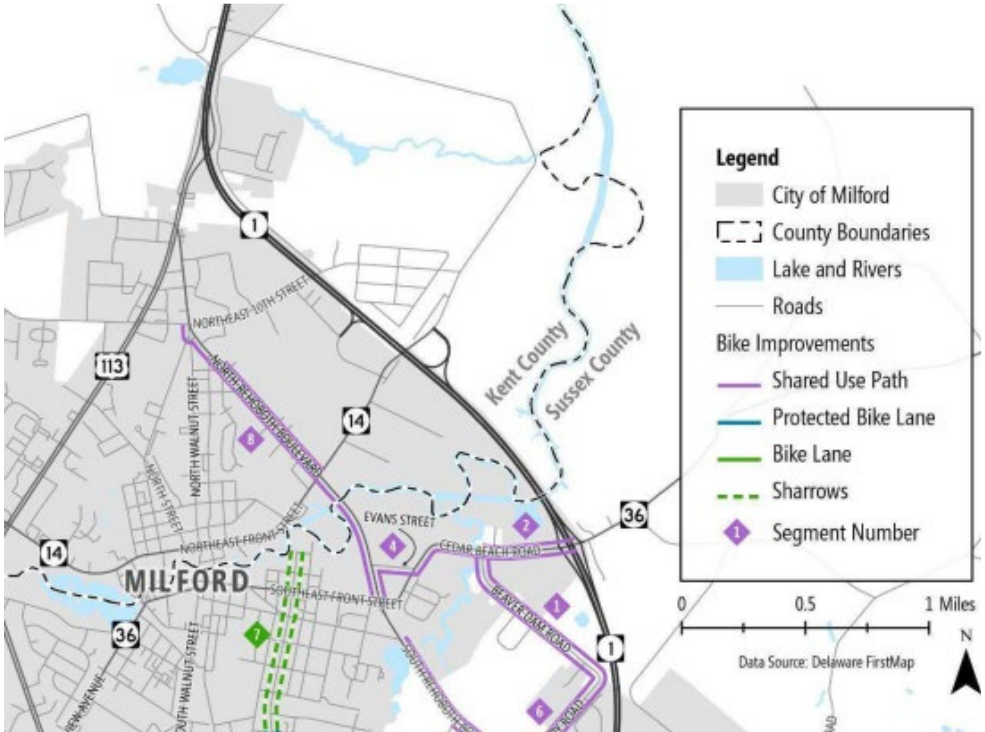


Exhibit D to accompany Southeast Milford TID Agreement

TID Capital Transportation Program (TID-CTP)

Southeast Milford TID Improvements	
Project Description	**Current Cost Estimate, 2023**
Bicycle and Pedestrian improvements along TID roadway segments from City of Milford Bicycle Master Plan	$21,640,495.00
Cedar Beach Rd. and Sapp Rd. intersection: Install a single-lane roundabout with 65' inscribed radius. The roundabout will have an 18' wide travel lane and modified type 2 curb with a 47' radius separating the travel lane and 10' concrete truck apron. Type 1 curb is proposed inside the truck apron having a 37' radius. All pavement to be full-depth construction due to low OPC index scores; create a fourth leg for Pingue Drive across from Sapp Rd.	$2,587,955.00
Cedar Creek Rd. Corridor from Johnson Rd. to and including Wilkins Rd. intersections: Traffic signal, turn lanes, two northbound through lanes at Johnson Rd.; two northbound through lanes, two southbound left turn lanes at Wellness Way; traffic signal, turn lanes, two through lanes in both directions at Hall property access; two through lanes in both directions at Wilkins Rd; two lefts from Wilkins Rd; 10' wide SUP on both sides; remove Fork Rd. connection.	$21,386,683.00
Cedar Neck Rd. Corridor from just west of SR1 northbound ramp to Bucks. Rd. and Bucks Rd. between Cedar Neck Rd. and 290' west of Courtney Drive: Signal and turn lanes are SR1 ramp and Thawley property access; turn lanes and realignment at Bucks Rd. or install single-lane roundabout at Bucks Rd.; 10' Wide SUP on both sides.	$17,437,908.00
Elks Lodge Rd. and Johnson Rd. intersection: install single-lane roundabout with 66' inscribed radius. The roundabout will have an 18' wide travel lane and modified type 2 curb with a 47' radius separating the travel lane and 10' concrete truck apron. Type 1 curb is proposed inside the truck apron having a 37' radius. All pavement to be full-depth construction due to low OPC index scores; 10' wide SUP along northbound side of Elks Lodge Rd. and both sides of eastern approach of Johnson Rd.	$2,433,000.00
Elks Lodge Rd. and Marshall St. intersection: install single-lane roundabout with 65' inscribed radius. The	

Exhibit E to accompany Southeast Milford TID Agreement

Initial Contribution Rates

Between 30% and 35% developer contributions

Southeast Milford TID Initial Fee Schedule 2023	
Residential Rates	
Single family detached residential	$2,750 per unit by phase
	$2,887 per unit by lot
Single family attached residential	$2,090 per unit by phase
	$2,194 per unit by lot
Multi-family residential, low-rise, 1-3 floors	$1,952 per unit by phase
	$2,049 per unit by lot
Multi-family residential, mid-rise, 4 or more floors	$1,320 per unit by phase
	$1,386 per unit by lot
Non-Residential Rates	
Under 21 trips per 1,000 SF GFA	$1.00 per sq ft
At least 21 but less than 34 trips per 1,000 SF GFA	$1.45 per sq ft
At least 34 but less than 75 trips per 1,000 SF GFA	$2.90 per sq ft
At least 75 but less than 200 trips per 1,000 SF GFA	$5.80 per sq ft
200 or more trips per 1,000 SF GFA	$6.80 per sq ft
Notes: Single family attached rate is 76% of single-family detached rate. Low-rise Multi-family rate is 71% of single-family detached rate. Mid-rise Multi-family rate is 48% of single-family detached rate. All	

Southeast Milford TID Initial Fee Schedule 2023	
Residential Rates	
Single family detached residential	$3,250 per unit by phase
	$3,412 per unit by lot
Single family attached residential	$2,470 per unit by phase
	$2,593 per unit by lot
Multi-family residential, low-rise, 1-3 floors	$2,307 per unit by phase
	$2,422 per unit by lot
Multi-family residential, mid-rise, 4 or more floors	$1,560 per unit by phase
	$1638 per unit by lot
Non-Residential Rates	
Under 21 trips per 1,000 SF GFA	$1.07 per sq ft
At least 21 but less than 34 trips per 1,000 SF GFA	$1.58 per sq ft
At least 34 but less than 75 trips per 1,000 SF GFA	$3.15 per sq ft
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Notes: Single family attached rate is 76% of single-family detached rate. Low-rise Multi-family rate is 71% of single-family detached rate. Mid-rise Multi-family rate is 48% of single-family detached rate. All non-residential rates are based on the number of daily trips per 1,000 square foot of gross floor area. This is based on ITE Trip Generation Manual, 11th Edition.	



Delaware Department of Transportation

March 13, 2023

Milford Transportation Improvement District (TID)

Council Briefing

Presented to: City of Milford City Council

Agenda

1. Background

2. Improvements

    - Cedar Creek Road
    - Wilkins Road
    - Cedar Neck Road
    - S. Rehoboth Boulevard

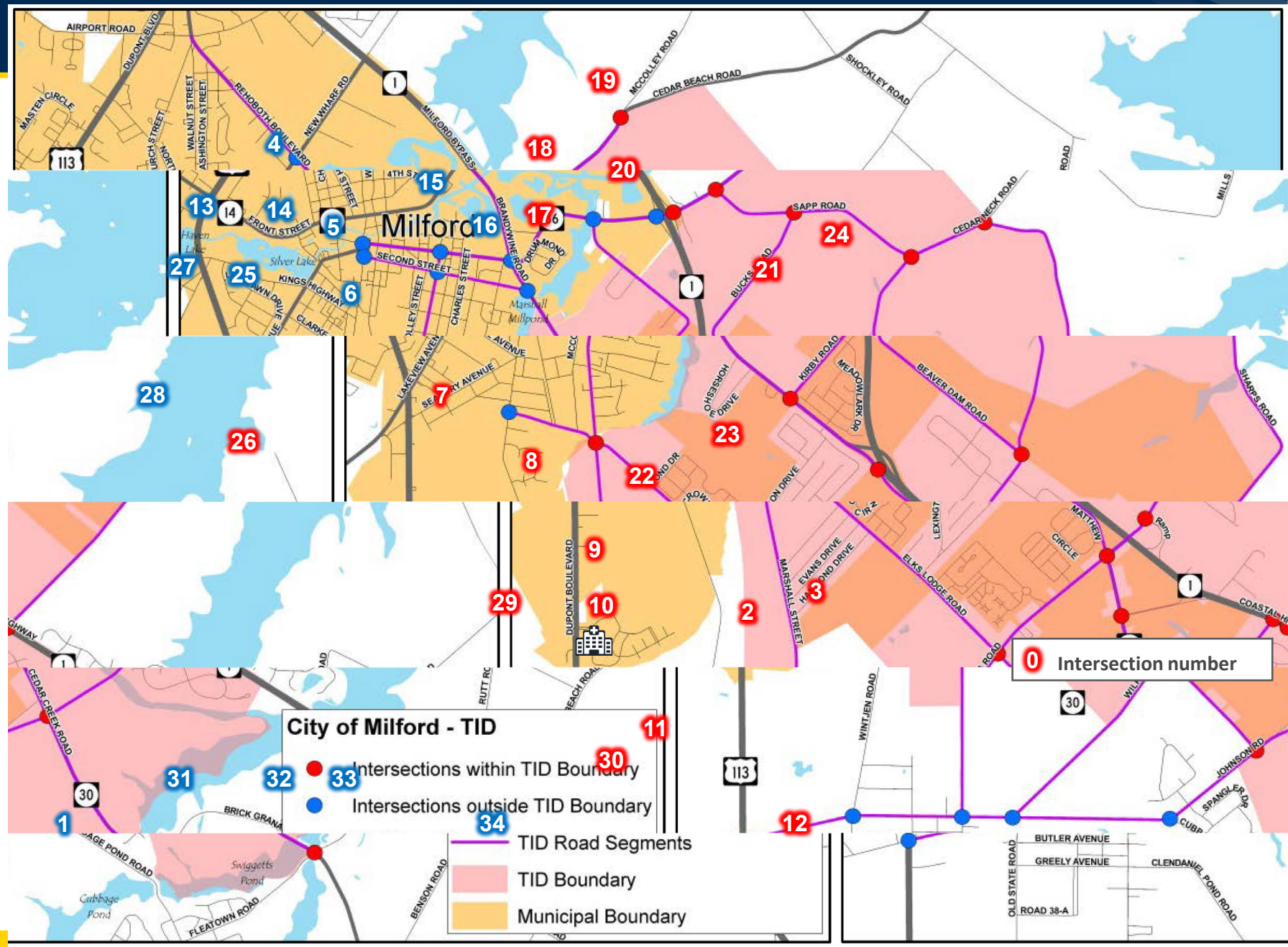
3. Additional Bicycle and Pedestrian Improvements

4. TID CTP and Infrastructure Fee Program

5. Next Steps

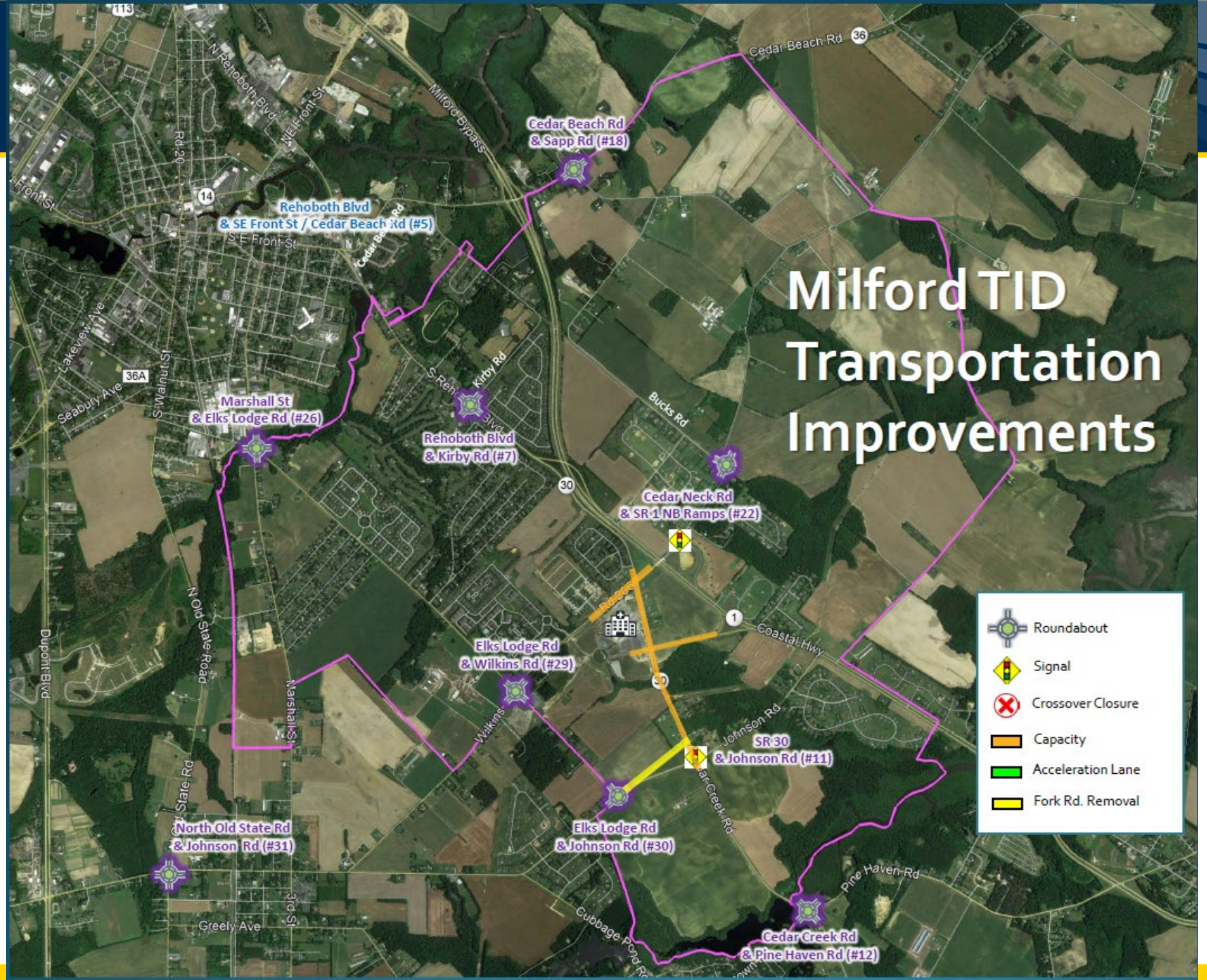
Background

- Project Area
  - ≈ 8.27 square miles
  - 35 total intersections
    - 7 signalized intersections
    - 1 additional intersection - Delaware Route 1/Slaughter Beach Road/Pine Haven Road
- 2045 Horizon Year
  - 26 committed developments
  - LOS E Service Standard



Improvements

- TID Improvements
  - 8 new single-lane roundabouts
  - 2 new signalized intersections
  - Capacity
    - Additional turn lanes and through lanes
  - Bicycle and pedestrian improvements
    - Consistent with City's Bike Plan



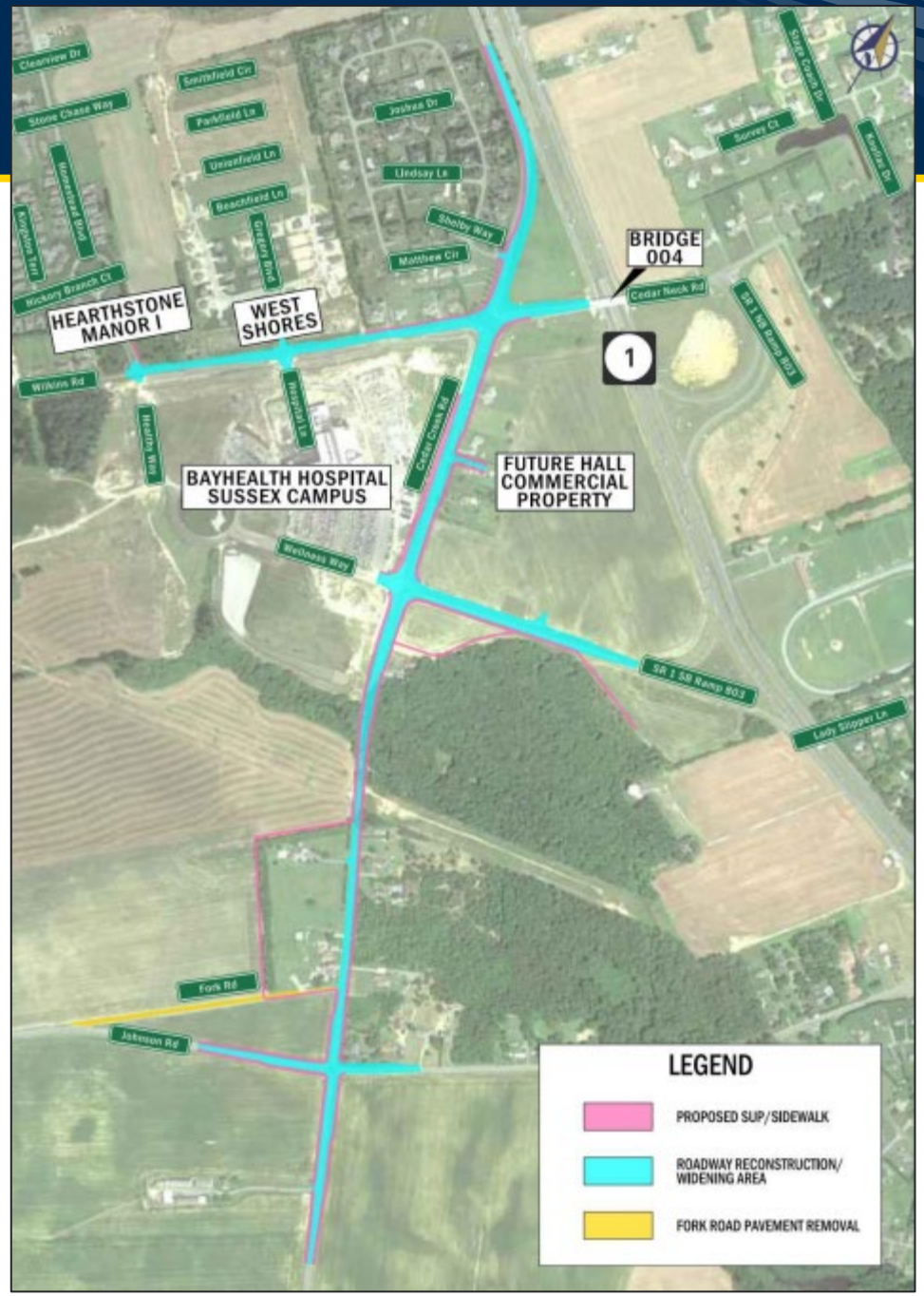
Improvements



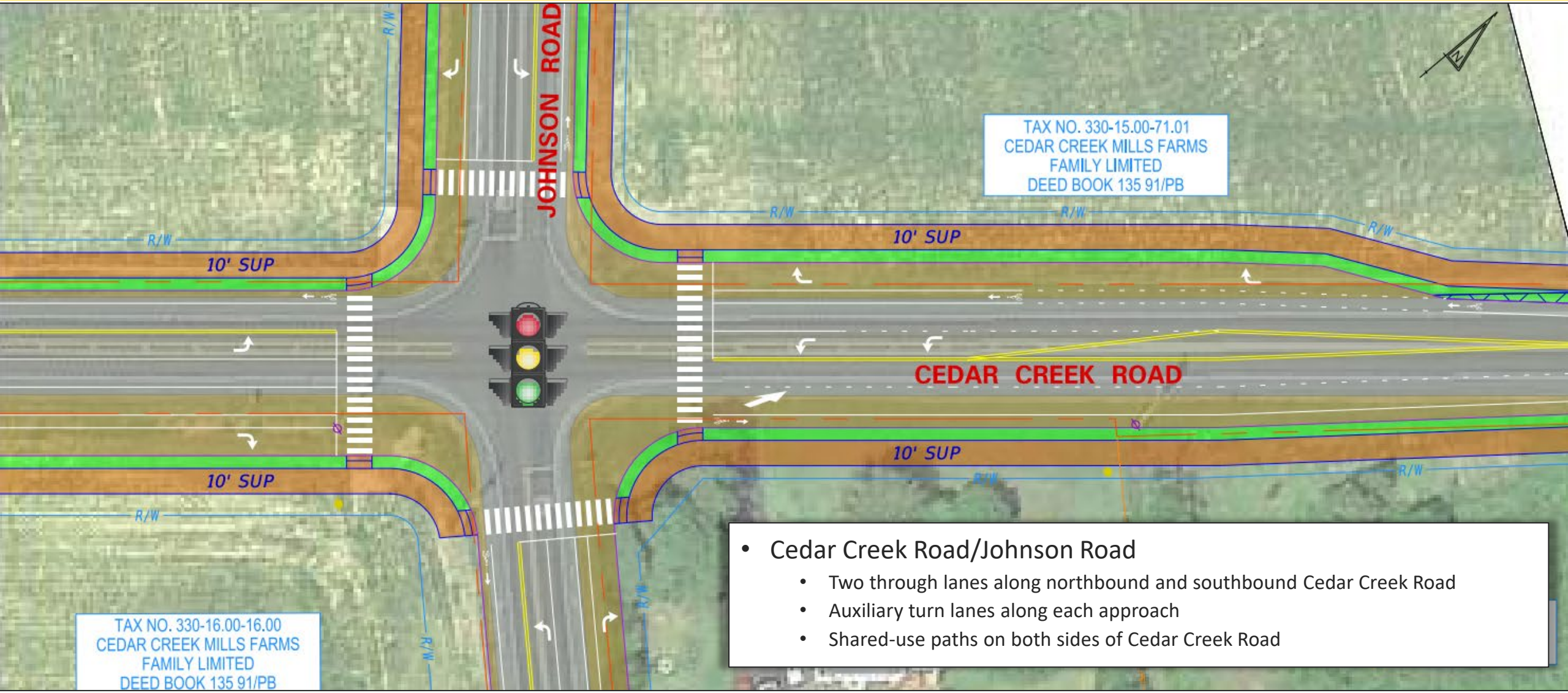
- Corridor Capacity Preservation Program (CCPP) Improvements
  - Service Road parallel to northbound SR 1
  - Acceleration Lane from Johnson Road onto southbound SR 1

Improvements
Cedar Creek Road/Wilkins Road

- ≈ 1.27 miles long, beginning at 1,095 feet south of Johnson and ending 1,607 feet north of Wilkins Road
- 4 Intersection Improvements along with associated roadway improvements
  - Cedar Creek Road and Johnson Road
  - Cedar Creek Road and Wellness Way/SR 1 Southbound Ramp 803
  - Cedar Creek Road and the proposed Hall Property Access
  - Cedar Creek Road and Wilkins Road
- Pedestrian/Bicycle Facility Improvements
- Widening to SR 1 Southbound Ramp 803
- Total Estimated Project Cost = $21,386,683

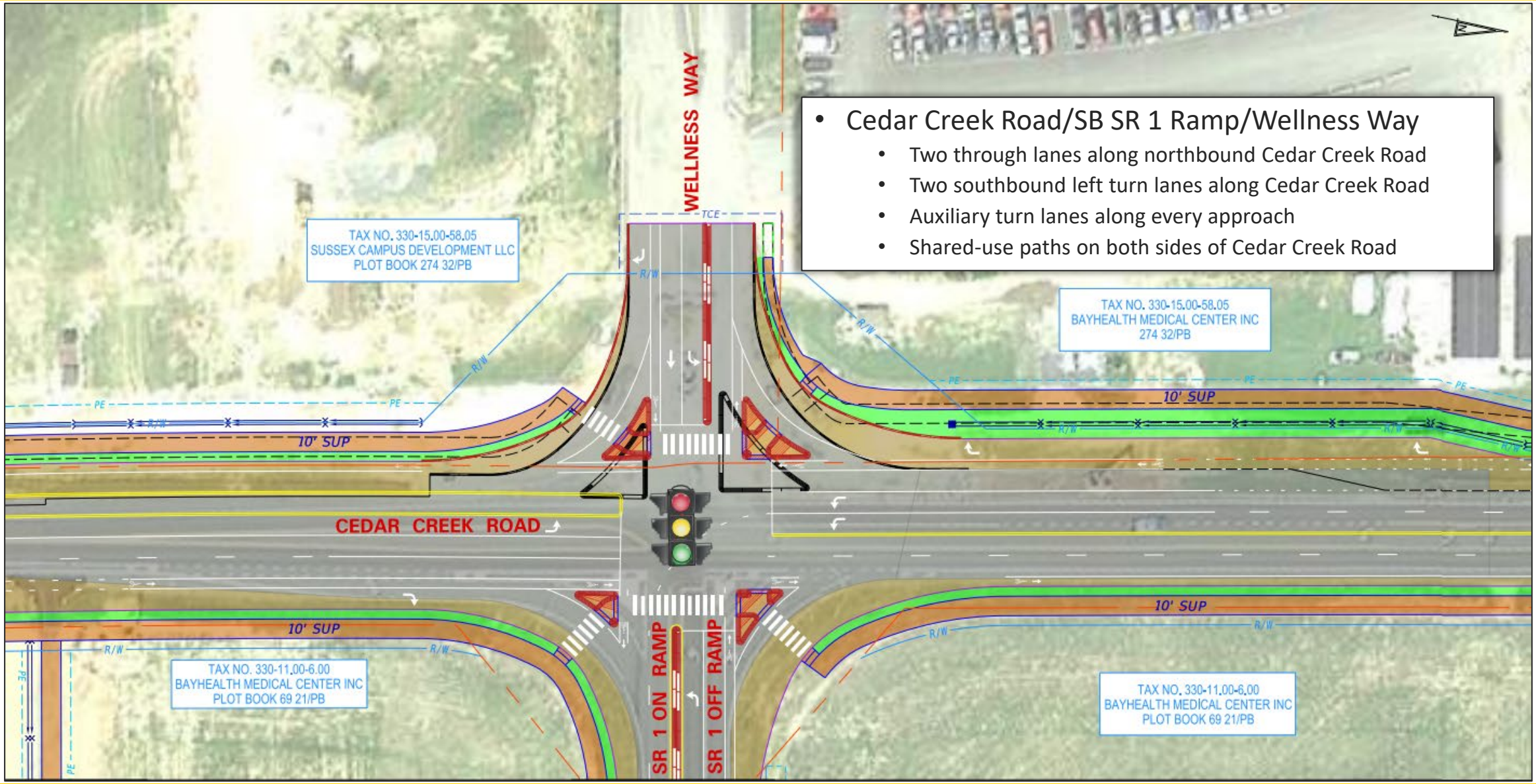


Improvements – Cedar Creek Road



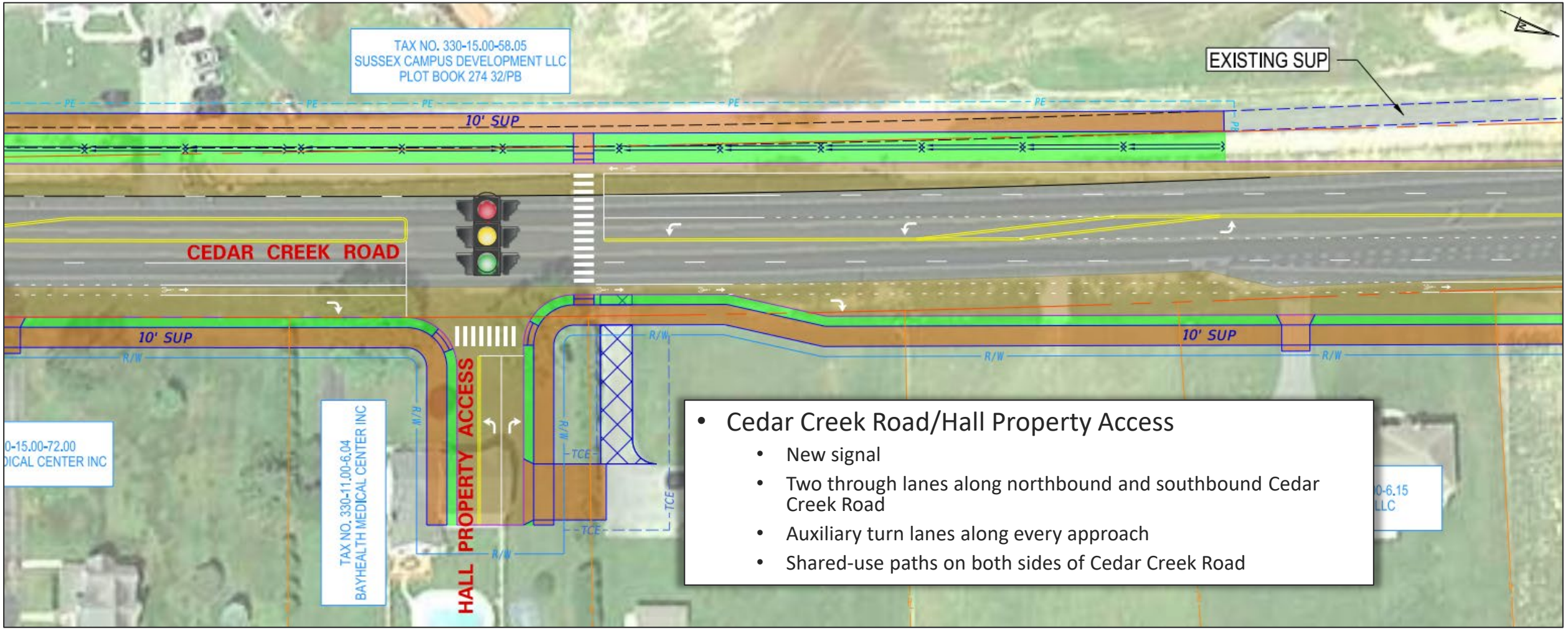
- Cedar Creek Road/Johnson Road
  - Two through lanes along northbound and southbound Cedar Creek Road
  - Auxiliary turn lanes along each approach
  - Shared-use paths on both sides of Cedar Creek Road

Improvements – Cedar Creek Road



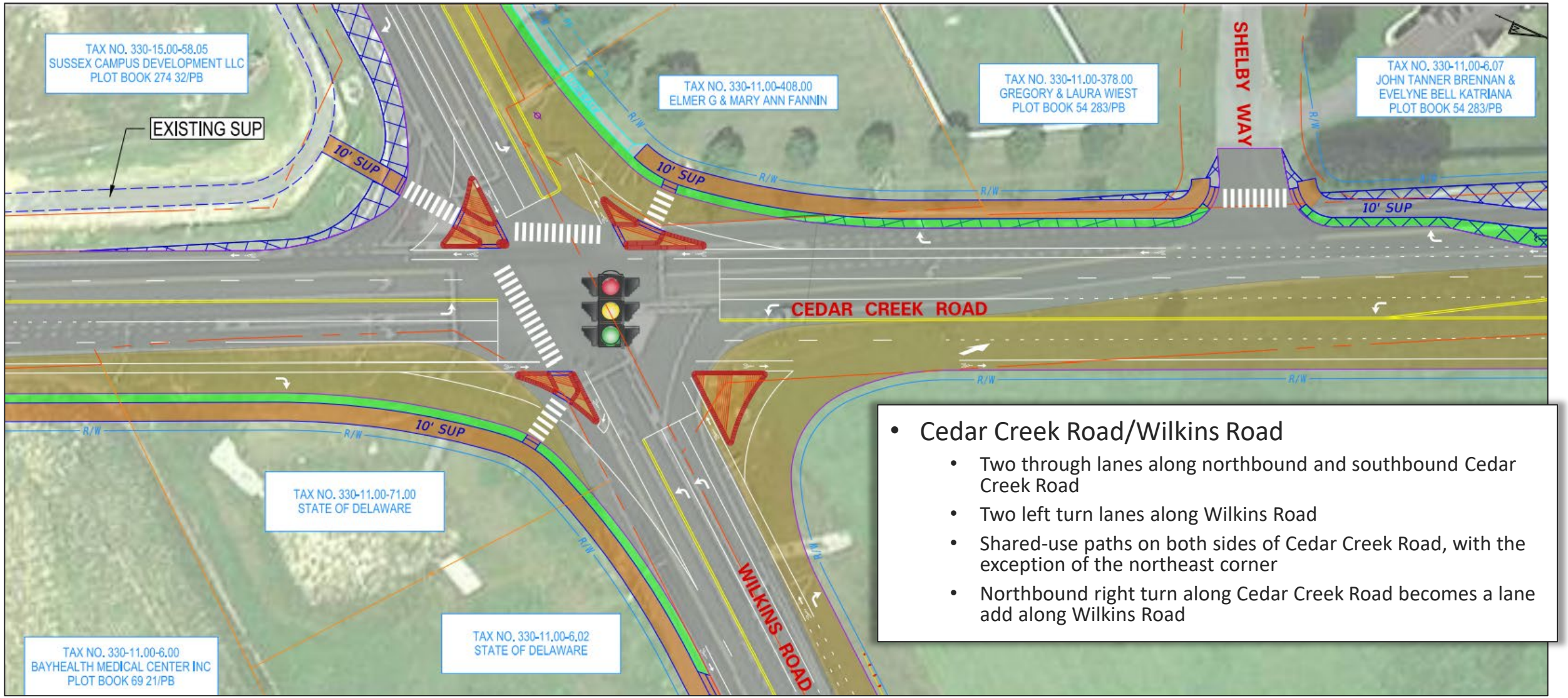
- Cedar Creek Road/SB SR 1 Ramp/Wellness Way
  - Two through lanes along northbound Cedar Creek Road
  - Two southbound left turn lanes along Cedar Creek Road
  - Auxiliary turn lanes along every approach
  - Shared-use paths on both sides of Cedar Creek Road

Improvements – Cedar Creek Road



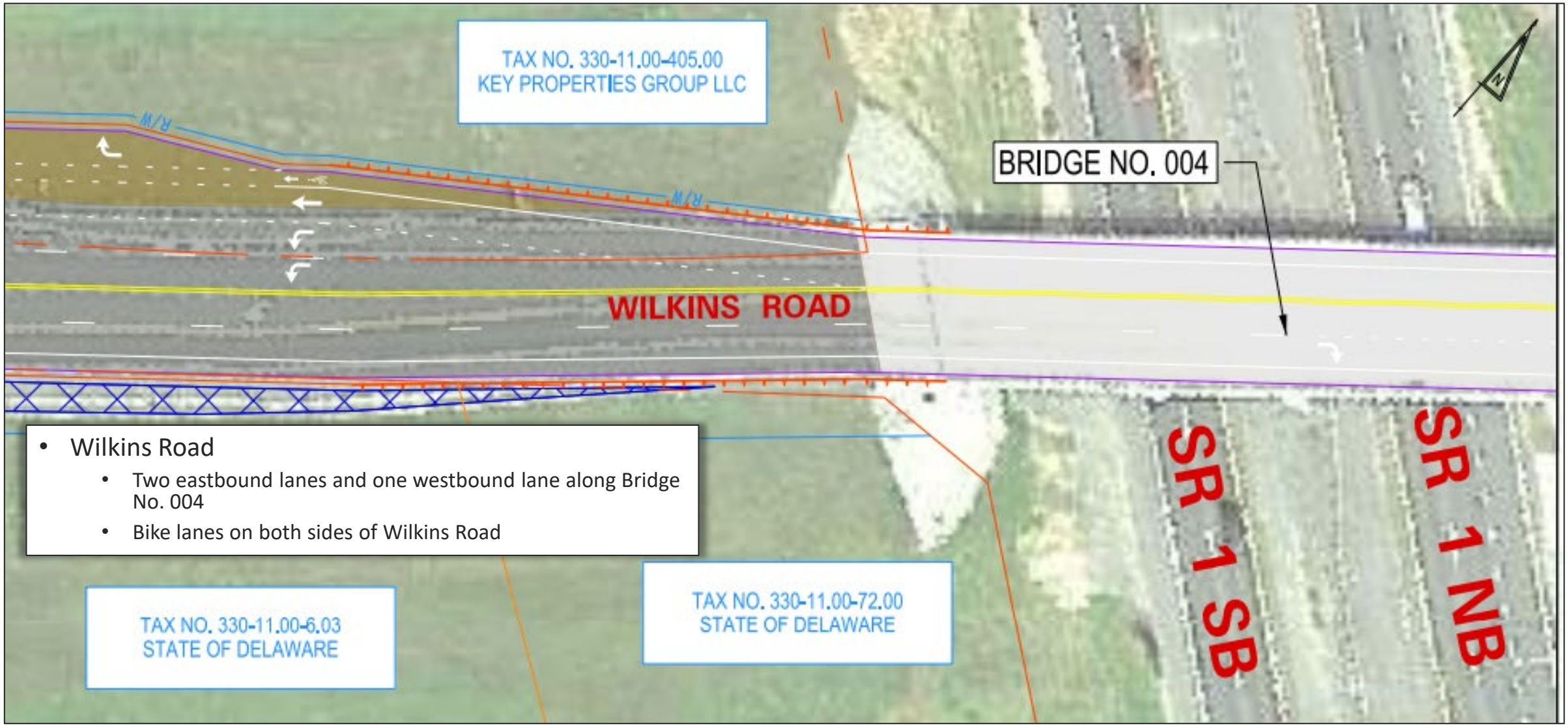
- Cedar Creek Road/Hall Property Access
  - New signal
  - Two through lanes along northbound and southbound Cedar Creek Road
  - Auxiliary turn lanes along every approach
  - Shared-use paths on both sides of Cedar Creek Road

Improvements – Cedar Creek Road



- Cedar Creek Road/Wilkins Road
  - Two through lanes along northbound and southbound Cedar Creek Road
  - Two left turn lanes along Wilkins Road
  - Shared-use paths on both sides of Cedar Creek Road, with the exception of the northeast corner
  - Northbound right turn along Cedar Creek Road becomes a lane add along Wilkins Road

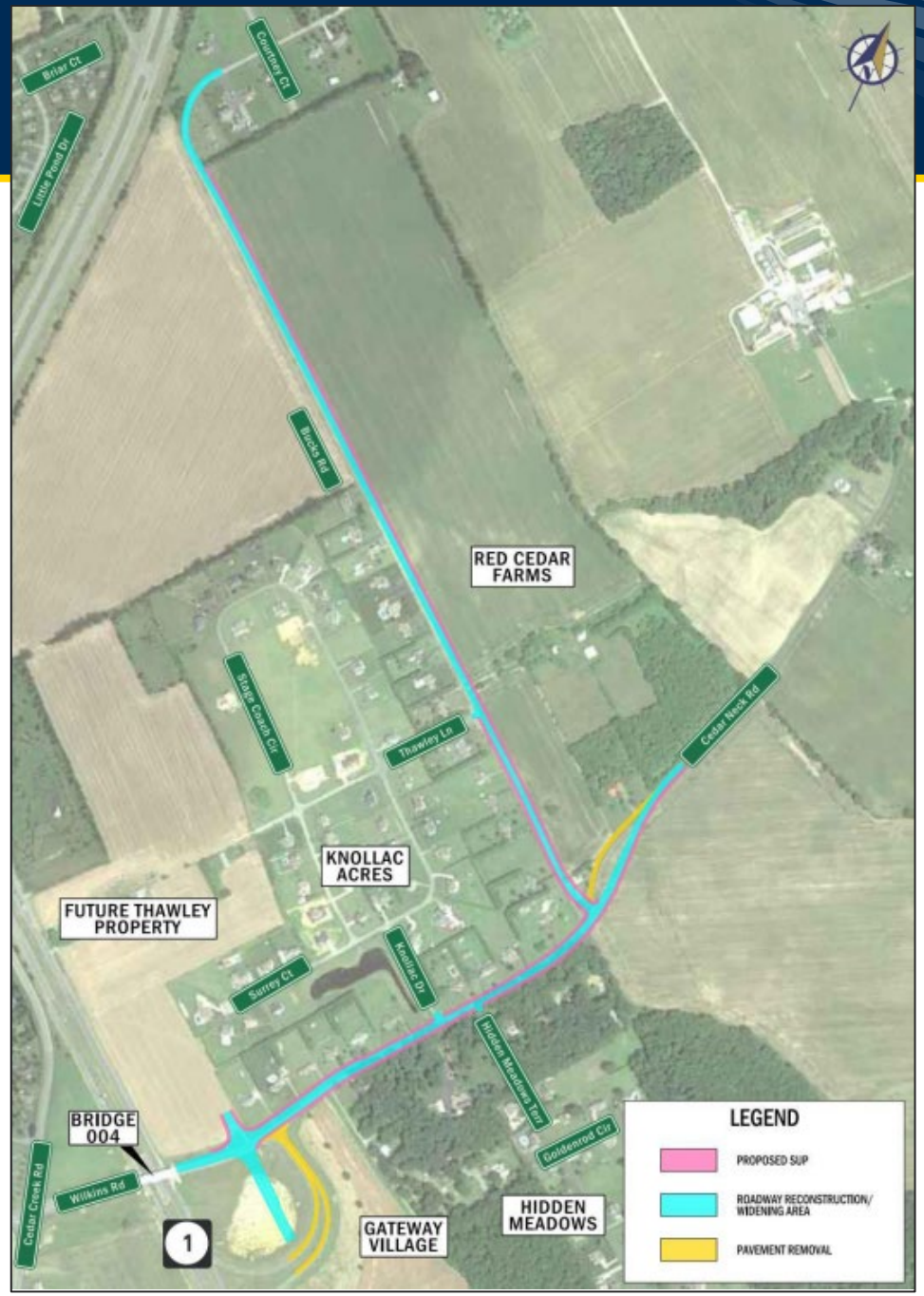
Improvements – Wilkins Road



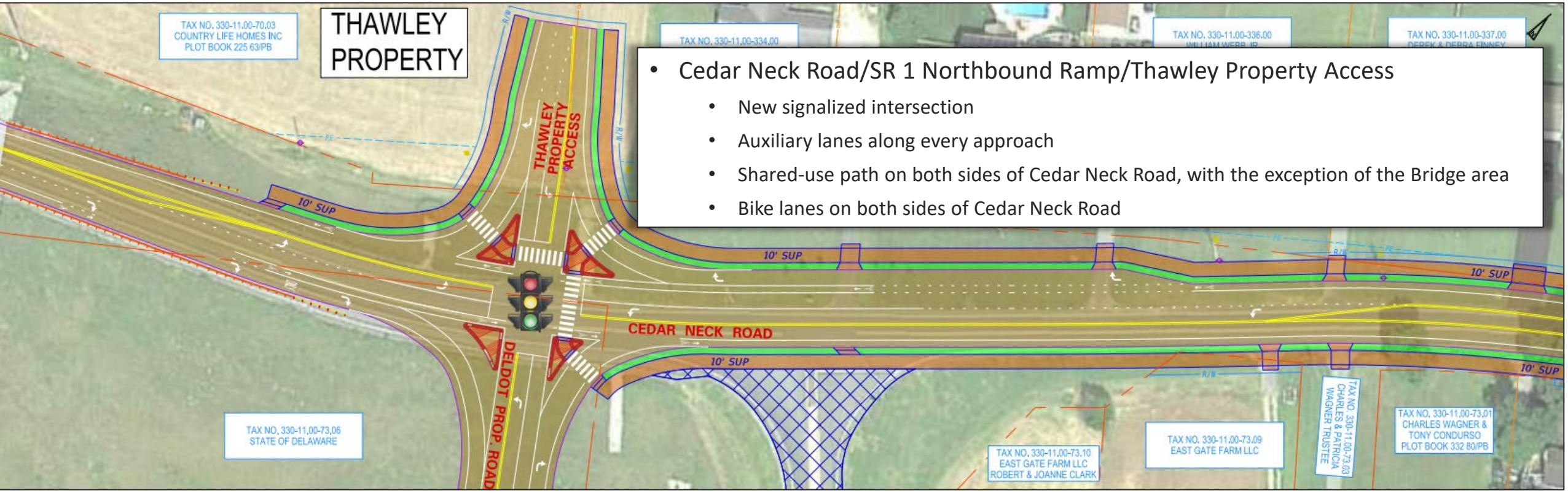
- Wilkins Road
  - Two eastbound lanes and one westbound lane along Bridge No. 004
  - Bike lanes on both sides of Wilkins Road

Improvements
Cedar Neck Road

- ≈ 1.67 miles long, beginning at Bridge No. 004 and terminating 845 feet east of Bucks Road.
- 2 Intersection Improvements along with associated roadway improvements
  - Cedar Neck Road and SR 1 Northbound Ramp/Thawley Property Access
  - Cedar Neck Road and Bucks Road
- Pedestrian/Bicycle Facility Improvements
- Total Estimated Project Cost = $17,437,908



Improvements – Cedar Neck Road

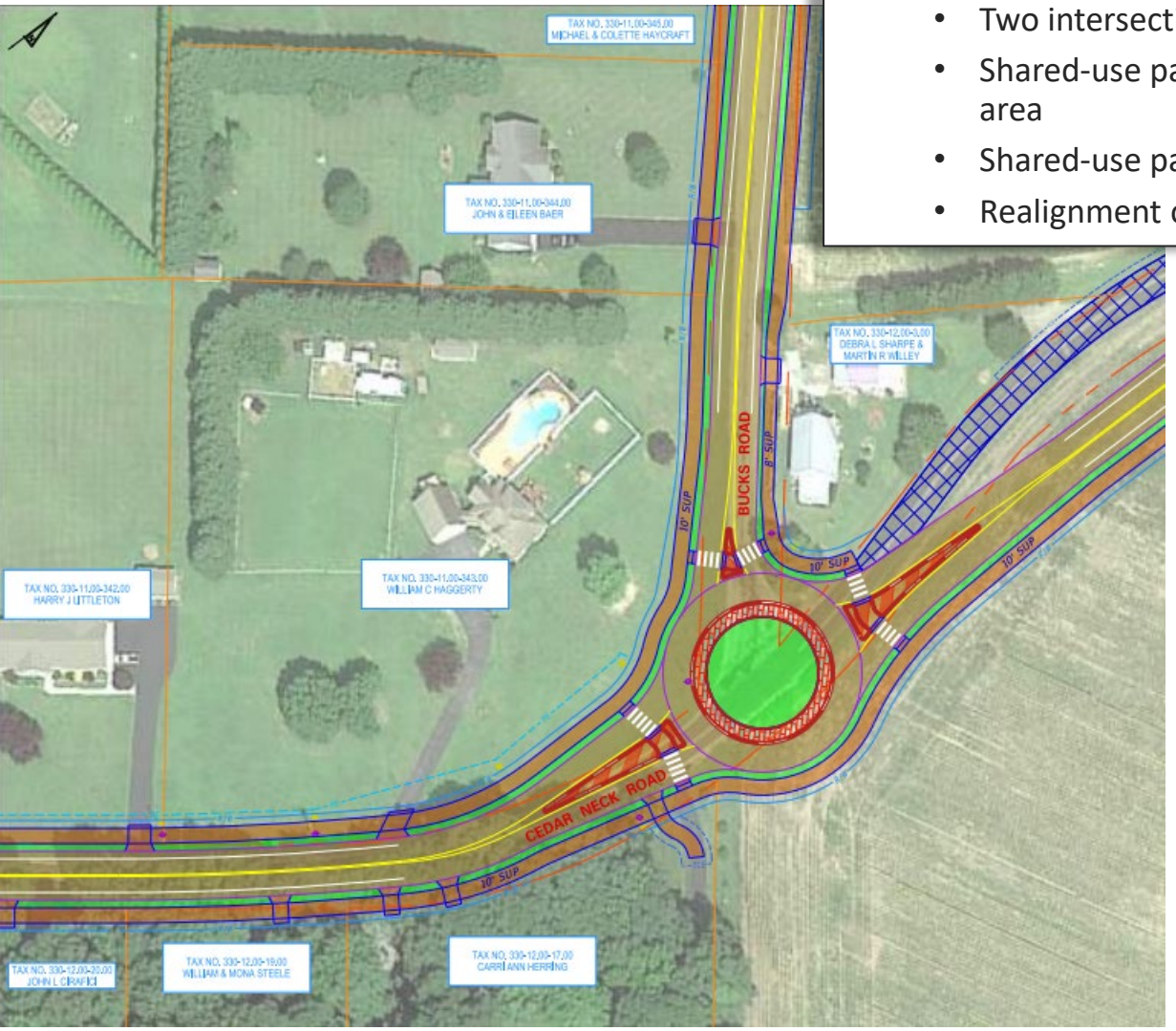


- Cedar Neck Road/SR 1 Northbound Ramp/Thawley Property Access
  - New signalized intersection
  - Auxiliary lanes along every approach
  - Shared-use path on both sides of Cedar Neck Road, with the exception of the Bridge area
  - Bike lanes on both sides of Cedar Neck Road

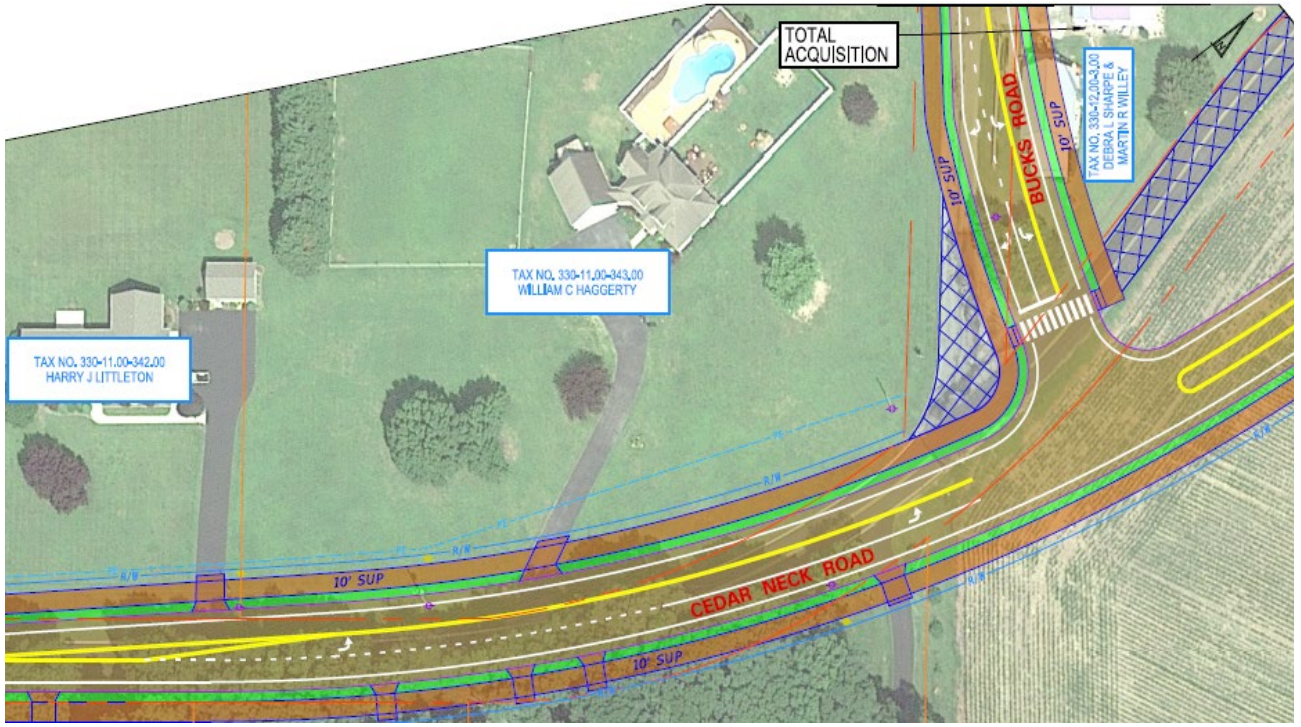
Improvements – Cedar Neck Road

- Cedar Neck Road/Bucks Road
  - Two intersection options – Roundabout or Minor Street Stop with Turn Lanes
  - Shared-use path on both sides of Cedar Neck Road, with the exception of the northeast area
  - Shared-use path on both sides of Bucks Road
  - Realignment of westbound Cedar Neck Road

Option 1: Roundabout



Option 2: Turn Lanes

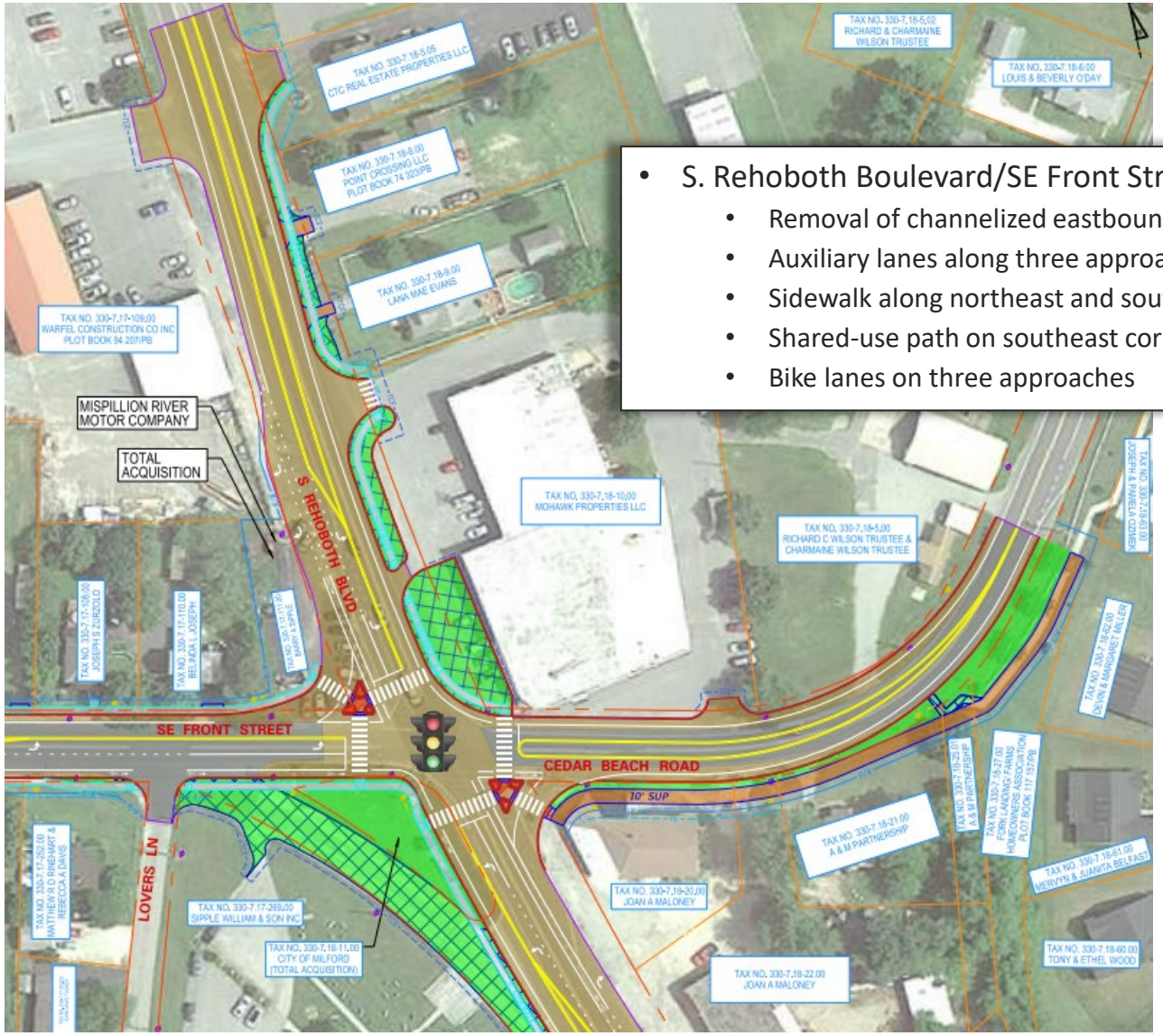


Improvements
S. Rehoboth Boulevard

- S. Rehoboth Boulevard/SE Front Street/Cedar Beach Road Intersection
- Pedestrian/Bicycle Facility Improvements
- Total Estimated Project Cost = $5,236,830



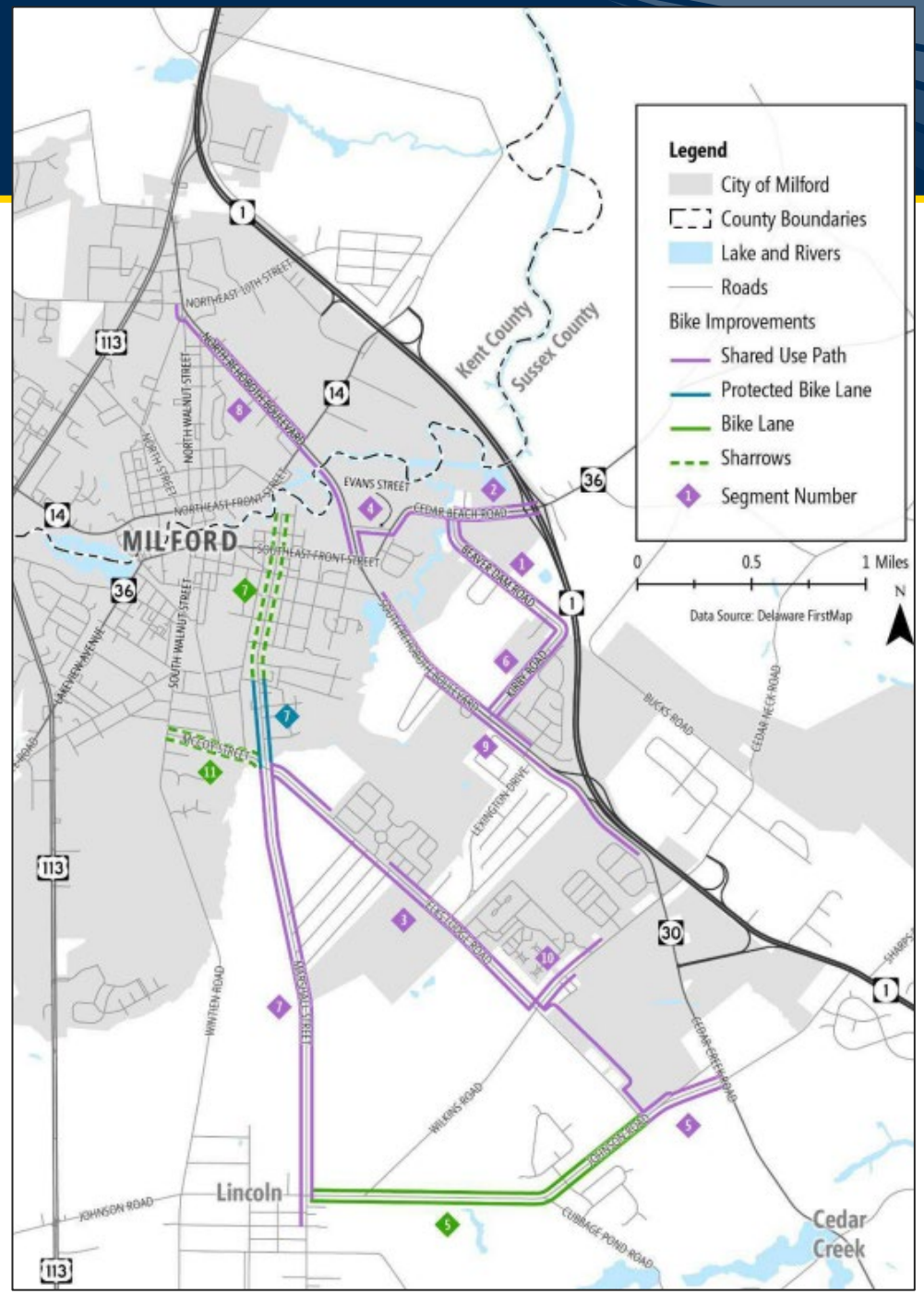
Improvements – S. Rehoboth Boulevard



- S. Rehoboth Boulevard/SE Front Street/Cedar Beach Road
  - Removal of channelized eastbound right turn lane
  - Auxiliary lanes along three approaches
  - Sidewalk along northeast and southwest corners
  - Shared-use path on southeast corner
  - Bike lanes on three approaches

Additional Bicycle and Pedestrian Improvements

- Additional pedestrian and bicycle facility improvements proposed along the following roadways (estimated cost in parenthesis):
  1. Beaver Dam Road – Shared Use Path ($2,599,133)
  2. Cedar Beach Road – Shared Use Path ($2,545,505)
  3. Elks Lodge Road – Shared Use Path ($4,157,880)
  4. Evans Street – Shared Use Path ($512,698)
  5. Johnson Road – Shared Use Path and Bike Lane ($1,072,548)
  6. Kirby Road – Shared Use Path ($1,086,443)
  7. Marshall Street – Shared Use Path, Protected Bike Lane, Sharrows ($4,517,980)
  8. N. Rehoboth Boulevard – Shared Use Path ($1,409,900)
  9. S. Rehoboth Boulevard – Shared Use Path ($2,635,420)
  10. Wilkins Road - Shared Use Path ($828,853)
  11. McCoy Street – Sharrows ($274,135)



TID Capital Transportation Program (TID-CTP)

Southeast Milford TID Improvements	
Project Description	**Current Cost Estimate, 2023**
Bicycle and Pedestrian improvements along TID roadway segments from City of Milford Bicycle Master Plan	$21,640,495.00
Cedar Beach Rd. and Sapp Rd. intersection: Install a single-lane roundabout with 65' inscribed radius. The roundabout will have an 18' wide travel lane and modified type 2 curb with a 47' radius separating the travel lane and 10' concrete truck apron. Type 1 curb is proposed inside the truck apron having a 37' radius. All pavement to be full-depth construction due to low OPC index scores; create a fourth leg for Pingue Drive across from Sapp Rd.	$2,587,955.00
Cedar Creek Rd. Corridor from Johnson Rd. to and including Wilkins Rd. intersections: Traffic signal, turn lanes, two northbound through lanes at Johnson Rd.; two northbound through lanes, two southbound left turn lanes at Wellness Way; traffic signal, turn lanes, two through lanes in both directions at Hall property access; two through lanes in both directions at Wilkins Rd; two lefts from Wilkins Rd; 10' wide SUP on both sides; remove Fork Rd. connection.	$21,386,683.00
Cedar Neck Rd. Corridor from just west of SR1 northbound ramp to Bucks. Rd. and Bucks Rd. between Cedar Neck Rd. and 290' west of Courtney Drive: Signal and turn lanes are SR1 ramp and Thawley property access; turn lanes and realignment at Bucks Rd. or install single-lane roundabout at Bucks Rd.; 10' Wide SUP on both sides.	$17,437,908.00
Elks Lodge Rd. and Johnson Rd. intersection: install single-lane roundabout with 66' inscribed radius. The roundabout will have an 18' wide travel lane and modified type 2 curb with a 47' radius separating the travel lane and 10' concrete truck apron. Type 1 curb is proposed inside the truck apron having a 37' radius. All pavement to be full-depth construction due to low OPC index scores; 10' wide SUP along northbound side of Elks Lodge Rd. and both sides of eastern approach of Johnson Rd.	$2,433,000.00
Elks Lodge Rd. and Marshall St. intersection: install single-lane roundabout with 65' inscribed radius. The roundabout will have an 18' wide travel lane and modified type 2 curb with a 47' radius separating the travel lane and 10' concrete truck apron. Type 1 curb is proposed inside the truck apron having a 37' radius. All pavement to be full-depth construction due to low OPC index scores; 10' wide SUP on all approaches; guardrail exit approaches and guardrail end anchorages will be installed and connected to the existing concrete parapets along the existing culvert.	$2,276,058.00
Elks Lodge Rd. and Wilkins Rd. intersection: install single-lane roundabout with 65' inscribed radius. The roundabout will have an 18' wide travel lane and modified type 2 curb with a 47' radius separating the travel lane and 10' concrete truck apron. Type 1 curb is proposed inside the truck apron having a 37' radius. All pavement to be full-depth construction due to low OPC index scores; 10' wide SUP on all approaches; install 10' wide SUP along the northwestern and southeastern sides of Wilkins Rd.	$2,814,860.00
N. Old State Rd. and Johnson Rd. intersection: install single-lane roundabout with 65' inscribed radius. The roundabout will have an 18' wide travel lane and modified type 2 curb with a 47' radius separating the travel lane and 10' concrete truck apron. Type 1 curb is proposed inside the truck apron having a 37' radius. All pavement to be full-depth construction due to low OPC index scores.	$2,447,833.00
S Rehoboth Blvd. and Kirby Rd. intersection: install single-lane roundabout with 66' inscribed radius. The roundabout will have an 18' wide travel lane and modified type 2 curb with a 48' radius separating the travel lane and 10' concrete truck apron. Type 1 curb is proposed inside the truck apron having a 38' radius. All pavement to be full-depth construction due to low OPC index scores; 10' wide SUP on all approaches.	$2,486,605.00
S Rehoboth Blvd. and SE Front St. intersection: Median, turn lane, shoulder and sidewalk improvements	$5,236,830.00
SR30 and Fleatown Rd. intersection: install single-lane roundabout with 65' inscribed radius. The roundabout will have an 18' wide travel lane and modified type 2 curb with a 47' radius separating the travel lane and 10' concrete truck apron. Type 1 curb is proposed inside the truck apron having a 37' radius. All pavement to be full-depth construction due to low OPC index scores; add right turn slip lane connecting Pine Haven Rd. with Cedar Creek Rd.; guardrail along slip lane; Open commercial access will be closed on Fleatown Rd. and channelized to a controlled entrance; Widen bridge on northbound side to allow for slip lane to be free flow.	$4,933,573.00
Total of all improvements	$85,681,800.00

Infrastructure Fee Program

Between 30% and 35% developer contributions

Southeast Milford TID Initial Fee Schedule 2023	
Residential Rates	
Single family detached residential	$2,750 per unit by phase
	$2,887 per unit by lot
Single family attached residential	$2,090 per unit by phase
	$2,194 per unit by lot
Multi-family residential, low-rise, 1-3 floors	$1,952 per unit by phase
	$2,049 per unit by lot
Multi-family residential, mid-rise, 4 or more floors	$1,320 per unit by phase
	$1,386 per unit by lot
Non-Residential Rates	
Under 21 trips per 1,000 SF GFA	$1.00 per sq ft
At least 21 but less than 34 trips per 1,000 SF GFA	$1.45 per sq ft
At least 34 but less than 75 trips per 1,000 SF GFA	$2.90 per sq ft
At least 75 but less than 200 trips per 1,000 SF GFA	$5.80 per sq ft
200 or more trips per 1,000 SF GFA	$6.80 per sq ft
Notes: Single family attached rate is 76% of single-family detached rate. Low-rise Multi-family rate is 71% of single-family detached rate. Mid-rise Multi-family rate is 48% of single-family detached rate. All non-residential rates are based on the number of daily trips per 1,000 square foot of gross floor area. This is based on ITE Trip Generation Manual, 11th Edition.	

Southeast Milford TID Initial Fee Schedule 2023	
Residential Rates	
Single family detached residential	$3,250 per unit by phase
	$3,412 per unit by lot
Single family attached residential	$2,470 per unit by phase
	$2,593 per unit by lot
Multi-family residential, low-rise, 1-3 floors	$2,307 per unit by phase
	$2,422 per unit by lot
Multi-family residential, mid-rise, 4 or more floors	$1,560 per unit by phase
	$1638 per unit by lot
Non-Residential Rates	
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Notes: Single family attached rate is 76% of single-family detached rate. Low-rise Multi-family rate is 71% of single-family detached rate. Mid-rise Multi-family rate is 48% of single-family detached rate. All non-residential rates are based on the number of daily trips per 1,000 square foot of gross floor area. This is based on ITE Trip Generation Manual, 11th Edition.	

Next Steps

- DelDOT and City negotiate the Infrastructure Fee Program
- Add to amended TID Agreement
  - Land Use and Transportation Plan
  - Revised Service Standards
  - TID-CTP
  - Infrastructure Fee Program
- TID Begins Implementation

Delaware Department of Transportation



Questions

Sarah Coakley, AICP
DelDOT Principal Planner
Sarah.Coakley@delaware.gov

PUBLIC WORKS DEPARTMENT
180 Vickers Drive
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.422.1110
FAX 302.422.1117
www.cityofmilford.com

To: Mark Whitfield, City Manager
From: Tony Chipola, Electric Director
Subject: Additional Position Authorization Request - Associate Engineer
Date: March 8, 2023

Staff requests City Council consider a recommendation to develop and hire an additional position within the Electric Department. As the City continues to grow, the Electric Department is facing rapid changes in technology, increased areas of responsibility, and managing an ever-expanding distribution system. In order to keep pace with the growth and to ensure we continue to provide safe and reliable electric service to our customers an Associate Engineering position is being requested.

The new position will report to the Electric Director with areas of responsibility in both Technical Services and Electric Lines.

This position will support the increased workload of the department, enable cross-training and back-up for critical roles, and implementation of new technologies for an increasingly intelligent grid. The new position will also support the operation and maintenance of the SCADA network, review and assessment DER and new business applications, maintain and develop critical system maps, and serve as a technical resource within the Electric department for continued support of other Public Works departments.

Approval and hiring in the next couple months will allow for a larger candidate pool as it would align closely with prospective 2023 graduates.

Pay Grade assessment has been performed through Human Resources with a recommended grade of 105. If Council authorizes the position and we follow with a successful recruitment, even the most optimistic start date would result in a maximum of $30,000 in unanticipated personnel expenses in FY23, requiring a budget adjustment from the distribution line maintenance account. Distribution line expenses are projected to finish the year sufficiently below budget to permit an intradepartmental transfer in support of the additional costs. Therefore, no Council action would be required for the funding of the position, only the authorization of the position. The additional position is anticipated to increase the 2024 operating budget an additional $105K-135K (min-max).

RECOMMENDATION: Staff recommends City Council authorize the additional position of Associate Engineer within the Electric Department effective immediately, which will allow us to begin recruitment this week, with any impact to the FY23 personnel budget being met within the departmental budget for distribution line expenses up to a maximum of $30,000.

FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

PHONE 302.424.5140
FAX 302.424.5932
www.cityofmilford.com

Date: March 8, 2023

To: Mayor and City Council

Through: Mark A. Whitfield, City Manager

From: Lou Vitola, Finance Director

Re: Investment Advisory Agreement and Resolution to Adopt Investment Policy Update

EXECUTIVE SUMMARY

Staff recommend that Council authorize the execution of the enclosed Investment Advisory Agreement with PFM Asset Management LLC ("PFMAM") and adopt a Resolution to update the City's Investment Policy as described in the enclosed redline revisions to the existing Policy. The access to the attractive fee structure in the agreement was achieved through participation with the State agencies. The fees are among the lowest in the industry and will be netted against investment earnings, so no budget adjustment is required. Further, PFMAM is recognized nationally as a leading advisor for the niche municipal investment management market, serving as fiduciary on behalf of the City and operating independently from securities markets that traditionally serve individuals and corporations. The recommended changes to the Policy were developed by PFMAM and are strongly supported by staff.

BACKGROUND

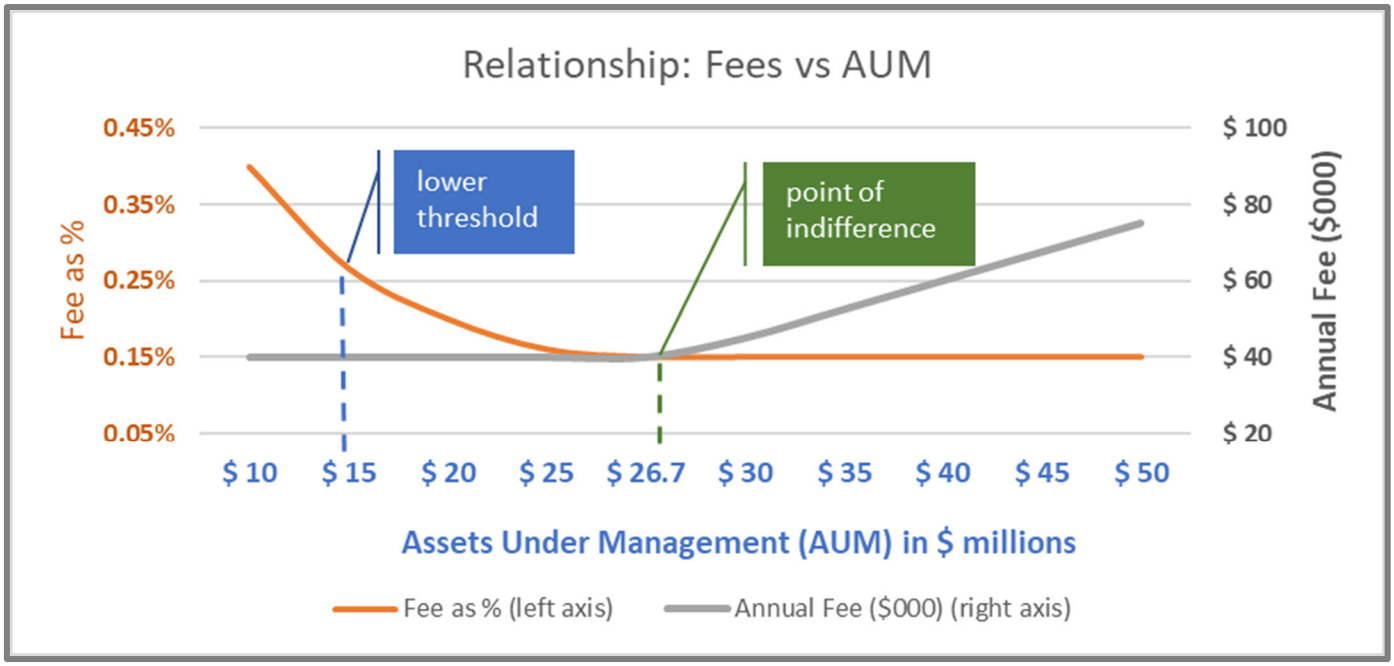
The City's Investment Policy should be reviewed annually; it was last reviewed by the city's Finance Committee and City Council in 2021, leading to the most current revision in November 2021. On the heels of the update, which also prescribed the notion for a more comprehensive investment program to be coordinated in concert with the City's operating budgets, capital improvement planning, and fund reserve policies, the search for an investment advisor ensued. In 2022, collaboration with the State Treasurer's Office and the Attorney General's Office affirmed the City's eligibility to leverage favorable rates and terms through participation in the State's existing investment advisory agreements in lieu of the Delaware Government Investment Pool (DelGIP), which was a pooled investment of state and municipal investments that was closed to new investment and ultimately eliminated years ago. Discussions with PFM in 2022 and in preparation of the February 22, 2023 Council Workshop led to the proposed updates to the City's investment policy, which strengthen the City's program by specifically identifying asset-backed securities (ABS) as an eligible investment class and defining specific limitations for the class, improving the benchmarking reliability by scheduling it to reflect the mix of actual investment, and building a process around the recourse for securities that fall outside of the City's tolerable limits after initial investment.

RECOMMENDATION

Staff recommend that Council authorize the execution of the enclosed Investment Advisory Agreement with PFMAM and adopt a Resolution to update the City's Investment Policy consistent with the enclosed redline recommendations. The relationship between the contractual advisory fees and the City's assets under management ("AUM") is shown in the exhibit on the next page.

FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

PHONE 302.424.5140
FAX 302.424.5932
www.cityofmilford.com



INVESTMENT ADVISORY AGREEMENT

THIS AGREEMENT, entered into as of the 13th day of March, 2023by and between The City of Milford, Delaware, a political subdivision of the State of Delaware (hereinafter the "Client"), and PFM ASSET MANAGEMENT LLC, a Delaware limited liability company with an office in Ewing, NJ (hereinafter the "Advisor").

W I T N E S S E T H

WHEREAS, the Client has funds available for investment purposes (the “Initial Funds”) for which it intends to conduct an investment program; and

WHEREAS, the Client desires to avail itself of the experience, sources of information, advice, assistance and facilities available to the Advisor; to have the Advisor undertake certain duties and responsibilities; and to perform certain services as investment advisor on behalf of the Client, as provided herein; and

WHEREAS, the Advisor is willing to provide such services on the terms and conditions hereinafter set forth;

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained, the parties hereto, intending to be legally bound, agreed as follows:

1. SERVICES OF ADVISOR.

The Client hereby engages the Advisor to serve as investment advisor under the terms of this Agreement with respect to the Initial Funds and such other funds as the Client may from time to time assign by written notice to the Advisor (collectively the "Managed Funds"), and the Advisor accepts such engagement. In connection therewith, the Advisor will provide investment research and supervision of the Managed Funds investments and conduct a continuous program of investment, evaluation and, when appropriate, sale and reinvestment of the Managed Funds assets. The Advisor shall continuously monitor investment opportunities and evaluate investments of the Managed Funds. The Advisor shall furnish the Client with statistical information and reports with respect to investments of the Managed Funds. The Advisor shall place all orders for the purchase, sale, loan or exchange of portfolio securities for the Client’s account with brokers or dealers recommended by the Advisor and/or the Client, and to that end the Advisor is authorized as agent

of the Client to give instructions to the custodian designated by the Client (the "Custodian") as to deliveries of securities and payments of cash for the account of the Client. In connection with the selection of such brokers and dealers and the placing of such orders, the Advisor is directed to seek for the Client the most favorable execution and price, the determination of which may take into account, subject to any applicable laws, rules and regulations, whether statistical, research and other information or services have been or will be furnished to the Advisor by such brokers and dealers. The Custodian shall have custody of cash, securities and other assets of the Client. The Advisor shall not take possession of or act as custodian for the cash, securities or other assets of the Client and shall have no responsibility in connection therewith. Authorized investments shall include only those investments which are currently authorized by the state investment statutes and applicable covenants and as supplemented by the City of Milford Investment Policy Statement and such other written, City Council approved amendments to the Investment Policy Statement (collectively, the "Policy") as may from time to time be provided by the Client to the Advisor. The Advisor shall be entitled to rely upon the Client's written advice with respect to anticipated drawdowns of Managed Funds. The Advisor will observe the instructions of the Client with respect to broker/dealers who are approved to execute transactions involving the Managed Funds and in the absence of such instructions will engage broker/dealers which the Advisor reasonably believes to be reputable, qualified and financially sound.

2. COMPENSATION.

(a) For services provided by the Advisor pursuant to this Agreement, the Client shall pay the Advisor an annual fee, in monthly installments, based on the daily net assets under management according to the schedule below:

Average Assets Under Management	Fees
All Assets Under Management	15 basis points (0.15%)

"Daily net assets" is defined to include the amortized value of securities, accrued interest and cash or any money market fund balance.

The minimum annual fee is $40,000, and such minimum annual fee shall be applied in equal monthly installments. For avoidance of doubt, in any month where the amount of the fee calculated under the schedule above is less than the amount of such equal monthly installment, then the amount of such equal monthly installment shall be applied.

(b) The Advisor will bill the Client monthly for service performed under this Agreement, said bill to include a statement indicating the basis upon which the fee was calculated. The Client shall pay to the Advisor the amount payable pursuant to this Agreement not later than on the 15th day of the month following the month during which the Advisor's statement was rendered.

(c) Assets invested by the Advisor under the terms of this Agreement may from time to time be invested in (i) a money market mutual fund managed by an affiliate of the Advisor or (ii) a local government investment pool managed by the Advisor (either, a "Pool"), or in individual securities. Average daily net assets subject to the fees described in this section shall not take into account any funds invested in the Pool. Expenses of the Pool, including compensation for the Advisor and the Pool custodian, are described in the relevant prospectus or information statement and are paid from the Pool.

(d) If and to the extent that the Client shall request the Advisor to render services other than those to be rendered by the Advisor hereunder, such additional services shall be compensated separately on terms to be agreed upon between the Advisor and the Client.

3. EXPENSES.

(a) The Advisor shall furnish at its own expense all necessary administrative services, office space, equipment, clerical personnel, telephone and other communication facilities, investment advisory facilities, and executive and supervisory personnel for managing the Managed Funds.

(b) Except as expressly provided otherwise herein, the Client shall pay all of its own expenses including, without limitation, taxes, commissions, fees and expenses of the Client's independent auditors and legal counsel, if any, brokerage and other expenses connected with the execution of portfolio security transactions, insurance premiums, and fees and expenses of the Custodian.

4. REGISTERED ADVISOR; DUTY OF CARE.

The Advisor hereby represents it is a registered investment advisor under the Investment Advisers Act of 1940, as amended. The Advisor shall immediately notify the Client if at any time during the term of this Agreement it is not so registered or if its registration is suspended. The Advisor agrees to perform its duties and responsibilities under this Agreement with reasonable care. The federal securities laws impose liabilities under certain circumstances on persons who act in good faith. Nothing herein shall in any way constitute a waiver or limitation of any rights which the Client may have under any federal securities laws. The Client hereby authorizes the Advisor

to sign I.R.S. Form W-9 on behalf of the Client and to deliver such form to broker-dealers or others from time to time as required in connection with securities transactions pursuant to this Agreement.

5. ADVISOR'S OTHER CLIENTS.

The Client understands that the Advisor performs investment advisory services for various other clients which may include investment companies, commingled trust funds and/or individual portfolios. The Client agrees that the Advisor, in the exercise of its professional judgment, may give advice or take action with respect to any of its other clients which may differ from advice given or the timing or nature of action taken with respect to the Managed Funds. The Advisor shall not have any obligation to purchase, sell or exchange any security for the Managed Funds solely by reason of the fact that the Advisor, its principals, affiliates, or employees may purchase, sell or exchange such security for the account of any other client or for itself or its own accounts.

6. TERM.

This Agreement may be terminated by the Client in the event of any material breach of its terms immediately upon notice to the Advisor by certified mail, return receipt requested. This Agreement may be terminated by the Client at any time, on not less than thirty (30) days' written notice to the Advisor. The Advisor may terminate this Agreement immediately upon any material breach of its terms by the Client, or at any time after one year upon thirty (30) days' written notice to the Client.

7. FORCE MAJEURE.

The Advisor shall have no liability for any losses arising out of the delays in performing or inability to perform the services which it renders under this Agreement which result from events beyond its control, including interruption of the business activities of the Advisor or other financial institutions due to acts of God, acts of governmental authority, acts of war, terrorism, civil insurrection, riots, labor difficulties, or any action or inaction of any carrier or utility, or mechanical or other malfunction.

8. DISCIPLINARY ACTIONS.

The Advisor shall promptly give notice to the Client if the Advisor shall have been found to have violated any state or federal securities law or regulation in any final and unappealable judgment in any criminal action or civil suit in any state or federal court or in any disciplinary proceeding before the Securities and Exchange Commission ("SEC") or any other agency or department of the United States, any registered securities exchange, the Financial Industry

Regulatory Authority, or any regulatory authority of any State based upon the performance of services as an investment advisor.

9. INDEPENDENT CONTRACTOR.

The Advisor, its employees, officers and representatives shall not be deemed to be employees, agents (except as to the purchase or sale of securities described in Section 1), partners, servants, and/or joint ventures of the Client by virtue of this Agreement or any actions or services rendered under this Agreement.

10. BOOKS.

The Advisor shall maintain records of all transactions in the Managed Funds. The Advisor shall provide the Client with a monthly statement showing deposits, withdrawals, purchases and sales (or maturities) of investments, earnings received, and the value of assets held on the last business day of the month. The statement shall be in the format and manner that is mutually agreed upon by the Advisor and the Client.

11. THE ADVISOR'S BROCHURE AND BROCHURE SUPPLEMENT.

The Advisor warrants that it has delivered to the Client prior to the execution of this Agreement the Advisor's current SEC Form ADV, Part 2A (brochure) and Part 2B (brochure supplement). The Client acknowledges receipt of such brochure and brochure supplement prior to the execution of this Agreement.

12. MODIFICATION. This Agreement shall not be changed, modified, terminated or discharged in whole or in part, except by an instrument in writing signed by both parties hereto, or their respective successors or assigns.

13. SUCCESSORS AND ASSIGNS.

The provisions of this Agreement shall be binding on the Advisor and its successors and assigns, provided, however, that the rights and obligations of the Advisor may not be assigned without the consent of the Client.

14. NOTICE.

Written notices required under this Agreement shall be sent by regular mail, certified mail, overnight delivery or courier, and shall be deemed given when received at the parties' respective addresses shown below. Either party must notify the other party in writing of a change in address.

Client's Address	With copy to:
City of Milford	City of Milford
10 SE 2nd St	201 S Walnut St
Milford, DE 19963	Milford, DE 19963
Attn: Finance Director	Attn: City Manager

Advisor's Address	With copy to:
PFM Asset Management LLC	PFM Asset Management LLC
200 Princeton South Corporate Center	213 Market Street
Suite 207A	
Ewing, NJ 08628	Harrisburg, PA 17101
Attn: Martin Hammond	Attn: Chief Administrative Officer

15. APPLICABLE LAW.

This Agreement shall be construed, enforced, and administered according to the laws of the State of Delaware. The Advisor and the Client agree that, should a disagreement arise as to the terms or enforcement of any provision of this Agreement, each party will in good faith attempt to resolve said disagreement prior to filing a lawsuit.

16. EXECUTION AND SEVERABILITY.

Each party to this Agreement represents and warrants that the person or persons signing this Agreement on behalf of such party is authorized and empowered to sign and deliver this Agreement for such party. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their authorized representatives as of the date set forth in the first paragraph of this Agreement.

PFM ASSET MANAGEMENT LLC

By:_____

Name:_____

Title: Managing Director

THE CITY OF MILFORD, DE

By:_____

Name: Arthur J. Campbell

Title: Mayor

[SEAL]

Investment Policy Statement

Updated November 8, 2021 *with Proposed Amendments*

Staff Recommendation for City Council Approval: March 13, 2023

City Council Workshop – Review and Discussion: February 22, 2023
https://www.cityofmilford.com/ArchiveCenter/ViewFile/Item/3833

Finance Committee Final Review; Council Approval: November 8, 2021
https://www.cityofmilford.com/ArchiveCenter/ViewFile/Item/3443;
https://www.cityofmilford.com/ArchiveCenter/ViewFile/Item/3440

Finance Committee Review and Discussion: September 13, 2021
https://www.cityofmilford.com/ArchiveCenter/ViewFile/Item/3416

1.0 Governing Authority

It is the policy of the City of Milford to invest public funds under its control in a manner that will provide the highest investment return consistent with the maximum safety of principal, while meeting cash flow needs of the City. The investment program shall conform to all state and local statutes governing the investment of public funds. In the event of a conflict, state and local statutes will prevail.

2.0 Scope

This Investment Policy Statement (the "Policy") applies to all financial assets of the City of Milford for which the City retains direct or indirect daily control. Funds for which the City has retained outside investment advisory, fund management and/or brokerage services shall also be governed by this Policy. Bond proceeds shall be governed by the Trust Indenture and related obligation documented in connection with the debt issuance, subject to Internal Revenue Service (IRS) regulations. Police and Firefighter Pension assets, Municipal Employee / Civilian Pension assets, employee-directed post-retirement benefit funds and other pension assets beyond the City's control are not subject to the provisions of this Policy.

The City's investable funds may be segregated into three distinct categories:

2.1 Liquidity

The City's operating cash balances, Equipment Replacement Reserves (ERR) for assets being replaced in the current budget year, reserves restricted for capital projects being undertaken in the current budget year, and any component of the City's Minimum Cash Requirement (MCR) related to operating cash are included in the City's Liquidity investment group. The Liquidity investment group is limited to commercial checking and savings deposit accounts (subject to collateral considerations) and those investments specified in sections 8.1, 8.2, 8.3, 8.~~5~~6, 8.~~6~~ 7 and 8.~~9~~ 10 provided that the investments are convertible to cash within one (1) business day.

2.2 Intermediate

The City's ERR and MCR restricted for asset replacement and capital projects scheduled at least one year in advance constitute the City's Intermediate investment group. The Intermediate investment group is eligible for investment in investments specified in all sections of paragraph 8.0, provided that the average duration is no longer than three (3) years and investments are convertible to cash within three (3) business days. Commercial checking and savings deposit accounts (subject to collateral considerations) are also permissible for this investment group.

2.3 Growth

The City's unrestricted cash not required for operations or intermediate capital requirements, the non-operating component of any MCR, and any cash restricted for a purpose at least three (3) years into the future comprise the City's Growth investment group. The Growth investment group is eligible for investment in investments specified in all sections of paragraph 8.0, provided that the average duration is no longer than five (5) years and investments are convertible to cash within five (5) business days. Commercial checking and savings deposit accounts (subject to collateral considerations) are also permissible for this investment group.

3.0 Objectives

The primary objectives of the City of Milford's investment activities, in order of importance shall be:

3.1 Safety

Preservation of principal is the foremost objective of the investment program. To attain this objective, funds shall be diversified among securities of high credit quality and liquidity, so that risk of loss of principal is minimized.

3.2 Liquidity

The City's investments shall be made for such periods as to enable the City to meet all operating requirements that may be scheduled or reasonably anticipated.

3.3 Return on Investments

A goal of the investment program shall be to maximize investment return within the constraints of Sections 3.1 and 3.2.

4.0 Delegation of Authority

Authority to manage the City of Milford's investment program is derived from this Policy, which is approved by City Council. The Finance Director shall be the administrator of all City funds.

The Finance Director shall:

I) Review this Policy annually and recommend changes, if any, to City Council;

2) Be charged with implementing the Policy, and may delegate authority to act pursuant to this Policy to an investment advisor, fund manager, brokerage firm, or other third-party agent authorized to trade securities (the “advisor”). The Finance Director shall be responsible for all investment transactions and shall establish controls to oversee the activities of any investment advisors.

3) Ensure that records of the City's investment activities are retained for a minimum of ten years or the time required by an applicable regulatory authority.

5.0 Prudence, Ethics and Conflicts of Interest

Any official of the City or investment advisor empowered to make investments on behalf of the City of Milford shall comply with the following:

5.1 "Prudent Person" Rule

Investment decisions shall be made with the judgment and care which persons of reasonable intelligence, under circumstances prevailing at the time the investment is made, would exercise in the management of their own investments assuming that their objectives are those shown in Section 3.0 of this policy.

5.2 Ethics and Conflict of Interest

The delegate authorized to make City investments shall act at all times in an ethical manner, and shall not engage in activity that could impair or be perceived to impair their ability to make impartial investment decisions. They shall disclose to the Mayor and City Council any material interests in financial institutions with which the City has financial dealings,

and which may be related to the performance of the investment program. Employees and officers shall refrain from undertaking personal investment transactions with the same individual(s) with whom business is conducted on behalf of the City.

6.0 Authorized Institutions and Dealers

All broker/dealers that desire to become qualified for investment transactions with the City shall meet the following:

1. Primary dealers and regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule)
2. Capital of at least $25,000,000 or capital of $5,000,000 for firms incorporated in the State of Delaware
3. Registered as a dealer under the Securities Exchange Act of 1934
4. Member of the Financial Industry Regulatory Authority (FINRA)
5. Registered to sell securities in the State of Delaware
6. Engaged in the business of effecting transactions in U.S. government, federal agency, and corporate securities for at least five (5) consecutive years

To the extent the City utilizes the services of an outside Investment Advisor, it shall be the responsibility of the Investment Advisor to maintain an approved list of brokers.

7.0 Safekeeping and Custody

To ensure that securities are deposited in an eligible financial institution prior to the release of funds, all trades of marketable securities will be executed using the delivery vs. payment ("DVP") method.

Further, all securities will be held by an independent third-party custodian, in the name of the City of Milford, and evidenced by safekeeping receipts in the City's name. The custodian shall provide daily confirmation of securities held as well as a monthly transactions and holdings report. Fixed income securities must be reported at both the historical cost plus or minus accretion or amortization, respectively, and at market value quoted by an independent securities pricing service.

8.0 Authorized Investments and Trading of Securities

The Finance Director or authorized investment adviser may invest only in the types of securities listed below. The maximum stated maturity of any security shall be limited to 10 years at time of purchase, unless otherwise stated. For Agency mortgage-backed securities, the maximum maturity shall be defined as the weighted average life ("WAL"). WAL is a convention that estimates the expected weighted amount of time, in years, for the principal amount of an issue to be fully paid. For this sector, WAL shall be limited to 10 years, measured at the original purchase date, provided by Bloomberg Financial Markets or another independent pricing/research firm.

8.1 United States Government Securities

Marketable securities issued by the U.S. Government and supported by the full faith and credit of the U.S. Treasury either by statue or an opinion of the attorney general of the United States. Up to 100% of the portfolio may be invested in this sector.

8.2 Government Agency Securities

Debt securities issued by government-sponsored enterprises ("GSE"), federal agencies, and federal financing banks; the maximum stated maturity of any investment in this sector shall be limited to 10 years at time of purchase. Up to 100% of the portfolio may be invested in this sector.

8.3 Certificates of Deposit and Time Deposits

8.3.1 Domestic Institutions: Issued or endorsed by a domestic bank, or a savings and loan association, organized and supervised under the laws of the United States and denominated in U.S. dollars; provided, however, that deposits are fully insured or guaranteed by the Federal Deposit Insurance Corporation ("FDIC").
If not insured by the FDIC:

- The banking institution must have assets of not less than $5 billion; and Issuers must have a short-term rating of A-1 by Standard & Poor's and Pl by Moody's and a long-term rating of AA by Standard & Poor's or Aa by Moody's.

The maximum stated maturity of any investment in this sector shall be limited to 5 years at time of purchase. This sector shall not exceed 25% of the total portfolio. No single issuer shall exceed 5% of the City's portfolio.

8.3.2 Delaware-Domiciled Institutions: Issued by or endorsed by any bank or savings association domiciled in the State of Delaware and organized and supervised under federal or State of Delaware banking laws which does not meet the requirements of Section 8.3.I hereto; provided, however, that:

- For each of the latest two years, the bank or association has had a return on total average assets of 0.50% or greater and an average capital ratio (defined as total equity capital to total assets) of at least 1 to 20, or the instrument is secured as set forth in Section 8, "Collateralization of City Deposits," hereto; and
- Not more than the lesser of $10 million or 25% of an issuer's total equity capital may be invested in any one issuer. (Investments due to mature in one business day may be excluded from the computation of this percentage.)
- City Council affirms that, consistent with this Policy, Delaware banks and savings associations should be considered as an eligible source of investment.
- The maximum stated maturity of any investment in this sector shall be limited to 5 years at time of purchase. This sector shall not exceed 20% of the total portfolio. No single issuer shall exceed 5% of the City's portfolio.

8.4 Corporate Debt Instruments

Such instruments include commercial paper bankers' acceptances, and non-convertible senior debt securities (bonds and debentures).

8.4.1 Any such instrument must be ~~issued~~ denominated/issued in U.S. dollars. Many foreign corporations issue debt/securities in the U.S. market, in U.S. dollars. ~~by a U.S. corporation;~~

8.4.2 No single issuer shall exceed 5% of the City's portfolio.

8.4.3 Commercial Paper shall be limited to a final stated maturity of 270 days. This sector shall not exceed ~~20~~25% of the total portfolio. Issuers shall be rated at least A-1 by Standard & Poor's and P-1 by Moody's.

8.4.4. Bankers' Acceptances shall be limited to a final maturity of 365 days. This sector shall not exceed 20% of the City's Portfolio. Issuers shall be rated at least A-1 by Standard & Poor's and Pl by Moody's.

8.4.5 Corporate bonds and debentures shall be limited to a final stated maturity of 15 years. This sector shall not exceed 50% of the total portfolio. Issuers shall hold a long-term rating of at least BBB+ by S&P, Baa1 by Moody's or BBB+ by Fitch Ratings, though the dollar-weighted average credit rating of the securities invested pursuant to 8.4.5 must exceed the minimum rating at the time of purchase. Rebalancing shall not be automatically required if the dollar-weighted average credit rating of the securities invested pursuant to 8.4.5 fall below minimum rating.

8.5 Asset-Backed Securities

8.5. 1 Definition: Securities collateralized by pools of auto loan receivables, credit card receivables, and equipment loans; provided that such securities have (i) the highest credit rating from at least two NRSROs and (ii) an average life not to exceed two years from the date of settlement (unless such securities are subject to periodic reset of coupon or interest rate, in which case the average life may not exceed three years from the date of settlement).

8.5.1.2 Percentage Limit: 10% in total, including securities defined in subsection 8.8.

8.~~5~~6 Repurchase Agreements

The underlying collateral shall consist of U.S. government and/or GSE securities provided, however, that:

8.~~5~~6.1 All repurchase agreements must be governed by a written master repurchase agreement;

8.~~5~~6.2 Agreements will be entered into only with respect to underlying securities in which the investment manager may otherwise invest as described above, and only with a recognized U.S. Government/broker or a bank which meets the requirements set out under paragraph Section 8.3.1 or 8.3.2 above;

8.~~5~~6.3 In the case of repurchase collateral held in book-entry form in the Federal Reserve System, all deliveries of securities must be made, for the transfer thereof, through the Federal Reserve book-entry system to the account designated by the investment manager for such purpose. Securities held in certificated form must be delivered to the investment manager or a custodian as directed by the investment manager.

8.~~5~~6.4 Any collateral employed under this paragraph shall be counted towards the applicable maximum limits set forth within these guidelines for such type of investment, and such collateral shall be valued at market at not less than 103 percent of the maturity value of the agreement and marked-to-the-market as requested by the investment manager.

8.~~5~~6.5 Repurchase agreements shall be limited to a maximum maturity of 90 days from date of purchase. No single issuer shall exceed 25% of the City's portfolio.

8.~~7~~6 Registered Investment Companies (Money Market Funds)

Money market funds shall not be permitted to invest in or hold securities other than those approved in this Policy. No single fund shall exceed 50% of the City's portfolio. Money market funds shall be rated AAAm by S&P, Aaa-mf by Moody's or AAAmmf by Fitch Ratings. A current prospectus must be obtained before investing in any money market fund, and current holdings reports must be maintained at least each month.

8.~~8~~7 Mortgage-Backed Securities

Mortgage-backed securities issued by the following: Government National Mortgage Association (GNMA), Federal National Mortgage Association (FNMA) or Federal Home Loan Mortgage Association (FHLMC). This sector shall not exceed 50% of the total portfolio.

8.~~9~~8 Municipal Obligations

Taxable and tax-exempt securities issued by state and local governments and public authorities in the United States. The maximum stated maturity of any investment in this sector shall be limited to 15 years at time of purchase. This sector shall not exceed 40% of the City's portfolio. No single issuer shall exceed 5% of the City's portfolio. Issuers shall be rated at least BBB+ by S&P, Baa1 by Moody's or BBB+ by Fitch Ratings, though the dollar-weighted average credit rating of the securities invested pursuant to 8.4.5 must exceed the minimum rating at the time of purchase. Rebalancing shall not be automatically required if the dollar-weighted average credit rating of the securities invested pursuant to 8.4.5 fall below minimum rating.

8.~~9~~10 State of Delaware Investment Pool

Delaware Local Government Investment Pool (DELGIP) (or equivalent): The investment in this pool or its equivalent is permitted in relation to the City's cash flow and the guidelines set forth by the State of Delaware. The investment in this pool will not exceed 75% of the total funds available and will be monitored by the City's Finance Department on a monthly basis.

8.~~10~~11 Trading Securities

The Finance Director is hereby authorized to sell securities prior to their stated maturity date in the following circumstances:

1. A security with declining credit may be sold prior to its maturity to minimize loss of principal;
2. A security swap may be executed if it would improve the quality, yield, or target duration of the portfolio;
3. Securities may be sold to provide needed liquidity.

8.~~11~~12 Internal Control on such transactions

8.~~11~~12.1 An investment report will be made available to the Council on a quarterly basis.

8.~~11~~12.2 All investment reporting documents will be provided to the independent auditors.

8.~~11~~12.3 Investment records will be kept by the City for ten (10) years.

8.~~11~~12.4 The trading shall not involve any hedge, derivatives and/or borrowing funds for trading purposes.

9.0 Collateralization of City Deposits

If the City deposits funds in any financial institution, those funds will be subject to the following collateralization requirements. The financial institution shall:

9.1 Collateralize the City's daily ledger balance(s) if, for any quarter during the most recent eight quarters the bank has not met both of the following two criteria:

- Return on total average assets of 0.50 percent or greater.
- Average capital ratio (total equity to total assets) of 5.00 percent or greater.

9.2 If either criterion in paragraph 8.1 is not satisfied collateral must be pledged and shall consist of one or more of the following securities:

- U.S. Government securities
- U.S. Government agency securities
- Federal Home Loan Board letters of credit
- State of Delaware securities
- Securities of a political subdivision of the State of Delaware with a rating of A3 or better by Moody's, A- or better by S&P or A- or better by Fitch Ratings.

9.3 Ensure that the securities pledged as collateral (except for Federal Home Loan Board letters of credit) have a market value equal to or greater than I03 percent of the ledger balance(s) in the account(s) marked to market each day.

9.4 Ensure that securities pledged as collateral are housed at the Federal Reserve Bank or a mutually agreed upon third party depository. (The trust department of the winning vendor will not be acceptable.)

9.5 Provide reports on a monthly basis to the City Finance Department detailing the collateral pledged.

9.6 Provide a Call Report (Consolidated Report of Condition and Income, FFIEC 031) on a quarterly basis to the City Finance Department.

10.0 Policy Considerations

If securities owned by the City are downgraded by either of the three major credit ratings agencies to a level below the quality required by this Policy, it shall be the City's policy that the Finance Director shall promptly notify City Council and recommend a course of action. If the City has retained a professional investment advisor, in the event of a downgrade below the minimum credit standards, the investment advisor shall promptly notify the Finance Director and recommend a course of action. ~~to review the underlying credit and make a determination as to whether to sell or retain such securities in the portfolio.~~

~~If a security is downgraded one grade below the level required by this Policy and matures within 18 months, the security may be held to maturity. The Finance Director may determine to sell the security if it is determined that there is a probability of default prior to maturity.~~

~~If a security is downgraded two grades below the level required by this Policy and matures within 6 months, the security may be held to maturity. The Finance Director may determine to sell the security if it is determined that there is a probability of default prior to maturity.~~

~~If a security is downgraded more than two grades below the level required by the Policy by at least two of the three major credit ratings agencies, the security shall be sold immediately.~~

~~If a decision is made to retain a downgraded security in the portfolio, its presence in the portfolio will be monitored and reported monthly to the Finance Director.~~

11.0 Internal Controls

The Finance Director is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The Finance Director shall also establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following:

- Control of collusion
- Separation of transaction authority from accounting and recordkeeping
- Custodial safekeeping
- Prohibition of physical delivery securities
- Clear, written delegation of authority to subordinate staff members
- Written confirmation of transactions for investments and wire transfers

12.0 Performance Standards

The City of Milford's investment decisions shall be made with the objective of obtaining a rate of return commensurate with the investment risk constraints and the cash flow needs. On a quarterly basis, the Finance Director shall compare the City's portfolio against a benchmark(s) that shall be reflective of the actual securities being managed and risks undertaken, and the benchmark(s) shall have a similar weighted average maturity and credit profile.~~the Merrill Lynch 0-5 Year U.S. Treasury Index or a similar index of U.S. Treasury securities widely referenced in national financial publications in terms of time-weighted total return and average duration for the period under review~~.

13.0 Reporting

At the end of each calendar quarter, the Finance Director will make available a report of all quarter-ending investments to the Mayor and City Council. Reports shall include the following:

- Listing of individual securities held as of last day of reporting period, sorted by Sector
- Par, market, and amortized cost values of each security
- Coupon, current yield, and final stated maturity date of each security

14.0 Investment Policy Adoption

The City of Milford's investment policy will be adopted by the City Council after review and recommendation of the Finance Committee. The policy will be reviewed at least once every year by the Finance Committee, which is charged with considering the existing policy and any recommendations to modify the policy. Any modifications to the policy must be approved by the City Council.

ATTACHMENT A
GLOSSARY

AGENCIES: Federal agency securities, otherwise known as "Government Sponsored Enterprises."

ASSET-BACKED SECURITY: A financial instrument collateralized by an underlying pool of assets – usually ones that generate a cash flow from debt, such as loans, leases, credit card balances, and receivables.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large denomination CD's are typically negotiable.

BANKERS ACCEPTANCE: A short-term credit investment which 1s created by a non-financial firm and whose payment is guaranteed by a bank.

COLLATERAL: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COMMERCIAL PAPER: An unsecured obligation issued by a corporation or bank to finance its short-term credit needs. Maturities typically range from one (I) to 270 days.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR): The official annual report for the City of Milford. It includes five combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

CORPORATE BONDS: A debt security issued by a corporation based in the United States of America. Such bonds usually have a par value of $1,000, have a term maturity, and are traded on a major exchange.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns, in an attempt to limit risk.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to $250,000 per deposit.

FEDERAL FUNDS RATE: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks vis-a-vis member commercial banks.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven-member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FMHM mortgages. The term "passthroughs" is often used to describe Ginnie Mae's.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

LOCAL GOVERNMENT INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

MARKET VALUE: The price at which a security is trading and could presumable be purchased or sold.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

MORTGAGE-BACKED SECURITIES (MBS): An investment instrument that represents ownership of, and is backed by, an individual interest in a pool of mortgages such as those issued by Ginnie Mae or Freddie Mac. Principal and interest from the individual mortgages is used to pay principal and interest on the MBS.

MUNICIPAL NOTES AND BONDS: Securities issued by a state, city, or local government to finance operations or special projects.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state--the so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED PUBLIC DEPOSITORIES: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

RATE OF RETURN: A measure of worth, either at security or aggregate portfolio level, over a period of time. There are many return conventions, including but not limited to yield to maturity at cost, yield to maturity at market, yield to worst, time weighted total return, dollar weighted total return.

REPURCHASE AGREEMENT (RP OR REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agree-ment, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves.

REVERSE REPURCHASE AGREEMENT: The purchase of a security by a dealer with the agreement to sell it back to the seller at a fixed price at a later date. Typically used by owners of securities to finance short-term needs without having to liquidate the security.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

TIME DEPOSITS: A savings account or CD held for a fixed term or with the understanding that the customer can withdraw only by giving advanced notice.

TREASURY BILLS: A short-term (less than one year) non-interest-bearing discount security issued by the U.S. Treasury department to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY BOND: Long-term U.S. Treasury securities having initial maturities of more than 10 years.

TREASURY NOTES: A non-interest-bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to I: also called net capital rule and net capital ratio.

Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

VARIABLE RATE MASTER DEMAND NOTES: A floating rate security with initial maturities and indexed rates chosen by the investor. The interest rate is adjusted periodically, usually off a standard such as that prevailing on a Treasury Bill or the prime interest rate.

YIELD: The rate of annual income return on an investment, expressed as a percentage.

INCOME YIELD is obtained by dividing the current dollar income by the current market price for the security.

NET YIELD or YIELD TO MATURITY is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

RESOLUTION 2023-04

Adoption of the City of Milford Investment Policy Update

WHEREAS, it is the policy of the City of Milford to invest public funds under its control in a manner that will provide the highest investment return consistent with the maximum safety of principal, while meeting cash flow needs of the City; and

WHEREAS, the City investment program shall conform to all state and local statutes governing the investment of public funds; and

WHEREAS, the City investment policy was most recently updated on November 8, 2023 by City Council following the review and recommendation of the Finance Committee;

WHEREAS, the City Finance Committee or City Council will, no less than once a year, review the Investment Policy for any required updates and amendments; and

WHEREAS, the efforts in 2022 and 2023 to identify an investment management firm to advise the City on the investment policy resulted in this recommendation to update the City investment policy; and

WHEREAS, the City Council has determined that it is appropriate and necessary to update the "Investment Policy for the City of Milford" to bring the policies in line with current financial practices, procedures, and strategies of the City of Milford.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE, AS FOLLOWS:

Section 1: The City Council hereby adopts and approves the Investment Policy as updated.

Section 2: The City Manager is authorized to take action, provide guidance, and create procedures with the input of the City Finance Director, to ensure the investment program authorized by this Resolution is implemented pursuant to the guidelines set forth in the Investment Policy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 13th day of March 2023.

Mayor Arthur J. Campbell

Attest:

Acting City Clerk Katrina L. White

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

TO: Mayor and City Council

FROM: Rob Pierce, AICP – Planning Director

CC: Mark Whitfield, City Manager

DATE: March 13, 2023

RE: Tyler Technologies Software Agreement Addendum #2

EXECUTIVE SUMMARY

The Tyler ERP Project Management Team recommend that Council authorize an Amendment to the Software as a Service (SaaS) Agreement with Tyler Technologies, Inc. (Tyler). The amendment permits the addition of Tyler's eReviews and Workforce Mobile modules at a total cost of $64,173.75 over 3.75 years.

BACKGROUND

Finance and Administration staff issued RFP 2020-12 for an Enterprise Resource Planning (ERP) System Selection on December 8, 2020. Tyler was selected, and the contract covering the implementation and a five-year maintenance horizon was approved by Council on August 9, 2021 (enclosed). The City subsequently hired a Project Management Firm – Brandywine Technologies (the PM) – to lead the project and serve as liaison between Tyler and the City. On July 22, 2022, City Council authorized an addendum to the SaaS Agreement in the amount of $45,356 over five years for the inventory management module. Project implementation is underway, and the PM and project steering committee were involved in the eReviews and Workforce Mobile modules discussion. The Tyler quotation and contract amendment are enclosed for your review.

IDENTIFICATION OF NEEDS

The eReviews module provides for electronic submission and review of building plans for the online issuance of building permits. The Workforce Mobile module allows staff to conduct inspections (building, code violation, rental and infrastructure) in the field and enter results directly into the permitting, inspections and code enforcement software. The Workforce Mobile module will be utilized by both Planning Department and Public Works Department staff.

PRICING AND FUNDING

The one-time cost of Tyler's implementation services and third-party hardware, software and services total $21,000. Tyler's discounted pricing in the initial SaaS terms was made available to fix the annual maintenance costs at $11,513 over the initial 3.75 year term for contractual maintenance costs of $43,173.75. One-time costs plus 3.75 years of recurring annual maintenance total $64,173.75. Similar to the inventory module recommendation, no additional funding is required at this time because the existing CIP item covering the ERP Implementation is sufficient to meet the one-time costs associated with this amendment. The out years of the project will carry the incremental contract costs arising from the inventory, eReviews and mobile workforce modules, resulting in higher total costs than the existing plan. The revised comprehensive

ERP project cost will be reflected in the FY2024-28 CIP document and presented for Council approval in the FY24 operating budget.

RECOMMENDATION

Staff recommend that Council authorize an Amendment to the SaaS Agreement with Tyler Technologies representing a 3.75 year investment totaling $64,173.75. No additional funding is required at this time.

Quoted By:	Justin Almy
Quote Expiration:	07/24/23
Quote Name:	Milford - EERP - Energov modules
Quote Description:	eReviews and Workforce mobile
Saas Term	3.75

Sales Quotation For:

City of Milford
PO Box 159
201 S. Walnut St.
Milford DE 19963-0159
Phone: +1 (302) 422-6616

Tyler SaaS and Related Services

Description	Qty	Imp. Hours	Annual Fee
Civic Services			
e-Reviews	1	80	$ 9,553.00
Workforce Mobile	5	16	$ 1,760.00
Additional			
GIS	5	8	$ 1,480.00
Sub-Total:			$ 12,793.00
Less Discount:			$ 1,280.00
TOTAL		**104**	**$ 11,513.00**

Professional Services

Description	Quantity	Unit Price	Ext Discount	Extended Price	Maintenance
Project Management	16	$ 175.00	$ 0.00	$ 2,800.00	$ 0.00

Remote Implementation		104	$ 175.00	$ 0.00	$ 18,200.00	$ 0.00
	TOTAL				**$ 21,000.00**	**$ 0.00**

Summary	**One Time Fees**	**Recurring Fees**
Total Tyler License Fees	$ 0.00	$ 0.00
Total SaaS	$ 0.00	$ 11,513.00
Total Tyler Services	$ 21,000.00	$ 0.00
Total Third-Party Hardware, Software, Services	$ 0.00	$ 0.00
Summary Total	**$ 21,000.00**	**$ 11,513.00**
Contract Total	**$ 64,173.75**	

Unless otherwise indicated in the contract or amendment thereto, pricing for optional items will be held
For six (6) months from the Quote date or the Effective Date of the Contract, whichever is later.

Customer Approval: _____ Date: _____

Print Name: _____ P.O.#: _____

All Primary values quoted in US Dollars

Tyler Annual Discount Detail (Excludes Optional Products)

Description	Annual Fee	Annual Fee Discount	Annual Fee Net
Civic Services			
e-Reviews	$ 9,553.00	$ 955.00	$ 8,598.00
Workforce Mobile	$ 1,760.00	$ 175.00	$ 1,585.00
Additional			
GIS	$ 1,480.00	$ 150.00	$ 1,330.00
TOTAL	**$ 12,793.00**	**$ 1,280.00**	**$ 11,513.00**

Comments

Client agrees that items in this sales quotation are, upon Client's signature or approval of same, hereby added to the existing agreement ("Agreement") between the parties and subject to its terms. Additionally, payment for said items, as applicable but subject to any listed assumptions herein, shall conform to the following terms:

- License fees for Tyler and third party software are invoiced upon the earlier of (i) deliver of the license key or (ii) when Tyler makes such software available for download by the Client;
- Fees for hardware are invoiced upon delivery;
- Fees for year one of hardware maintenance are invoiced upon delivery of the hardware;
- Annual Maintenance and Support fees, SaaS fees, Hosting fees, and Subscription fees are first payable when Tyler makes the software available for download by the Client (for Maintenance) or on the first day of the month following the date this quotation was signed (for SaaS, Hosting, and Subscription), and any such fees are prorated to align with the applicable term under the Agreement, with renewals invoiced annually thereafter in accord with the Agreement.
- Fees for services included in this sales quotation shall be invoiced as indicated below.
    - Implementation and other professional services fees shall be invoiced as delivered.
    - Fixed-fee Business Process Consulting services shall be invoiced 50% upon delivery of the Best Practice Recommendations, by module, and 50% upon delivery of custom desktop procedures, by module.
    - Fixed-fee conversions are invoiced 50% upon initial delivery of the converted data, by conversion module, and 50% upon Client acceptance to load the converted data into Live/Production environment, by conversion module.
    - Except as otherwise provided, other fixed price services are invoiced upon complete delivery of the service. For the avoidance of doubt, where "Project Planning Services" are provided, payment shall be invoiced upon delivery of the Implementation Planning document. Dedicated Project Management services, if any, will be invoiced monthly in arrears, beginning on the first day of the month immediately following initiation of project planning.
    - If Client has purchased any change management services, those services will be invoiced in accordance with the Agreement.
    - Notwithstanding anything to the contrary stated above, the following payment terms shall apply to services fees specifically for

migrations: Tyler will invoice Client 50% of any Migration Fees listed above upon Client approval of the product suite migration schedule. The remaining 50%, by line item, will be billed upon the go-live of the applicable product suite. Tyler will invoice Client for any Project Management Fees listed above upon the go-live of the first product suite. Unless otherwise indicated on this Sales quotation, annual services will be invoiced in advance, for annual terms commencing on the date this sales quotation is signed by the Client. If listed annual service(s) is an addition to the same service presently existing under the Agreement, the first term of the added annual service will be prorated to expire coterminous with the existing annual term for the service, with renewals to occur as indicated in the Agreement.

- Expenses associated with onsite services are invoiced as incurred.

Tyler's quote contains estimates of the amount of services needed, based on our preliminary understanding of the scope, level of engagement, and timeline as defined in the Statement of Work (SOW) for your project. The actual amount of services required may vary, based on these factors.

Tyler's pricing is based on the scope of proposed products and services contracted from Tyler. Should portions of the scope of products or services be altered by the Client, Tyler reserves the right to adjust prices for the remaining scope accordingly.

Unless otherwise noted, prices submitted in the quote do not include travel expenses incurred in accordance with Tyler's then-current Business Travel Policy.

Tyler's prices do not include applicable local, city or federal sales, use excise, personal property or other similar taxes or duties, which you are responsible for determining and remitting. Installations are completed remotely but can be done onsite upon request at an additional cost.

In the event Client cancels services less than two (2) weeks in advance, Client is liable to Tyler for (i) all non-refundable expenses incurred by Tyler on Client's behalf; and (ii) daily fees associated with the cancelled services if Tyler is unable to re-assign its personnel.

The Implementation Hours included in this quote assume a work split effort of 70% Client and 30% Tyler.

Implementation Hours are scheduled and delivered in four (4) or eight (8) hour increments.

Tyler provides onsite training for a maximum of 12 people per class. In the event that more than 12 users wish to participate in a training class or more than one occurrence of a class is needed, Tyler will either provide additional days at then-current rates for training or Tyler will utilize a Train-the-Trainer approach whereby the client designated attendees of the initial training can thereafter train the remaining users.

Standard Project Management responsibilities include project plan creation, initial stakeholder presentation, bi-weekly status calls, updating of project plan task statuses, and go-live planning activities.

3.75 year term to start April 1, 2023 to align with current renewal period/term.

OFFICE OF THE CHIEF OF POLICE
CECILIA E. ASHE
cecilia.ashe@cj.state.de.us

THE CITY of Milford DELAWARE

400 NE Front Street
Milford Delaware 19963
302.422.8081 Fax 302.424.2330

DATE: March 8, 2023

TO: Mayor & Council

FROM: Chief Cecilia E. Ashe

RE: Take-Home Car Program

On November 8, 2021 then Chief Brown came before City Council to receive approval of a Take-Home Vehicle Program. This request was for the purchase of 15 Ford Hybrid Police Interceptors as well as equipment needed for the vehicle. The total for this project would equal $883,551.27 and these funds were available through the American Rescue Plan Act (ARPA).

In that hearing Chief Brown advised that the delivery of those vehicles could be up to nine months. This memo is to not only provide an update of the status of that order but also to request from City Council flexibility on the type of vehicle that may be purchased.

The current projection for the "build-out" date for the Hybrid police vehicle is not going to start until now mid-2024. Which in turn would mean that we do not physically get delivery of the car until early 2025. The major concern is that fact that the build date is not guaranteed as Hybrid Police vehicles are not in high demand, therefore their production dates keep getting delayed.

Based on these significant delays I am requesting that City Council allow the Police Department the ability to purchase police vehicles that are currently available. There are several dealers that currently have police vehicles available for purchase on their lot. This will create a significant cost savings as well as immediate implementation of the Take-Home vehicle program. It should be noted that since those hybrid vehicles were ordered in September 2022 there has been nearly a 7% to 9% cost increase. It is reasonable to assume that the cost difference will only continue to grow as we are waiting for the production of these other vehicles. Thank you for your time and consideration in this matter.

FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

PHONE 302.424.5140
FAX 302.424.5932
www.cityofmilford.com

Date: March 10, 2023
To: Mayor and City Council
Through: Mark A. Whitfield, City Manager
From: Lou Vitola, Finance Director
Re: Financial Review of Proposed Change in PD Assigned Vehicle Program

EXECUTIVE SUMMARY

Financial analysis of the Police Department's recommended amendment to the purchase strategy for the assigned vehicle program suggests that the recommended change is likely to have a positive financial impact, as measured using the net present value ("NPV") of the change in differential cashflows over the estimated eight-year life cycle of the vehicles. The positive impact is driven primarily by the increased installed cost of the Ford Explorer Interceptor HEV ("Hybrid") that has occurred since Council's approval of the program in November 2021. Avoided maintenance costs boost the savings, which are partially offset by the higher fuel costs of the Chevy Tahoe Special Services Vehicle ("Tahoe"). The analysis relies on a variety of assumptions which, if changed, could change the results of the analysis, but City staff believe in the research-based estimates and quotations used to objectively measure the impact of the recommendation. However, the basis for the recommendation is not motivated solely by financials, but also by scarcity and operational management.

BACKGROUND

In 2021, the Finance Staff was tasked with an analysis to measure the financial impact of a transition from the existing fleet of pooled vehicles to an assigned vehicle program ("Program"). The primary goals of the Program were rooted in human resources strategy, officer health and safety, operational efficiency and cost containment of the new police facility. First, the Program was recommended as a tool to improve officer recruitment and retention. Second, the Program would limit officer-to-officer contact at shift changes in and around the vehicles and the locker facilities. Third, the Program would promote operational efficiency through reduced time spent parking, changing, and signing in or out at shift changes. Finally, the Program permitted a cost-saving scope reduction in the design of the new PD facility through the reduction in locker and changing facilities, which were deemed expendable only by virtue of the Program. Despite such positive outcomes, the financial benefit was not sufficient to overcome the increased costs of the Program. Even when the initial costs required to launch the Program were determined to be eligible for $884,000 in grant funding, vastly improving the economics, the NPV still returned a negative result. However, the non-financial aspects of the Program were enough to overcome the negative economics based on Council's approval in November 2021. It is unclear from the City Council minutes whether or to what extent the specification for Hybrid vehicles impacted the *justification* for the Program, yet the Hybrid vehicles were explicitly recommended and approved, requiring Council action for the recommended change in strategy. The primary focus of this analysis was to measure the financial impact of the proposal to help inform Council's decision, and the results are supportive of the recommendation.

CONCLUSION

Staff recommend that Council consider the likelihood for a positive financial impact resulting from the Police Department's recommended amendment to the purchase strategy among the other rationale behind the recommendation.

CITY OF MILFORD, DELAWARE
ANNUAL MUNICIPAL ELECTION
SATURDAY, APRIL 21, 2023

ELECTION NOTICE
BOARD OF ELECTION MEMBERS

Notice is hereby given the following residents have been appointed as members of the City of Milford Election Board for the 2023 City of Milford Annual Election to be held on April 22, 2023:

City of Milford Election Board:

Karen Boone	303 Parson Thorne Apartments
Carlene Wilson	11 Nelson Street
Donna Merchant	108 Franklin Street

For additional information, please contact the City Clerk's Office at 302-422-1111, Ext 1300 or 1303.

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE
RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

MOSQUITO CONTROL SECTION

PHONE
(302) 739-9917

February 27, 2023

Mark Whitfield
City of Milford
201 South Walnut Street;
Milford, DE 19963

Re: Do you want State Mosquito Control services in your municipality this year?

Dear City Manager,

It's now time for you to think about the start of another mosquito control season, involving our program now inquiring about whether your city or town might again want to receive (or might newly want to receive) the State's mosquito control services for the upcoming year (2023). By mid-March 2023 the **Delaware Mosquito Control Section** will once again start its statewide spring woodland control program (to control larval mosquitoes breeding in wet woodlands). We'll then be performing from early April into early November our usual range of other statewide efforts to control these pests and public health menaces, which can originate from coastal tidal marshes, freshwater wetlands, and within developed or domestic settings. As such, **we now want to know if your city / town wants to participate in our control program for the upcoming year**, and to receive at no cost to your municipality the State's mosquito control services.

Potential problems if for some reason you choose not to sign up

In addition to our usual concern for mosquito nuisance problems and their quality-of-life and economic impacts (for local economies based on tourism, outdoor recreation, hosting outdoor events, animal husbandry), plus our traditional concern for possible transmission to humans or horses of highly virulent Eastern Equine Encephalitis (EEE), this upcoming season also carries the specter for the quite probable continued occurrence of a relatively new mosquito-borne disease problem given much publicity over the past 20 years or so, being West Nile Encephalitis (WNE), which also affects both humans and horses. While WNE might not be as sickening or deadly a problem as EEE, it will probably more frequently occur, and still be quite problematic for some people who contract this virus. We are now also on the lookout in Delaware for a recent mosquito-borne disease to hit the country affecting people, being chikungunya virus that first came to the Western Hemisphere in December, 2013 in the Caribbean, and for which Delaware the past eight summers has had a few imported cases of this disease brought back by travelers to the Caribbean and Central or South America, but fortunately not yet any locally transmitted chikungunya. The newest mosquito-borne disease that has now landed at our doorstep six years ago by way of South America and the Caribbean, having many characteristics similar to chikungunya including being a recent import from the Old World, but now with an additional concern for pregnant women in possibly leading

to microcephaly and other development issues among newborns, is Zika virus. Fortunately to date, we've had no locally-transmitted cases of Zika, and we're working hard to see this doesn't occur, whereby your hopeful cooperation and participation in our mosquito control program then also helps.

It's important to understand that if at this time your municipality chooses not to participate in the Section's program, then in event of your sudden change of mind, perhaps due to intolerable nuisance or disease problems sometime during the upcoming year, the Section might *not* be able to take control actions until all the agreements and procedures contained herein are fulfilled by your municipality. This can then slow down, or even preclude the Section's ability to take or deliver timely response actions.

What you need to do to participate

In order to best serve the public, the Delaware Department of Natural Resources and Environmental Control (DNREC) has developed and adopted its **Mosquito Control Spray Policy** to govern applications of insecticides, with particular emphasis on the spraying of aerially- or ground-applied adulticides (insecticides to kill adult mosquitoes), and to a lesser degree for aerially- or ground-applied larvicides (insecticides to kill immature mosquitoes in their aquatic stages), within incorporated cities or towns. Aerial spraying of adulticides or larvicides might be done by fixed-wing aircraft or by helicopter. Ground application of adulticides will be done by truck-mounted sprayers (a.k.a. "foggers"). Ground application of larvicides might be done by truck-mounted sprayers, backpack sprayers, or hand tosses. We are not requesting your endorsement for our ability to undertake ground applications of larvicides, but we are for all types of aerial spraying for adulticiding or larviciding, as well as for ground applications of adulticides.

The Spray Policy requires annual consent by municipalities before the Section will undertake certain types of needed insecticide spraying within a city or town's jurisdictional boundaries; provides for contact persons to represent both the municipality and the State; allows through a municipality's own devices for identification of human health-related "No-spray zones" for adulticides (if any); and addresses mosquito control in event of a declared public health emergency. This annual consent can be indicated by completing and returning to the Section the enclosed "**Municipality Endorsement**" form. There is also the option on the endorsement form to indicate that your city or town does not wish to participate. We would greatly appreciate your returning the endorsement form in either case. Without receiving the endorsement signed in some manner by the time requested, the Section will assume that your city or town does **not** wish to participate in the upcoming year's control program.

Please note that just by your signing and returning the Municipality Endorsement form it does **not** mean that you then automatically receive **all** of our mosquito control services whenever needed without any further actions on your part. Converse to this and as a specific exception (exclusive of a public health emergency that Mosquito Control might recognize), and as described in our Spray Policy (see Section III-4), **each and every time** that you want Mosquito Control to undertake any adulticide spraying (to control adult mosquitoes), done by us either via ground-based or aerial applications within or over areas in your municipality's jurisdiction, **your municipality's designated Mosquito Control contact person** (as you will have indicated on the Municipality Endorsement form, or alternatively it could be some other appropriate city or town official) **must contact the Mosquito Control Section to request such adulticiding.** Please note that there can be occasions when we might recommend to your city or town that such type of spraying be undertaken (based on technical information that our program collects), and whereby we advise you that your municipality should then officially request that we take such spray actions. However, in many instances it will be more a matter of your first contacting us on an **event-by-event** basis that you want Mosquito Control to apply adulticides (which could be determined by your municipality as being necessary or desirable for us to undertake via several avenues, such as your hearing from your citizens or constituents about intolerable local mosquito infestations, or by other means or devices that your city or town might have at your disposal).

The Mosquito Control Section also requires all participating municipalities **to prepare and sign a waiver on official city / town letterhead** permitting spray applications by low-flying aircraft, in order to comply with Federal Aviation Administration (FAA) regulations, and return such to us when done. Additionally, we have included a map of your city / town's area **for your municipality to delineate its current incorporated boundaries**; and for you **to also indicate and delineate requests for human health-related adulticide No-spray Zones (if any)** in regard to adulticide aerial spraying, adulticide ground spraying, or both. In regard to requesting any human-health-related adulticide No-Spray Zones, you will then also have to follow-up with additional information when making such requests in accordance with our Mosquito Control Spray Policy.

Information about the products we use

We have provided links to Dropbox.com (an online file hosting service) which contains insecticide product labels and Safety Data Sheets (SDS) for the insecticides mentioned in our Spray Policy; these constitute the range of products that we might use this upcoming season. [Please view these product labels and SDS here: https://tinyurl.com/MCS-Products; and our Mosquito Control Spray Policy here: https://tinyurl.com/MCS-Spray-Policy.] These written materials, although technical in nature, can provide a wealth of information to any concerned individuals regarding an insecticide's safety for human health, wildlife, or the environment. We only use EPA-registered products for the purpose at-hand, safely done in full accordance with federally-approved label instructions. Please note that we also send our Spray Announcements to you throughout the control season via e-mail, and that you can also receive notice of this via our new Spray Zone Notification System (SZNS), with more details about the latter in our Spray Policy. We have also provided a Dropbox link to our public information handout *Mosquito Control in Delaware*, which you can reproduce and use however you see fit.

If your city or town wishes to participate in the Section's mosquito control program next season, please sign and return **by no later than COB on Monday, March 13, 2023**:

1. the enclosed Municipality Endorsement;

2. an FAA waiver letter, on your municipal letterhead, giving us permission to aerially spray over your city or town;

3. the enclosed Municipality Boundary Map, where you have drawn your municipality's current boundaries along with any changes since last year, or have indicated any requested No-spray Zones.

Your response, no matter where in Delaware you might be located, should be emailed to Mosquito.Control@delaware.gov or mailed to **Delaware Mosquito Control Section, 1161 Airport Road, Milford, DE 19963 (attn. Anne Newlin).** If you have any questions, please call me at 302-739-9917. Thank you for your cooperation.

Sincerely,

William H. Meredith

William H. Meredith, Ph.D.
Environmental Program Administrator
Delaware Mosquito Control Section

Encl: Dropbox link to Mosquito Control Spray Policy: https://tinyurl.com/MCS-Spray-Policy
Dropbox link to product labels and Safety Data Sheets (SDS): https://tinyurl.com/MCS-Products
Municipality Endorsement form (to sign and return)
Municipality Boundary Map (to indicate boundaries and return)
Dropbox link to an informational handout on Mosquito Control: https://tinyurl.com/MC-in-Delaware

MUNICIPALITY ENDORSEMENT

MOSQUITO CONTROL SPRAY POLICY

A. I hereby certify that the **City of Milford** has received from the Delaware Mosquito Control Section (MCS) for the year **2023** a copy of the Mosquito Control Spray Policy, along with electronic product labels and Safety Data Sheets (SDS) for the insecticides mentioned in the Spray Policy via Dropbox.com at https://tinyurl.com/MCS-Products.

B. On behalf of the City / Town in regard to participating in and permitting the Section's mosquito control spray activities to occur this year (from March through mid-November) within our jurisdictional boundaries: (please check one):

_____ I agree to allow MCS to undertake its spraying activities within the City / Town to be done in adherence to and per provisions of the Mosquito Control Spray Policy.

OR

_____ I do not request the Section's mosquito control spray services this year within City / Town boundaries.

C. In event of agreeing to participate and permit mosquito control activities within the City / Town, I have enclosed:

1) a Municipality Boundary Map showing the current boundaries along with any changes since last year, as well as identifying and delineating on the map any requested human health-related No-spray Zones (if any), but which will then require further follow-up on my part in accordance with your Mosquito Control Spray Policy;

2) a signed waiver prepared on official City / Town letterhead permitting spray applications by low-flying aircraft.

D. In event of agreeing to participate and permit mosquito control spraying within the City / Town, the municipal contact person is _____ at phone number _____ and e-mail address _____.

As a second municipal contact, his/her alternate is _____ at phone number _____ and e-mail address _____.

E. Please note that the Mosquito Control Section will send Spray Announcements to the provided e-mail addresses, as warranted, throughout the control season. For further details on the Spray Zone Notification System (SZNS), please see the Mosquito Control Spray Policy.

_____ _____

(Signature of municipal official) (Title of municipal official)

_____

(Date)

*Please return endorsement, updated map, and FAA waiver by **Monday, March 13, 2023**: electronically to Mosquito.Control@delaware.gov or via mail service to Delaware Mosquito Control Section, c/o Anne Newlin, 1161 Airport Road, Milford, DE 19963*


SPRING HILL
HERING
BLUEJAY
BOWMAN
CRICKETT HOLLOW
CICADA
BAY
THOMPSONVILLE
JENKINS POND
CHURCH HILL
CANTERBURY
OLD MILFORD
BIG STONE BEACH
NEW WHARF
WARNER
FRONTAGE
9B 1
MCCOLLEY
SHOCKLEY
MILLS
CEDAR BEACH
10TH
NE 10TH
MILFORD
AIRPORT
WALNUT
HOLLY HILL
MILFORD HARRINGTON
MASTEN
DREW
CHURCH
8TH
6TH
REHOBOTH
FRONT
G
MILFORD
WILLIAMSVILLE
LAKE CREST
SHORE
LINSTONE
CAUSEY
FIFTH
EVANS
BRANDYWINE
BEAVER DAM
SAPP
CEDAR NECK
MILLS
FOURTH
MAPLE LOWER
BUCKS
KIRBY
GRIFFITH LAKE
EVERGREEN
MEADOW BROOK
LAKELAWN
WASHINGTON
MARSHALL
BEAVER DAM
8D 100
NEW
OLD SHAWNEE
DEC
DONOVAN
LEXINGTON
VALLEY FORGE
ABBOTT
EVANS
SHARPS
9D 1
WILKINS
LADY SLIPPER
SHAWNEE
ABBY
7E 200
DUPONT
EUKSLODGE
9E 2
WATSON
COASTAL
FORK
CEDAR CREEK
RUST
CALHOUN
WINTJEN
SHERMAN
JOHNSON
CUBBAGE POND
BRICK GRANARY
OLD
UNION CHURCH
8E 7
FITZGERALDS
MORGAN
BUTLER
GREELY
ROSS
9E 4
9F 5
VIOLET
MAYBEW
10E 1
7F 3
BENSON
NEAL
CLENDANIEL POND
OLD STATE
GREENTOP
HAPLINGER
WATER
OAK
N

MILFORD

CITY OF MILFORD
NOTICE OF PUBLIC HEARING
Planning Commission Hearing: Tuesday, March 21, 2023 @ 6:00 p.m.
City Council Hearing: Monday, March 27, 2023 @ 6:00 p.m.

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 2023-09
Conditional Use Application of Bay to Beach Builders, Inc.
0.172 +/- acres of land located along the north side of
SE Second Street between Montgomery Street and Franklin Street
Address: 223 SE Second Street
Comprehensive Plan Designation: Low Density Residential
Zoning District: R-2 (Residential District)
Present Use: Vacant Proposed Use: Single-family Semi-detached
Tax Parcel: 3-30-7.17-118.00

WHEREAS, the applicant proposes to construct a single-family semi-detached dwelling; and

WHEREAS, Chapter 230-10(C) states single-family semidetached dwellings are considered a conditional use subject to approval from City Council; and

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on March 21, 2023, at which time interested parties will publicly comment on the application; and

WHEREAS, Milford City Council will hold a Public Hearing on March 27, 2023, 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 Delaware State News on March 5, 2023 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 Bay to Beach Builders, Inc. to allow a Single-family Semi-detached Dwelling at 223 SE Second 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: March 13, 2023
Planning Commission Review & Public Hearing: March 21, 2023
City Council Public Hearing: March 27, 2023

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).

030123
Published*: Delaware State News 03-05-2023*

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 BAY TO BEACH BUILDERS, INC

Planning Commission Meeting: March 21, 2023

Application Number / Name	:	23-005 / Bay to Beach Builders, Inc.
Applicant	:	Bay to Beach Builders, Inc. 500 E. Market Street PO Box 209 Greenwood, DE 19950
Owner	:	Same
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Low Density Residential
Present Zoning District	:	R-2 (Residential District)
Present Use	:	Vacant
Proposed Use	:	Single-family Semi-detached
Size and Location	:	0.172 +/- acres of land located along the north side of SE Second Street between Montgomery Street and Franklin Street. Addressed as 223 SE Second Street.
Tax Map & Parcel	:	3-30-7.17-118.00

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

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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
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STAFF REPORT
March 2, 2023

Application Number / Name	**:**	23-005 / Bay to Beach Builders, Inc.
Tax Map & Parcel	**:**	3-30-7.17-118.00
Size and Location	**:**	0.172 +/- acres of land located along the north side of SE Second Street between Montgomery Street and Franklin Street. Addressed as 223 SE Second Street.

I. BACKGROUND INFORMATION:

- The applicant proposes to construct a single-family semi-detached dwelling on the above referenced parcel as shown on the provided survey.

- According to Chapter 230-10(C), single-family semidetached dwellings are considered a conditional use subject to approval of a conditional use permit from City Council.

II. STAFF ANALYSIS:

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

- The applicant will be required to construct new sidewalk on the entire frontage or replace sidewalk sections that are in poor or failing condition prior to the issuance of a certificate of occupancy.

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

  A. The presence of adjoining similar uses.

  As shown on the attached zoning and location map, the property is surrounded on all sides by properties zoned R-2. The property to the west contains a four-unit residential structure. The property to the north contains a single-family detached dwelling. The properties to the east are a combination of single-family detached dwellings and two-unit structures. The properties to the south are single-family semi-detached dwellings.

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

The proposed use is permitted by conditional use within the R-2 and permitted by-right in the R-3 & R-8 zoning 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 Low Density Residential, which is intended to provide residential housing options in the forms of detached and semi-detached product. The proposed use would be appropriate based on the Comprehensive Plan.

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

The proposed use is residential and is surrounded by other residential uses. Screening would not be required.

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

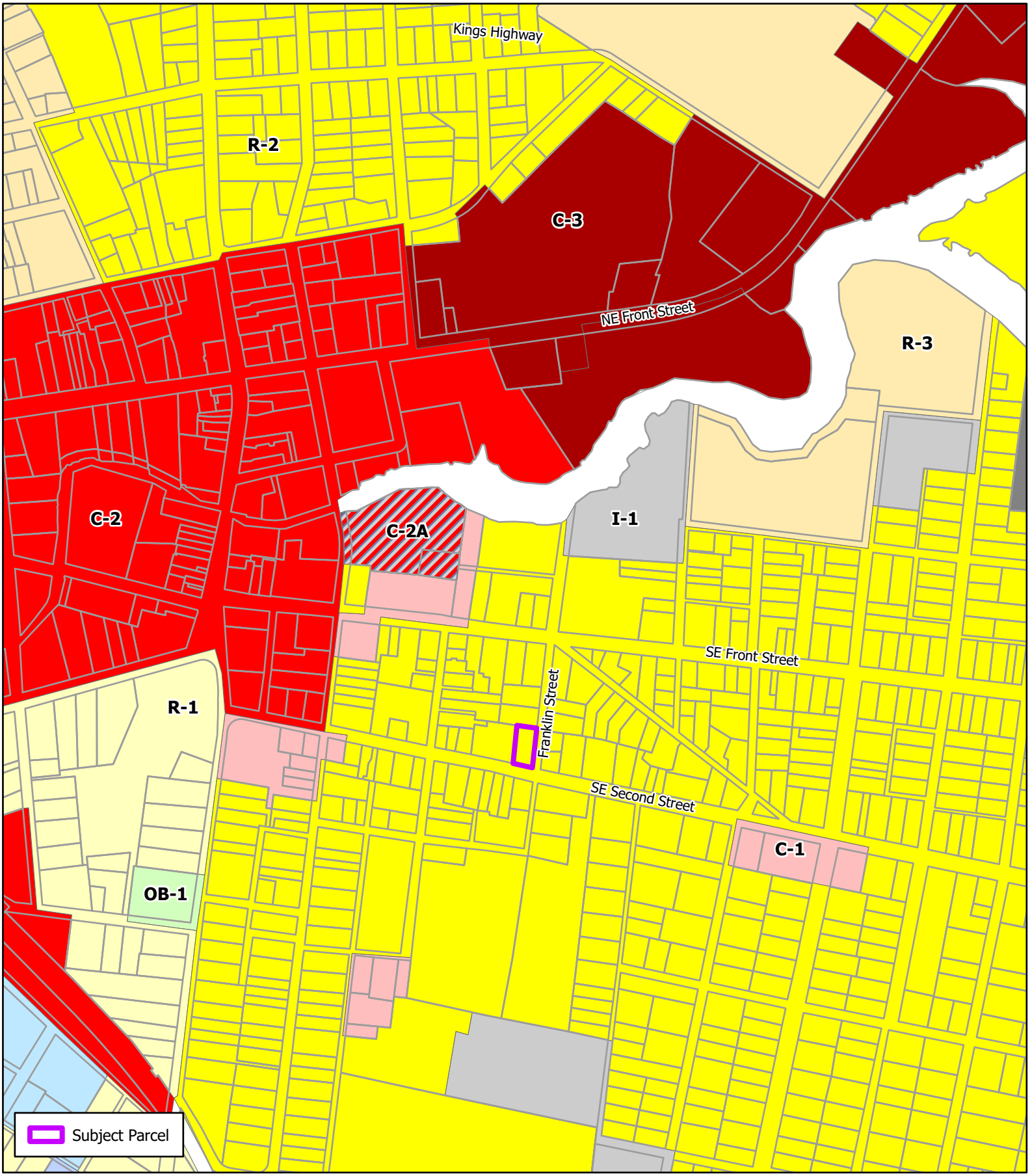
The subject parcel is located in an existing residential neighborhood and is surrounded by older single-family detached, two-unit structures and a four unit dwelling. There are six multiple unit dwellings within 200 feet of the subject property, two of which are on SE Second Street, two are on Franklin Street and two are on Carlisle Lane.

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

The site is located in an existing residential area along a State maintained major collector road. Driveways will be installed along Franklin Street and will require approval from the City of Milford Public Works Department. No screening is necessary since adjacent parcels contain similar low density residential uses.

III. AGENCY COMMENTS:

- DelDOT – No comments solicited
- Sussex Conservation District – No comments solicited
- State Fire Marshal – No comments solicited



THE CITY of Milford DELAWARE

Scale: 0 240 480 Feet

Drawn by: WRP

Date: 03/02/23

Filepath: CU_BaytoBeach.aprx

Title:

Conditional Use

Bay to Beach Builders, Inc.

Location & Zoning Map

PREPARED BY:
PH: 302-629-9895
FAX: 302-629-2391
MILLER LEWIS, INC. LAND SURVEYING
1560 MIDDLEFORD RD. • SEAFORD, DE. 19973

T.M. #330-7.17-118.00

BOUNDARY SURVEY FOR
BAY TO BEACH BUILDERS, INC.

223 S.E. SECOND STREET, MILFORD, DE. 19963
CITY OF MILFORD
CEDAR CREEK HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
SCALE 1" =20' NOVEMBER 15, 2022

DATA COLUMN:

ZONING: R-2
FRONT SETBACK: 30 FEET
SIDE SETBACK: 8 FEET
REAR SETBACK: 15 FEET
AVERAGE FRONT SETBACK S.E. SECOND ST.:
DWELLING #1 -1.5'
DWELLING #2 1.6'
DWELLING #3 13.1'
DWELLING #4 8.2'
AVERAGE SETBACKS ON S.E. SECOND ST: 5.4'
AVERAGE FRONT SETBACK FRANKLIN ST.
DWELLING #5 -3.8'
DWELLING #6 15.1'
AVERAGE SETBACKS: 5.7'

MAXIMUM ALLOWED LOT COVERAGE: 40%
ACTUAL LOT COVERAGE: 38%
TOTAL COVERAGE: 2,725 SQ. FT.

- IRON PIPE (FOUND)
- IRON REBAR (FOUND)
- PROPOSED WATER METER
- PROPOSED SEWER CLEAN OUT

THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN.
NO TITLE SEARCH PROVIDED OR STIPULATED.

I, DONALD K. MILLER REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

DONALD K. MILLER PLS 407 DATE

SURVEY CLASS: SUBURBAN



BAY to BEACH
BUILDERS INC.
Fine Homes built with Amish craftsmanship

January 27, 2023

Proposed: For Conditional Land Use Application

To construct a two story residential duplex dwelling for investment purposes to be located at 223 S.E. Second Street.

John Zotcavage
Coordinator
Bay to Beach Builders, Inc.
P.O. 209
Greenwood DE 19950

§ 230-10. R-2 Residential District.

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

A. Purpose. The purpose of the R-2 District is to permit housing at a greater density than in the R-1 District by providing for the orderly development of low- to medium-density residential housing into those areas where public services are available. This district also allows for professional home occupations. Finally, it protects existing developments of this nature and excludes noncompatible ones.

B. Permitted uses: all permitted uses in the R-1 District.

C. Conditional uses: all uses specified as conditional uses in the R-1 District subject to its area regulations, and the following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with Article IX of this chapter:

(1) Single-family semidetached dwelling.

D. Area regulations.

(1) For permitted uses and single-family semidetached dwellings not separately owned:

(a) Minimum interior lot area shall be 8,000 square feet and minimum corner lot area shall be 13,000 square feet.

(b) Maximum lot coverage shall be 40%.

(c) Minimum lot width shall be 80 feet.

(d) Height of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.

(e) Minimum front yard setback line shall be 30 feet.

(f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.

(g) Side yards shall be provided as follows: each lot shall have two side yards a minimum width of eight feet on each side.

(2) For single-family semidetached dwellings separately owned:

(a) Minimum interior lot area shall be 4,000 square feet and minimum corner lot area shall be 6,500 square feet.

(b) Maximum lot coverage shall be 40%.

(c) Minimum lot width shall be 40 feet.

(d) Height of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.

(e) Minimum front yard setback line shall be 30 feet.

(f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.

(g) Side yard shall be provided as follows: each lot shall have one side yard a minimum width of eight feet.

(3) Parking shall comply with the requirements provided in Article IV of this chapter.

(4) Signs shall comply with the requirements of Article VI of this chapter.

(5) Landscape screening shall comply with the requirements of Article V of this chapter.

(6) Open space and recreational amenities shall comply with Chapter 230-19.7.

(7) Accessory structures for non-residential uses 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.

(8) Accessory structures for non-residential uses shall be located in the side and rear lot areas.

(9) 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.

[Ord. No. 2022-06, 1-24-2022]

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.

[Ord. No. 2022-06, 1-24-2022]

§ 230-47. Application and approval procedures.

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

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

C. 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.

[Ord. No. 2022-06, 1-24-2022]

§ 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.

[Ord. No. 2022-06, 1-24-2022]

§ 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. 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. 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 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.

[Ord. No. 2022-06, 1-24-2022]

CITY OF MILFORD
NOTICE OF PUBLIC HEARING
Planning Commission Hearing: Tuesday, March 21, 2023 @ 6:00 p.m.
City Council Hearing: Monday, March 27, 2023 @ 6:00 p.m.

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 2023-10
Conditional Use Application of Jaasiel, LLC
0.304 +/- acres of land located at the northwest corner
of the NE Front Street and East Street intersection
Address: 115 NE Front Street Comprehensive Plan Designation: Commercial
Zoning District: C-2 (Central Business District) Present Use: Single-Occupancy Retail
Proposed Use: Mixed Use – (3) Commercial Tenant Spaces and (10) Apartments
Tax Parcel: MD-16-183.10-03-68.00

WHEREAS, the applicant proposes to convert the one-story single-occupancy commercial building into a two-story mixed uses structure containing (3) commercial tenant spaces on the first floor and (10) residential apartments on the second floor; and

WHEREAS, Chapter 230-13(C)(10) states "all dwellings other than single-family with a maximum density of 12 units per acre in conjunction with nonresidential use" are considered a conditional use subject to approval from City Council; and

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on March 21, 2023, at which time interested parties will publicly comment on the application; and

WHEREAS, Milford City Council will hold a Public Hearing on March 27, 2023, 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 Delaware State News on March 5, 2023 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 Jaasiel, LLC to allow a Mixed Use – (3) Commercial Tenant Spaces and (10) Apartments at 115 NE Front 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: March 13, 2023
Planning Commission Review & Public Hearing: March 21, 2023
City Council Public Hearing: March 27, 2023

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).

030123
Published*: Delaware State News 03-05-2023*

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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

DATA SHEET FOR JAASIEL, LLC

Planning Commission Meeting: March 21, 2023

Application Number / Name	:	23-006 / Jaasiel, LLC
Applicant	:	Jaasiel, LLC 110 E. Kimmy Street Georgetown, DE 19947
Owner	:	Same
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District	:	C-2 (Central Business District)
Present Use	:	Single-Occupancy Retail
Proposed Use	:	Mixed Use – (3) Commercial Tenant Spaces and (10) Apartments
Size and Location	:	0.304 +/- acres of land located at the northwest corner of the NE Front Street and East Street intersection, addressed as 115 NE Front Street.
Tax Map & Parcel	:	MD-16-183.10-03-68.00

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

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THE CITY of Milford DELAWARE

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STAFF REPORT
March 2, 2023

Application Number / Name	**:**	23-006 / Jaasiel, LLC
Tax Map & Parcel	**:**	MD-16-183.10-03-68.00
Size and Location	**:**	0.304 +/- acres of land located at the northwest corner of the NE Front Street and East Street intersection.

I. BACKGROUND INFORMATION:

- On September 27, 2021, City Council approved an application to convert the existing one-story single-occupancy commercial building into a two-story mixed uses structure containing (3) commercial tenant spaces on the first floor and (10) residential apartments on the second floor with the condition that the applicant maintain the historic character of the building by working with the State of Delaware Division of Cultural Affairs to maintain an appearance consistent with the historic downtown area.

- Since the applicant did not obtain a building permit prior to September 27, 2022, the conditional use approval expired. The applicant is seeking approval for the same request.

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

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

II. STAFF ANALYSIS:

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

- The applicant sought a variance from the Board of Adjustment for the 12 units per acre limitation on the residential density. The Board reviewed a request to increase the density from 12 units per acre to 33 units per acre at the September 9, 2021 public hearing.

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

A. The presence of adjoining similar uses.

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

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

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

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

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

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

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

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

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

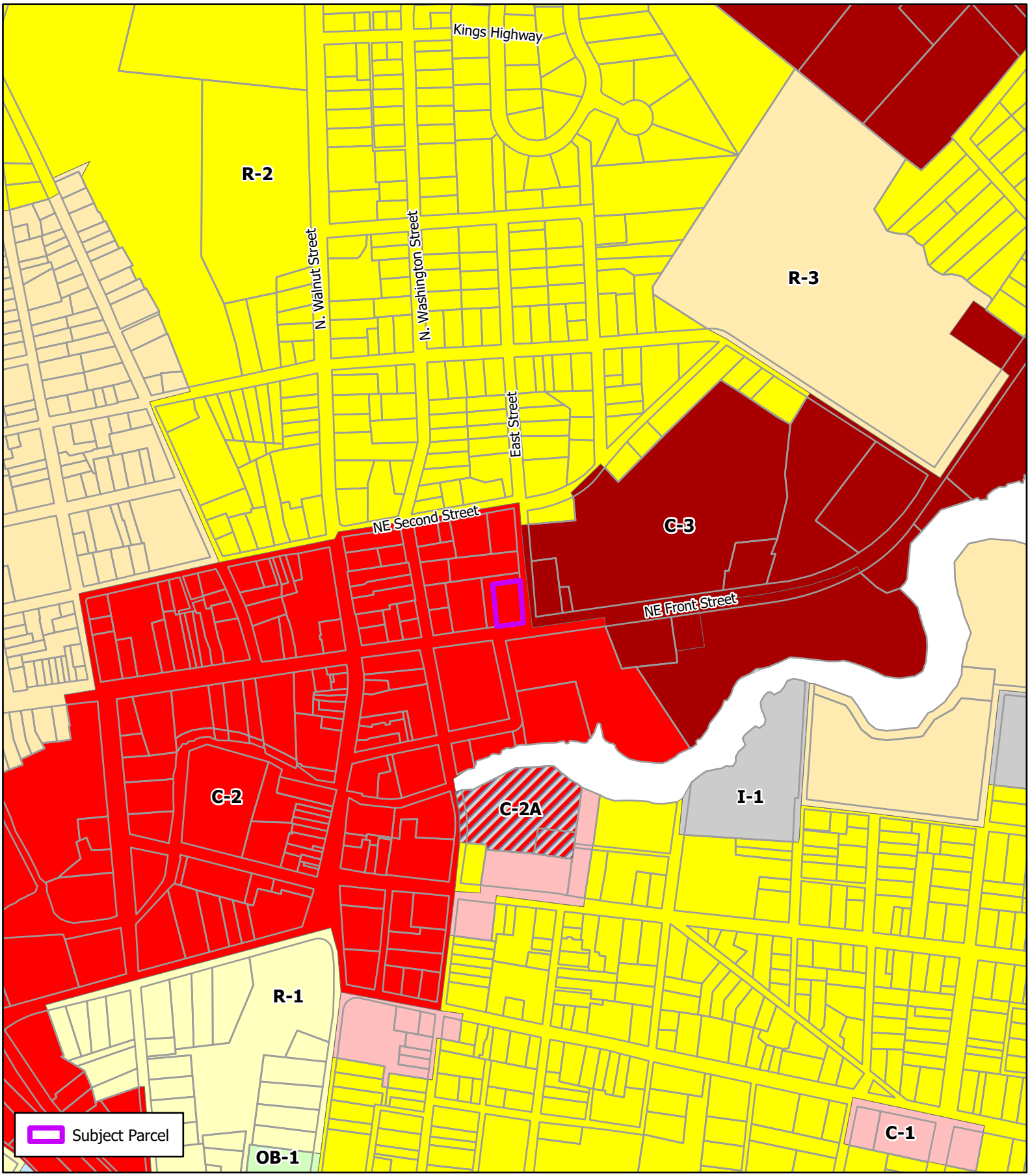
F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

The subject parcel is located within the Central Business District which does not require off-street parking for permitted uses. The residents, employees and customers of the proposed uses would utilize existing off-street public parking lots, on-street parking, and the private parking lot to the west. The proposed uses would be located within the existing building footprint, therefore there would be no change in building setbacks from the current conditions. The applicant does propose to add a few feet to the height of the

building to accommodate a second floor for the residential apartments, however, the proposed conditions would still meet the height limitation for the C-2 zoning district. No screening is proposed since the use is consistent with other uses and the purpose of the central business district.

- If the Planning Commission and City Council elect to approve the applicant's request, staff recommends the following minimum conditions of approval:

    - The applicant must obtain a building permit from the Planning Department and obtain approval from the State Fire Marshal's Office and State Plumbing Office.
    - The applicant should consider maintaining the historic character of the building and work with the State of Delaware Division of Cultural Affairs and local resources to maintain an appearance consistent with the historic downtown area.



THE CITY of Milford DELAWARE

Scale: 0 240 480 Feet

Drawn by: WRP

Date: 03/02/23

Filepath: CU_Jaasiel.aprx

Title:

Conditional Use

Jaasiel, LLC

Location & Zoning Map



THE CITY of Milford DELAWARE

Scale: 0 40 80 Feet

Drawn by: WRP

Date: 08/05/21

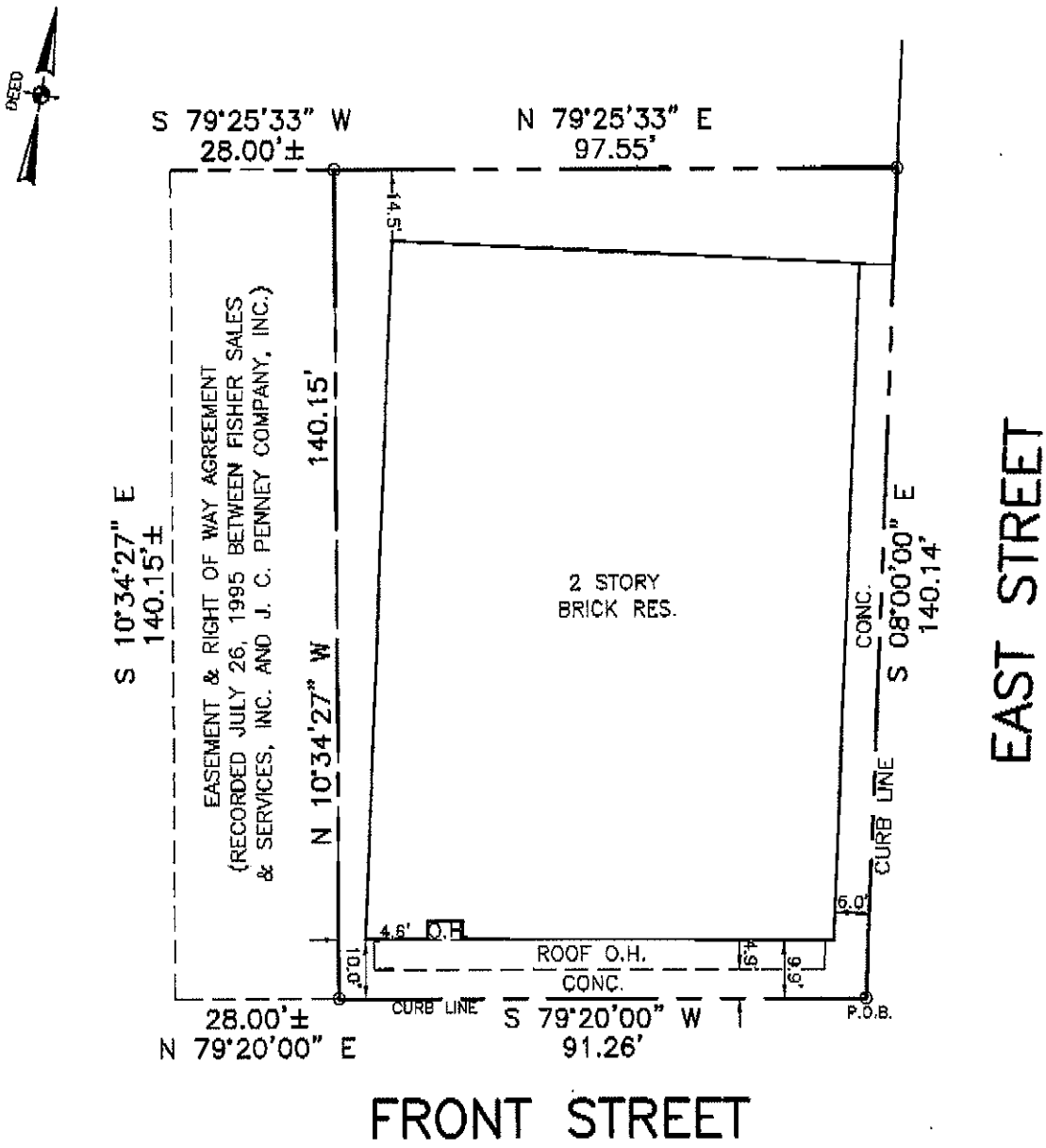
Filepath: ConditionalUse_Jaasiel_Aerial.mxd

Title:

Conditional Use

Jaasiel, LLC

Aerial Map



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

PROPERTY TO BE CONVEYED TO:
ENRIQUE NUNEZ & VERONICA NUNEZ

BOUNDARY SURVEY PLAN
115 NORTH FRONT STREET

CITY OF MILFORD
KENT COUNTY – DELAWARE
TAX PARCEL # MD-16-183.10-03-68.000-000

ZONED: C2
SETBACKS:
FRONT–
REAR–
SIDE–

AMERICAN EASTCOAST
SURVEYING & MAPPING
3913 OLD CAPITOL TRAIL
WILMINGTON, DE.19808
PHONE: 302-993-1059
EMAIL: OFFICE@AESSURVEYORS.COM

SCALE: 1"=30' | DATE: 1/21/20

DEED REF: BK.632 PG.224 | PLAT REF: | JOB # 20200081 | CLASS S SURVEY

SYMBOLS



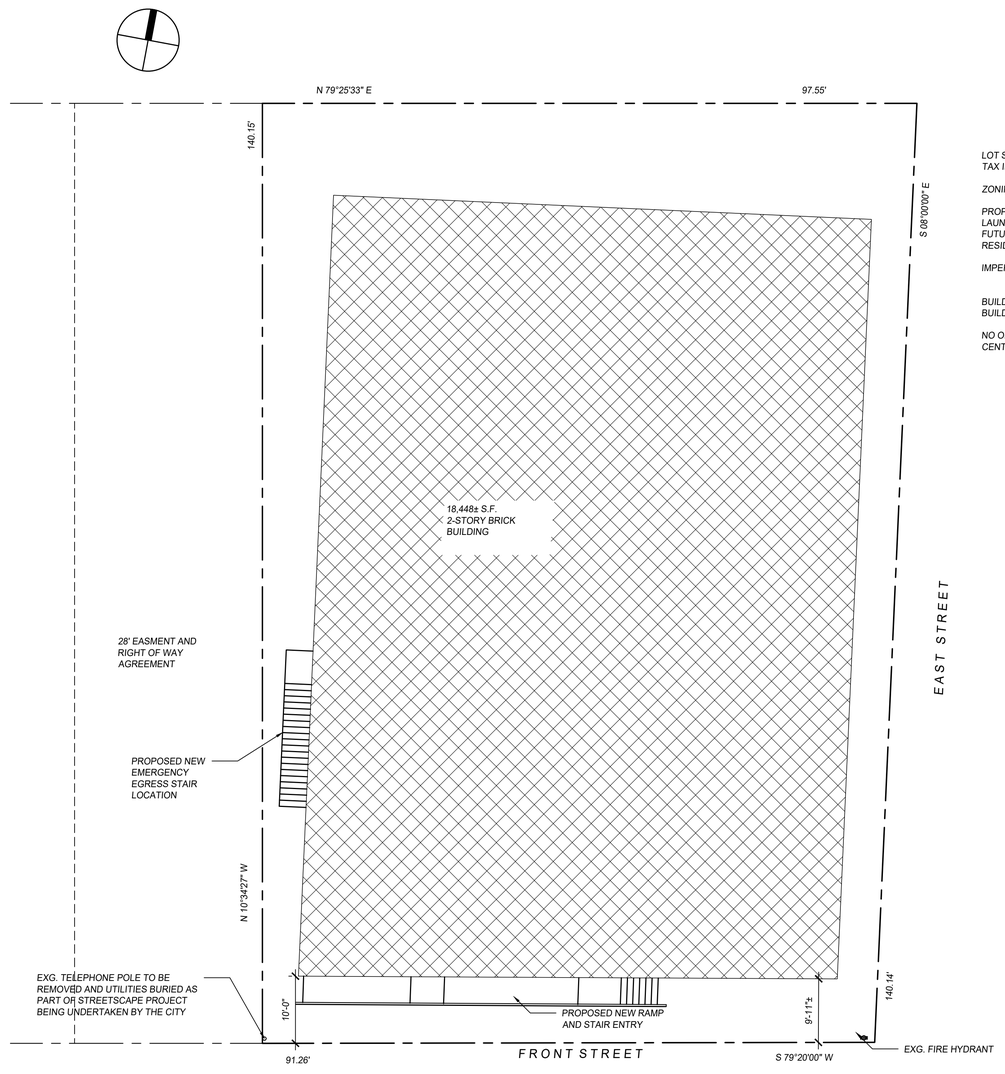
- 1 DOOR
- A WINDOW
- WALL TYPE
- EXG. WALL TO REMAIN
- EXG. WALL TO BE REMOVED
- NEW WALL

ABBREVIATIONS

A.C.T.	ACOUSTICAL CEILING TILE	JAN.	JANITOR
A.B.	ANCHOR BOLT	JT.	JOINT
A.F.F	ABOVE FINISH FLOOR	LAM	LAMINATE
ALT	ALTERNATE	LAV	LAVATORY
ALU	ALUMINUM	L.P.	LOW POINT
ASPH	ASPHALT	MAX	MAXIMUM
BD	BOARD	MECH	M
BLDG	BUILDING	MIN.	MINIMUM
BLKG	BLOCKING	MISC	MISCELLANIOUS
BM	BEAM	M.O.	MASONRY OPENING
BOT	BOTTOM	MTD.	MOUNTED
BS	BOTH SIDES	MTL	METAL
CLG	cEILING	N.I.C.	NOT IN CONTRACT
CLR	CLEAR	NO.	NUMBER
CMU	CONCRETE MASONRY UNIT	N.T.S.	NOT TO SCALE
COL	COLUMN	O.C.	ON CENTER
CONC.	CONCRETE	O.D.	OUTSIDE DIAMETER
CONT.	CONTINUOUS	O.H.	OVERHEAD
CONTR.	CONTRACTOR	OPNG	OPENING
C.J.	CONTROL JOINT	P.B.C.	PLUMBING CONTRACTOR
C.T.	CERAMIC TILE	PL	PLATE
CTR	CENTER	PLAS LAM	PLASTIC LAMINATE
DBL	DOUBLE	PLWD	PLYWOOD
DIA	DIAMETER	PR	PAIR
DN.	DOWN	PT	PAINTED
DR	DOOR	RAD	RADIUS
DS	DOWNSPOUT	REINF	REINFORCED
DET	DETAIL	REQ'D	REQUIRED
DTL	DETAIL	RESIL	RESILIENT
DWG	DRAWING	RM.	ROOM
EA	EACH	R.O.	ROUGH OPENING
E.C.	ELECTRICAL CONTRACTOR	SIM.	SIMILAR
ELEC.	ELECTRICAL	SHTG	SHEATHING
ELEV	ELEVATION/ELEVATOR	SPEC'S	SPECIFICATIONS
E.F.	EACH FACE	SQ.	SQUARE
EQ	EQUAL	STD.	STANDARD
EQUIP	EQUIPMENT	STL	STEEL
EXG.	EXISTING	STRUCT	STRUCTURAL
EXP.	EXPANSION	SUSP. CLG.	SUSPENDED CEILING
E.W.	EACH WAY	T.O.B.	TOP OF BEAM
E.W.C.	ELECTICAL WATER COOLER	T.M	TOP OF MASONRY
F.B.O.	FURNISHED BY OTHERS	T.O.R	TOP OF RIDGE
FD	FLOOR DRAIN	T.O.P.	TOP OF PLATE
FE	FIRE EXTINGUISHER	T.O.S.	TOP OF STEEL
FDN	FOUNDATION	TYP.	TYPICAL
FLR	FLOOR	U.N.O.	UNLESS NOTED OTHERWISE
FIN.	FINISH(ED)	VCT	VINYL COMPOSITION TILE
FTG	FOOTING	W/	WITH
FURR	FURRING	WD.	WOOD
GA.	GAUGE		
GV.	GALVANIZED		
GL	GLASS		
GRD	GRADE		
GPDW	GYPSUM DRYWALL		
GYP	GYPSUM		
H.A.C.	HEATING AND A/C CONTRACTOR		
HDWD	HARD WOOD		
H.M.	HOLLOW METAL		
HORIZ	HORIZONTAL		
H.P.	HIGH POINT		
HT.	HEIGHT		
I.D.T.	INSIDE DIMENSION CLEAR		
I.D.	INSIDE DIAMETER		
INSUL	INSULATION		
INT.	INTERIOR		

SELECTIVE DEMOLITION

1. PROTECT WALLS, CEILINGS, FLOORS, AND OTHER EXISTING FINISH WORK THAT ARE TO REMAIN AND ARE EXPOSED DURING SELECTIVE DEMOLITION OPERATIONS.
2. PROVIDE AND MAINTAIN INTERIOR AND EXTERIOR SHORING, BRACING, OR STRUCTURAL SUPPORT TO PRESERVE STABILITY AND PREVENT MOVEMENT & SETTLEMENT
3. CLEAN ADJACENT STRUCTURES AND IMPROVEMENTS OF DUST, DIRT, AND DEBRIS CAUSED BY SELECTIVE DEMOLITION OPERATIONS. RETURN ADJACENT AREAS TO CONDITION EXISTING PRIOR TO START OF SELECTIVE DEMOLITION.
4. DEMOLISH AND REMOVE EXISTING CONSTRUCTION ONLY TO THE EXTENT REQUIRED BY NEW CONSTRUCTION.
5. PROMPTLY PATCH AND REPAIR HOLES AND DAMAGED SURFACES CAUSED TO ADJACENT CONSTRUCTION BY SELECTIVE DEMOLITION OPERATIONS.
6. WHERE REPAIRS TO EXISTING SURFACES ARE REQUIRED, PATCH TO PRODUCE SURFACES SUITABLE FOR NEW MATERIALS.
7. RESTORE EXPOSED FINISHES OF PATCHED AREAS AND EXTEND FINISH RESTORATION INTO ADJOINING CONSTRUCTION TO REMAIN IN A MANNER THAT ELIMINATES EVIDENCE OF PATCHING AND REFINISHING.
8. PATCH AND REPAIR FLOOR AND WALL SURFACES IN THE NEW SPACE WHERE DEMOLISHED WALLS OR PARTITIONS EXTEND ONE FINISHED AREA INTO ANOTHER. PROVIDE A FLUSH AND EVEN SURFACE OF UNIFORM COLOR AND APPEARANCE.
9. PATCH, REPAIR, OR REHANG EXISTING CEILINGS AS NECESSARY TO PROVIDE AN EVEN-PLANE SURFACE OF UNIFORM APPEARANCE.
10. DISPOSAL: PROMPTLY DISPOSE OF DEMOLISHED MATERIALS. DO NOT ALLOW DEMOLISHED MATERIALS TO ACCUMULATE ON-SITE.
    a) DO NOT BURN DEMOLISHED MATERIALS
    b) TRANSPORT DEMOLISHED MATERIALS OFF OF OWNER'S PROPERTY AND LEGALLY DISPOSE OF THEM.



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

ZONING C-2

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

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

BUILDING CONSTRUCTION TYPE: III
BUILDING IS SPRINKLERED

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

A1 SITE PLAN
3/32" = 1'-0"

SITE MAP



SHEET INDEX

A-0.01	COVER SHEET
A-1.01	FOUNDATION PLAN
A-1.02	FIRST FLOOR PLAN
A-1.03	SECOND FLOOR PLAN
A-1.04	ROOF PLAN
A-2.01	EXTERIOR ELEVATIONS
A-2.02	EXTERIOR ELEVATIONS
A-3.01	BUILDING SECTION
A-3.02	BUILDING SECTION, WALL SECTIONS, AND F.R. FLOOR CEILING ASSEMBLY
A-4.01	DOOR AND WINDOW SCHEDULES
A-5.01	ACCESSIBILITY, STAIR, AND RAMP DETAILS

PROJECT DATA

ARCHITECT	CONTRACTOR
ARCHOLOGY	-
107 S. WASHINGTON ST.	-
MILFORD, DELAWARE 19963	-
(302) 339-5566	-

ALL WORK TO COMPLY WITH THE FOLLOWING CODES AS ADOPTED BY THE TOWN OF MILFORD, DELAWARE:
- INTERNATIONAL BUILDING CODE 2012
- INTERNATIONAL EXISTING BUILDING CODE 2012
- NFPA 101 LIFE SAFETY CODE (2021 EDITION)
- INTERNATIONAL ENERGY CONSERVATION CODE 2018
- ICC/ANSI A117.1-09 ACCESSIBILITY STANDARDS
- INTERNATIONAL PLUMBING CODE 2012
- NFPA 70 AND NEC (MOST RECENT EDITION) ELECTRICAL CODES
- INTERNATIONAL MECHANICAL CODE 2012

SCOPE OF WORK:
RENOVATION OF EXISTING COMMERCIAL BUILDING INTO MIXED USE STRUCTURE

BUILDING CONSTRUCTION TYPE: III
BUILDING IS SPRINKLERED AND TO BE ALARMED. CONTRACTOR TO COORDINATE WITH LICENSED SUBCONTRACTOR TO MODIFY EXISTING SYSTEMS.

FIRE RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS:
PRIMARY STRUCTURAL FRAME: 0 HRS
EXTERIOR BEARING WALLS: 0 HRS
INTERIOR BEARING WALLS: 0 HRS
EXTERIOR NON-BEARING WALLS AND PARTITIONS: 0 HRS
INTERIOR NON-BEARING WALLS AND PARTITIONS: 0 HRS
FLOOR CONSTRUCTION AND ASSOCIATED SECONDARY MEMBERS: 0 HRS
ROOF CONSTRUCTION AND ASSOCIATED SECONDARY MEMBERS: 0 HRS

OCCUPANCY:
LAUNDROMAT - GROUP B (BUSINESS)
- PUBLIC LAUNDRY AREA: 2,807 S.F. / 30 S.F. PER OCCUPANT = 94 OCCUPANTS
- COMMERCIAL LAUNDRY AREA: 1,118 S.F. / 100 S.F. PER OCCUPANT = 12 OCCUPANTS
- CONFERENCE CENTER GROUP A-3 ASSEMBLY: 1,883 S.F. / 7 S.F. PER OCCUPANT = 269 OCCUPANTS
- RESIDENTIAL: 10 UNITS x 3 OCCUPANTS PER UNIT = 30 OCCUPANTS

EGRESS REQUIREMENTS:
LAUNDROMAT
- PUBLIC LAUNDRY AREA: 94 OCCUPANTS x .2" PER OCCUPANT = 18.8" (2 DOORS)
- COMMERCIAL LAUNDRY AREA: 12 OCCUPANTS x .2" PER OCCUPANT = 2.4" (1 DOOR)
- CONFERENCE SPACE: 269 OCCUPANTS x .2" PER OCCUPANT = 53.8" (2 DOORS)
- RESIDENTIAL: 30 OCCUPANTS x .2" PER OCCUPANT = 6" (2 STAIRS)

EGRESS PROPOSED:
LAUNDROMAT
- PUBLIC LAUNDRY AREA: 90" (2 DOORS)
- COMMERCIAL LAUNDRY AREA: 100" (2 DOORS)
- FUTURE TENANT SPACES: 64" (2 DOORS)
- RESIDENTIAL:6 4" (2 STAIRS)

MAX. ALLOWABLE TRAVEL DISTANCE ALLOWED: 300'-0"
MAX. TRAVEL DISTANCE PROPOSED: 149'-8"±

MAX. ALLOWABLE COMMON PATH OF TRAVEL: 200'-0"
PROPOSED COMMON PATH OF TRAVEL: 25'-3"±

GENERAL NOTES

1. DO NOT SCALE THESE DRAWINGS. (VERIFY ALL DIMENSIONS IN THE FIELD PRIOR TO CONSTRUCTION.)
2. THE CONTRACTOR SHALL VERIFY ALL SITE CONDITIONS PRIOR TO CONSTRUCTION.
3. ALL DIMENSIONS ARE FROM FACE OF STUDS OR FACE OF MASONRY UNITS UNLESS NOTED OTHERWISE.
4. CONTRACTOR SHALL NOTIFY MISS UTILITY NOT LESS THAN TWO WORKING DAYS, NOT MORE THAN TEN WORKING DAYS, PRIOR TO EXCAVATION OR DEMOLITION ON THIS PROJECT.
5. ALL NEW MATERIALS SHALL BE FREE OF LEAD, ASBESTOS OR MERCURY
6. SHOULD ANY WORDS OR NUMBERS THAT ARE NECESSARY FOR A CLEAR UNDERSTANDING OF THE WORK BE ILLEGIBLE OR OMITTED, OR SHOULD AN ERROR OR DISCREPANCY OCCUR IN ANY OF THE CONTRACT DOCUMENTS, THE CONTRACTOR SHALL NOT PROCEED WITH THAT PORTION OF THE WORK UNTIL CLARIFICATION IS RECEIVED. IN THE EVENT THE CONTRACTOR PROCEEDS WITHOUT SO NOTIFYING THE ARCHITECT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF CORRECTING SAME, INCLUDING ANY RESULTING DAMAGE.
7. ALL FLOOR FINISHES TO BE CLASS I OR CLASS II. BATHROOM FLOORING TO BE NON-POROUS EXTEND 6" UP WALL.
8. ALL WALL AND CEILING FINISHES TO BE CLASS A, CLASS B OR CLASS C.
9. PROVIDE DUCT SMOKE DETECTION FOR HVAC SYSTEMS.
10. ALL DOOR HARDWARE TO BE ADA COMPATIBLE AND NON-KEYED FROM THE EGRESS SIDE.
11. NO HAZARDOUS CHEMICALS ARE TO BE STORED ON SITE.

ARCHOLOGY, LLC
ARCHITECTURE & DESIGN SERVICES
107 S Washington St., Milford, DE 19963
ph: (302) 339-5566 www.ArchologyDE.com

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REV. DATE:

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CONSTRUCTION DRAWING FOR THE NEW:
SPLASH LAUNDRAUMAT RENOVATION
115 NE FRONT STREET
MILFORD, KENT COUNTY, DELAWARE

COVER SHEET

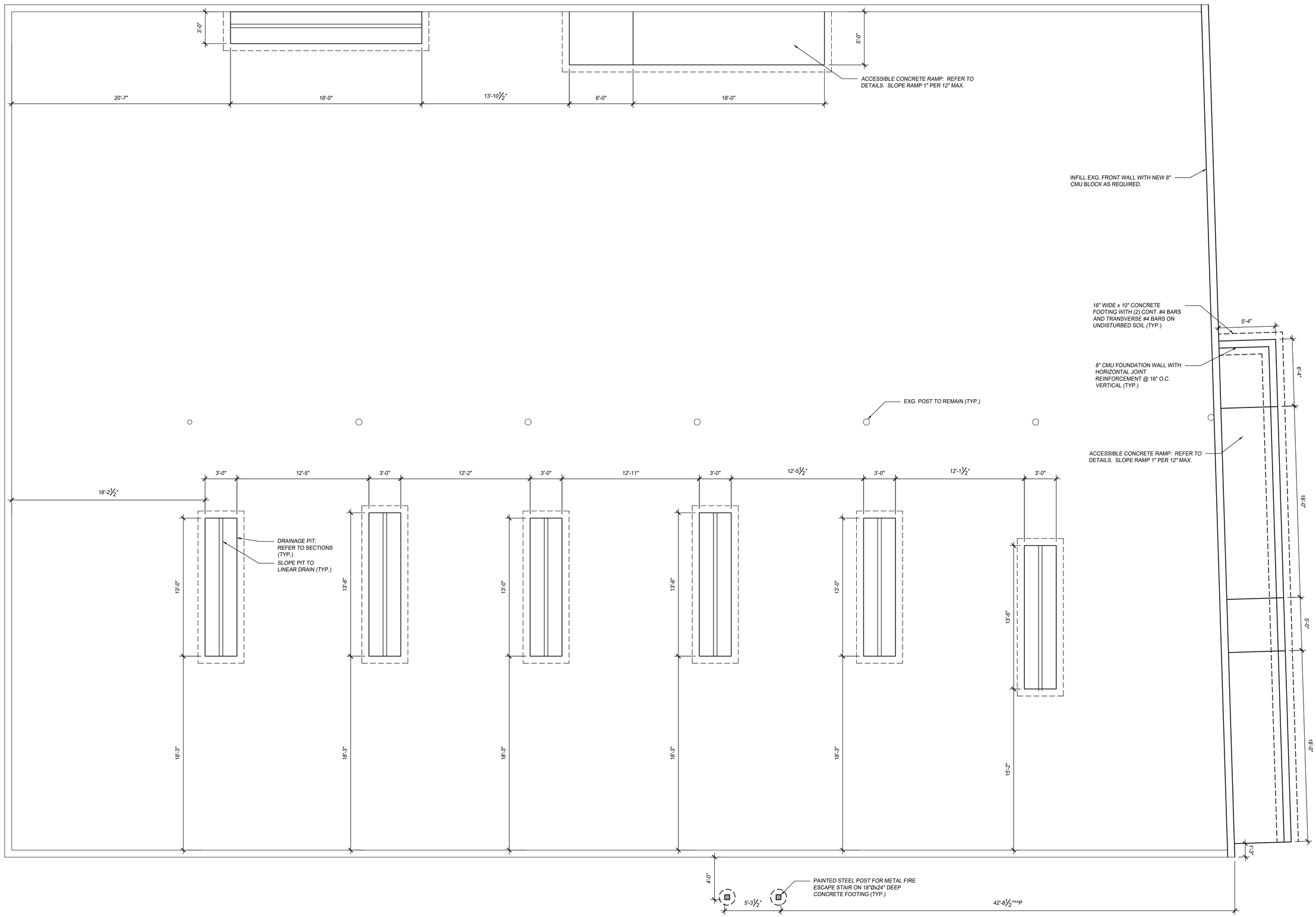
PROJECT # 19173

MARK A. REDDEN
S5-0007352
STATE OF DELAWARE
REGISTERED ARCHITECT

PROFESSIONAL CERTIFICATION.
I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF DELAWARE
LICENSE NUMBER S5-0007352
EXPIRATION DATE 01/31/2022

DATE: 07/11/2022

SHEET # A-0.01



A1 FOUNDATION PLAN

¼" = 1'-0"

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REV.	DATE:

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CONSTRUCTION DRAWING FOR THE NEW:

SPLASH LAUNDRAUMAT RENOVATION

115 NE FRONT STREET
MILFORD, KENT COUNTY, DELAWARE

FOUNDATION PLAN

PROJECT # 19173

MARK A. REDDEN
S5-0007352
STATE OF DELAWARE
REGISTERED ARCHITECT

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LICENSE NUMBER S5-0007352
EXPIRATION DATE 01/31/2022

DATE: 07/11/2022

SHEET # A-1.01

EXG. DOOR WITH PANIC HARDWARE TO REMAIN

DOOR OPENS ONTO EXG. SIDEWALK (TYP.)

5'-0½"

7'-7½"

42'-11¼"

6'-0"

7'-5½" DIM SET BY EXG. STAIR OPENING

COMMERCIAL WASHING MACHINES

W5600 | W5350 | W5350 | W5350 | W5280

EXG. FIRE SPRINKLER RISER TO REMAIN

ILLUMINATED EXIT SIGN WITH EMERGENCY LIGHT FIXTURE WITH REMOTE EXTERIOR HEAD (TYP.)

FUTURE COMMERCIAL WASHING MACHINES

APARTMENT ENTRY

25'-4"± DIM SET BY EXG. STAIR OPENING

5'-0"

6'-0"

18'-0"± DIM SET BY GRADE - 30'-0" MAX.

42" HIGH RAILING SYSTEM WITH 4" MAX. CLEARSPACE

5'-0½"±

24'-0"

CONFERENCE AND TRAINING CENTER
2,168 S.F.

NEW STEPS IN EXG. OPENING: CONTRACTOR TO VERIFY NUMBER OF TREADS AND RISERS TO REACH FINISHED FLOOR. CALC TREADS @ 11" MIN. AND RISERS @ 7" MAX. FINISH UNDERSIDE OF STEPS WITH (2) LAYERS OF ⅝" TYPE-X F.R. GPDW. PROVIDE HANDRAIL ON BOTH SIDES OF STAIRS

8'-6⅛"

20'-0"

COMMERCIAL LAUNDRY

IRONER

UTILITY

7'-7"

13'-4"

13'-8"

MOP SINK

ACCESSIBLE WATER FOUNTAIN (TYP.0

13'-4½"

7'-11"

6'-4"

DE-650S | DE-650S | DE-683 COMMERCIAL DRYERS | DE-683 | DE-683 | DE-683

DROP OFF

EXHAUST FROM COMMERCIAL DRYERS MANIFOLDED TOGETHER WITH 8"Ø HARD PIPE DUCTING. NO FLEXIBLE DUCTWORK PROPOSED

2'-9"

CHILDREN'S AREA

EXHAUST VENT: REFER TO ELEVATIONS FOR LOCATIONS (TYP.)

24'-7½"

6'-4"

6'-1"

7'-7"

CLOSET

SUPPLIES

7'-6½"

6'-1"

6'-5"

1'-6"

1'-6½"

6'-4"

1'-8 13⁄16"

5'-10½"

DROP/PICK UP BOXES

6'-0½"

6'-0"

4'-5½"

2A-10BC RECHARGEABLE FIRE EXTINGUISHER (TYP.)

6'-6¼"

9"

10'-4"

11'-10"

11'-7"

11'-10"

12'-4½"

11'-10"

CUSTOMER WASHING MACHINES

EED-645 | EED-665 | EED-620 | EED-685 | W5600

13'-0"

13'-6"

LAUNDRY

30'-0"

42'-5½"

10'-5½"

7'-1"

EXHAUST FROM COMMERCIAL DRYERS MANIFOLDED TOGETHER WITH 8"Ø HARD PIPE DUCTING. NO FLEXIBLE DUCTWORK PROPOSED

DE-683 | DE-650S

7'-5½"

MECH

96'-2"

SECURITY

VENDING

8'-3"±

5'-1"

9'-7"

7'-6"

NEW PRE-MANUFACTURED METAL EXTERIOR FIRE ESCAPE STAIRS: CONTRACTOR TO VERIFY NUMBER OF TREADS AND RISERS TO REACH FINISHED GRADE. CALC. TREADS @ 11" MIN. AND RISERS @ 7" MAX. PROVIDE HANDRAIL ON BOTH SIDES OF STAIRS.

A1 FIRST FLOOR PLAN

¼" = 1'-0"

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ph: (302) 339-3566 www.ArchologyDE.com

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REV. DATE:

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CONSTRUCTION DRAWING FOR THE NEW:
SPLASH LAUNDRAUMAT RENOVATION
115 NE FRONT STREET
MILFORD, KENT COUNTY, DELAWARE

FIRST FLOOR PLAN

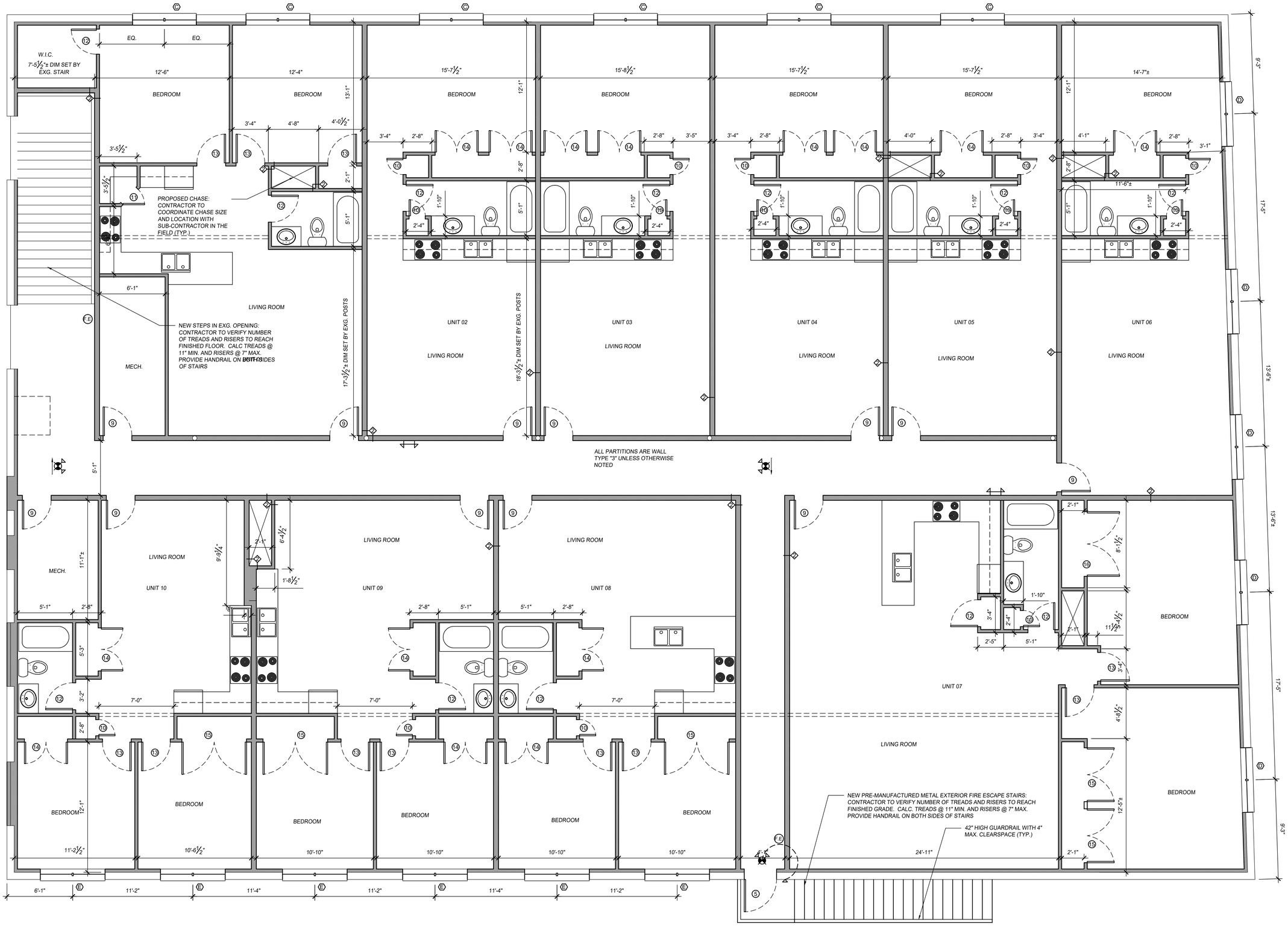
PROJECT # 19173

MARK A. REDDEN
S5-0007352
STATE OF DELAWARE
REGISTERED ARCHITECT

PROFESSIONAL CERTIFICATION.
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LICENSE NUMBER S5-0007352
EXPIRATION DATE 01/31/2022

DATE:
07/11/2022

SHEET #
A-1.02



A1 SECOND FLOOR PLAN

¼" = 1'-0"

ARCHOLOGY, LLC
ARCHITECTURE & DESIGN SERVICES
107 S Washington St., Milford, DE 19963
ph: (302) 339-5566 www.ArchologyDE.com

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REV. DATE:

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CONSTRUCTION DRAWING FOR THE NEW:

SPLASH LAUNDRAUMAT RENOVATION

115 NE FRONT STREET
MILFORD, KENT COUNTY, DELAWARE

PROJECT # 19173

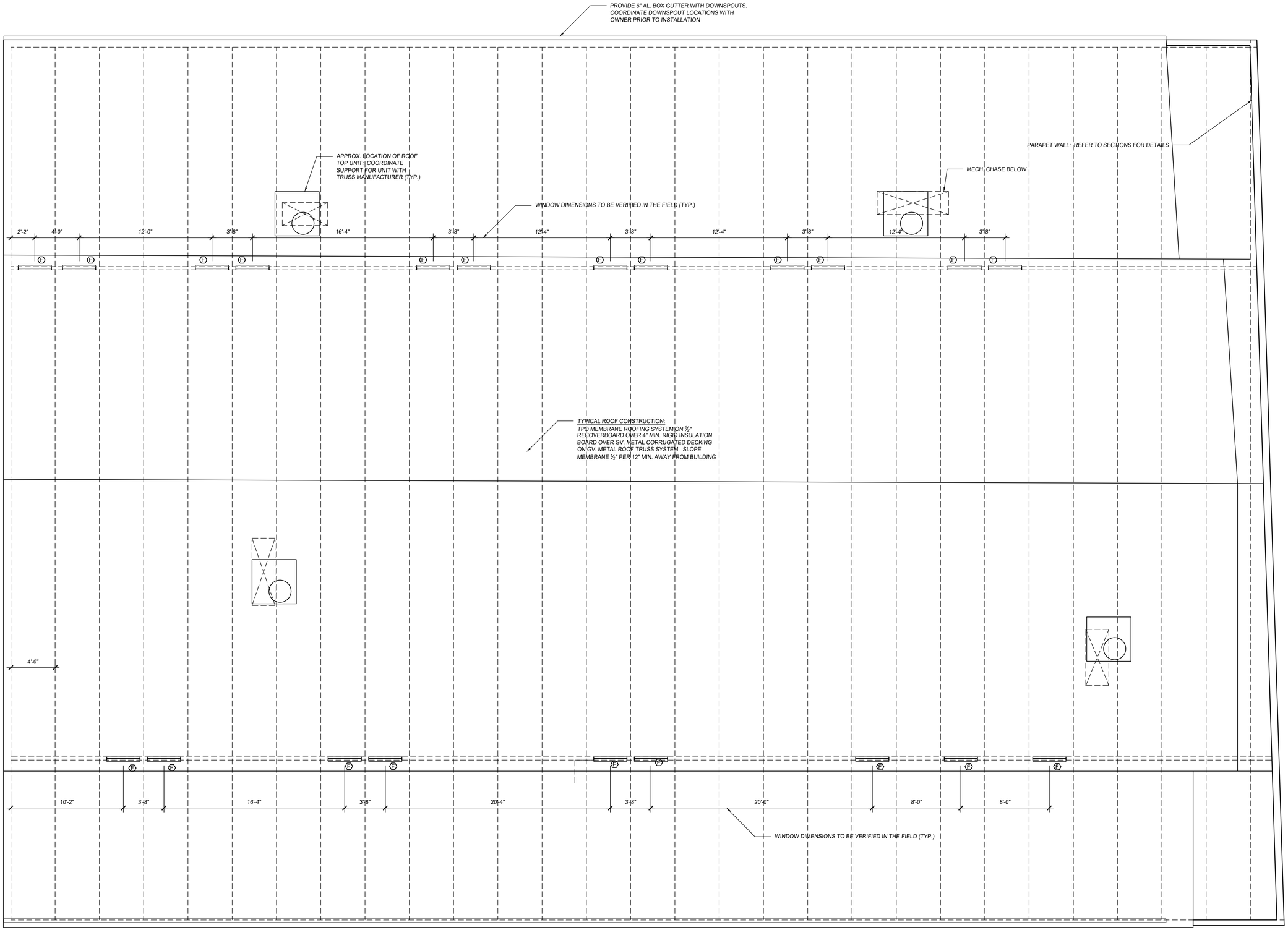
SECOND FLOOR PLAN

MARK A. REDDEN
S5-0007352
STATE OF DELAWARE
REGISTERED ARCHITECT

PROFESSIONAL CERTIFICATION. I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF DELAWARE
LICENSE NUMBER S5-0007352
EXPIRATION DATE 01/31/2022

DATE: 07/11/2022

SHEET # A-1.03



A1 ROOF PLAN

¼" = 1'-0"

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CONSTRUCTION DRAWING FOR THE NEW:
SPLASH LAUNDRAUMAT RENOVATION
115 NE FRONT STREET
MILFORD, KENT COUNTY, DELAWARE

ROOF PLAN

PROJECT # 19173

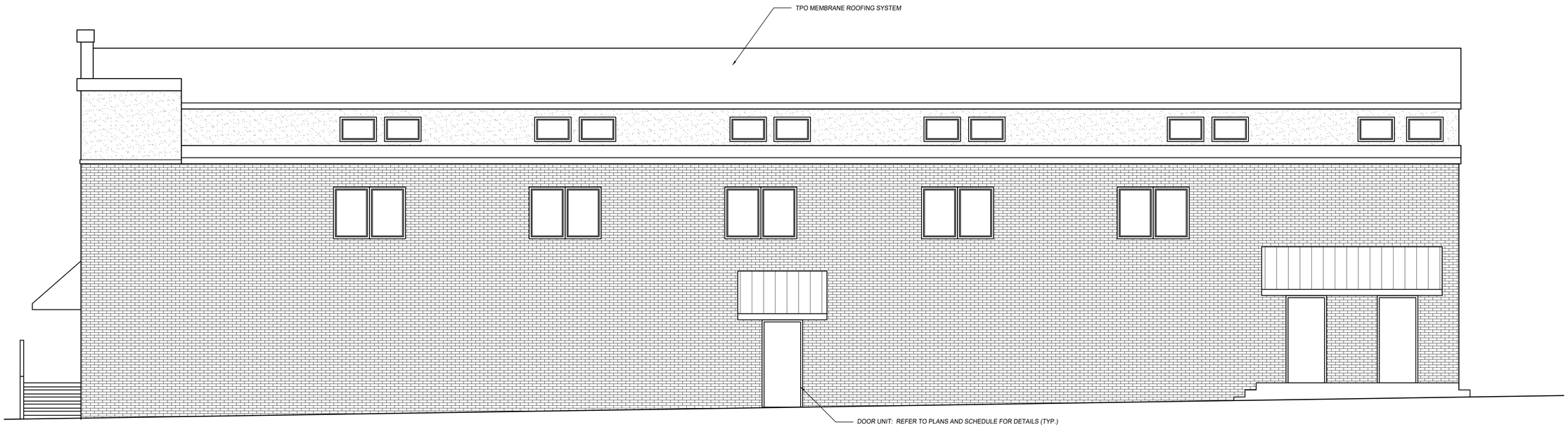
MARK A. REDDEN
S5-0007352
STATE OF DELAWARE
REGISTERED ARCHITECT

PROFESSIONAL CERTIFICATION.
I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF DELAWARE
LICENSE NUMBER S5-0007352
EXPIRATION DATE 01/31/2022

DATE: 07/11/2022

SHEET # A-1.04





A1 FRONT AND SIDE ELEVATIONS

¼" = 1'-0"

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CONSTRUCTION DRAWING FOR THE NEW:
SPLASH LAUNDRAUMAT RENOVATION
115 NE FRONT STREET
MILFORD, KENT COUNTY, DELAWARE

PROJECT # 19173

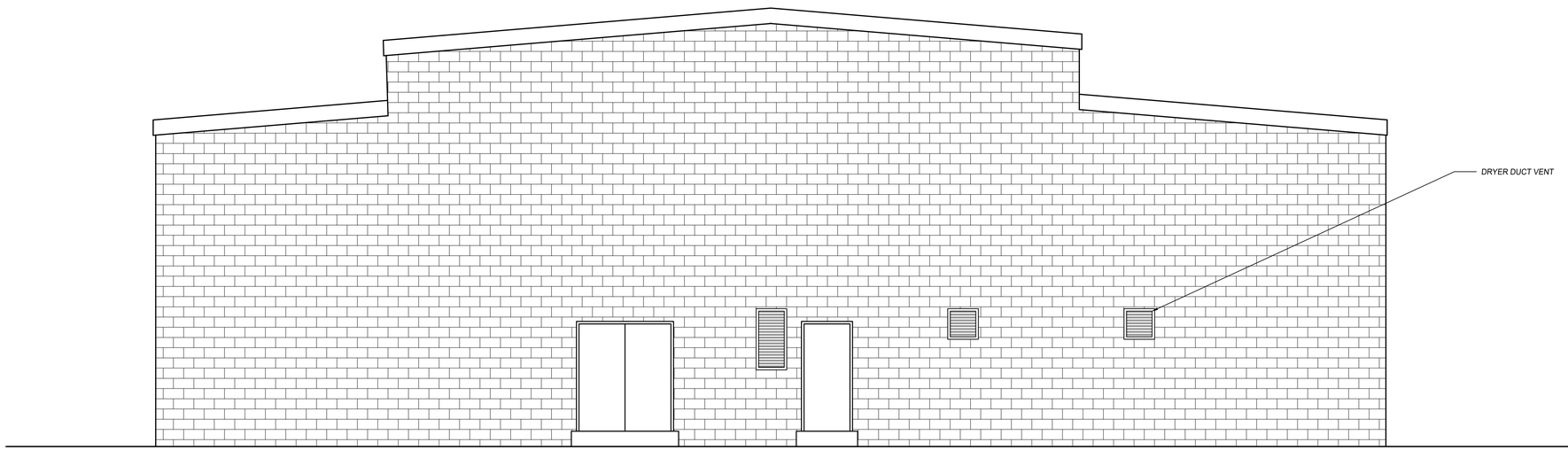
FRONT AND SIDE ELEVATIONS

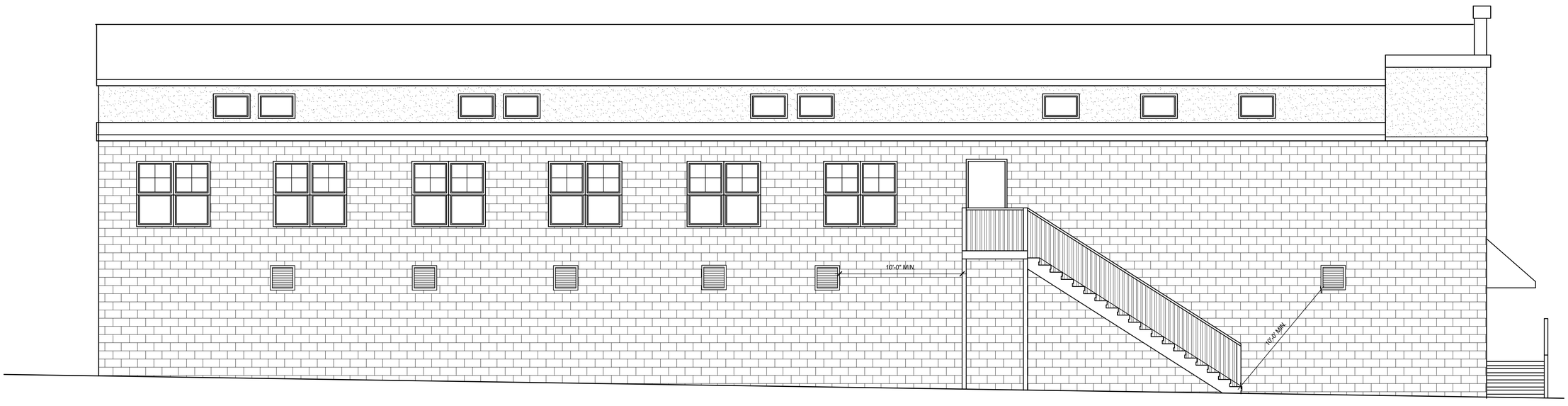
MARK A. REDDEN
S5-0007352
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LICENSE NUMBER S5-0007352
EXPIRATION DATE 01/31/2022

DATE: 07/11/2022

SHEET # A-2.01





REFER TO DRAWING A1/A-2.01 "FRONT AND SIDE ELEVATIONS" FOR TYPICAL NOTES, DIMENSIONS, AND FINISHES (TYP. U.N.O.)

A1 REAR AND SIDE ELEVATIONS

¼" = 1'-0"

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CONSTRUCTION DRAWING FOR THE NEW:
SPLASH LAUNDRAUMAT RENOVATION
115 NE FRONT STREET
MILFORD, KENT COUNTY, DELAWARE

PROJECT # 19173

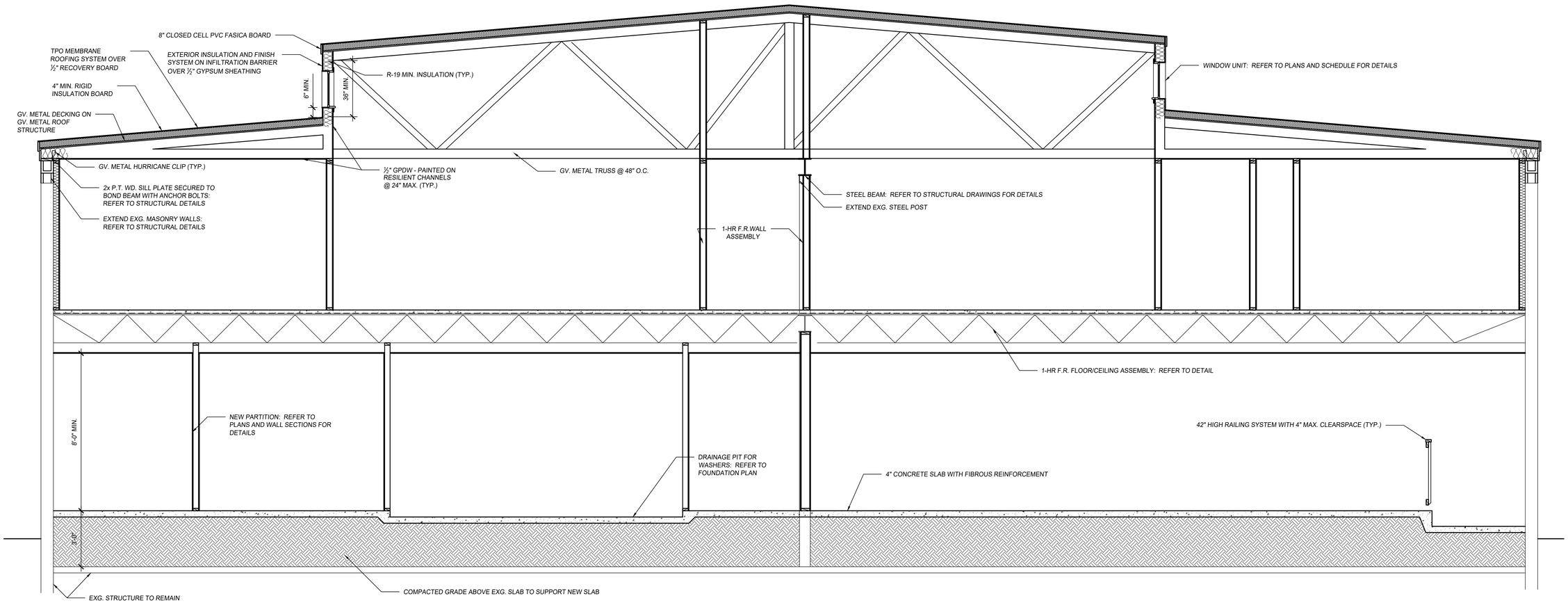
REAR AND SIDE ELEVATIONS

MARK A. REDDEN
S5-0007352
STATE OF DELAWARE
REGISTERED ARCHITECT

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EXPIRATION DATE 01/31/2022

DATE: 07/11/2022

SHEET # A-2.02



A1 BUILDING SECTION

3/8" = 1'-0"

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CONSTRUCTION DRAWING FOR THE NEW:

SPLASH LAUNDRAUMAT RENOVATION

115 NE FRONT STREET
MILFORD, KENT COUNTY, DELAWARE

BUILDING SECTION

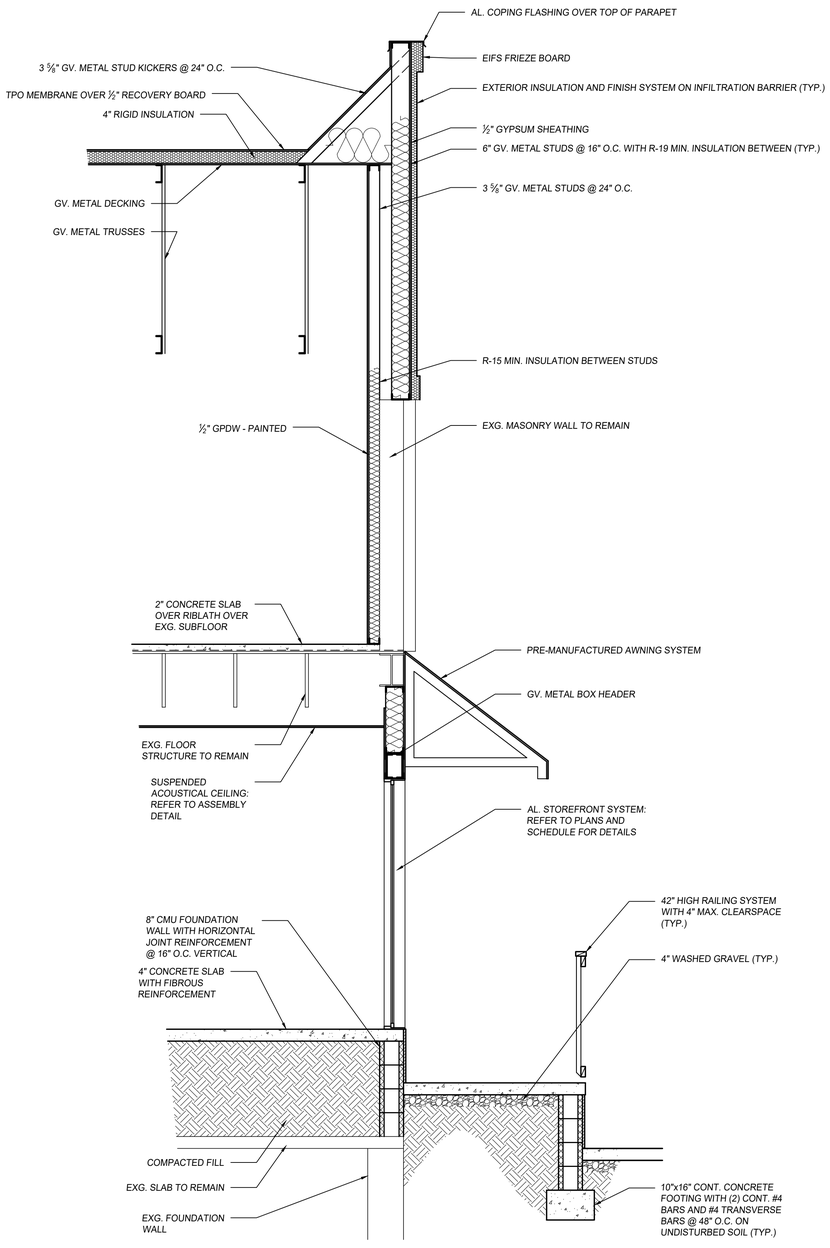
PROJECT # 19173

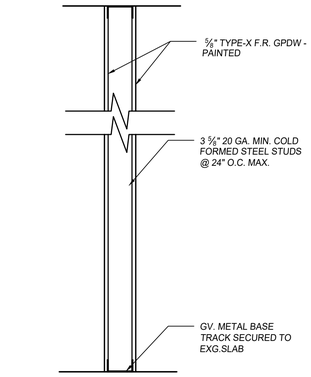
MARK A. REDDEN
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LICENSE NUMBER S5-0007352
EXPIRATION DATE 01/31/2022

DATE: 07/11/2022

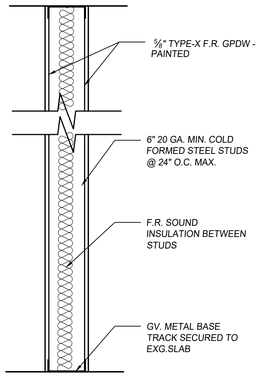
SHEET # A-3.01





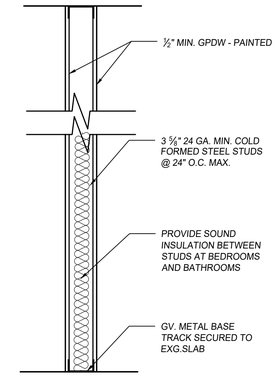
1 *1-HR F.R. WALL UL# U419*

SEAL ALL PENETRATIONS AND AROUND PERIMETER WITH F.R. SEALANTS

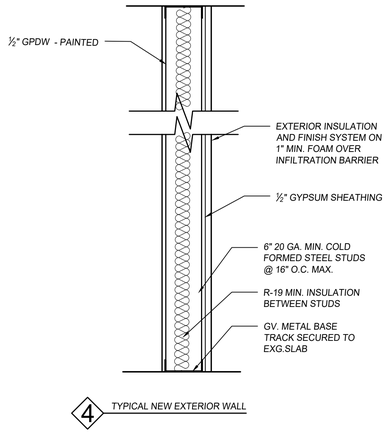


2 *1-HR F.R. TENANT SEPARATION WALL UL# U419*

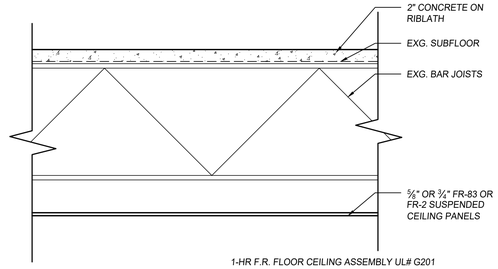
SEAL ALL PENETRATIONS AND AROUND PERIMETER WITH F.R. SEALANTS



3 *TYPICAL INTERIOR PARTITION*



4 *TYPICAL NEW EXTERIOR WALL*



1-HR F.R. FLOOR CEILING ASSEMBLY UL# G201

SEAL ALL PENETRATIONS AND AROUND PERIMETER WITH F.R. SEALANTS

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CONSTRUCTION DRAWING FOR THE NEW:
SPLASH LAUNDRAUMAT RENOVATION
115 NE FRONT STREET
MILFORD, KENT COUNTY, DELAWARE

BUILDING SECTION, WALL SECTIONS, AND F.R. FLOOR/CEILING ASSEMBLY

PROJECT # 19173



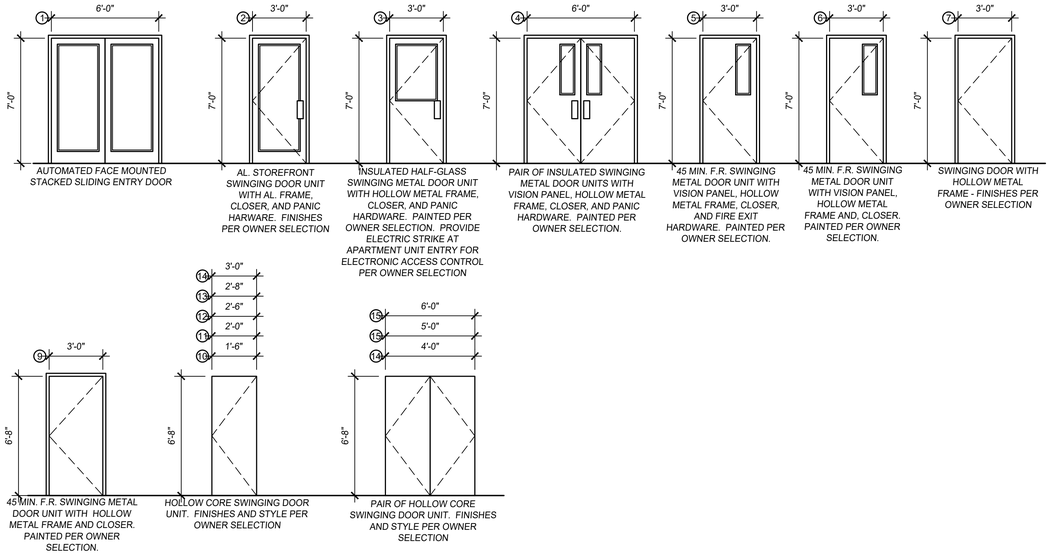
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LICENSE NUMBER S5-0007352
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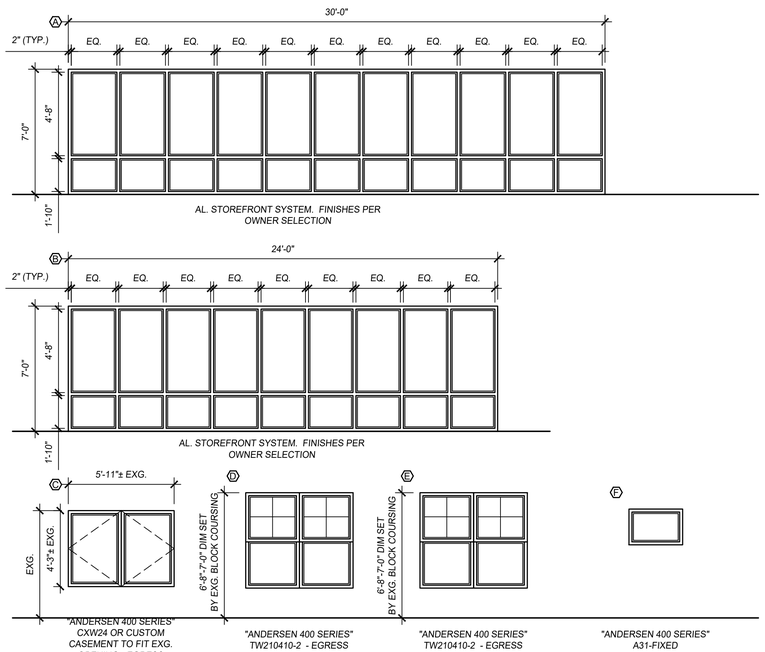
DATE: 07/11/2022

SHEET # A-3.02

A1 BUILDING SECTION — ½" = 1'-0"

WALL SECTIONS AND F.R. FLOOR CEILING ASSEMBLY — 1" = 1'-0"





A1 DOOR AND WINDOW SCHEDULES

¼" = 1'-0"

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CONSTRUCTION DRAWING FOR THE NEW:

SPLASH LAUNDRAUMAT RENOVATION

115 NE FRONT STREET
MILFORD, KENT COUNTY, DELAWARE

PROJECT # 19173

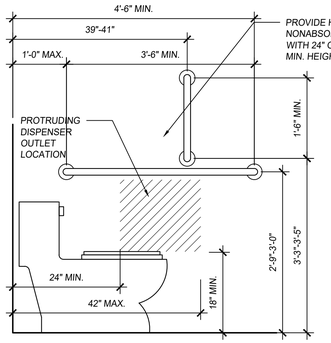
DOOR AND WINDOW SCHEDULES



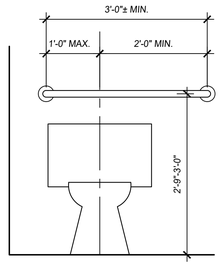
PROFESSIONAL CERTIFICATION.
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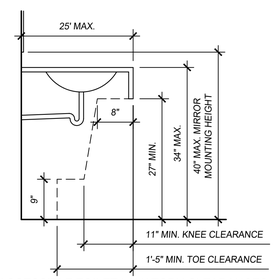
SHEET # A-4.01



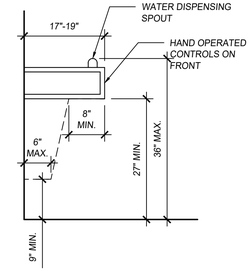
ACCESSIBLE TOILET GRAB BAR SIDE ELEVATION



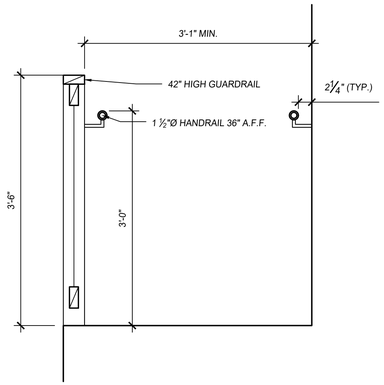
ACCESSIBLE TOILET GRAB BAR REAR ELEVATION



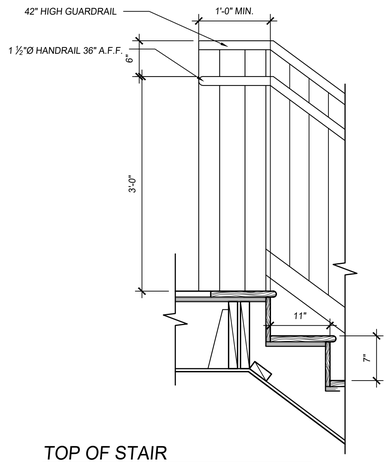
ACCESSIBLE TOILET LAVATORY CLEARANCES



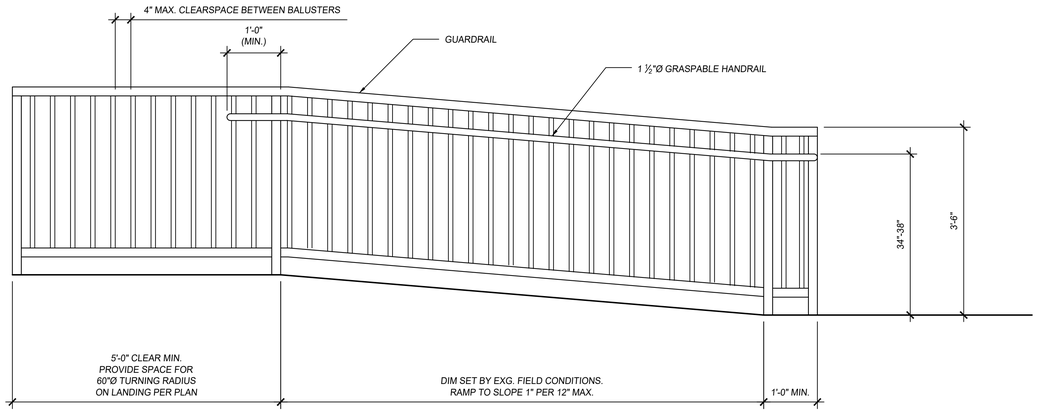
ACCESSIBLE DRINKING FOUNTAIN HEIGHTS AND CLEARANCES

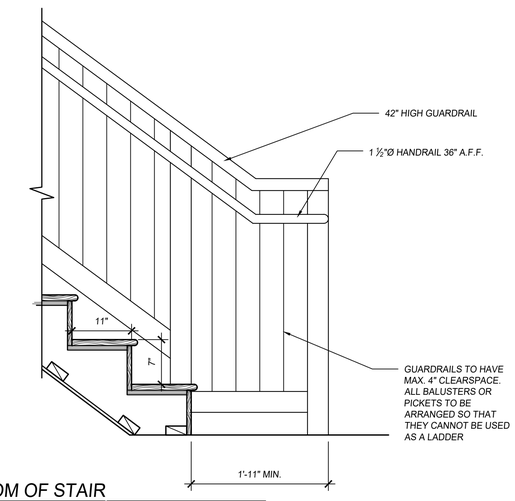


GUARD AND HANDRAIL DETAILS



TOP OF STAIR





BOTTOM OF STAIR

A1 ACCESSIBILITY AND STAIR/RAMP DETAILS

-

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1	FM REVISIONS

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CONSTRUCTION DRAWING FOR THE NEW:
SPLASH LAUNDRAUMAT RENOVATION
115 NE FRONT STREET
MILFORD, KENT COUNTY, DELAWARE

ACCESSIBILITY AND STAIR/RAMP DETAILS

PROJECT # 19173

MARK A. REDDEN
S5-0007352
STATE OF DELAWARE
REGISTERED ARCHITECT

PROFESSIONAL CERTIFICATION.
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LICENSE NUMBER S5-0007352
EXPIRATION DATE 01/31/2022

DATE: 07/11/2022

SHEET # A-5.01

Archology LLC
107 S. Washington Street, Milford, DE 19963
www.Archologyde.com

January 27, 2023

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

We are seeking a conditional use approval for the property at the former Rite Aid, redeveloping it into a multi-use building with apartments per 230-13.c.5. We will be placing a laundromat into the majority of the lower level with a space for future office or retail with residential units above on the second floor.

We believe the laundromat and commercial space will provide benefits to the town by providing a more walkable community. The owners of the laundromat already have a facility on the highway and would like to open up this additional space to help serve customers downtown, within walking distance of many of their homes. They have experience with this at other facilities such as the one that we renovated in Georgetown where most of the customers were found to walk to the facility and the facility has become a community hub with events and services being offered in the accessory spaces there.

Although the code does not require us to provide parking spaces for these uses due to the presence of public lots downtown, there is a shared parking lot on an easement adjacent to the building. These parking spaces are shared with the Insurance Market building next door and would provide potential spaces for tenants as the hours of operation of the office space would leave these spaces free in the evenings and mornings before and after business hours, lessening our impact on the public parking facilities in the neighborhood.

There is also a concern for this building that the second floor has been underutilized for decades. The downtown development plan, developed for the city by Arnet Muldrow and Associates, included increasing density of living units in the downtown area. The goals of this development were to provide more security by deterring crime by increasing population density and observation of underserved areas and to provide more potential customers to support smaller downtown businesses and restaurants within walking distance. We are proposing ten rental units on the second floor with five of the units being one bedroom/efficiencies and five units being two bedroom units. These will provide places for young persons to live downtown and take advantage of these amenities such as the riverwalk and the businesses nearby. By living downtown, this should keep the burden on existing parking facilities down as people will not be driving into town to support these businesses.

Mark Redden, AIA
Archology, LLC.

From the Desk of Mark Redden, Phone: (302)-339-5566, Email: mark@archologyde.com

#7288 - Milford, DE

EASEMENT AND RIGHT OF WAY AGREEMENT

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

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

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

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

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

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

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

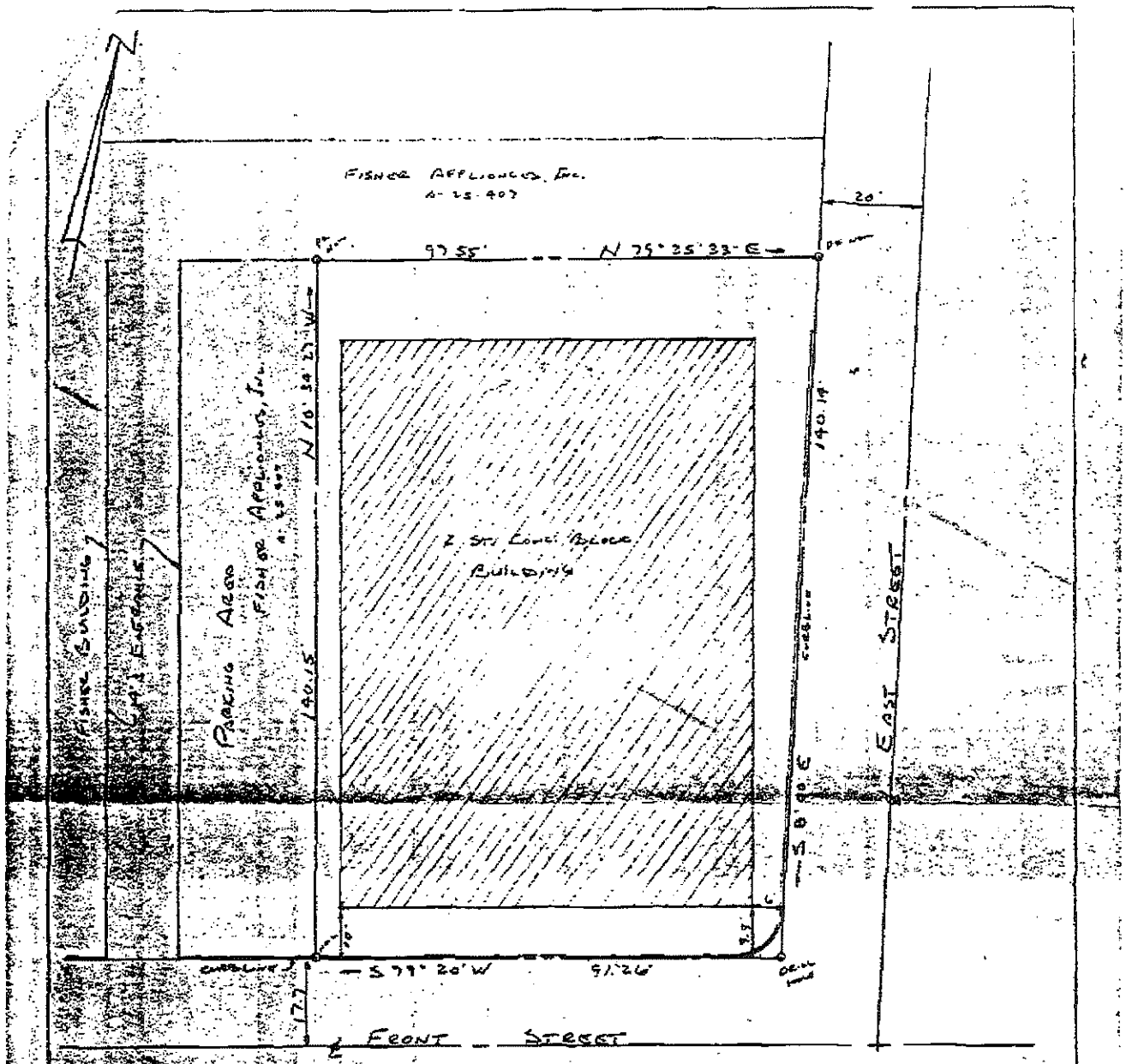
Said easement and right of way are granted upon the following mutual covenants:

1. Grantor agrees and covenants to keep the Parking Area maintained, repaired, graded, surfaced, properly drained, and free of obstructions, rubbish, snow, and ice.

2. The term of said easement and right of way is for an initial term of five (5) years, subject to automatic renewal at the end of the initial term, and all subsequent terms, for an additional five (5) years. Renewal is automatic at the end of each term unless notification is delivered from either party at least sixty (60) days prior to the end of any individual term. In consideration of the grant of this easement, Grantee agrees to pay to Grantor an annual fixed sum of Six Hundred ($600) Dollars, which said sum shall be paid in equal monthly installments of Fifty ($50) Dollars each, on or before the tenth day of each month. If such sum shall be payable for a fraction of a month, the amount payable shall be a pro rata share of the amount due for a full month.

3. In further consideration of the grant of this easement, Grantee agrees to pay to Grantor one-half (1/2) of the costs incurred by Grantor in association with the maintenance of the Parking Area. The expenses to be taken into consideration in determining such cost shall include the expenses in connection with maintaining, lighting, cleaning, snow and ice removal, paving and repaving, resurfacing, patching and repairing, line-painting, and real estate taxes. As used in this article, "real estate taxes" shall refer to taxes levied on all of the land comprising the Parking Area. However, such term shall not include any income, franchise, corporate, personal property, capital levy, capital stock, transfer, revenue, estate, inheritance, gift, devolution, or succession tax payable by Grantor, or any other tax, assessment, charge or levy upon Grantor's remaining property. Grantor shall, as soon as it is reasonably possible following the receipt of any bill regarding the maintenance of, or real estate taxes payable for, the Parking Area, deliver to Grantee a statement setting forth the actual amount of costs or taxes applicable to the Parking Area, a computation, in reasonable detail, showing how such cost or tax was arrived at, and accompanied by an electrostatic copy of the receipted invoice or tax bill, or other evidence showing payment of the costs or taxes applicable to the Parking Area. Grantee shall pay one-half (1/2) of such maintenance cost or real estate tax within thirty (30) days of receipt of such statement from Grantor.

4. Notwithstanding the foregoing, Grantor agrees that prior to any paving, resurfacing or the application of protective coating to the Parking Area, Grantor shall submit a written proposal setting forth the work to be done and the costs thereof, to Grantee. If Grantee, in its reasonable judgment, feels that said



Area: 0.3036 Acres ±

115 N. Front St.

Tax Map 16 183.10 03.00

I certify that this survey was prepared for identification purposes only for the individual(s) named hereon. No responsibility is extended to any third party by the surveyor for use or reliance by others. Any encroachments, easements or rights-of-way not shown hereon are unknown to the surveyor.

Buyer: J.C. Penney Co., Inc.

I certify that the improvements indicated hereon are located as shown.

Lands of
Brown P. Townley, Jr.

In the City of Milford
Kent County, Delaware

Earle D. Smith
Land Surveyor
Dover, Del.

Scale: 1" = 20'

1-5-89

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

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

A. Purpose. The purpose of the C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District. Specifically, the regulations are designed to encourage the development and opening of new businesses. This may be accomplished by providing an attractive and convenient shopping center or mall that is organized and developed as an integrated unit. The district regulations also recognize the unique circumstances that are peculiar to the downtown area.

B. Permitted uses. Permitted uses for the C-2 District shall be as follows:

(1) Those permitted uses in the C-1 District.

(2) Taverns and tap rooms.

(3) Libraries, museums, art galleries and public information centers.

(4) Churches and other places of worship.

(5) Fraternal, social service, union or civic organization.

(6) Publishing, printing and reproduction establishments.

(7) Indoor storage facilities as an accessory use to any of the permitted uses in this district.

(8) The outdoor display of merchandise, if done in a reasonable manner and if the display is kept neat and orderly as determined by the Planning Director or designee. Furthermore, the outdoor display may not interfere with the safe and efficient flow of pedestrian traffic.

(9) Craft distillery and microbrewery establishments, provided that:

(a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.

(b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.

(c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.

(d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.

(e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery

intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.

(f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:

[1] Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

[2] Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

[3] Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.

[4] All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.

[5] The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.

[6] Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.

[7] Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

C. Conditional uses subject to special requirements. All uses specified as conditional uses in the C-1 zoning district and the following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

(1) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.

(2) Motels and hotels.

(3) Instructional, business or trade stores.

(4) Fast-food or franchised food service operated restaurants.

(5) All dwellings other than single-family with a maximum density of 16 units per acre and in conjunction with nonresidential use.

D. Area regulations.

(1) Minimum lot area shall be 2,500 square feet.

(2) Minimum lot width shall be 50 feet.

(3) Height of buildings shall not exceed 35 feet.

(4) There shall be no required front, rear or side yard setback.

(5) Signs shall comply with the requirements provided in Article VI of this chapter.

(6) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(7) Parking shall comply with the requirements provided in Article IV of this chapter.

(8) 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.

(9) Accessory structures shall be located in the side and rear lot areas.

(10) 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.

[Ord. No. 2022-06, 1-24-2022]

§ 230-42. Multiple permitted uses and mixed uses.

In any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.

[Ord. No. 2022-06, 1-24-2022]

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.

[Ord. No. 2022-06, 1-24-2022]

§ 230-47. Application and approval procedures.

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

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

C. 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.

[Ord. No. 2022-06, 1-24-2022]

§ 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.

[Ord. No. 2022-06, 1-24-2022]

§ 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. 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. 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 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.

[Ord. No. 2022-06, 1-24-2022]

CITY OF MILFORD
NOTICE OF PUBLIC HEARING
Planning Commission Hearing: Tuesday, March 21, 2023 @ 6:00 p.m.
City Council Hearing: Monday, March 27, 2023 @ 6:00 p.m.

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 2023-11
Conditional Use Application of Lands of Patricia Persia
0.238 +/- acres located along the north side of School Place between Lakeview Avenue and Seabury Avenue
Address: 129 School Place Comprehensive Plan Designation: Low Density Residential
Zoning District: R-1 (Single-family Residential District)
Present Use: Single-family Detached Dwelling
Proposed Use: Single-family Detached Dwelling with an Accessory Dwelling Unit
Tax Parcel: 1-30-3.08-028.00

WHEREAS, the applicant proposes to convert an existing 20.6' x 26.6' detached garage into an accessory cottage; and

WHEREAS, Chapter 230-9(C)(5) states accessory dwellings are considered a conditional use subject to approval from City Council; and

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on March 21, 2023, at which time interested parties will publicly comment on the application; and

WHEREAS, Milford City Council will hold a Public Hearing on March 27, 2023, 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 Delaware State News on March 5, 2023 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 Lands of Patricia Persia to allow Single-family Detached Dwelling with an Accessory Dwelling Unit at 129 School Place.

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: March 13, 2023
Planning Commission Review & Public Hearing: March 21, 2023
City Council Public Hearing: March 27, 2023

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).

030123
Published*: Delaware State News 03-05-2023*

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 LANDS OF PATRICIA PERSIA

Planning Commission Meeting: March 21, 2023

Application Number / Name	:	23-004 / Lands of Patricia Persia
Applicant	:	Patricia Persia 129 School Place Milford, DE 19963
Owner	:	Same
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Low Density Residential
Present Zoning District	:	R-1 (Single-family Residential District)
Present Use	:	Single-family Detached Dwelling
Proposed Use	:	Single-family Detached Dwelling with an Accessory Dwelling Unit
Size and Location	:	0.238 +/- acres located along the north side of School Place between Lakeview Avenue and Seabury Avenue, addressed as 129 School Place.
Tax Map & Parcel	:	1-30-3.08-028.00

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

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
March 2, 2023

Application Number / Name	**:**	23-004 / Lands of Patricia Persia
Tax Map & Parcel	**:**	1-30-3.08-028.00
Size and Location	**:**	0.238 +/- acres located along the north side of School Place between Lakeview Avenue and Seabury Avenue, addressed as 129 School Place.

I. BACKGROUND INFORMATION:

- The applicant proposes to use convert an existing 20.6' x 26.6' detached garage into an accessory cottage.

- Chapter 230-9(C)(5) states accessory dwelling are allowed upon conditional use approval from City Council subject to the conditions outlined in Section II of the staff report.

- Chapter 230 defines an accessory dwelling unit as "an accessory apartment or accessory cottage" and defines an accessory cottage as "a separate and subordinate dwelling unit that is located on the same lot as a single-family detached dwelling but is contained in a detached garage or other outbuilding."

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:

- Chapter 230-21(B) states that single-family detached dwellings require 2.5 parking spaces per unit and accessory dwelling units require 1.5 parking spaces per unit; therefore the applicant is required to provide 4 off-street parking spaces on the property. There is adequate space within the existing driveway to accommodate 4 vehicles.

- Evaluation based on the criteria found under Chapter 230-9(C)(5) Accessory Dwelling Units;

  A. One dwelling unit on the property shall be owner-occupied. A notice and declaration of land use restriction to this effect shall be signed and recorded prior to issuance of a certificate of use and/or building permit for the accessory dwelling unit.

Staff Response: The applicant/owner occupies the main residence on the subject parcel.

B. Only one accessory dwelling unit (either apartment or cottage) shall be permitted per property.

Staff Response: The applicant is only proposing one accessory cottage.

C. Accessory Apartments.

Staff Response: Not applicable.

D. Accessory Cottages.

[1] An accessory cottage shall contain at least 220 square feet of floor area. The floor area of an accessory cottage shall not exceed 40% of the floor area of the single-family detached dwelling to which it is accessory or 1,200 square feet, whichever is greater.

Staff Response: According to City assessment records, the existing single-family detached dwelling contains 2,089 square feet of living space (40% equals 835 square feet). The accessory cottage would need to be at least 220 square feet and no larger than 1,200 square feet based on the zoning ordinance. The applicant is proposing an 548 square foot accessory cottage.

[2] For an accessory cottage which will be a new structure, the exterior materials, roof form, and window spacing and proportions of the accessory cottage shall approximate those of the existing or proposed single-family detached dwelling.

Staff Response: The proposed accessory cottage would be located within an existing outbuilding.

[3] For an accessory cottage located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single-family detached dwelling, but any exterior modification should be consistent with the architectural style of that structure unless the building is upgraded per the requirements for new structures.

Staff Response: The proposed accessory cottage would be located within an existing outbuilding. Any exterior modification would need to be consistent with the architectural style of the structure.

[4] Accessory cottages shall comply with the principal structure setbacks for the respective zoning district, unless the accessory cottage is located within an existing garage or other outbuilding, for which the structure must meet the accessory structure setbacks for the respective zoning district.

Staff Response: The accessory cottage would be located within an existing legal non-conforming detached garage. The setback requirement for an accessory structure within the R-1 zoning district is 5 feet from the rear and side property lines. A variance

application was submitted along with the conditional use application and was reviewed by the Board of Adjustment at the March meeting. Approval of the conditional use application would be contingent upon the Board's approval.

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

A. The presence of adjoining similar uses.

The immediate vicinity is characterized by single-family detached dwellings on lots ranging in size from 9,000 square feet to 30,000 square feet. There are also two low profile office buildings, an industrial/office use and public school in the immediate vicinity.

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

Accessory Cottages are allowed by conditional use within the residential zoning 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 Low Density Residential for which the R-2 zoning district is a permitted zoning category. Allowing accessory dwelling units would provide additional affordable housing options within the City of Milford. Promoting opportunities for the creation of new, clean, safe and affordable housing is a goal of the 2018 Comprehensive Plan.

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

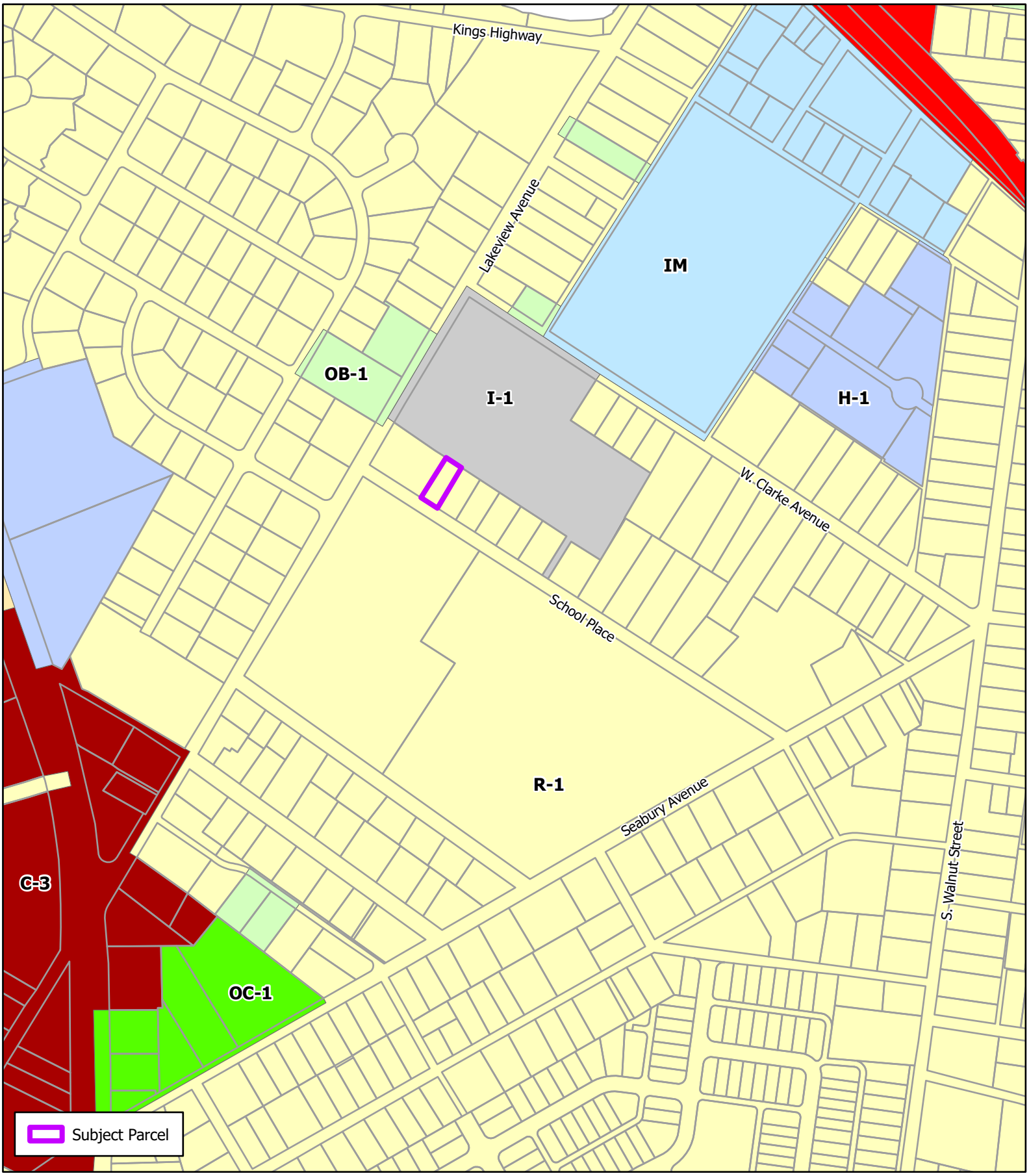
The proposed accessory dwelling unit would be located within an existing detached accessory building located to the rear of the subject parcel. There are other detached garages and accessory buildings located in the rear yards within the neighborhood. No screening is proposed.

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

The proposed use should not detract from permitted uses within the district. There are several two-family dwellings within the immediate vicinity along with other non-residential uses. The applicant has provided enough off-street parking to meet the City's zoning code and the proposed accessory dwelling unit is located along the rear of the property adjacent to the existing alleyway.

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

The proposed accessory dwelling unit would be located within an existing detached accessory building located along the rear of the property. The applicant has provided enough off-street parking to meet the requirements of Chapter 230 Zoning.



THE CITY of Milford DELAWARE

Scale: 0 240 480 Feet

Drawn by: WRP

Date: 02/22/23

Filepath: CU_Persia.aprx

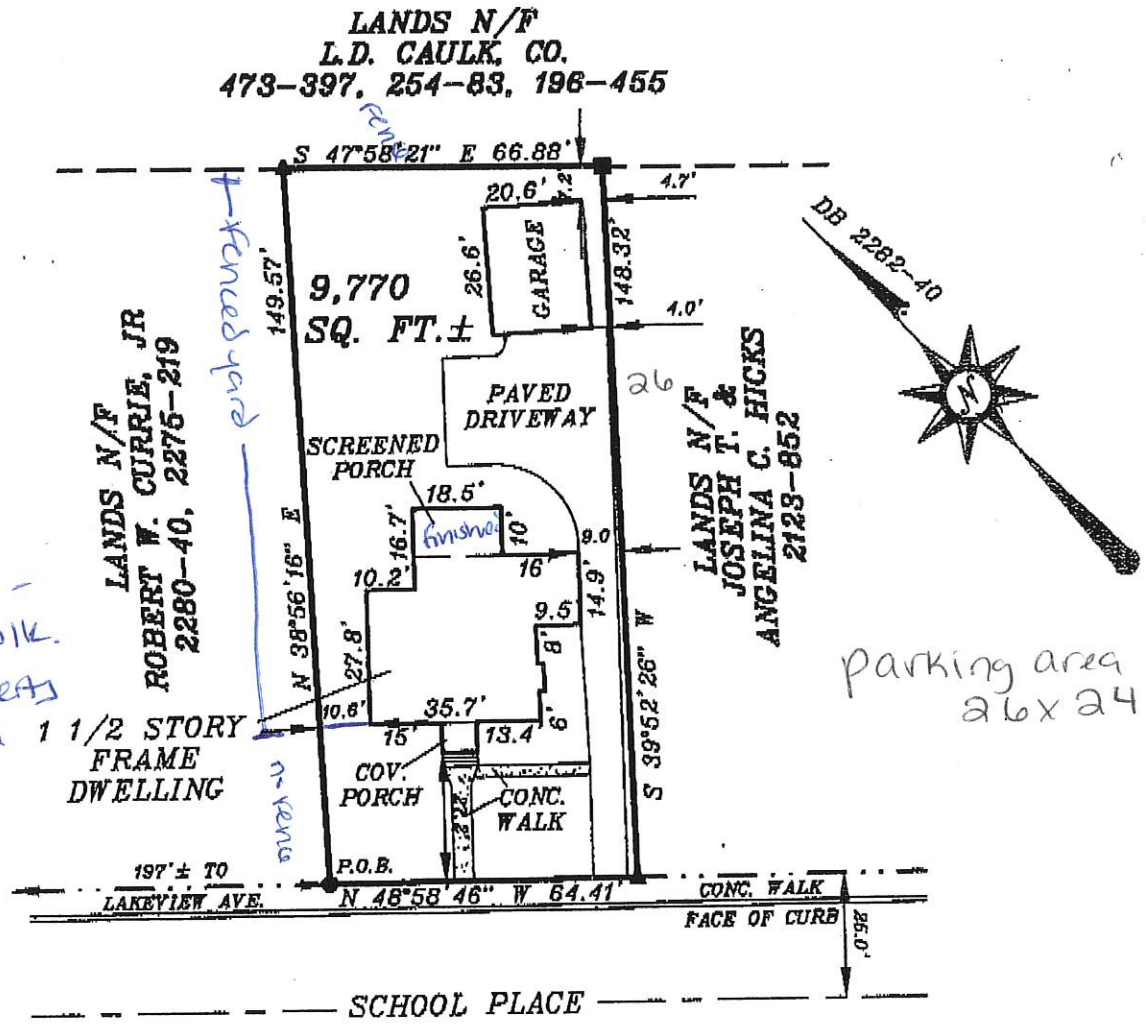
Title:

Conditional Use

Lands of Patricia Persia

Location & Zoning Map

T.M. M-30-3.08-28



fence runs on rear of yard - owned by Caulk. along my property line from corner of house to Caulk fence

parking area 26x24

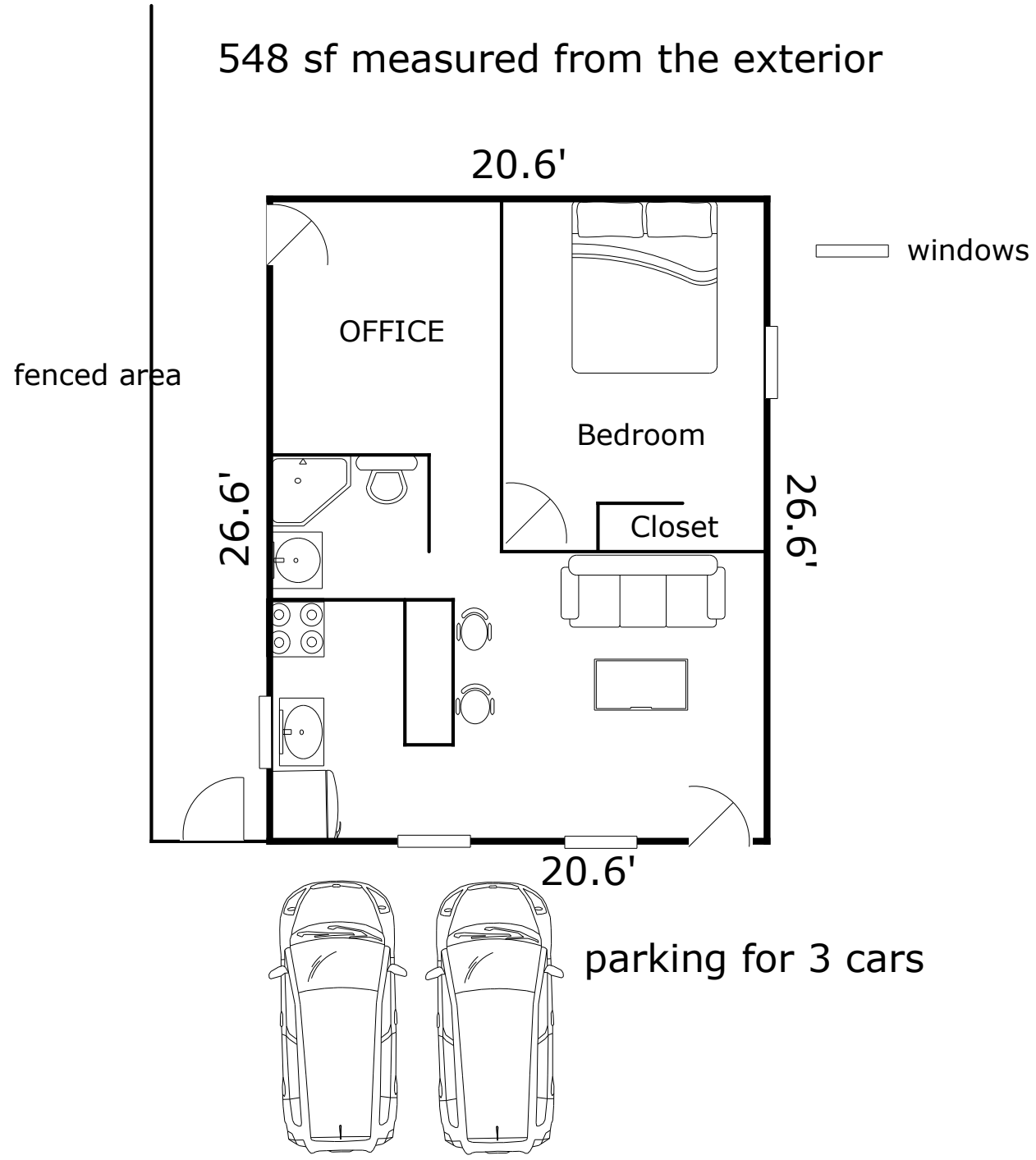
- ■ CONCRETE MONUMENT (FOUND)
- ● IRON PIPE (FOUND)
- ▲ IRON ROD (FOUND)

LANDS TO BE CONVEYED TO
DAVID A. ARBAUGH

CEDAR CREEK HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
SURVEYED/PREPARED BY: MILLER-LEWIS, INC.
JUNE 19, 2002 24459 SUSSEX HWY.
SCALE: 1" = 40' SEAFORD, DE. 19973

CLASS "B" SURVEY

548 sf measured from the exterior



TOTAL Sketch by a la mode, inc.

Area Calculations Summary

Living Area		**Calculation Details**
First Floor	547.96 Sq ft	26.6 × 20.6 = 547.96
Total Living Area (Rounded):	**548 Sq ft**	

Conversion of 129 School Pl {20.6 x 26.6} garage into a 1 bedroom ADU

1. Removal of existing garage doors and mechanism and installation of exterior wall, door and 2 windows to the area.
2. Front entrance from the designated parking, there is an existing back door.
3. Plumbing extended from my home to the ADU.
4. New 100 amp designated electric service to ADU.
5. Kitchen with a stove, fridge, microwave and island.
6. Bathroom with stand up shower.
7. Bedroom will be approximately 10 x 12 and have a closet and window.
8. Office will be approximately 9x9 and have access to the outside.
9. Living room will be approximately 10 x 12.
10. Fence to run to the existing Caulk fence and have a gate.
11. Paved parking area (24x26) is sufficient for 3 cars, driveway will be designated for the ADU. There is ample street parking for my car.
12. 3 windows will be added, there is one existing which will be replaced.
13. Exterior of the home is concrete block and will remain, the front wall being finished will be siding.
14. Drywall, doors, insulation, flooring, fixtures, electric and plumbing to be done to code and by a mixture of professionals to be determined.
15. Expected cost $20,000.



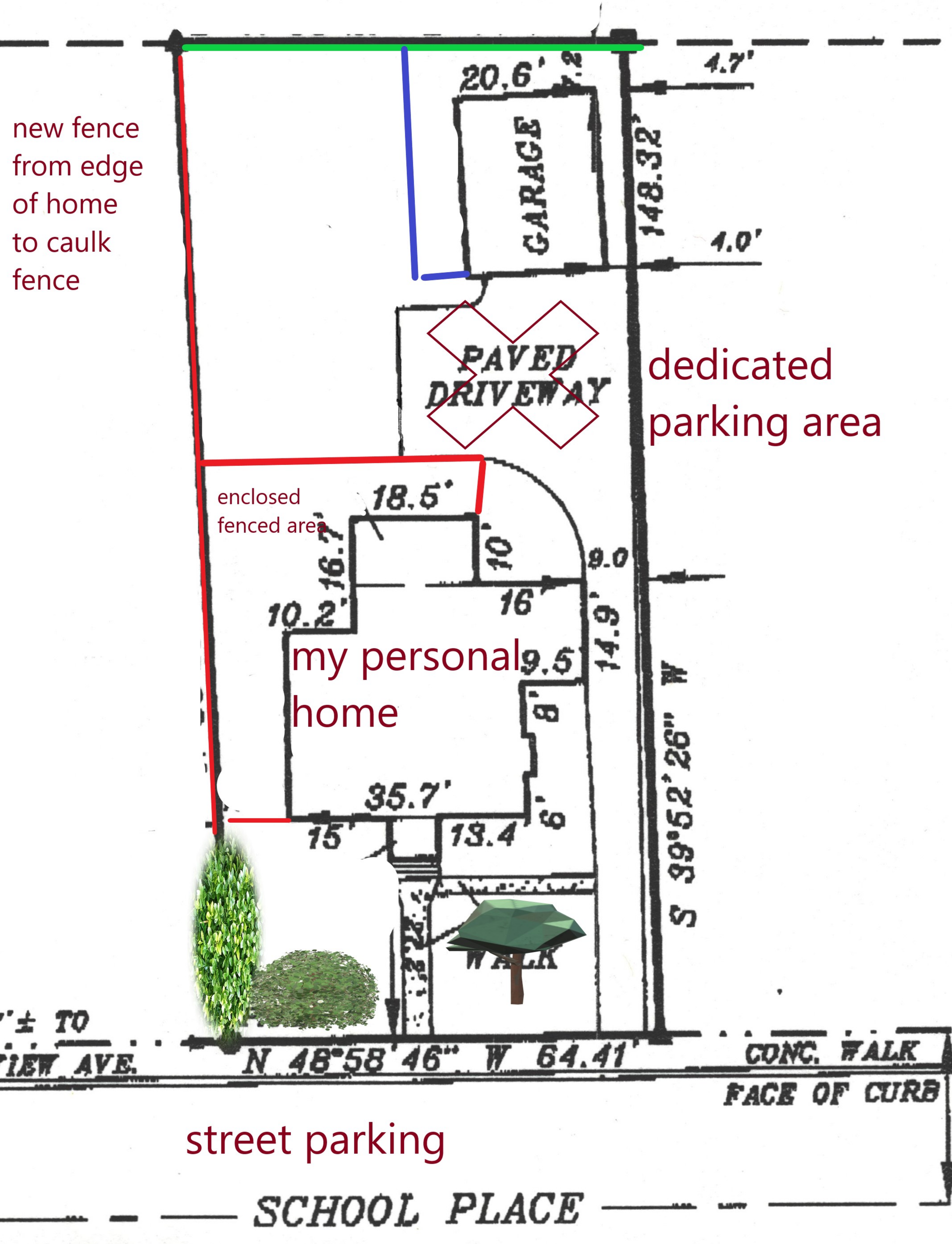


LANDS N/F
L.D. CAULK, CO.

proposed fence with gate

existing fence owned by dentsply

new fence from edge of home to caulk fence



dedicated parking area

enclosed fenced area

my personal home

street parking

§ 230-9. R-1 Single-Family Residential District.

In an R-1 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

A. Purpose. The intent of the R-1 Residential District is to preserve the spacious residential atmosphere and quality of living of existing low-density residential development, to provide for the orderly and appropriate development of new low-density housing and to allow related uses that would not be detrimental to the residential character of the district.

B. Permitted uses. Permitted uses for the R-1 District shall be as follows:

(1) A single-family detached residential dwelling.

(2) Farming, agricultural activities and roadside stands for the sale of farm and nursery products produced on the property where offered for sale.

(3) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.

(4) Parks, playgrounds, athletic fields, recreation buildings, swimming pools and community centers operated on a noncommercial basis for recreation purposes.

(5) Customary residential accessory uses, such as private garages, swimming pools and storage sheds, may be located in any required side or rear yard provided:

(a) The primary residence must exist or be under construction.

(b) All such buildings in the aggregate shall not occupy more than 30 percent of the area of the required rear and side yard.

(c) An accessory structure 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 with the inclusion of attached garages.

(d) Such buildings shall be setback five feet from any lot line and shall not be located less than five feet from a principal structure.

(6) Home occupational/office (subject to the following special requirements):

(a) The business activity shall be compatible with the residential zoning of the property and surrounding uses.

(b) The use is carried on entirely by the inhabitants of the dwelling, and shall employ no employees other than family members residing in the dwelling.

(c) The use does not involve any customer, client, or patient visits, whether vehicular or pedestrian, to the dwelling.

(d) Such use involves no pickup, delivery, or removal functions to or from the premises in excess of those normally associated with the residential use.

(e) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(f) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(g) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference detectable to normal senses beyond the property in excess of levels customarily generated by a residential use.

(h) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(i) The business activity shall only be conducted within the dwelling and the floor area devoted to such use shall not exceed 30 percent of the total floor area for the principal residential structure.

(j) As long as all other criteria is met, more than one home occupation shall be permitted per lot or dwelling.

(k) The practice of a home occupation shall be conducted entirely within the dwelling which is the bona fide residence and under ownership of the principal practitioner or contained entirely within an accessory building and located on the same lot as the dwelling.

(l) There shall be no change in the exterior appearance of the dwelling, any accessory building and/or the lot, which would cause the premises to differ from its residential character.

(m) There shall be no storage or use upon the premises (beyond normal household use) of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by DNREC, or through applicable regulations.

(n) There shall be no unenclosed exterior storage of material or refuse resulting from the home occupation.

(o) Prohibited minor home occupations. Minor home occupations shall not include the following uses:

[1] Animal shelter, commercial kennel or veterinary office;

[2] Rooming or boarding home;

[3] Bed and Breakfast;

[4] Funeral home;

[5] Restaurant;

[6] Outdoor café;

[7] Club or lodge;

[8] Medical or dental office;

[9] Retail shop;

[10] Rental business;

[11] Furniture stripping;

[12] Auto or small engine repair;

[13] Painting of vehicles, trailers, or boats;

[14] Manufacturing, repairing or other mechanical work performed in connection with the home occupation performed in any outdoor area;

[15] Private school with organized classes; private schools are defined as any building or groups of buildings, the use of which meets state requirements for elementary, secondary or higher education and which does not secure the major part of its funding from any governmental agency;

[16] Welding shop;

[17] Other uses of similar character to those listed above.

(7) Family day care home. An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives for compensation. Such care in a family day care home is limited to that care given to six or fewer children with a maximum of three children allowed for after school care. Such child care facility shall be permitted as an accessory use.

C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions in Article IX of this chapter:

(1) Churches and other places of worship and cemeteries.

(2) Public and private elementary, junior or senior high schools.

(3) Day-care facilities, including large family day cares involving more than six children.

(4) Conversion of a one-family dwelling into multiple dwelling units, if such dwelling is structurally sound but too large to be in demand for one-family use and if that conversion would not impair the character of the neighborhood, subject to conformance with the following requirements:

(a) There shall be a lot area of at least 2,000 square feet for each unit to be accommodated.

(b) There shall be a gross leasable floor area, computed as the sum of those areas enclosed by the outside faces of all exterior walls surrounding each story used for the residence, exclusive of any area for any accessory private garage, of at least 500 square feet per family to be accommodated.

(c) Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building and shall not be located on any building wall facing a street.

(5) Accessory dwelling units. Accessory dwelling units include accessory apartments and accessory cottages and are subject to the following requirements;

(a) One dwelling unit on the property shall be owner-occupied. A notice and declaration of land use restriction to this effect shall be signed and recorded prior to issuance of a certificate of use and/or building permit for the accessory dwelling unit.

(b) Only one accessory dwelling unit (either apartment or cottage) shall be permitted per property.

(c) Accessory Apartments.

[1] Accessory apartments are only permitted within single-family detached dwellings.

[2] The floor area of an accessory apartment shall not exceed 35% of the single-family detached dwelling.

(d) Accessory Cottages.

[1] An accessory cottage shall contain at least 220 square feet of floor area. The floor area of an accessory cottage shall not exceed 40% of the floor area of the single-family detached dwelling to which it is accessory or 1,200 square feet, whichever is greater.

[2] For an accessory cottage which will be a new structure, the exterior materials, roof form, and window spacing and proportions of the accessory cottage shall approximate those of the existing or proposed single-family detached dwelling.

[3] For an accessory cottage located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single-family detached dwelling, but any exterior modification should be consistent with the architectural style of that structure unless the building is upgraded per the requirements for new structures.

[4] Accessory cottages shall comply with the principal structure setbacks for the respective zoning district, unless the accessory cottage is located within an existing garage or other outbuilding, for which the structure must meet the accessory structure setbacks for the respective zoning district.

(6) Major Home Occupation. A home occupation that does not meet one or more of the criteria for a minor home occupation shall be defined as a major home occupation and subject to the following requirements:

(a) Major home occupations shall be permitted only in single-family detached dwellings or an accessory structure to a single-family detached dwelling

(b) The area used for a major home occupation shall not exceed 30 percent or 600 square feet of the total floor area of the principal residential structure or accessory structure.

(c) No more than one person, other than resident members of the immediate family may be employed or subcontracted at the residence. Use of nonresident employees must have prior approval from City Council.

(d) No more than two clients at any one given time shall be permitted to visit the premises to conduct business related to the major home occupation.

(e) No articles shall be sold or offered for sale except those produced on the premises. Such sales must have prior approval from City Council.

(f) Where employees or customer visits are anticipated, off-street parking shall be provided in a sufficient capacity to prevent interference with normal residential parking in the neighborhood. Minimum off-street parking shall apply as outlined in Article IV Off-street Parking and Loading Standards.

(g) Beauty parlors and barber shops may be permitted as a major home occupation provided that no more than two stylist or barber chairs are provided and all other provisions of this ordinance are met.

(h) Instructional services may be permitted as a major home occupation provided that a maximum of three students may be instructed at any one time, and there shall be no more than two trips per hour.

(i) The practice of a home occupation shall be conducted entirely within the dwelling which is the bona fide residence and under ownership of the principal practitioner or contained entirely within an accessory building and located on the same lot as the dwelling.

(j) There shall be no change in the exterior appearance of the dwelling, any accessory building and/or the lot, which would cause the premises to differ from its residential character.

(k) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference detectable to normal senses beyond the property in excess of levels customarily generated by a residential use.

(l) Deliveries from major commercial suppliers which may be disruptive to the neighborhood shall not be made between the hours of 8:00 pm prevailing time and 8:00 am prevailing time.

(m) There shall be no storage or use upon the premises (beyond normal household use) of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by DNREC, or through applicable regulations.

(n) There shall be no unenclosed exterior storage of material or refuse resulting from the home occupation.

(o) All commercial vehicles shall be parked on the same lot as the home occupation, and only one commercial vehicle may be parked outside of a garage, enclosed structure, or screened parking space within the lot boundaries. Such a commercial vehicle shall have no more than two axles. There shall be not storage of tractor-trailers on the lot on which the home occupation is located.

(p) Prohibited major home occupations. Major home occupations shall not include the following uses:

[1] Animal shelter, commercial kennel or veterinary office;

[2] Rooming or boarding home;

[3] Bed and Breakfast;

[4] Funeral home;

[5] Restaurant;

[6] Outdoor café;

[7] Club or lodge;

[8] Medical or dental clinic (two or more doctors or dentists);

[9] Retail shop;

[10] Rental business;

[11] Furniture stripping;

[12] Auto or small engine repair;

[13] Painting of vehicles, trailers, or boats;

[14] Manufacturing, repairing or other mechanical work performed in connection with the home occupation performed in any outdoor area;

[15] Private school with organized classes; private schools are defined as any building or groups of buildings, the use of which meets state requirements for elementary, secondary or higher education and which does not secure the major part of its funding from any governmental agency;

[16] Welding shop;

[17] Other uses of similar character to those listed above.

(7) Social club or fraternal, social service, union or civic organization.

(8) Cultural facilities, including a library, museum or art gallery.

(9) Country club, regulation golf course, including customary accessory uses, provided that all buildings have a minimum setback of 120 feet from all street and property lines.

(10) Planned unit development, see requirements in Chapter 230-19.9.

(11) Bed-and-breakfast, subject to the following requirements:

(a) The bed-and-breakfast establishment does not adversely affect the residential character of the neighborhood and such use is carried on in an existing residential structure.

(b) The building proposed for use as a bed-and-breakfast must have the owner of the bed-and-breakfast residing in the building as his/her principal residence.

(c) The serving of meals shall be limited to breakfast and afternoon tea for overnight guests and customers.

(d) Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.

(e) No exterior alterations other than a sign and those required by law to ensure the safety of the structure shall be made.

(f) The bed-and-breakfast operation shall not use more than 50% of the floor area of the principal residence. Common areas such as the kitchen, foyer, living room or dining room are not included in this calculation.

(g) No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than 20 feet. Sidewalks shall not be illuminated by lighting fixtures higher than 15 feet. Exterior lighting shall be so shaded as to prevent illumination off-site. All external lighting, except for demonstrated security needs, shall be extinguished by 10:00 p.m.

(12) Funeral Home or undertaker

D. Area regulations.

(1) Minimum lot area shall be 10,000 square feet. Minimum interior lot shall be 10,000 square feet. Minimum corner lot shall be 13,000 square feet.

(2) Maximum lot coverage shall be 40%.

(3) Minimum lot width shall be 80 feet.

(4) Height of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.

(5) Minimum front yard setback line shall be 25 feet.

(6) Minimum rear yard shall be 25 feet. For corner lots the rear yard may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.

(7) Side yards shall be provided as follows: each lot shall have two side yards with a minimum of 12 feet each.

(8) Parking shall comply with the requirements provided in Article IV of this chapter.

(9) Signs shall comply with the requirements provided in Article VI of this chapter.

(10) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(11) Open space and recreational requirements shall comply with Chapter 230-19.7.

(12) Accessory structures for non-residential uses 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.

(13) Accessory structures for non-residential uses shall be located in the side and rear lot areas.

(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.

[Ord. No. 2022-06, 1-24-2022]

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.

[Ord. No. 2022-06, 1-24-2022]

§ 230-47. Application and approval procedures.

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

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

C. 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.

[Ord. No. 2022-06, 1-24-2022]

§ 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.

[Ord. No. 2022-06, 1-24-2022]

§ 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. 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. 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 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.

[Ord. No. 2022-06, 1-24-2022]

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, March 21, 2023 @ 6:00 PM
City Council Hearing: Monday, March 27, 2023 @ 6:00 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, March 21, 2023 at 6:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, March 27, 2023 at 6:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2023-13
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #15
MILFORD MINI-STORAGE, INC.
3-30-11.09-134.00

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 January 25, 2023, the Planning Director prepared and consulted with the Office of State Planning the fifteenth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use Maps, which will permit the future land use designation change of Sussex County Tax Parcel 3-30-11.09-134.00 from Moderate Density Residential to Industrial; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the fifteenth 2018 Comprehensive Plan amendment on March 21, 2023 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 fifteenth amendment of the 2018 Comprehensive Plan on March 27, 2023 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

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

Section 1. Purpose: The 2018 Comprehensive Plan is hereby amended to modify the Future Land Use Maps.

Section 2. The Future Land Use of Sussex County Tax Parcel 3-30-11.09-134.00 owned by Milford Mini-Storage, Inc. is hereby changed from Moderate Density Residential to Industrial.

Section 3. Dates.
Planning Commission Review & Public Hearing: March 21, 2023
City Council Introduction: March 13, 2023
City Council Review & Public Hearing: March 27, 20023

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

030123
Published*: Delaware State News 03-05-2023*

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 2023 COMPREHENSIVE PLAN AMENDMENT

MILFORD MINI STORAGE, INC.

Planning Commission Meeting: March 21, 2023

City Council Meeting: March 27, 2023

Ordinance Number	:	2023-13
Applicant	:	Milford Mini Storage, Inc. 202 Lakeview Avenue Milford, DE 19963
Application Type	:	Comprehensive Plan Future Land Use Map Amendment
Present Comprehensive Plan Map Designation	:	Moderate Density Residential
Proposed Comprehensive Plan Map Designation	:	Industrial
Tax Map & Parcel(s)	:	3-30-11.09-134.00

ENC: Staff Analysis Report
PLUS Comments
Exhibit B – 2023 Comprehensive Plan Amendment
Ordinance 2023-13

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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
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O 302.424.8396 | F 302.424.3559

STAFF REPORT
March 2, 2023

Ordinance Number	**:**	2023-13
Application Type	**:**	Comprehensive Plan Future Land Use Map Amendment

I. BACKGROUND

- The City received a request from the owner of Sussex County Tax Parcel 3-30-11.09-134.00 to change the Comprehensive Plan Future Land Use classification for the property from Moderate Density Residential to Industrial.

- Comprehensive plan 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 included in the City Council packet under correspondence on January 9, 2023. The PLUS meeting for this amendment request was held on January 25, 2023 and a copy of the PLUS comments dated February 22, 2023 are enclosed.

- The property is part of the recorded Watergate subdivision and was left as a small parcel of open space. The property was exchanged as part of a legal settlement between Milford Mini-Storage, Inc. and Watergate Liborio, LLC regarding access to Industrial Boulevard. The comprehensive plan amendment future land use map amendment is consistent with the terms of the legal settlement and would provide access from the existing Milford Mini-Storage, Inc. property to Industrial Boulevard.

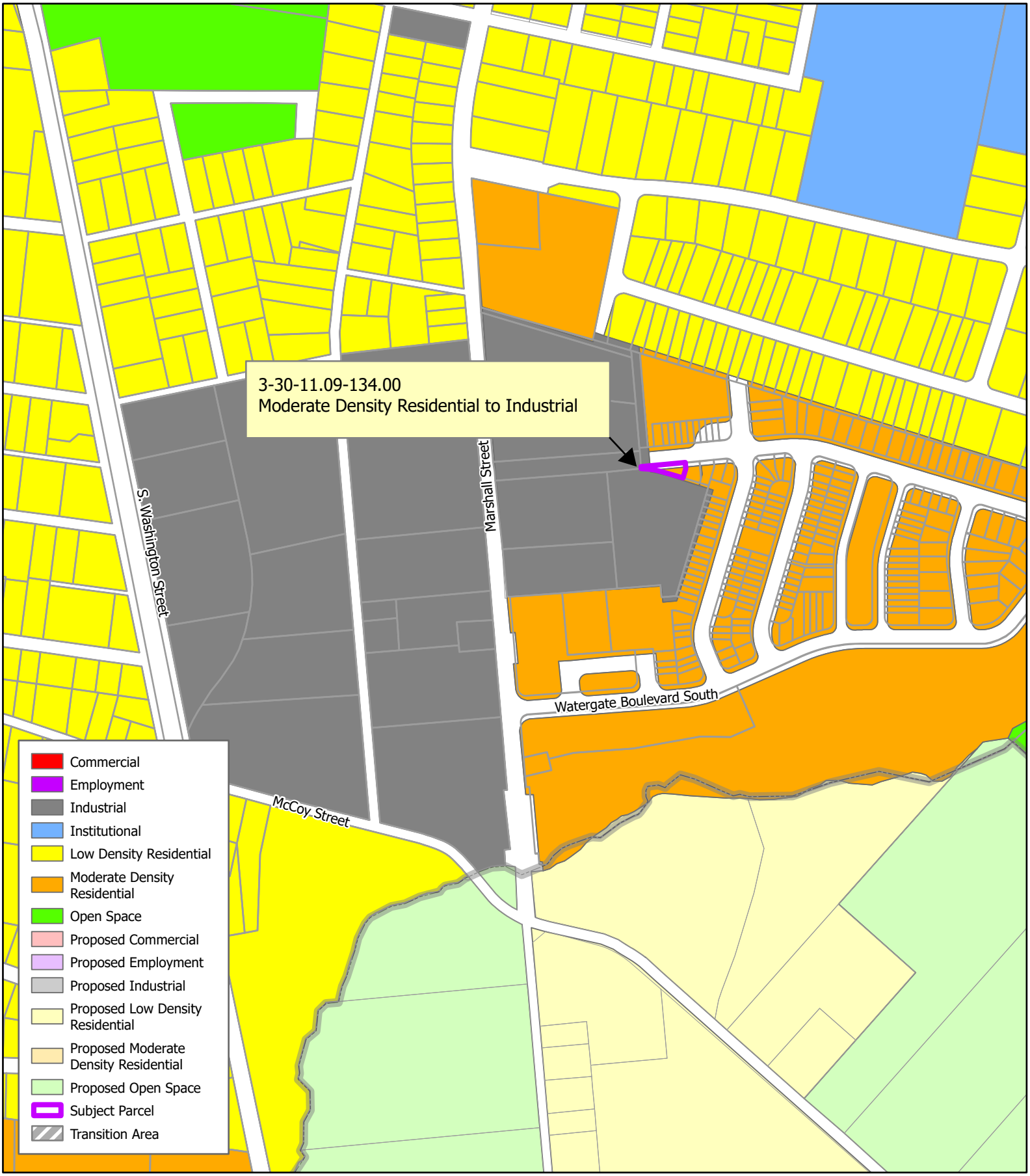
II. STAFF ANALYSIS

- The Industrial Future Land Use category is intended to serve as a primary location for light to moderate industrial and manufacturing uses. The land use is similar to the I-1 and I-2 zoning districts.

- The property is located along Marshall Street and Industrial Boulevard. Marshall Street is a major collector road per DelDOT's functional classification map. Industrial Boulevard is a local road per DelDOT's functional classification map.

- The subject parcel is bound on the south and west by a property zoned I-1 and designated Industrial Future Land Use. This property contains an existing self-storage use. The property to the east is designated Moderate Density Residential in the City's Comprehensive Future Land Use maps and is zoned R-3. The properties to the north are designated Moderate Density Residential and zoned R-3. The properties to the north and east are proposed residential lots within the Watergate development.

- If the future land use map change is approved, the property owner has requested a change of zone of the property from R-3 to I-1. If the property is rezoned, it would be combined with the adjacent I-1 property that contains an existing self-storage use.



THE CITY of Milford DELAWARE

Scale: 0 240 480 Feet

Drawn by: WRP

Date: 12/28/22

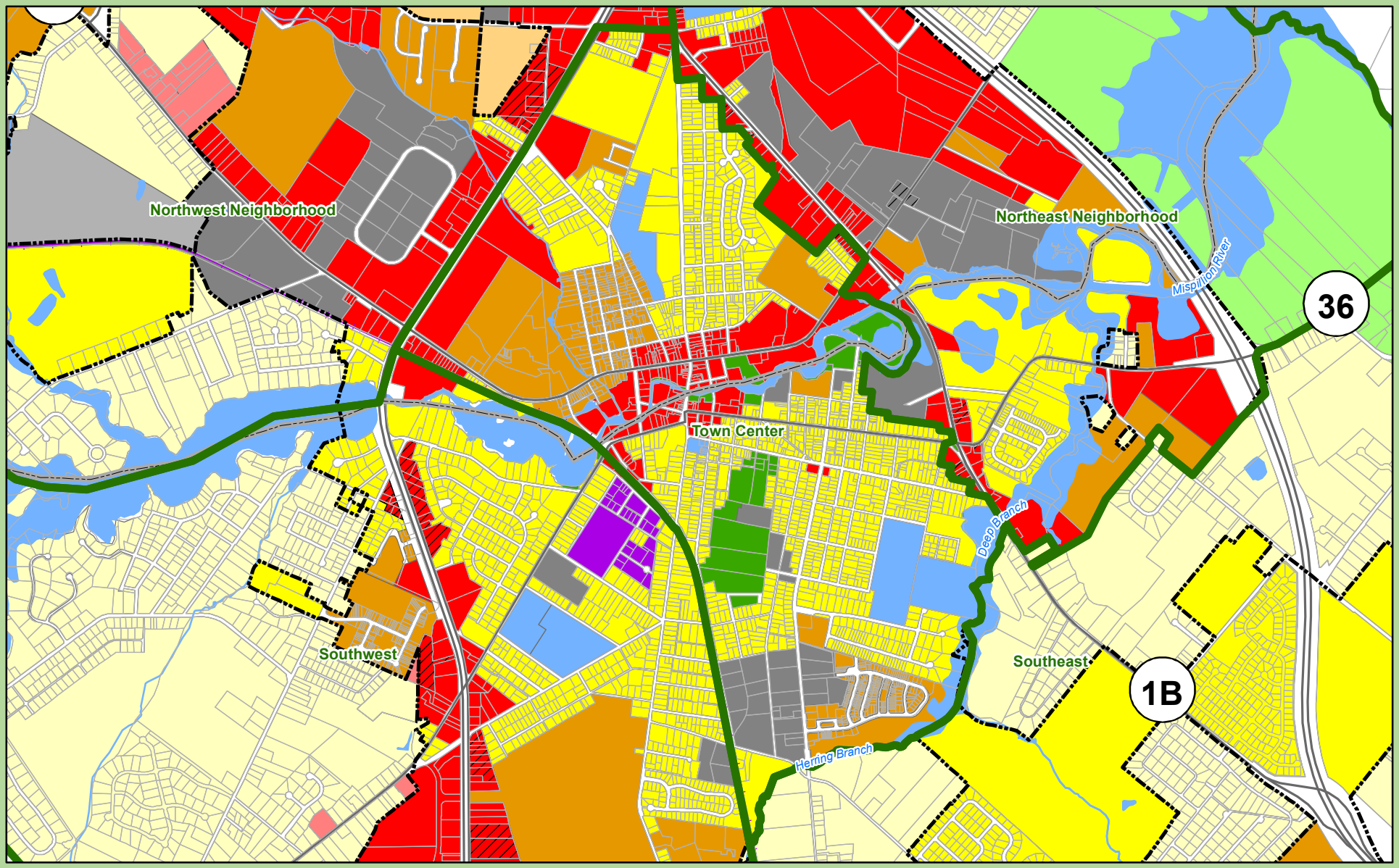
Filepath: 2023_CompPlanAmendment_ExhibitB.aprx

Title:

Exhibit B

2023 Comprehensive Plan Map Amendment

Future Land Use Map



Neighborhoods

Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition Area
- Municipal Boundary
- County Boundaries
- State Parcels
- Routes
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use

Town Center

Adopted Jan. 22, 2018, Certified TBD

0 0.1 0.2 0.4 0.6 0.8 Miles

Sources:

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

Note:This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.

THE CITY of Milford DELAWARE

UNIVERSITY OF DELAWARE

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institute for Public Administration

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

February 22, 2023

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

RE: PLUS review – 2023-01-07; Milford Comprehensive Plan Amendment – Milford Mini Storage

Dear Mr. Pierce,

Thank you for meeting with State agency planners on January 25, 2023 to discuss the proposed City of Milford comprehensive plan amendment. According to the application, the City intends to amend the future land use map in the comprehensive plan to change one parcel (330-11.09-134.00) from Moderate Density Residential to Industrial.

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.

This office has received the following comments from State agencies:

Office of State Planning Coordination (OSPC) – Contact: Joshua Thomas 302-739-3090

The property for the proposed comprehensive plan amendment is located within Investment Level 1 according to the 2020 Strategies for State Policies and Spending. It is located within the municipal boundary of the City of Milford.

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. Future development on this site in Level 1 is consistent with the 2020 Strategies for State Policies and Spending; therefore, the Office of State Planning Coordination has no objections to this comprehensive plan amendment provided it is adopted through the City of Milford's local process.

If the comprehensive plan amendment is adopted and future development is proposed, a PLUS review for the site plan may be required, per the criteria specified in the Memorandum of Understanding between OSPC and Milford.

Department of Transportation – Contact Stephen Bayer 302-760-4834

- DelDOT has no comments on the proposed amendment. DelDOT notes that should the parcels involved be developed in the future they will still need to apply for any applicable reviews and/or permits.

Department of Natural Resources and Environmental Control – Contact Clare Quinlan 302-735-3495

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project 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.

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

Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

DEMA has no objections to the amendment of the comprehensive plan. The following recommendations apply only if construction occurs.

Proposed Project Parcel Flood Concern

- This parcel is located within an area of **Minimal Flood Concern of 1000 years or greater**.

Parcel Status within County Evacuation Zone Location

- The parcel is located within Sussex County's Evacuation Zone C.



DEMA recommends and encourages the ***County Evacuation Zone Location to be made publicly available to businesses and patrons through signs, pamphlets, or other means.

Parcel Status within the 10-mile Emergency Planning Zone (EPZ) for the Salem Nuclear Power Plant

- The parcel **is not** located within the 10-mile EPZ for the Salem Nuclear Power Plant.

Population

- The county has a population density of 265.60 per square mile based on the US 2020 Census report: an increase from 2010 at 208.90 persons per square mile.
- The specific census block(s) the project is located on has a total population of 46 though, with development, this will undoubtedly change.
- The adjacent blocks aggregate brings the area to a total population of 335.

FEMA National Risk Index

- The FEMA National Risk Index is an online mapping application that identifies communities most at risk to 18 natural hazards: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hail, Heat Wave, Hurricane, Ice Storm, Landslide, Lightning, Riverine Flooding, Strong Wind, Tornado, Tsunami, Volcanic Activity, Wildfire, and Winter Weather. The FEMA National Risk Index is calculated by multiplying the Expected Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.

Expected Annual Loss
× Social Vulnerability
÷ Community Resilience
= Risk Index

- According to FEMA's National Risk Index, the parcel **is** considered **very low** for overall natural hazards risks.

- Community Resilience is a consequence reduction risk component and a community risk factor that represents the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions and withstand/recover rapidly from disruptions. Social Vulnerability is a consequence-enhancing risk factor that represents the susceptibility of social groups to the adverse impacts of natural hazards.

- Its community resilience and social vulnerability are rated as **relatively moderate**.

Renewable Energy Commitment

- Regarding energy use and consumption, the parcel utilizes electricity as the predominant fuel type for heating purposes.

- DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities. Regarding utilities, DEMA suggests incorporating 90% series furnaces/HVAC systems; the closer to 99%, the better, as well as A/C units of 20 Seer or greater. DEMA recommends using tankless water heaters, and battery backup systems for sump pumps to reduce potential water damage from power failure.

- Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roofs where applicable and allowable, and the like.

State Historic Preservation Office – Contact Carlton Hall 302-736-7400

- There are no known archaeological sites or known National Register listed or eligible properties on the parcel.

- The area has been significantly disturbed from heavy industrial development and use. Any archaeological materials that would have existed there have most likely been disturbed.

- This office has no archaeological concerns.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- The Office of the State Fire Marshal has no comment on this Comprehensive Plan amendment.

Once the amendment is voted on by Planning and Zoning and/or City Council, please forward a copy of the decision regarding the amendment to this office for our files. Thank you for the opportunity to review this amendment. 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, March 21, 2023 @ 6:00 p.m.
City Council Hearing: Monday, March 27, 2023 @ 6:00 p.m.

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 2023-15
Legal Owner Milford Mini-Storage, Inc. for a Change of Zone from
R-3 (Garden Apartment & Townhouse) to I-1 (Limited Industrial)
on 0.08 +/- acres of land located along the south of
Industrial Boulevard and Watergate Boulevard North
Present Use Vacant Proposed Use Self-Storage
Tax Map & Parcel 3-30-11.09-134.00

WHEREAS, the equitable owners of the property, as described herein, have petitioned the City of Milford Planning and Zoning Office for a Change of Zone from R-3 to I-1, to permit Self-Storage on 0.08 +/- acres of land located along the south of Industrial Boulevard and Watergate Boulevard North; and

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

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on March 21, 2023, at which time interested parties will publicly comment on the application; and allowing an informed recommendation to be forwarded to City Council; and

WHEREAS, Milford City Council will hold a Public Hearing on March 27, 2023, allowing for additional public comment, after which City Council will make a final determination on the application; and

WHEREAS, as required by Chapter 230, the Public Notice was published in the Delaware State News on March 5, 2023 and provided to property owners within 200 feet of the subject parcel; and

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

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

Section l. The adoption of this Ordinance hereby grants Legal Owner Milford Mini-Storage, Inc. a Change of Zone from R-3 to I-1 on 0.08 +/- acres of land located along the south of Industrial Boulevard and Watergate Boulevard North, Sussex County, Milford, Delaware, Tax Map & Parcel 3-30-11.09-134.00.

Section 2. Any future use of the property must comply with the City Zoning Code §230-12. I-1 (Limited Industrial) District.

Section 3. Scheduled Dates.
City Council Introduction: Monday, March 13, 2023
Planning Commission Review & Public Hearing: Tuesday, March 21, 2023
City Council Public Hearing: Monday, March 27, 2023
Effective: Ten (10) Days following Adoption

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

Advertised*: Delaware State News 03-05-2023*

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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 MILFORD MINI-STORAGE, INC.

Planning Commission Meeting: March 21, 2023

Application Number / Name	:	23-009 / Milford Mini-Storage, Inc.
Applicant	:	Milford Mini-Storage, Inc. 202 Lakeview Avenue Milford, DE 19963
Owner	:	Same
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Industrial (pending adoption of Ordinance 2023-13)
Present Zoning District(s)	:	R-3 (Garden Apartment & Townhouse)
Proposed Zoning District(s)	:	I-1 (Limited Industrial)
Present Use	:	Vacant
Proposed Use	:	Self-Storage
Size and Location	:	0.08 +/- acres of land located along the south of Industrial Boulevard and Watergate Boulevard North.
Tax Map & Parcel(s)	:	3-30-11.09-134.00

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

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STAFF REPORT
March 6, 2023

Application Number / Name	**:**	23-009 / Milford Mini-Storage, Inc.
Size and Location	**:**	0.08 +/- acres of land located along the south side of Industrial Boulevard and Watergate Boulevard North.
Tax Map & Parcel(s)	**:**	3-30-11.09-134.00

I. BACKGROUND INFORMATION:

- The applicant proposes to rezone the above referenced vacant parcel from R-3 (Garden Apartment) to I-1 (Limited Industrial) and combine the parcel with the existing, adjacent self-storage property.

- The property is part of the recorded Watergate subdivision and was left as a small parcel of open space. The property was exchanged as part of a legal settlement between Milford Mini-Storage, Inc. and Watergate Liborio, LLC regarding access to Industrial Boulevard. The proposed change of zone is consistent with the legal settlement between the two parties.

- The application is dependent on the adoption of Ordinance 2023-13 to change the future land use of the property from Moderate Density Residential to Industrial in the 2018 Comprehensive Plan Future Land Use Maps.

II. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request to amend the Zoning Map:

- The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps, pending the adoption of Ordinance 2023-13. The Future Land Use designation for the property is Industrial, for which I-1 (Limited Industrial) is a suitable zoning designation. See attached Land Use & Zoning Link table from the comprehensive plan document.

- Per the 2018 Comprehensive Plan, the Industrial Future Land Use category is intended to serve as a primary location for light to moderate industrial and manufacturing uses. This land use is similar to the I-1 and I-2 zoning districts.

- The subject parcel is located along Watergate Boulevard North which is a local road per DelDOT's functional classification map. The intent is that this parcel would be combined with the adjacent self-storage use which gains access from Marshall Street, which is a major collector per DelDOT's functional classification map.

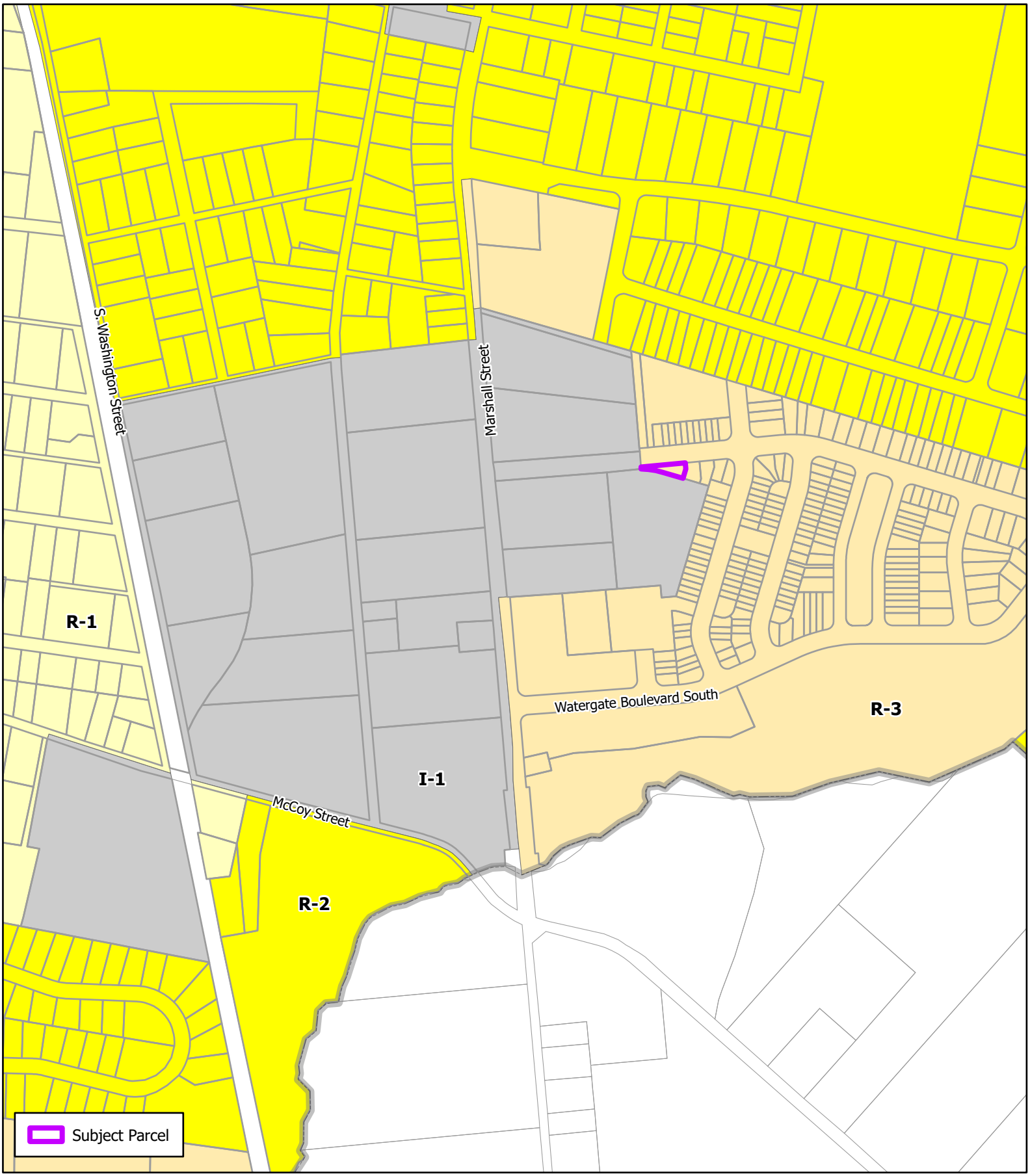
- Chapter 230 states, the purpose of the I-1 district is to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas. Also, the purpose is to provide guidelines and performance standards which will control and confine any offensive features to the confines of the premises and within enclosed buildings or with a visually enclosed space.

- Any future use of the property must comply with Chapter 230 and the I-1 (Limited Industrial) zoning use and area regulations. Enclosed is a copy of the current permitted and conditional uses within the I-1 District.

- The applicant will need to submit a lot consolidation plan to combine the subject parcel with the adjacent self-storage use.

III. AGENCY COMMENTS:

- DelDOT – No comments solicited
- Kent Conservation District – No comments solicited.
- State Fire Marshall – No comments solicited.



THE CITY of Milford DELAWARE

Scale: 0 240 480 Feet

Drawn by: WRP

Date: 03/06/23

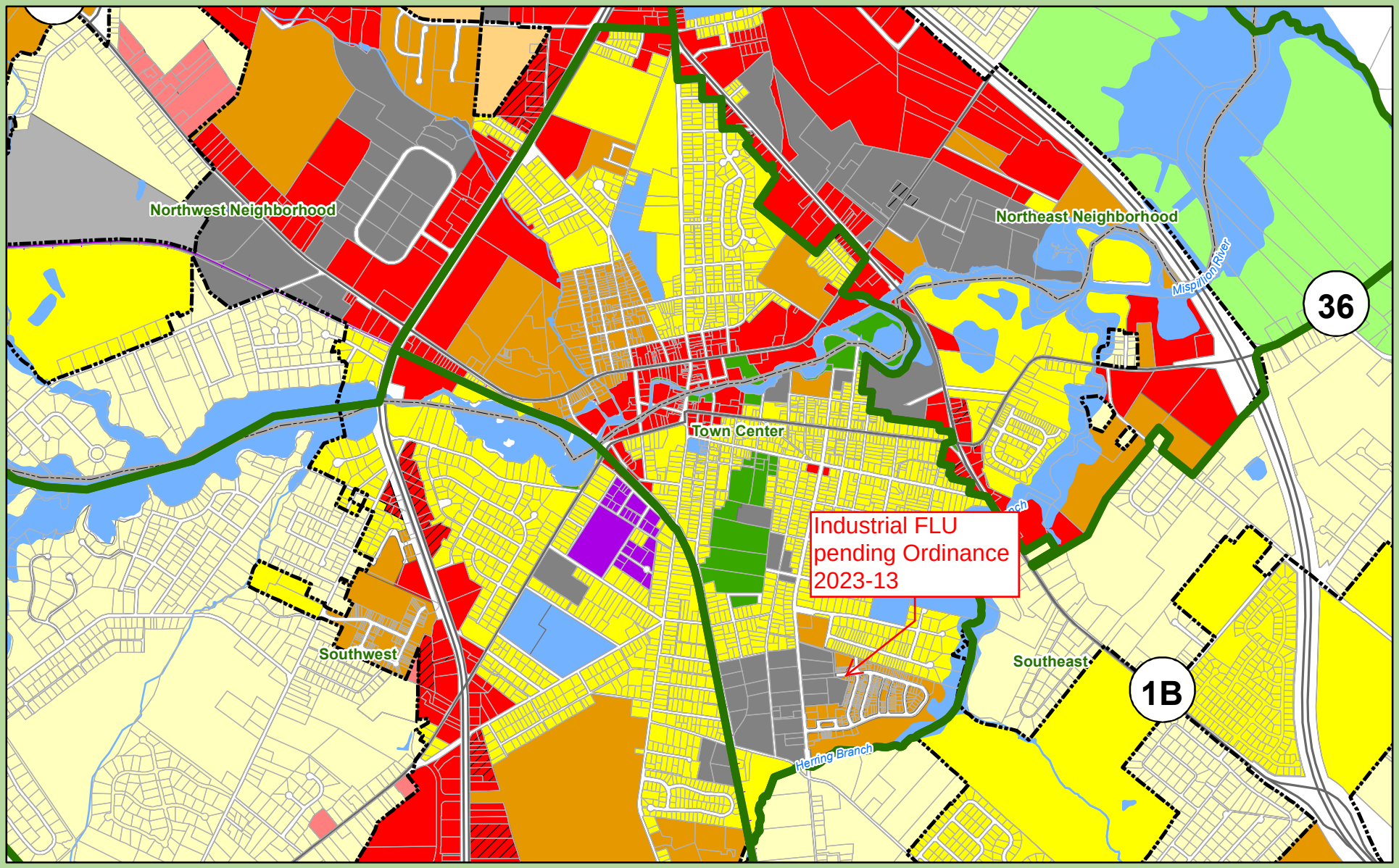
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Title:

Change of Zone

Milford Mini Storage, Inc.

Location & Zoning Map



Neighborhoods

Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition Area
- Municipal Boundary
- County Boundaries
- State Parcels
- Routes
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use

Town Center

Adopted Jan. 22, 2018, Certified TBD

0 0.1 0.2 0.4 0.6 0.8 Miles

Sources:

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

Note:This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.

THE CITY of Milford DELAWARE

UNIVERSITY OF DELAWARE

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institute for Public Administration

FINAL MAJOR SUBDIVISION PLAN

for

WATERGATE AT MILFORD

CEDAR CREEK HUNDRED, CITY OF MILFORD,
SUSSEX COUNTY, DELAWARE

GENERAL PROJECT:

1. OWNER: LIBORIO WATERGATE, LLC
C/O: LOU RAMUNNO
903 N. FRENCH ST.
WILMINGTON, DE 19801
PHONE: (302) 426-0200

2. DEVELOPER: LIBORIO WATERGATE, LLC
C/O: LOU RAMUNNO
903 N. FRENCH ST.
WILMINGTON, DE 19801
PHONE: (302) 426-0200

3. STATE & FEDERAL WETLANDS DELINEATION: JCM/ECI
100 LAKE DR. SUITE
NEWARK, DE 19702
PHONE: (302) 77-95
FAX: (302) 77-9546
C/O: JAMES McCULLEY

4. CIVIL/SITE ENGINEER: VAN CLEEF ENGINEERING ASSOCIATES
630 CHURCHMANS RD, SUITE 105
NEWARK, DE 19702
PHONE: (302) 368-3184

5. THE TOPOGRAPHIC INFORMATION WAS PROVIDED BY THE DELMARVA SURVEY COMPANY, INC.

6. THE BOUNDARY INFORMATION IS TAKEN FROM A PLAN ENTITLED "AERIAL TOPOGRAPHIC SURVEY/BOUNDARY SURVEY" PREPARED BY THE DELMARVA SURVEY CO. DATED MAY 26, 2005 AND A PLAN ENTITLED "LANDS TO BE CONVEYED TO WESTOVER LAND COMPANY" PREPARED BY CHARLES D. MURPHY ASSOCS., INC. DATED DECEMBER 22, 2006.

7. THE "LIMIT OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM" WERE DELINEATED BY JAMES C. McCULLEY IV, ENVIRONMENTAL CONSULTANTS INC. AS SHOWN ON A PLAN ENTITLED "AERIAL TOPOGRAPHIC SURVEY/BOUNDARY SURVEY" PREPARED BY JAMES C. McCULLEY IV, ENVIRONMENTAL CONSULTANTS INC. DATED MAY 26, 2005.

8. THE PROJECT IS LOCATED AT THE INTERSECTION OF MARSHALL STREET & INDUSTRIAL BLVD. IN CEDAR CREEK HUNDRED, CITY OF MILFORD, SUSSEX COUNTY, DELAWARE.

9. FLOOD ELEVATIONS BASED UPON FLOOD INSURANCE RATE MAP DATED MARCH 16, 2015 (FIRM) NUMBER 10005C0043K.

10. THE PROPERTY SERVED BY THIS PLAN IS REFERENCED ON TAX MAP # 3-30-11.09 PARCEL 29, 29.03, 30, 31, AND 32.

11. LOT 218 TO BE CONVEYED TO MILFORD RENT-ALL, LLC. 360' E/MARSHALL STREET S/INDUSTRIAL BOULEVARD PARCEL 3-30 11.09 29.09 AS PART OF THIS RECORD PLAN.
CONDITIONS:
THE CITY OF MILFORD SHALL RETAIN EASEMENT RIGHTS ON THIS PARCEL FOR THE PURPOSE OF UTILITY INSTALLATION.

12. LOT 34 TO BE CONVEYED TO MILFORD MINI-STORAGE, INC. 360' E/MARSHALL STREET S/INDUSTRIAL BOULEVARD PARCEL 3-30 11.09 29.07 AS PART OF THIS RECORD PLAN.

CONDITIONS:
MILFORD MINI-STORAGE, INC. SHALL PROVIDE FENCING AND LANDSCAPING ALONG THE PROPERTY LINE. PARCEL MAY BE USED FOR ACCESS TO INDUSTRIAL BOULEVARD AND THAT PORTION OF WATERGATE BOULEVARD NORTH IMMEDIATELY ADJACENT TO LOT 34, BUT NOT FOR ACCESS TO THE REMAINDER OF WATERGATE BOULEVARD NORTH.

13. OWNER SHALL PROVIDE AND MAINTAIN A LANDSCAPE BUFFER ALONG THE BOUNDARY BETWEEN TAX PARCEL #3-30-11.09-30.00 (TO BE ACQUIRED BY OWNER FROM THE CITY OF MILFORD) AND TAX PARCEL # 3-30-11.09-29.02 (PRESENTLY OWNED BY MILFORD MINI-STORAGE, INC.); PROVIDED, HOWEVER, THAT SAID LANDSCAPE BUFFER SHALL BE NO MORE THAN THREE (3) FEET IN HEIGHT TO A DEPTH OF EIGHT-FIVE (85) FEET RUNNING IN AN EASTERLY DIRECTION FROM THE RIGHT OF WAY OF MARSHALL STREET; AND FURTHER PROVIDED, HOWEVER, THAT IF THE OWNER SHALL FAIL TO TRIM AND MAINTAIN SAID LANDSCAPE BUFFER AT A HEIGHT OF NO MORE THAN THREE (3) FEET, THAN THE OWNER OF TAX PARCEL #3-30-11.09-29.02 (PRESENTLY OWNED BY MILFORD MINI-STORAGE, INC.) MAY TRIM AND MAINTAIN SAID LANDSCAPE BUFFER SO THAT IT DOES NOT EXCEED THREE (3) FEET IN HEIGHT.

GENERAL CONSTRUCTION PLAN NOTES

1. HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/91, CONTROL MONUMENTS. BENCHMARK - GPS IRON ROD ELEV. 18.85 (88 DATUM)

2. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA (800-282-8555) A MINIMUM OF THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION.

3. USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACK FILLING TRENCHES.

4. THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.

5. ALL VALVE CLOSURES AND CUT-INS SHALL BE COORDINATED WITH THE CITY. CITY OFFICIALS WILL CARRY OUT ALL NECESSARY VALVE CLOSURES. CONTRACTOR SHALL COORDINATE ISOLATION OF EXISTING WATER MAINS WITH THE CITY AND NOTIFY AFFECTED RESIDENTS AT LEAST 48 HOURS PRIOR TO CUT-IN.

6. PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.

7. CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES; AND ALONG ALL SEWER LATERALS AND FORCEMAIN. WIRE SHALL BE SECURED TO THE PIPE AND SHALL BE SECURELY BONDED TOGETHER AT ALL WIRE JOINTS WITH APPROVED WATERTIGHT CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BOXES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.

8. PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.

9. SHOP DRAWINGS FOR ANY ITEM(S) WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL PRIOR TO THE INSTALLATION OF THE ITEM(S).

10. ALL SANITARY SEWER MAINS AND FORCEMAINS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND ALL WATER MAINS SHALL HAVE A MINIMUM COVER OF 42 INCHES AS MEASURED FROM THE TOP OF PIPE TO PROPOSED GRADE. SEWER LATERALS SHALL HAVE A MINIMUM DIAMETER OF SIX (6) INCHES AND HAVE A MINIMUM COVER OF 36 INCHES.

11. THERE SHALL BE A MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS AND FORCEMAINS OF 10 FEET, AS MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 18 INCHES BETWEEN WATER MAINS AND SANITARY SEWER MAINS OR FORCEMAINS AT CROSSINGS. ONE FULL LENGTH OF WATER PIPE SHALL BE LOCATED SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE AT CROSSINGS.

12. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 12 INCHES BETWEEN ANY STORM DRAIN PIPE AND ANY WATER MAIN OR SEWER MAIN. IF 12 INCHES CANNOT BE MAINTAINED, A MINIMUM OF SIX (6) INCHES IS REQUIRED AND PROVISIONS SHALL BE MADE ACCEPTABLE TO THE CITY OF MILFORD FOR PROPERLY ENCASING THE PIPE IN CONCRETE.

13. ALL ROADWAYS ARE TO BE SWEPT FREE OF SEDIMENT ON A DAILY BASIS.

14. THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE. THE COST SHALL BE INCLUDED IN THE COST OF ITEMS BID.

15. IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OR WATER WILL OCCUR AFTER PAVING IS COMPLETE.

16. THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS, LATEST EDITION.

17. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE OWNER.

18. CONTRACTOR SHALL GRADE, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS OF CONSTRUCTION, INCLUDING PIPE INSTALLATION OR DITCH CONSTRUCTION. EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL SLOPES GREATER THAN 3:1.

19. A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE SHALL BE RESPONSIBLE FOR PERMANENTLY RE-ESTABLISHING ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.

20. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE SHORT TERM (DURING CONSTRUCTION) MAINTENANCE OF THE STORMWATER MANAGEMENT AND STORM SEWER SYSTEMS.

21. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE OF THE OPEN SPACE AND STORMWATER MANAGEMENT FACILITIES.

22. THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES INSTALLED WITHIN CITY RIGHT-OF-WAY, AND EASEMENTS DEDICATED TO THE CITY; AND, ALL STORM SEWER PIPES AND CATCH BASINS FULLY WITHIN CITY RIGHT-OF-WAY, AFTER ALL ITEMS HAVE PASSED CITY INSPECTION; AFTER THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPIES OF THE RECORD DRAWINGS; AFTER THE RIGHTS-OF-WAY HAVE BEEN DEEDED TO THE CITY; AND AFTER ALL THE WATER, SEWER, AND STORM SEWER ITEMS HAVE BEEN TRANSFERRED TO THE CITY BY BILL OF SALE.

23. SEWER AND WATER CAPACITY ARE NOT GUARANTEED UNTIL BUILDING PERMITS ARE ISSUED, ALL FEES ARE PAID, AND SUITABLE UTILITIES ARE IN PLACE FOR PROPER CONVEYANCE, TREATMENT, AND DISPOSAL.

24. PRELIMINARY APPROVAL FROM PLANNING COMMISSION SHALL BE VOID AFTER ONE (1) YEAR, UNLESS AN EXTENSION IS REQUESTED BY THE OWNER AND APPROVED FOR GOOD CAUSE BY THE PLANNING COMMISSION PRIOR TO THE DATE OF EXPIRATION.

25. 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.

26. FINAL APPROVAL FROM THE CITY SHALL BECOME VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERTAKEN WITHIN ONE (1) YEAR OF FINAL SITE PLAN APPROVAL, THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST A ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.

27. THE APPLICANT IS RESPONSIBLE TO ENSURE THAT ALL CITY AND/OR AGENCY CONSTRUCTION PERMIT APPLICATIONS HAVE BEEN COMPLETED, SUBMITTED, AND ALL APPLICABLE FEES HAVE BEEN PAID PRIOR TO COMMENCING CONSTRUCTION. THE CITY SHALL NOT BE HELD RESPONSIBLE FOR AN ANTICIPATED CONSTRUCTION START DATE THAT IS NOT MET DUE TO THE APPLICANT OR HIS/HER CONTRACTOR NOT HAVING MET THE CONSTRUCTION PERMITTING REQUIREMENTS.

28. AS A CONDITION OF THE APPROVAL OF THE CONSTRUCTION DRAWINGS, AND PRIOR TO THE START OF CONSTRUCTION, THE APPLICANT MAY BE REQUIRED TO ENTER INTO A FORMAL PUBLIC WORKS AGREEMENT WITH THE CITY AND TO POST A COMPLETION GUARANTY FOR ANY IMPROVEMENTS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY. THE GUARANTY SHALL BE IN AN AMOUNT EQUAL TO 150% OF THE COST OF THE IMPROVEMENTS AS ESTIMATED OR APPROVED BY THE CITY ENGINEER. THE GUARANTY SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN AN ESCROW ACCOUNT. THE PUBLIC WORKS AGREEMENT AND THE GUARANTY SHALL BE REVIEWED AND APPROVED BY THE CITY SOLICITOR. THE COMPLETION GUARANTY SHALL NOT BE RELEASED UNTIL A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE IMPROVEMENTS HAS BEEN SUBMITTED.

29. A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE AMOUNT OF THE COMPLETION GUARANTY PRIOR TO FINAL ACCEPTANCE OF THE IMPROVEMENTS AND RELEASE OF THE COMPLETION GUARANTY. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR. AN AGREEMENT REVIEWED AND APPROVED BY THE CITY SOLICITOR SHALL ACCOMPANY THE BOND AND SHALL DESCRIBE THE TERMS OF THE BOND.

30. UPON COMPLETION AND PRIOR TO THE RELEASE OF THE DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE TOWN ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS).. RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF ALL PROPERTY MONUMENTS/MARKERS; SEWER MANHOLE RIMS, PIPES SIZES & INVERTS' PUMP STATIONS' FORCE MAINS (INVERTS EVERY 50 FEET), CLEANOUTS, AIR RELEASE VALVES, AND GREASE TRAPS; ALL WATER VALVES, HYDRANTS, VAULTS, METER PITS, AND CURB STOPS; ALL STORM SEWER CATCH BASINS, MANHOLE RIMS, PIPE SIZES & INVERTS, AND ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE TOWN. RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROVED DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWING HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY AND OFF SITE OWNER'S ENGINEER. A CD SHALL ALSO BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2010 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL AND NAVD88 VERTICAL CONTROL.

31. THE CONTRACTOR SHALL NOTIFY THE CITY A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE. CITY OF MILFORD (302) 422-6616

32. THIS PLOT SUPERCEDES PB 121 PG 23 AND PB 111 PG 72.

33. NO ON-STREET PARKING SHALL BE ALLOWED THROUGHOUT THE ENTIRE DEVELOPMENT.

34. UPON RECORDATION OF THIS PLAT, THE CITY WILL HAVE THE RIGHT OF INGRESS AND EGRESS TO ALL MUTI-FAMILY AREAS FOR THE PURPOSE OF MAINTAINING UTILITIES AND FOR TRASH REMOVAL SERVICES.

35. THE HOMEOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR THE MAINTENANCE AND UPKEEP OF THE ALLEYS.

36. A BLANKET EASEMENT ACROSS THE APARTMENT LOTS SHALL BE DEDICATED TO THE CITY OF MILFORD FOR THE MAINTENANCE OF SEWER, WATER AND ELECTRIC INFRASTRUCTURE.

37. A 20' UTILITY EASEMENT, 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A STORM SEWER LINE OR STRUCTURE IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY.

TRAFFIC IMPACT STUDY RECOMMENDATIONS (OCTOBER 19, 2006)

1. THE DEVELOPER SHOULD ENTER INTO AN AGREEMENT WITH DELDOT TO FUND AN EQUITABLE PORTION OF THE IMPROVEMENT REQUIRED AT THE INTERSECTION OF MARSHALL ROAD AND ELKS LODGE ROAD/MCCOY AVENUE. THIS IMPROVEMENT INCLUDES THE CONSTRUCTION OF AN AUXILIARY RIGHT TURN LANE ON THE WESTBOUND ELKS LODGE ROAD APPROACH. ONE OTHER DEVELOPER (HEARTHSTONE MANOR II) IS RESPONSIBLE FOR THIS IMPROVEMENT AS WELL. THE DEVELOPER SHOULD COORDINATE WITH DELDOT ON THE IMPLEMENTATION AND EQUITABLE COST SHARING OF THIS IMPROVEMENT.

2. THE DEVELOPER SHOULD IMPROVE MARSHALL STREET FROM ELKS LODGE ROAD/MCCOY AVENUE INTERSECTION TO THE NORTHERN PROPERTY LINE/ACCESS POINT IN ORDER TO MEET DELDOT'S COLLECTOR ROAD STANDARDS AS NEARLY AS POSSIBLE. THESE STANDARDS INCLUDE TWO TWELVE FOOT LANES AND TWO EIGHT FOOT SHOULDERS. THE DEVELOPER SHOULD PROVIDE A BITUMINOUS CONCRETE OVERLAY TO THE EXISTING TRAVEL LANES, AT DELDOT'S DISCRETION. DELDOT SHOULD ANALYZE THE EXISTING TRAVEL LANES' PAVEMENT SECTION AND RECOMMEND AN OVERLAY THICKNESS TO THE DEVELOPER'S ENGINEER IF NECESSARY. (ALL IMPROVEMENTS PREVIOUSLY COMPLETED)

3. THE FOLLOWING BICYCLE AND PEDESTRIAN IMPROVEMENTS SHOULD BE INCLUDED:

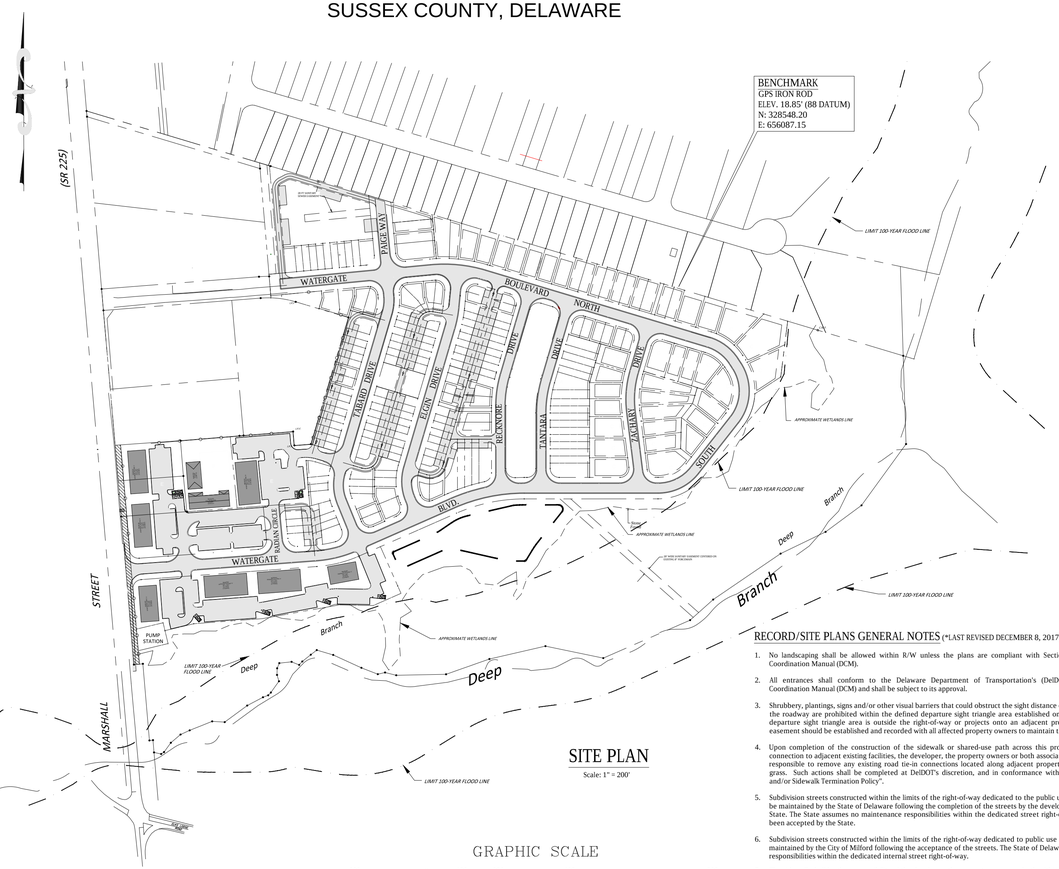
a. A MINIMUM OF A FIVE FOOT BICYCLE LANE (IN ADDITION TO ANY REQUIRED AUXILIARY LANES) SHOULD BE STRIPED ALONG THE SITE FRONTAGE ON MARSHALL STREET IN ORDER TO FACILITATE SAFE AND UNIMPEDED BICYCLE TRAVEL. (ALL IMPROVEMENTS PREVIOUSLY COMPLETED)

b. UTILITY COVERS SHOULD BE MOVED OUTSIDE OF THE THE DESIGNATED BICYCLE LANE OR BE FLUSH WITH THE PAVEMENT. (ALL IMPROVEMENTS PREVIOUSLY COMPLETED)

c. A MINIMUM OF A FIVE FOOT SIDEWALK (WITH A MINIMUM OF A THREE FOOT SETBACK FROM THE ROADWAY) THAT MEETS CURRENT AASHTO AND ADA STANDARDS SHOULD BE INCLUDED ALONG THE SITE FRONTAGES ON MARSHALL STREET.

d. ADA COMPLIANT CURB RAMPS AND CROSSWALKS SHOULD BE PROVIDED AT THE SITE ENTRANCES.

e. INTERNAL SIDEWALKS TO PROMOTE WALKING AS A VIABLE TRANSPORTATION ALTERNATIVE SHOULD BE INSTALLED, INCLUDING SIDEWALKS CONNECTING THIS DEVELOPMENT TO ADJACENT RESIDENTIAL DEVELOPMENTS.



SITE PLAN

Scale: 1" = 200'

GRAPHIC SCALE

200 0 100 200 400 800

(IN FEET)

1 inch = 200 ft.

RECORD/SITE PLANS GENERAL NOTES (*LAST REVISED DECEMBER 8, 2017)

1. No landscaping shall be allowed within R/W unless the plans are compliant with Section 3.7 of the Development Coordination Manual (DCM).

2. All entrances shall conform to the Delaware Department of Transportation's (DelDOT's) current Development Coordination Manual (DCM) and shall be subject to its approval.

3. Shrubbery, plantings, signs and/or other visual barriers that could obstruct the sight distance of a driver preparing to enter the roadway are prohibited within the defined departure sight triangle area established on this plan. If the established departure sight triangle area is outside the right-of-way or projects onto an adjacent property owner's land, a sight easement should be established and recorded with all affected property owners to maintain the required sight distance.

4. Upon completion of the construction of the sidewalk or shared-use path across this project's frontage and physical connection to adjacent existing facilities, the developer, the property owners or both associated with this project, shall be responsible to remove any existing road tie-in connections located along adjacent properties, and restore the area to grass. Such actions shall be completed at DelDOT's discretion, and in conformance with DelDOT's "Shared-Use Path and/or Sidewalk Termination Policy".

5. Subdivision streets constructed within the limits of the right-of-way dedicated to the public use shown on this plan are to be maintained by the State of Delaware following the completion of the streets by the developer to the satisfaction of the State. The State assumes no maintenance responsibilities within the dedicated street right-of-way until the streets have been accepted by the State.

6. Subdivision streets constructed within the limits of the right-of-way dedicated to public use shown on this plan are to be maintained by the City of Milford following the acceptance of the streets. The State of Delaware assumes no maintenance responsibilities within the dedicated internal street right-of-way.

7. The sidewalk shall be the responsibility of the developer, the property owners or both within this subdivision. The State of Delaware assumes no responsibility for the future maintenance for the sidewalk.

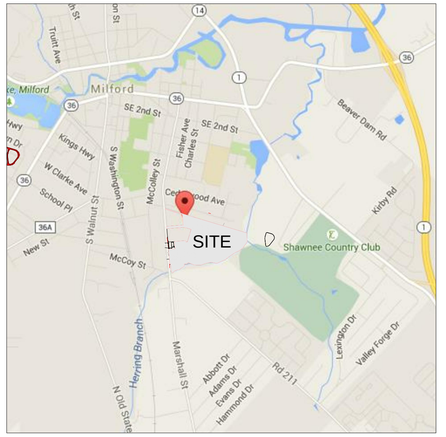
8. All lots shall have access from the internal subdivision street.

9. The developer shall be required to furnish and place right-of-way monuments on the dedicated subdivision street right-of-way in accordance with Section 3.2.4.1 of the Development Coordination Manual, and the requirements of the land use agency. Right-of-way monuments shall be placed along the right-of-way lines, at a minimum on one side of the street at each change in horizontal alignment to provide a permanent reference for the re-establishing the centerline and right-of-way line.

SCHEDULE OF AREA & BULK REGULATION FROM R-3 ZONING

R3 - ZONING	SINGLE FAMILY		DUPLEX		TOWNHOUSE		MULTI-FAMILY		SINGLE FAMILY COURT	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
TRACT STANDARDS										
TRACT AREA	7,500	N/A	7,500	N/A	1 Ac.	N/A	1 Ac.	N/A	N/A	N/A
REQUIRED MINIMUM OPEN SPACE	N/A	N/A	N/A	N/A	40%	N/A	40%	N/A	N/A	N/A
MAXIMUM Dus PER ACRE	6	N/A	12	N/A	12	N/A	16	N/A	N/A	N/A
MINIMUM LOT STANDARDS										
LOT AREA PER DU (SF)										
INTERIOR	7,500	4,000	3,750	1,700	2,000	1,200	2,500	1,200		4,000
CORNER	7,500								N/A	
STREET FRONTAGE PER DU (LF)	60	40	30	30		20	N/A	N/A	N/A	15
LOT WIDTH AT FRONT BLDG. LINE (LF)	60		60				50		N/A	
SETBACKS										
FRONT YARD (FEET)	30	5	30	5	25	0	12	0	N/A	5
SIDE YARD (FEET)										
ONE	8	5	8	5		0	12	5	N/A	5
INTERIOR					7					
EXTERIOR					30					
SUM OF BOTH	16	10	8	10	N/A	0	24	10	N/A	10
REAR YARD (FEET)*	15	15	15	5		5		5	N/A	5
MAXIMUM BUILDING HEIGHT										
HEIGHT (FEET)	<35	<35	<35	<35	<35	<35	<35	<35	N/A	<35
STORIES	3	3	3	3	3	3	3	3	N/A	3
MAXIMUM BLDG COVERAGE (% OF LOT)	45%	44%	45%	43%	60%	75%	20%	61%	N/A	25%
MINIMUM LOT DEPTH (FEET)		80	100	*60		60		75		80
MAXIUM UNITS WITH COMMON WALLS	N/A	N/A	2	2	8	11	12	12	N/A	N/A

* INDICATES A VARIANCE FROM R-3 ZONING REGULATIONS
DOES NOT INCLUDE DETACHED GARAGE



Location Map

Scale: 1" = 2000'

SITE DATA:

1. TOTAL AREA: 47.39± Ac.
2. CURRENT ZONING: R-3
3. PROPOSED ZONING: R-3 WITH PLANNED UNIT RESIDENTIAL DEVELOPMENT OVERLAY (PUD)
4. PROPOSED USE: PLANNED UNIT DEVELOPMENT
5. ELEVATION: NGVD 88
6. PUBLIC WATER AND SEWER PROVIDED BY THE CITY OF MILFORD
7. AREA OF WATERS OF THE U.S.: 14.39± Ac.
8. AREA OF EXISTING FOREST: 23.56± Ac.
9. AREA OF FOREST TO BE REMOVED: 7.45± Ac.
10. PROPOSED ROADS TO BE DEDICATED AND MAINTAINED BY THE CITY OF MILFORD
11. PROPOSED ALLEYS TO BE OWNED AND MAINTAINED BY HOMEOWNERS ASSOCIATION
12. ACCESS: SUBDIVISION STREETS
13. PONDS SHOWN ARE TO BE UTILIZED FOR STORMWATER MANAGEMENT, ALONG WITH ANY OTHER FACILITIES NEEDED TO MEET THE REQUIREMENTS OF DNREC.
14. CURB, SIDEWALK, AND STREET LIGHTING WILL BE PROVIDED WHERE APPROPRIATE.
15. PROPOSED DENSITY: 300/24.17 = 12.41 UNITS PER ACRE
16. ROAD RIGHT-OF-WAY AREA: 8.37± Ac. (17.7%)
17. ALLEY EASEMENT AREA: 1.26± Ac. (2.7%)
18. AREA OF STORMWATER MANAGEMENT (SWM) PONDS: 0.51± Ac. (1.1%)
19. TOTAL AREA OF OPEN SPACE
(INCLUDING PONDS, AND WETLANDS): 19.21± Ac. (40.54%)
MINIMUM RECREATIONAL OPEN SPACE: 400SF/UNIT X 300 = 2.75 Ac. REQUIRED
1.77 Ac. PROVIDED

CITY OF MILFORD ORDINANCE WAIVER REQUEST (PREVIOUSLY GRANTED):

1. CHAPTER 200 - SUBDIVISION OF LAND

200-6.D(3) - BLOCK WIDTHS SHALL BE NOT LESS THAN 275 FEET OR MORE THAN 450 FEET AND SHALL BE PLANNED TO PROVIDE TWO ROWS OF LOTS
200-6.E(7) - SIDE LOT LINES SHALL BE AT RIGHT ANGLES OR RADIAL TO STREET LINES.

NOTES:

1. THIS SURVEY DOES NOT CERTIFY TO THE LOCATION AND/OR EASEMENTS AND RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.

2. THE PROJECT OWNER AND/OR THE HOMEOWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE OF THE STORMWATER POND TO INCLUDE INSPECTION FOR DEBRIS AND SEDIMENT ACCUMULATION ON AN ANNUAL BASIS OR AS REQUIRED BY THE SUSSEX CONSERVATION DISTRICT IF A LESS FREQUENT INSPECTION IS REQUESTED.

RESIDENTIAL UNIT YIELD CALCULATIONS:

47.39± Ac. GROSS LOT AREA
15.17± Ac. LOT AREA IMPACTED BY WETLANDS OR FLOODPLAIN
32.22± Ac. NET LOT AREA
8.05± Ac. 25% OF NET AREA
24.17± Ac. *16 UNITS/ACRE* = 386 MAXIMUM UNITS ALLOWED
* ALLOWED DENSITY UNDER R-3 ZONING

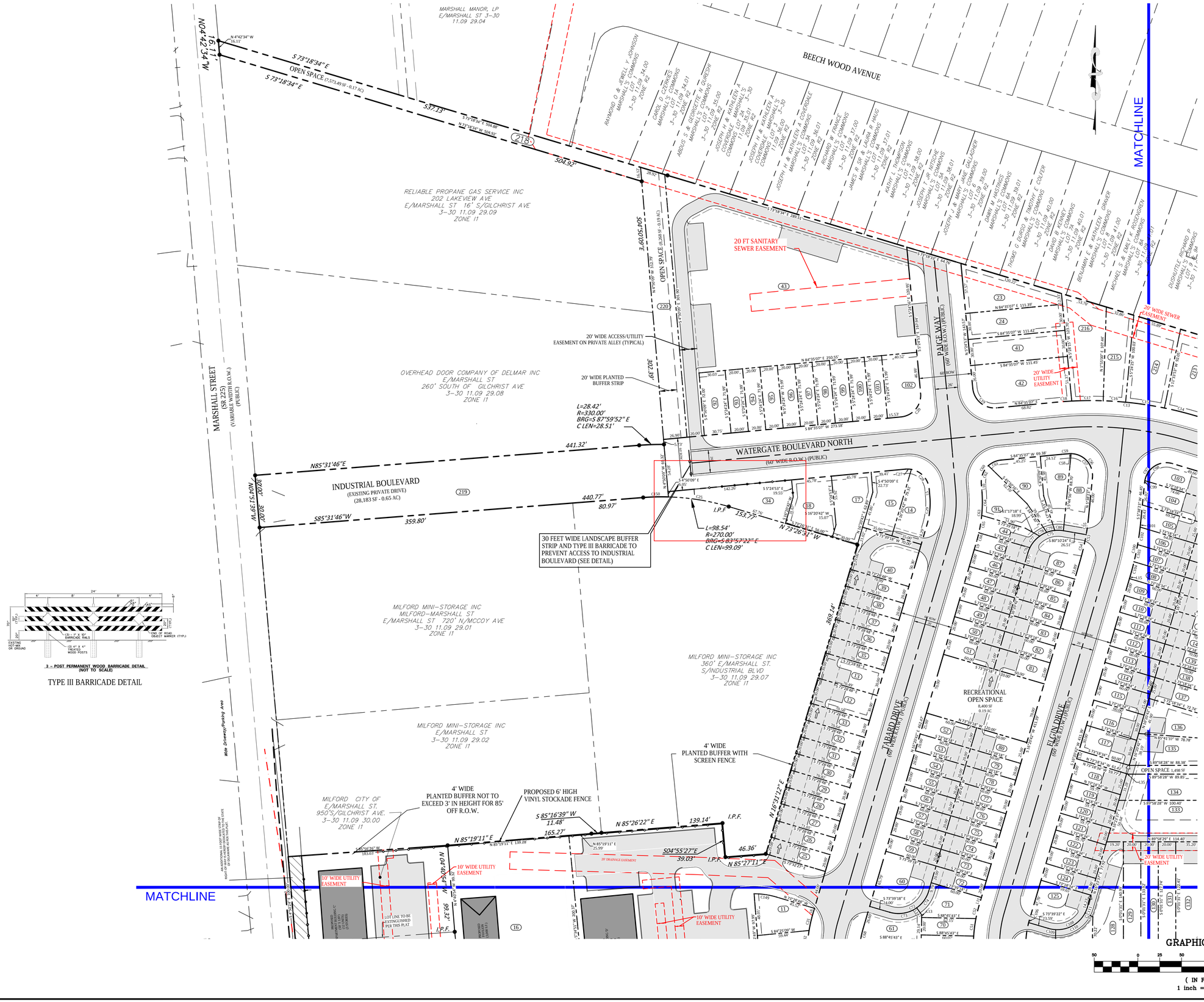
City Engineer Approval

CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE TOWN OF GEORGETOWN CONSTRUCTION STANDARDS AND SPECIFICATIONS FOR WATER, SEWER AND STREETS. THE OWNER AND HIS ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR DESIGN AND ACCURACY OF INFORMATION SHOWN HEREON.

SIGNATURE:_____ DATE:_____
ERIK F. RETZLAFF, P.E.

LOT DATA

Number of Lots	Number of Units	Unit Plan Designation	Unit Type	Off Street Parking (Provided)	Spaces Per Unit (Provided)
129	129	A	Townhouses	194	1.5
48	48	B	Duplex Homes	116	2.4
33	33	C	Single Family	106	3.2
1	10	D	Single Family Courts	26	2.6
3	80	E	Mansion Apartments


MARSHALL MANOR, LP
E/MARSHALL ST 3-30 11.09 29.04
BEECH WOOD AVENUE
MATCHLINE
RAYMOND O. & JERELL Y. JOHNSON
MARSHALL'S COMMONS
3-30 11.09 34.00
LOT 1
ZONE R2
CAROL L. CITRINITES
MARSHALL'S COMMONS
3-30 11.09 34.01
LOT 2
ZONE R2
ABDUS S. & GLORIETTE N. BORESH
MARSHALL'S COMMONS
3-30 11.09 35.00
LOT 3
ZONE R2
JOSEPH H. & KATHLEEN A. COVERDALE
COMMONS LOT 24
3-30 11.09 37.01
LOT 4
ZONE R2
JOSEPH H. & KATHLEEN A. COVERDALE
COMMONS LOT 25
3-30 11.09 36.00
LOT 5
ZONE R2
JOSEPH H. & KATHLEEN A. COVERDALE
MARSHALL'S 34
3-30 11.09 36.01
LOT 6
ZONE R2
RICHARD N. FRANCE
MARSHALL'S COMMONS
3-30 11.09 37.00
LOT 7
ZONE R2
JAMES T. SR. & LAURA P. HAUG
MARSHALL'S 44
3-30 11.09 37.01
LOT 8
ZONE R2
KATHY L. THOMPSON
MARSHALL'S COMMONS
3-30 11.09 38.00
LOT 9
ZONE R2
JOSEPH T. JR. HITCHENS
MARSHALL'S COMMONS
3-30 11.09 38.01
LOT 10
ZONE R2
JOSEPH T. & MARY JANE GALLAGHER
MARSHALL'S COMMONS
3-30 11.09 39.00
LOT 11
ZONE R2
DAWN M. MASTRONIS
MARSHALL'S COMMONS
3-30 11.09 39.01
LOT 12
ZONE R2
THOMAS C. DIPESO & TIMOTHY E. COLLIER
MARSHALL'S COMMONS
3-30 11.09 40.00
LOT 13
ZONE R2
DAVID B. KENNEY
MARSHALL'S COMMONS
3-30 11.09 40.01
LOT 14
ZONE R2
BENJAMIN E. & KATHLEEN GRAVER
MARSHALL'S COMMONS
3-30 11.09 41.00
LOT 15
ZONE R2
MICHAEL S. & EMILY K. ROSEGREEN
MARSHALL'S 84
3-30 11.09 41.01
LOT 16
ZONE R2
DUGOUTTLE, RICHARD P.
MARSHALL'S COMMONS
3-30 11.09 42.00
LOT 17
ZONE R2
RELIABLE PROPANE GAS SERVICE INC
202 LAKEVIEW AVE
E/MARSHALL ST 16' S/GILCHRIST AVE
3-30 11.09 29.09
ZONE I1
OVERHEAD DOOR COMPANY OF DELMAR INC
E/MARSHALL ST
260' SOUTH OF GILCHRIST AVE
3-30 11.09 29.08
ZONE I1
MILFORD MINI-STORAGE INC
MILFORD-MARSHALL ST
E/MARSHALL ST 720' N/MCCOY AVE
3-30 11.09 29.01
ZONE I1
MILFORD MINI-STORAGE INC
E/MARSHALL ST
3-30 11.09 29.02
ZONE I1
MILFORD MINI-STORAGE INC
360' E/MARSHALL ST.
S/INDUSTRIAL BLVD
3-30 11.09 29.07
ZONE I1
MILFORD CITY OF
E/MARSHALL ST.
950'S/GILCHRIST AVE.
3-30 11.09 30.00
ZONE I1
MARSHALL STREET
(SR 225)
(VARIABLE WIDTH R.O.W.)
(PUBLIC)
INDUSTRIAL BOULEVARD
(EXISTING PRIVATE DRIVE)
(28,183 SF - 0.65 AC)
WATERGATE BOULEVARD NORTH
(60' WIDE R.O.W.) (PUBLIC)
PAIGE WAY
(60' WIDE R.O.W.) (PUBLIC)
FABARD DRIVE
(60' WIDE R.O.W.) (PUBLIC)
ELGIN DRIVE
(60' WIDE R.O.W.) (PUBLIC)
OPEN SPACE (28,308 SF - 0.69 AC)
OPEN SPACE (7,573.49 SF - 0.17 AC)
RECREATIONAL
OPEN SPACE
8,400 SF
0.19 AC
OPEN SPACE 1,498 SF
20 FT SANITARY
SEWER EASEMENT
20' WIDE SEWER
EASEMENT
20' WIDE ACCESS/UTILITY
EASEMENT ON PRIVATE ALLEY (TYPICAL)
20' WIDE PLANTED
BUFFER STRIP
20' WIDE
UTILITY
EASEMENT
30 FEET WIDE LANDSCAPE BUFFER
STRIP AND TYPE III BARRICADE TO
PREVENT ACCESS TO INDUSTRIAL
BOULEVARD (SEE DETAIL)
4' WIDE
PLANTED BUFFER WITH
SCREEN FENCE
4' WIDE
PLANTED BUFFER NOT TO
EXCEED 3' IN HEIGHT FOR 85'
OFF R.O.W.
PROPOSED 6' HIGH
VINYL STOCKADE FENCE
10' WIDE UTILITY
EASEMENT
20' DRAINAGE EASEMENT
LOT LINE TO BE
EXTINGUISHED
PER THIS PLAT
PROPOSED
WATERGATE
CONDO'S
(3 STORIES)
PROPOSED
WATERGATE
CONDO'S
(3 STORIES)
Wide Driveway/Parking Area
AN ADDITIONAL 5 FOOT WIDE STRIP OF
RIGHT-OF-WAY DEDICATED TO THE STATE
OF DELAWARE AS PER THIS PLAT.
N 4°42'34" W
16.11'
S 73°18'34" E
537.13'
N 73°18'34" W 504.92'
S 73°18'34" E 289.81'
S 73°18'34" E 84.70'
S04°05'26"E
360.05'
N 4°05'09" W 302.39'
S 4°05'09" E 201.90'
N04°42'34"W
16.11'
N04°51'49"W
300.00'
S85°31'46"W
359.80'
N85°31'46"E
441.32'
440.77'
80.97'
N 73°26'31" W
153.77'
I.P.F.
L=98.54'
R=270.00'
BRG=S 83°57'22" E
C LEN=99.09'
L=28.42'
R=330.00'
BRG=S 87°59'52" E
C LEN=28.51'
N 16°31'12" E
369.14'
S 85°16'39" W
11.48'
N 85°26'22" E
139.14'
I.P.F.
N 85°19'11" E
165.27'
N 85°19'11" E 189.28'
S04°55'27"E
39.03'
46.36'
I.P.F.
N 85°27'11" E
S 85°26'26" W
183.03'
N 04°40'34" W
99.22'
I.P.F.
S 04°55'27" W 200.37'
N 85°19'11" E
25.99'
S 84°35'07" W 273.18'
N 84°35'07" E 250.55'
N 84°35'07" E 111.39'
S 84°35'07" W 111.42'
S 84°35'07" W 111.49'
N 84°35'07" E 68.82'
S 84°35'07" W 69.38'
S 84°35'07" W 69.38'
S 84°35'07" W 69.38

right to do so). The city's future land use map is largely a reflection of its understanding of likely growth and development. Wherever possible, the future land use attempts to anticipate likely changes. A key feature of the 2017 Comprehensive Plan Update is the "transition" future land use category.

The "transition" future land use designation, conceptually, helps with all three key considerations. It is straightforward and simple to see on the overall and neighborhood maps. It limits the potential need for plan amendments, in that each time a residential property requests rezoning to a commercial or industrial use, it will still be in compliance with the existing future land use map. It maintains flexibility in the identified areas. If and when properties petition for rezoning, procedural changes can be made to the zoning ordinance without it conflicting with the Milford Comprehensive Plan.

The transitional future land use classification has the added benefit of allowing the existing, largely residential uses, as by-right uses to ensure that existing property owners who wish to remain residential are not classified as non-conforming uses.

10-4. Land Use and Zoning

10-4a. Future Land Use Categories

Employment

The employment category is intended to serve as a primary location for a large employer to bring jobs and economic development to the city. Potential uses include schools and healthcare-related uses that would provide many jobs and services for the region. This land use category is similar to the H-1, IM, and IS zoning districts found in the Milford Zoning Ordinance.

Commercial

The commercial category allows for different levels of commercial development intensity. This category includes neighborhood commercial, central business district, highway development, office buildings, and medical services. The *Future Land Use and Urban Growth Boundary* map designates all commercial areas in one category, but the individual characteristics of each site would be considered before identifying the level of commercial development that is suitable for each property. Each level of commercial use differs by the size of the site and use intensity. This land use is similar to the C-1, C-2, C-2A, C-3, BP, OC-1, and H-1 zoning districts found in the Milford Zoning Ordinance.

Regular Highway Commercial for the city is located along major state transportation routes, including DE 1, US 113, Route 14 and Business 1.

Industrial

The industrial category is intended to serve as a primary location for light to moderate industrial and manufacturing uses. This land use is similar to the I-1 and I-2 zoning districts found in the Milford Zoning Ordinance.

Institutional

The institutional category includes government, civic, and community facilities such as libraries, schools, colleges, hospitals, medical facilities, community centers, places of worship, nursing homes, assisted living facilities, and other similar uses. Institutional uses may be found within residential, commercial, and employment areas.

Low Density Residential

The Low Density Residential District represents typical single-family detached dwellings and duplex development. These units receive full urban services. Other dwelling types may be allowed as part of a density bonus by providing additional open space and amenities of development or through a conditional use of a Planned Unit Development by Milford City Council. Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-1, R-2, C-1, and OB-1 zoning districts found in the Milford Zoning Ordinance.

Moderate-Density Residential

The Moderate Density Residential District represents typical single-family detached dwellings, attached single-family dwelling units, patio homes, duplexes, triplexes, quadplexes, townhomes/row houses, condominiums, apartments, and loft-style units. Availability of open space and walkable sidewalks are also key components. Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-3, R-8, C-1, and OB-1 zoning districts and the PUD conditional use for residential development found in the Milford Zoning Ordinance.

Transitional Commercial and Industrial Areas

These areas are designed to allow for a migration from residential to the underlying future land use categories depicted on the *Future Land Use and Urban Growth Boundary* map. There are two main transitional areas, commercial and industrial. The commercial transition areas are located along major roadways, including US 113 and Rehoboth Boulevard (Route 1A). The Industrial transition area is located along Route 14 between Routes 1A and 1.

The transitional areas will allow the property owners to maintain their current residential zoning until such time they wish to change their zoning to either commercial or industrial. This will allow the area to transition slowly along these corridors, without forcefully rezoning properties and potentially creating non-conforming properties and uses. Once the property owner changes the zoning of the property from residential to commercial or industrial, the property will remain industrial or commercial unless there is an amendment to the Milford Comprehensive Plan that would allow otherwise. The Comprehensive Plan will be reviewed again in five years, where the future land use exhibits can be updated to permanently show the properties that have transitioned from the residential categories to the more intense uses, and reduce the footprint of the transitional area on the maps.

Open Space

The Open Space category includes both existing open space owned by the city as well as the large area of open space located east of DE 1. Milford may elect to annex existing developed residential properties within the proposed Open Space future land use areas at the lowest intensity residential zoning category and provide services if deemed cost effective.

One of the recommendations of the Milford Comprehensive Plan is to prepare an Open Space Preservation Plan. Local governments and conservation groups offer many tools to preserve farmland and other open space. Some rely on the donation or sale of property development rights by a property owner, while other tools may include marketing assistance or protective planning and zoning. The primary goals of the Open Space designation east of DE 1 are the following:

- Promote the Transfer of Development Rights (TDR) – A TDR is a legal agreement that allows a developer who wants to build at a higher density than is permitted to purchase or trade for additional development rights from a willing seller who owns land in an area designated for preservation. The goal of the Open Space designation is to use the land as a sending area either into designated areas of the City of Milford or designated areas of Sussex County, thus protecting the open space area.
- Promote Conservation Easements – A conservation easement is a legal agreement between a landowner and a land trust or government agency whereby a landowner sells or donates the rights to develop his or her property to a conservation organization.
- Protective Rural Zoning – This type of zoning allows a very low density per acre. This is one of the most effective ways to protect rural and agricultural land and maintain a mass of land required to support agriculture economies without buying conservation easements.

- Purchase of Land – In the interest of Milford City Council to protect our recharge areas, funding could be used to protect our recharge areas and preserve open space.

10-4b. Land Use and Zoning Link

The link between land use and zoning is important because Title 22, Section 702(c) of the Delaware Code requires that Milford:

"…within 18 months of the adoption of a comprehensive development plan or revision thereof, amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan."

Table 27 shows the link between the future land use designations depicted on the *Future Landuse and Urban Growth Boundary* map and the zoning districts summarized in Table 28. Table 27 provides guidance as to the zoning districts that would be considered consistent with each land use designation.

Table 27. Land Use and Zoning Link

Future Land Use Designation	Corresponding Zoning District(s)
Employment	H-1 – Institutional Development
	IM – Institutional Medical
	IS – Institutional Service
Commercial	C-1 – Community Commercial
	C-2 – Central Business
	C-2A – Riverfront Development
	C-3 – Highway Commercial
	OC-1 – Office Complex
	BP – Business Park
	H-1 – Institutional Development
Industrial	I-1 – Limited Industrial
	I-2 – General Industrial
Institutional	Institutional uses may be permitted or conditionally permitted in residential, commercial, and employment zones

Future Land Use Designation	Corresponding Zoning District(s)
Low Density Residential	R-1 – Single Family Residential
	R-2 - Residential
	C-1 – Community Commercial
	OB-1 – Office Building
Moderate Density Residential	R-3 – Garden Apartment & Townhouse
	R-8 – Garden Apartment & Townhouse
	C-1 – Community Commercial
	OB-1 – Office Building
Open Space	Designed for preservation. Existing residential properties may be zoned R-1.

Disclaimer: Table 27 shows the relationship between the future land use designations depicted on the future land use map and the zoning districts summarized in Table 28. This table describes how Milford's zoning districts might match up with the land uses recommended on the future land use map. These match ups are intended as guidance for the Milford City Council to consider during the rezoning process. They are not intended to preclude the development of new zoning districts or revisions to the zoning ordinance, the subdivision ordinance, or any other land use regulations.

10-4c. Zoning Districts

The current zoning map depicts Milford's zoning districts, and Table 28 provides a list of the current zoning classifications.

As of the date of the plan adoption, Table 28 and the existing zoning exhibit represent a fixed period in time and Milford reserves the right to create new zoning categories and change property zonings as long as the intent of the Comprehensive Plan is upheld. This table and section is for informational purposes only.

Zoning is the chief means for implementing the Milford Comprehensive Plan, consisting of a written document and a series of maps. The maps show a number of districts or zones into which the municipality is divided to regulate the use of land. The document specifies the types of activities (uses) that can occur in each district either as a matter of right (in all circumstances) or under certain conditions (conditional uses). It also regulates building height, lot sizes, setbacks, yards and green space, the number and sizes of signs, and space for off-street parking. Some municipalities incorporate environmental protection standards in zoning ordinances, while others have stand-alone ordinances with cross-references to zoning standards.

Table 28. Milford Zoning Districts

Zoning District
BP – Business Park
R-1 – Single Family Residential
R-2 – Residential
R-3 – Garden Apartment & Townhouse
R-8 – Garden Apartment & Townhouse
C-1 – Community Commercial
C-2 – Central Business
C-2A – Riverfront Development
C-3 – Highway Commercial
H-1 – Institutional Development
IM – Institutional Medical
IS – Institutional Service
I-1 – Limited Industrial
I-2 – General Industrial
OB-1 – Office Building
OC-1 – Office Complex

Zoning works with subdivision regulations. Subdivision refers to the process of splitting up or assembling land for development. The regulations governing this process designate utility locations, street rights-of-way, open space, and common areas. They also outline the services, such as water, sewer, gas, and electricity and amenities that a developer must supply prior to sale of subdivided (or assembled) land.

Increasingly, the distinction between zoning and subdivision regulations is becoming blurred.

Development plan approvals cannot take place without making sure that plans are in compliance with zoning and subdivision codes. Over the past several years, a number of Delaware municipalities have consolidated subdivision and zoning regulations into a single land use code.

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

In an I-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

A. The purpose of an I-1 Limited Industrial District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas. Also, the purpose is to provide guidelines and performance standards which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.

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

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

(2) Light manufacturing, assembling, converting, altering, finishing, baking, cooking or any other type of processing or storage of an industrial nature for the production and/or distribution of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees.

(3) Wholesale storage, warehousing and distribution centers.

C. Conditional uses. All uses specified as conditional uses in the OC-1 and BP zoning districts and the following uses are permitted in the I-1 District, in accordance with the provisions within Article IX of this chapter:

(1) Airfields or airpark facilities.

(2) Mini-warehouses or public storage facilities.

(3) Radio-television facilities.

(4) Craft distillery and microbrewery establishments, provided that:

(a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.

(b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.

(c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.

(d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to

those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.

(e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.

(f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:

[1] Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

[2] Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

[3] Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.

[4] All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.

[5] The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.

[6] Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.

[7] Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

D. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the City Council.

(1) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen, fence or wall.

(2) In a planned industrial park or any lands designated as an I-1 District, no building/structure, accessory structure or sign shall be located closer than 200 feet to any nonindustrial district boundary.

(3) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.

(4) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(5) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

(6) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of the DNREC, State of Delaware.

(7) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.

(8) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.

(9) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.

E. Area regulations.

(1) Minimum lot area shall be two acres.

(2) Maximum lot coverage shall be 75%.

(3) Minimum lot width shall be 150 feet.

(4) Maximum building height shall be 50 feet.

(5) Minimum front yard setback shall be 75 feet.

(6) Minimum side yard setback shall be 40 feet.

(7) Minimum rear yard setback shall be 45 feet.

(8) 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 10 percent of the required rear and side yard of the lot 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 rear yard/lot area.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

[Ord. No. 2022-06, 1-24-2022]

ARTICLE XII Zoning Amendments

§ 230-58. Procedure.

A. The City Council may, from time to time, on its own motion or the motion of the Planning Commission or on petition by an owner, amend, supplement, change, modify or repeal the zoning regulations, restrictions and boundaries in a manner in accordance with the procedure provided.

B. All proposals for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the City Council, except those originating on motion of the Planning Commission, shall be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall study all proposals, whether originating with the Commission or otherwise, conduct a public hearing, after having given notice required for the agenda of the Commission, and report its findings and recommendations to the City Council.

C. The Planning Commission is granted the authority to require, as a condition to consideration of any proposal other than one originating with the City Council, that a petition be submitted accompanied by such maps, charts, sketches and other information as the Commission deems necessary for the proper and effective consideration of such proposal and to refuse to consider any proposal not complying with such requirement.

D. No proposed amendment, change, modification or repeal of any zoning regulation, restriction or boundary shall become effective until after a public hearing shall have been held by the City Council at which parties in interest and citizens shall have an opportunity to be heard. No hearing shall be held until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and 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:

(1) 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.

(2) The Planning Department shall provide notice to the general public of the public hearing 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.

(3) 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 pans for the proposal may be examined.

E. In case of an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.

F. If, after due consideration, a proposal is denied, such proposal shall not be eligible for reconsideration for a period of one year after final action by the City Council, except upon the favorable vote of 3/4 of the Planning Commission or City Council.

[Ord. No. 2022-06, 1-24-2022]

§ 230-59. Reserved.

§ 230-60. Fee.

A nonrefundable fee as set forth in § 230-57 shall accompany each application or petition, except for those petitions which have been initiated by the City Council or by the Planning Commission.

[Ord. No. 2022-06, 1-24-2022]

CITY OF MILFORD
NOTICE OF PUBLIC HEARING
Planning Commission Hearing: Tuesday, March 21, 2023 @ 6:00 p.m.
City Council Hearing: Monday, March 27, 2023 @ 6:00 p.m.

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 2023-12
Conditional Use Application of Milford Mini-Storage, Inc.
1.82 +/- acres of land located along the east side of Marshall Street
approximately 1,025 feet north of the McCoy Street intersection
Address: 609 Marshall Street Comprehensive Plan Designation: Industrial
Zoning District: I-1 (Limited Industrial District)
Present Use: Vacant Lot Proposed Use: Outdoor Storage
Tax Parcel: 3-30-11.09-029.01

WHEREAS, the applicant proposes to utilize a vacant parcel located at the southeast corner of the Marshall Street and Industrial Boulevard intersection for outdoor storage; and

WHEREAS, Chapter 230-16(C)(2) states "mini-warehouses or public storage facilities" are considered a conditional use subject to approval from City Council; and

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on March 21, 2023, at which time interested parties will publicly comment on the application; and

WHEREAS, Milford City Council will hold a Public Hearing on March 27, 2023, 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 Delaware State News on March 5, 2023 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 Milford Mini-Storage, Inc. to allow Outdoor Storage at 609 Marshall 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: March 13, 2023
Planning Commission Review & Public Hearing: March 21, 2023
City Council Public Hearing: March 27, 2023

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).

030123
Published*: Delaware State News 03-05-2023*

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 MILFORD MINI-STORAGE, INC.

Planning Commission Meeting: March 21, 2023

Application Number / Name	:	22-034 / Milford Mini-Storage, Inc.
Applicant	:	Milford Mini-Storage, Inc. 601 Marshall Street Milford, DE 19963
Owner	:	Same
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Industrial
Present Zoning District	:	I-1 (Limited Industrial District)
Present Use	:	Vacant Lot
Proposed Use	:	Outdoor Storage
Size and Location	:	1.82 +/- acres of land located along the east side of Marshall Street approximately 1,025 feet north of the McCoy Street intersection, addressed as 609 Marshall Street.
Tax Map & Parcel	:	3-30-11.09-029.01

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

PUBLIC WORKS FACILITY
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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
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STAFF REPORT
March 2, 2023

Application Number / Name	**:**	22-034 / Milford Mini-Storage, Inc.
Tax Map & Parcel	**:**	3-30-11.09-029.01
Size and Location	**:**	1.82 +/- acres of land located along the east side of Marshall Street approximately 1,025 feet north of the McCoy Street intersection, addressed as 609 Marshall Street.

I. BACKGROUND INFORMATION:

- The applicant proposes to utilize a vacant parcel located at the southeast corner of the Marshall Street and Industrial Boulevard intersection for outdoor storage. The property is located adjacent to an existing self-storage facility and there would be no interconnection between the two uses or properties. The proposed use would gain access via an existing gate and entrance located along Industrial Boulevard.

- Chapter 230-16(C)(2) states "mini-warehouses or public storage facilities" are a conditional use subject to special requirements set forth by City Council.

II. STAFF ANALYSIS:

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

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

  A. The presence of adjoining similar uses.

  The property is bound on the south and east by property owned by the applicant that is zoned I-1 Limited Industrial and contains an existing self-storage use. The property to the north, across Industrial Boulevard, is zoned I-1 Limited Industrial and contains a contractor's establishment use. The properties to the west, across Marshall Street, contain similar industrial uses and are zoned I-1 Limited Industrial.

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

The proposed use is allowed by conditional use approval within the C-3 Highway Commercial, I-1 Limited Industrial, and I-2 General Industrial zoning 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 Industrial. The proposed use is consistent with the land use plan for the Comprehensive Plan and the zoning code permits the use by conditional use approval from City Council.

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

The proposed use is immediately adjacent to an existing self-storage facility owned by the applicant. Screening is not proposed.

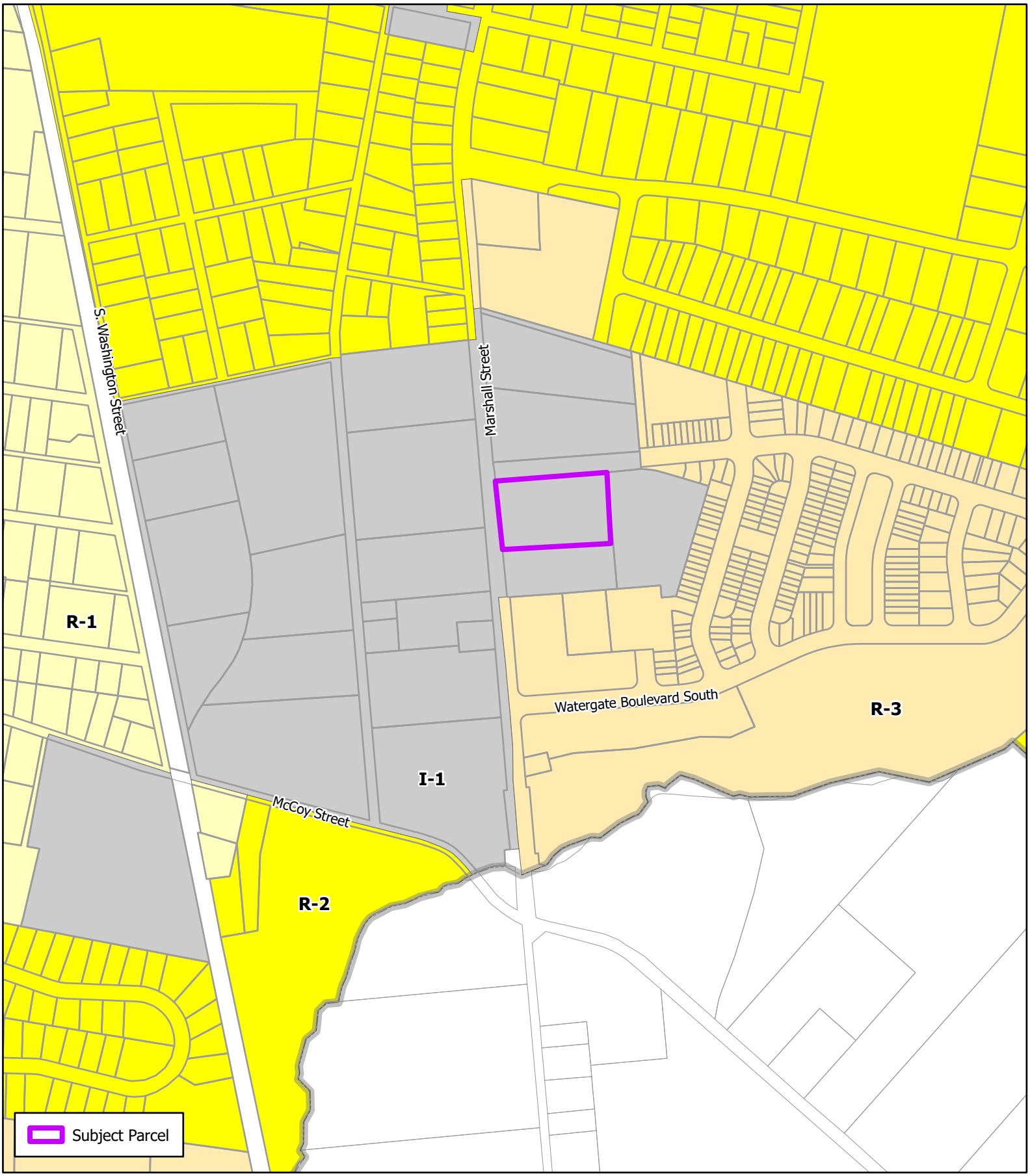
E. The use will not detract from permitted uses in the district.

The proposed use should not detract from other permitted uses in the district. The subject parcel is located within an established industrial area surrounded by other industrial uses. There is a moderate density residential housing development to the east, but it was approved and developed with the existing self-storage business already in place.

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

There appears to be no impact to traffic control, parking and setbacks related to the conditional use. Screening would not be warranted since the property is surrounded on two sides by an existing self-storage use and to the north by a contractor's establishment.

- If the Planning Commission and City Council decide to approve the amended conditional use application, staff recommends the following conditions be imposed on the application;
    - No additional buildings or impervious surfaces may be added as part of this approval. Any new improvements would require approval from the Planning Department prior to construction, which may or may not require a conditional use site plan review based on the provisions of Chapter 230 Zoning.



THE CITY of Milford DELAWARE

Scale: 0 240 480 Feet

Drawn by: WRP

Date: 12/21/22

Filepath: CU_MilfordMiniStorage.aprx

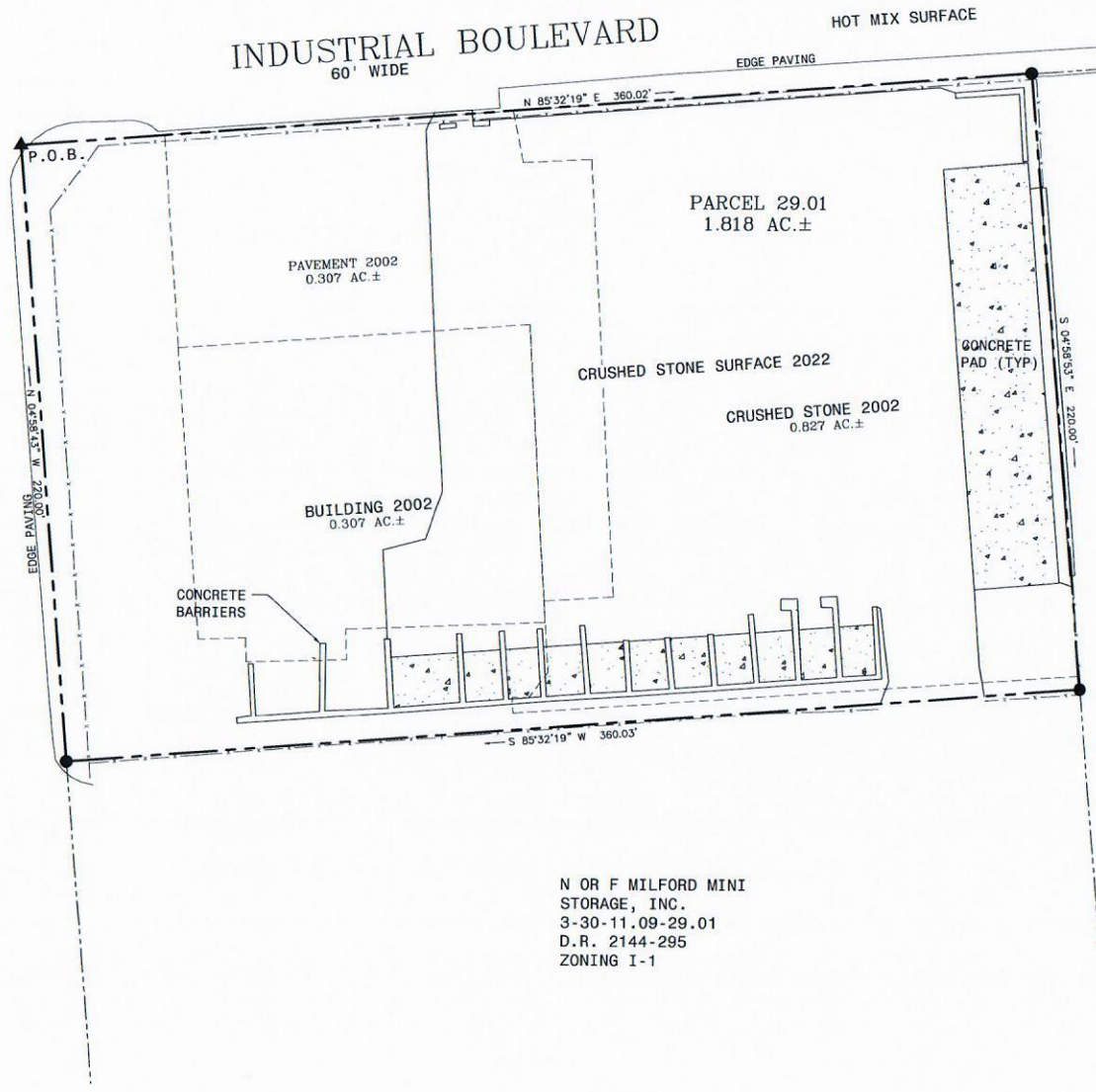
Title:

Conditional Use

Milford Mini Storage, Inc.

Location & Zoning Map

Warning: Original paper plans contain a raised impression of a professional seal. Original mylar plans contain a red ink stamp of a professional seal. Unauthorized copies may contain fraudulent, incorrect, erroneous or misleading information or omit important and relevant information. Do not use or rely on unauthorized copies.



DELAWARE COORDINATE SYSTEM OF 1983
NAD83(NA2011, EPOCH 2010)

COVERAGE COMPARISON	
SITE AREA	1.818 AC. ±
2022 COVERAGES	
CRUSHED STONE	0.861 AC.±
CONCRETE	0.165 AC.±
CONCRETE BLOCK	0.025 AC.±
TOTAL	1.051 AC.±
% COVERAGE	60.7%
2002 COVERAGES	
CRUSHED STONE	0.827 AC.±
PAVEMENT	0.307 AC.±
BUILDING	0.307 AC.±
TOTAL	1.441 AC.±
% COVERAGE	79.3%

N OR F MILFORD MINI
STORAGE, INC.
3-30-11.09-29.07
D.R. 2184-192
ZONING I-1

N OR F MILFORD MINI
STORAGE, INC.
3-30-11.09-29.01
D.R. 2144-295
ZONING I-1

LEGEND
- IRON PIPE FOUND
- NAIL SPIKE FOUND
- CHAIN LINK FENCE

GRAPHIC SCALE
0 30 60 90
SCALE 1" = 30'

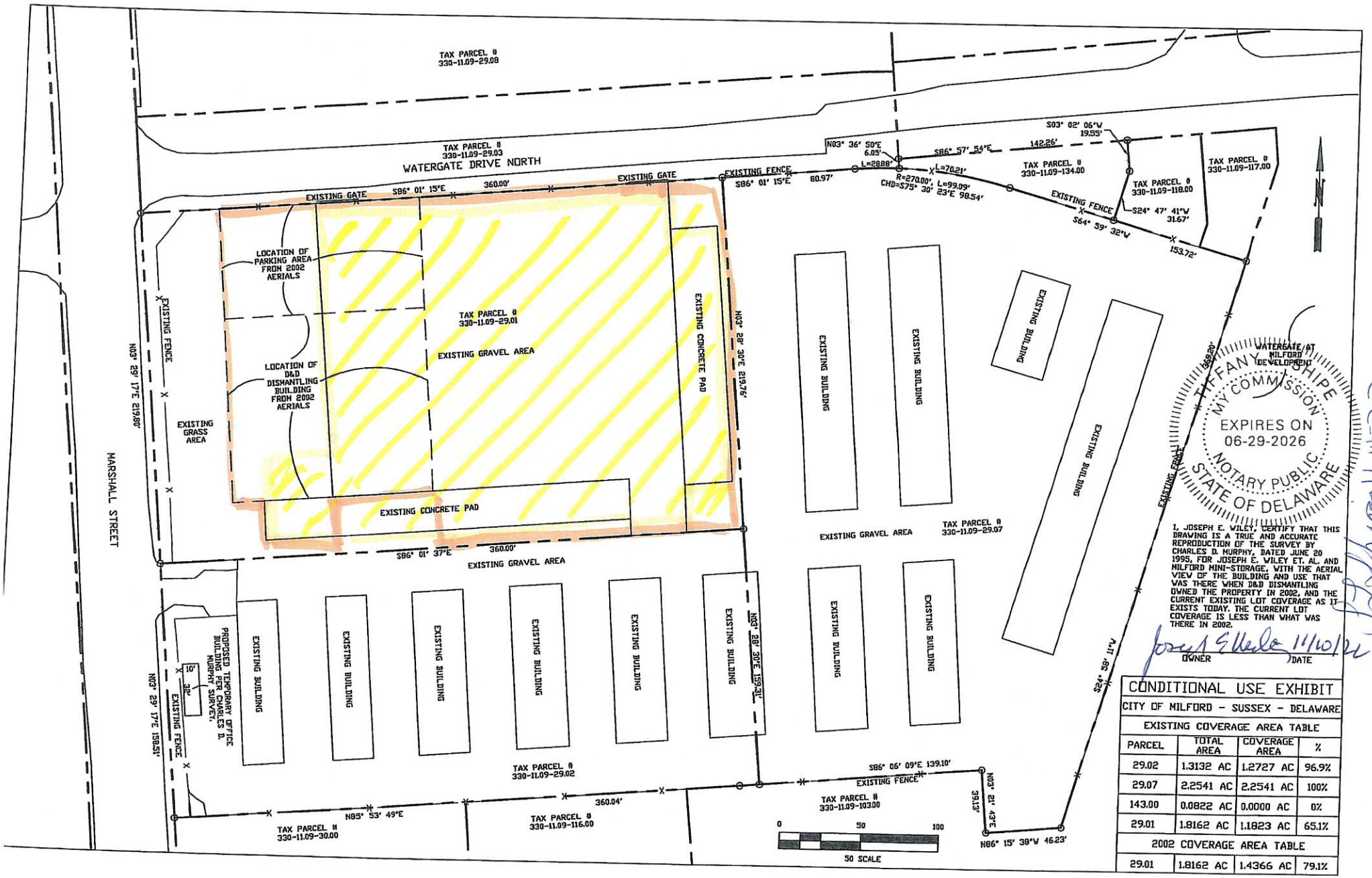
PROFESSIONAL LAND SURVEYOR DATE

BOUNDARY AND IMPROVEMENT SURVEY FOR:
609 MARSHALL STREET ALSO KNOWN AS

Lands of:
MILFORD MINI STORAGE, INC.

MERESTONE CONSULTANTS, INC.
ENGINEERS - PLANNERS - SURVEYORS
5215 WEST WOODMILL DRIVE
WILMINGTON, DE 19808
PH: 302-992-7900
FAX: 302-992-7911
33516 CROSSING AVE.
FIVE POINTS SQUARE UNIT 1
LEWES, DE 19958
PH: 302-226-5880

CITY OF MILFORD
SUSSEX COUNTY, DELAWARE
DATE: 11/16/2022
W.O.: 25701L
SCALE: 1"= 30'
F.B.: MSHIDNER DRAWN BY: RWN
T.M.: 3-30-11.09-29.01
DISK: 25701L



CONDITIONAL USE EXHIBIT

CITY OF MILFORD - SUSSEX - DELAWARE

EXISTING COVERAGE AREA TABLE

PARCEL	TOTAL AREA	COVERAGE AREA	%
29.02	1.3132 AC	1.2727 AC	96.9%
29.07	2.2541 AC	2.2541 AC	100%
143.00	0.0822 AC	0.0000 AC	0%
29.01	1.8162 AC	1.1823 AC	65.1%

2002 COVERAGE AREA TABLE

29.01	1.8162 AC	1.4366 AC	79.1%

Current use

2002 Aerial USE

TAX PARCEL # 330-11.09-29.08

TAX PARCEL # 330-11.09-29.03

WATERGATE DRIVE NORTH

EXISTING GATE

S86° 01' 15"E 360.00'

EXISTING GATE

EXISTING FENCE

S86° 01' 15"E 80.97'

N03° 36' 50"E 6.05'

L=28.88'

L=70.21'

R=270.00', L=99.09'

CHD=S75° 30' 23"E 98.54'

S86° 57' 54"E 142.26'

S03° 02' 06"W 19.55'

TAX PARCEL # 330-11.09-134.00

TAX PARCEL # 330-11.09-118.00

TAX PARCEL # 330-11.09-117.00

EXISTING FENCE

S24° 47' 41"W 31.67'

S64° 59' 32"W 153.72'

369.20'

WATERGATE AT MILFORD DEVELOPMENT

LOCATION OF PARKING AREA FROM 2002 AERIALS

LOCATION OF D&D DISMANTLING BUILDING FROM 2002 AERIALS

TAX PARCEL # 330-11.09-29.01

EXISTING GRAVEL AREA

EXISTING FENCE

N03° 29' 17"E 219.80'

EXISTING GRASS AREA

MARSHALL STREET

EXISTING CONCRETE PAD

N03° 28' 30"E 219.76'

EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

EXISTING FENCE

S24° 58' 11"E

EXISTING CONCRETE PAD

S86° 01' 37"E 360.00'

EXISTING GRAVEL AREA

TAX PARCEL # 330-11.09-07

EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

PROPOSED TEMPORARY OFFICE BUILDING PER CHARLES D. MURPHY SURVEY.

10'

32'

EXISTING FENCE

N03° 29' 17"E 158.51'

N03° 28' 30"E 159.31'

S86° 06' 09"E 139.10'

EXISTING FENCE

N03° 21' 43"E 39.13'

N86° 15' 38"W 46.23'

TAX PARCEL # 330-11.09-103.00

TAX PARCEL # 330-11.09-02

N85° 53' 49"E 360.04'

TAX PARCEL # 330-11.09-116.00

TAX PARCEL # 330-11.09-30.00

0 50 100

50 SCALE

TIFFANY L. SHIPE
MY COMMISSION EXPIRES ON 06-29-2026
NOTARY PUBLIC
STATE OF DELAWARE

I, JOSEPH E. WILEY, CERTIFY THAT THIS DRAWING IS A TRUE AND ACCURATE REPRODUCTION OF THE SURVEY BY CHARLES D. MURPHY, DATED JUNE 20 1995, FOR JOSEPH E. WILEY ET. AL. AND MILFORD MINI-STORAGE, WITH THE AERIAL VIEW OF THE BUILDING AND USE THAT WAS THERE WHEN D&D DISMANTLING OWNED THE PROPERTY IN 2002, AND THE CURRENT EXISTING LOT COVERAGE AS IT EXISTS TODAY. THE CURRENT LOT COVERAGE IS LESS THAN WHAT WAS THERE IN 2002.

Joseph E. Wiley 11/10/22
OWNER DATE

CONDITIONAL USE EXHIBIT

CITY OF MILFORD - SUSSEX - DELAWARE

EXISTING COVERAGE AREA TABLE

PARCEL	TOTAL AREA	COVERAGE AREA	%
29.02	1.3132 AC	1.2727 AC	96.9%
29.07	2.2541 AC	2.2541 AC	100%
143.00	0.0822 AC	0.0000 AC	0%
29.01	1.8162 AC	1.1823 AC	65.1%

2002 COVERAGE AREA TABLE

29.01	1.8162 AC	1.4366 AC	79.1%

Milford Mini-Storage Inc
601 Marshall Street
Milford, DE. 19963
302-249-4540

Milford Planning Department
Attn Rob Pierce

February 13. 2023

Rob,

I would like to apply for a standalone conditional use for tax parcel 330-11.09-29.01. We are asking for a conditional use to permit outdoor storage of recreational vehicles, campers, vehicles, portable storage units, equipment and other outdoor items, normally stored at mini-storage facilities.

We are asking that the conditional use cover our current graveled footprint.

We will keep this lot fenced in and will require our customers using this lot, to access it from the existing entrances off Industrial Boulevard.

Thank you,

Joseph Wiley, President
Milford Mini-Storage Inc.

CITY HALL
201 South Walnut Street
Milford, DE 19963
www.cityofmilford.com

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

June 20, 2018

MILFORD MINI STORAGE INC
PO BOX 196
MILFORD, DE 19963

PIN: 3 -30-11 .09- -029 .01-
CASE #: 18-10000243

To Whom It May Concern:

The Code Enforcement and Inspections Department was recently notified that the property located at **609 MARSHALL ST** in Milford, DE is in violation of the City of Milford Zoning Code, Chapter 230-16

On June 8, 2018, the City of Milford Code Official observed zoning violations for tax parcel number 3-30-11.09-029.01 located along the east side of Marshal Street approximately 500 feet north of Watergate Boulevard South. The subject property is located adjacent to the existing Milford Mini-storage property and was formerly used as a soil, mulch and landscape material depot. As shown in Exhibit A and Exhibit B, portable storage units have been placed on parcel 029.01, the common fence between this parcel and the existing mini-storage property has been removed, and large vehicles, trailers and boats are being stored on the property. Based on these observations, it appears that parcel 029.01 is being used as an expansion of the existing mini-storage use on adjacent tax parcels 3-30-11.09-029.02 and 29.07.

According to Chapter 230-16(D)(2) I-1 Limited Industrial, mini-warehouses or public storage facilities require conditional use approval from City Council. The property owner has not obtained approval from the City of Milford to utilize parcel 029.01 as a public storage facility and must vacate the use within 20 days receipt of this letter to avoid fines and penalties outlined in Chapter 230-56. The property owner has the right to appeal per Chapter 230-54(D) which states "any appeal from a decision or action of the Code Official that concerns this chapter shall be made directly to the Board of Adjustment."

Please be aware, based on Chapter 230-16(E)(15), "*all I-1 District projects and proposals are subject to site plan review by the Planning Commission.*"

Please correct the violation(s) listed above within ***twenty (20) days*** after the receipt of the notice. Failure to correct the violation(s) may result in the City of Milford assessing a fine of not less than $100.00 and not more than $500.00 **per day**, each day the violation exists.

If further clarification or appeal is desired, the applicant has the right to go before the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. The fee for the application for a Board of Appeals hearing shall be $300. The fee is to be paid at the time of application submittal, and shall be nonrefundable.

If you have any questions regarding this matter, please contact me at (302) 424-8396 Ext. 1314.

Sincerely,

Lendon W Dennis Jr.

Lendon W Dennis Jr.
Code Enforcement Officer
City Of Milford, DE
(302) 424-8396 x1314
ldennis@milford-de.gov

Exhibit A
Photograph from Watergate Boulevard North



Exhibit B



Photograph from Marshall Street

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

In an I-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

A. The purpose of an I-1 Limited Industrial District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas. Also, the purpose is to provide guidelines and performance standards which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.

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

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

(2) Light manufacturing, assembling, converting, altering, finishing, baking, cooking or any other type of processing or storage of an industrial nature for the production and/or distribution of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees.

(3) Wholesale storage, warehousing and distribution centers.

C. Conditional uses. All uses specified as conditional uses in the OC-1 and BP zoning districts and the following uses are permitted in the I-1 District, in accordance with the provisions within Article IX of this chapter:

(1) Airfields or airpark facilities.

(2) Mini-warehouses or public storage facilities.

(3) Radio-television facilities.

(4) Craft distillery and microbrewery establishments, provided that:

(a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.

(b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.

(c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.

(d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to

those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.

(e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.

(f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:

[1] Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

[2] Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

[3] Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.

[4] All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.

[5] The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.

[6] Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.

[7] Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

D. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the City Council.

(1) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen, fence or wall.

(2) In a planned industrial park or any lands designated as an I-1 District, no building/structure, accessory structure or sign shall be located closer than 200 feet to any nonindustrial district boundary.

(3) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.

(4) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(5) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

(6) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of the DNREC, State of Delaware.

(7) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.

(8) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.

(9) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.

E. Area regulations.

(1) Minimum lot area shall be two acres.

(2) Maximum lot coverage shall be 75%.

(3) Minimum lot width shall be 150 feet.

(4) Maximum building height shall be 50 feet.

(5) Minimum front yard setback shall be 75 feet.

(6) Minimum side yard setback shall be 40 feet.

(7) Minimum rear yard setback shall be 45 feet.

(8) 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 10 percent of the required rear and side yard of the lot 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 rear yard/lot area.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

[Ord. No. 2022-06, 1-24-2022]

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.

[Ord. No. 2022-06, 1-24-2022]

§ 230-47. Application and approval procedures.

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

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

C. 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.

[Ord. No. 2022-06, 1-24-2022]

§ 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.

[Ord. No. 2022-06, 1-24-2022]

§ 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. 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. 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 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.

[Ord. No. 2022-06, 1-24-2022]

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, March 21, 2023 @ 6:00 PM
City Council Hearing: Monday, March 27, 2023 @ 6:00 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, March 21, 2023 at 6:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, March 27, 2023 at 6:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2023-14
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #14
SOUTHERN STATES MILFORD COOPERATIVE, INC.
MD-16-182.00-01-03.00

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 January 25, 2023, the Planning Director prepared and consulted with the Office of State Planning the fourteenth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use Maps, which will permit the future land use designation change of Kent County Tax Parcel MD-16-182.00-01-03.00 from Industrial to Commercial; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the fourteenth 2018 Comprehensive Plan amendment on March 21, 2023 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 fourteenth amendment of the 2018 Comprehensive Plan on March 27, 2023 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

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

Section 1. Purpose: The 2018 Comprehensive Plan is hereby amended to modify the Future Land Use Maps.

Section 2. The Future Land Use of Kent County Tax Parcel MD-16-182.00-01-03.00 owned by Southern States Milford Cooperative, Inc. is hereby changed from Industrial to Commercial.

Section 3. Dates.

Planning Commission Review & Public Hearing: March 21, 2023
City Council Introduction: March 13, 2023
City Council Review & Public Hearing: March 27, 20023

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

030123
Published: *Delaware State News 03-05-2023*

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 2023 COMPREHENSIVE PLAN AMENDMENT

SOUTHERN STATES COOP, INC.

Planning Commission Meeting: March 21, 2023

City Council: March 27, 2023

Ordinance Number	:	2023-14
Applicant	:	Southern States Coop, Inc. 6606 West Broad Street Richmond, VA 23230
Application Type	:	Comprehensive Plan Future Land Use Map Amendment
Present Comprehensive Plan Map Designation	:	Industrial
Proposed Comprehensive Plan Map Designation	:	Commercial
Tax Map & Parcel(s)	:	MD-16-182.00-01-03.00

ENC: Staff Analysis Report
PLUS Comments
Exhibit A – Comprehensive Plan Amendment
Ordinance 2023-14

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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
March 2, 2023

Ordinance Number	**:**	2023-14
Application Type	**:**	Comprehensive Plan Future Land Use Map Amendment

I. BACKGROUND

- The City received a request from the owner of Kent County Tax Parcel MD-16-182.00-01-03.00 to change the Comprehensive Plan Future Land Use classification for the property from Industrial to Commercial.

- Comprehensive plan 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 included in the City Council packet under correspondence on January 9, 2023. The PLUS meeting for this amendment request was held on January 25, 2023 and a copy of the PLUS comments dated February 22, 2023 are enclosed.

II. STAFF ANALYSIS

- The Commercial Future Land Use category allows for different levels of commercial development intensity. This category includes neighborhood commercial, central business district, highway development, office buildings, and medical services. The individual characteristics of each site should be considered before identifying the level of commercial development suitable for the property. The land use would allow the C-1, C-2, C-2A, C-3, BP, OC-1 and H-1 zoning districts.

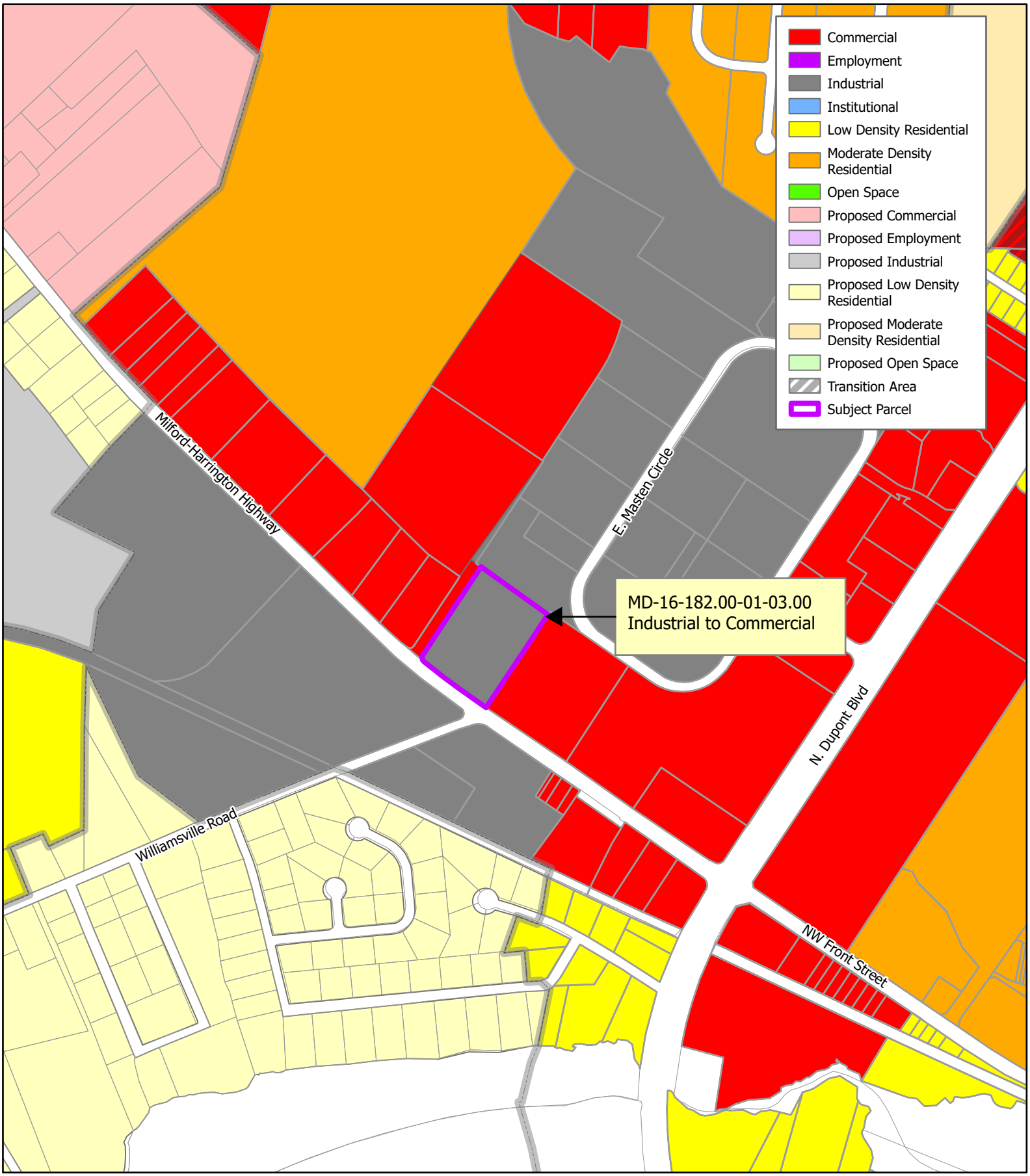
- Per the 2018 Comprehensive Plan, Chapter 10, regular Highway Commercial for the City is located along major State transportation routes, including DE 1, US 113, Route 14 and Business 1.

- The subject parcel is located along Route 14/Milford-Harrington Highway which is a minor arterial road per DelDOT's functional classification map.

- The subject parcel is bound on the east and west by properties designated Commercial future land use in the 2018 Comprehensive Plan and zoned C-3 Highway Commercial. The property to

the north is identified as Industrial future land use and currently zoned I-1. The parcels along the south side of Milford-Harrington Highway are identified as Industrial future land use and zoned I-1.

- Enclosed in the packet is a copy of the PLUS comments dated February 22, 2023. There are no significant comments from State agencies regarding the change in land use designation for this property.



THE CITY of Milford DELAWARE

Scale: 0 360 720 Feet

Drawn by: WRP

Date: 12/28/22

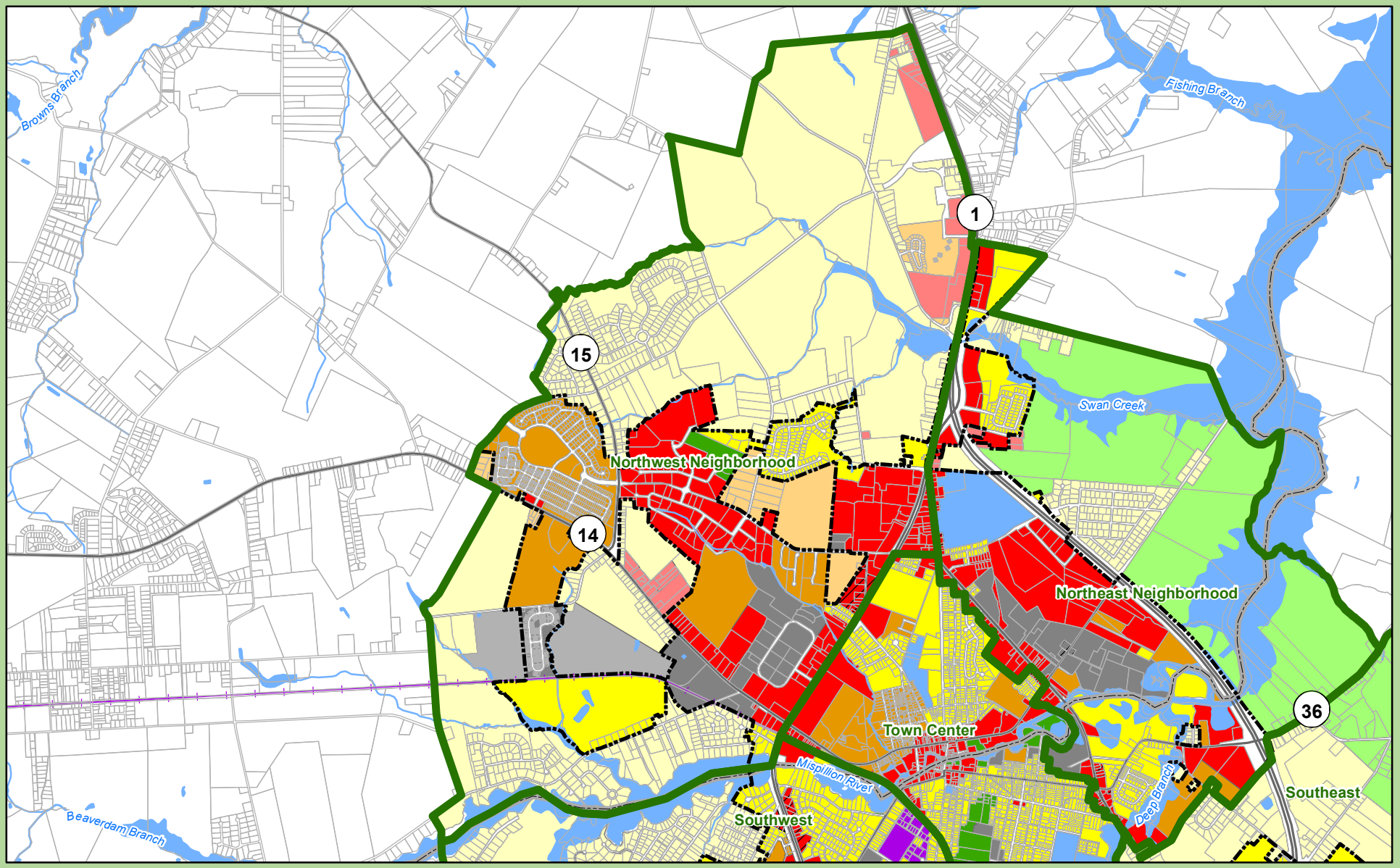
Filepath: 2023_CompPlanAmendment_ExhibitA.aprx

Title:

Exhibit A

2023 Comprehensive Plan Map Amendment

Future Land Use Map



Neighborhoods

Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition Area
- Municipal Boundary
- County Boundaries
- State Parcels
- Routes
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use

Northwest Neighborhood

Adopted Jan. 22, 2018, Certified TBD

0 0.2 0.4 0.8 1.2 1.6 Miles

Sources:

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

Note:This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.

THE CITY of Milford DELAWARE

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DAVIS BOWEN & FRIEDEL, INC.

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Jamie L. Sechler, P.E.

December 21, 2022

City of Milford – Public Works Facility
180 Vickers Drive
Milford, DE 19963

Attn: Rob Pierce, Planning Director

RE: **Comprehensive Plan Amendment**
Tax Parcel No: 5-16-182.00-01-03.00
Property Address: 252 Milford Harrington Highway, Milford, DE 19963
DBF #0820B001

Dear Mr. Pierce,

On behalf of the owner of the above refenced parcel, Southern States Milford Cooperative, Inc, and as discussed with your office, we respectfully request an amendment to the future land use map of the 2018 Comprehensive plan to change the land use from Industrial to Commercial to allow retail sales for a future farm supply store. The amendment would be consistent with the two adjacent properties to the east and west.

Owner Signature:

Gary Rhodes
Southern States General Manager

If you have any questions or need additional information, please do not hesitate to contact me at (302) 424-1441 or cdm@dbfinc.com.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.

Cliff Mumford, P.E.
Associate

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

February 22, 2023

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

RE: PLUS review – 2023-01-06; Milford Comprehensive Plan Amendment – Southern States

Dear Mr. Pierce,

Thank you for meeting with State agency planners on January 25, 2023 to discuss the proposed City of Milford comprehensive plan amendment. According to the application, the City intends to amend the future land use map in the comprehensive plan to change one parcel (MD-16-182.00-01-03.00) from Industrial 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.

This office has received the following comments from State agencies:

Office of State Planning Coordination (OSPC) – Contact: Joshua Thomas 302-739-3090

The property for the proposed comprehensive plan amendment is located within Investment Level 1 according to the 2020 Strategies for State Policies and Spending. It is located within the municipal boundary of the City of Milford.

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. Future development on this site in Level 1 is consistent with the 2020 Strategies for State Policies and Spending; therefore, the Office of State Planning Coordination has no objections to this comprehensive plan amendment provided it is adopted through the City of Milford's local process.

The application mentions a Southern States farm supply store, but a site plan is not included in this review. If the plan amendment is adopted, a subsequent rezoning occurs,

and the future site plan meets the criteria in Milford's Memorandum of Understanding (MOU) with OSPC, a PLUS review for the site plan will be required.

Department of Transportation – Contact Stephen Bayer 302-760-4834

- DelDOT has no comments on the proposed amendment. DelDOT notes that should the parcels involved be developed in the future they will still need to apply for any applicable reviews and/or permits.

Department of Natural Resources and Environmental Control – Contact Clare Quinlan 302-735-3495

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project 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.

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

Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

DEMA has no objections to the amendment of the comprehensive plan. The following recommendations apply only if construction occurs.

Proposed Project Parcel Flood Concern

- This parcel is located within an area of **Minimal Flood Concern of 1000 years**.

Parcel Status within County Evacuation Zone Location

- The parcel itself is not located within Kent County Evacuation Zone, though across the street to the south of Williamsville Road is Kent County Evacuation Zone D.

Parcel Status within the 10-mile Emergency Planning Zone (EPZ) for the Salem Nuclear Power Plant

- The parcel **is not** located within the 10-mile EPZ for the Salem Nuclear Power Plant.

Population

- The county has a population density of 310.20 per square mile based on the US 2020 Census report: an increase from 2010 at 271.30 persons per square mile.
- The specific census block the project is located on has a total population of 6, though with development, this will undoubtedly change.
- The adjacent blocks aggregate brings the area to a total population of 561.

FEMA National Risk Index

- The FEMA National Risk Index is an online mapping application that identifies communities most at risk to 18 natural hazards: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hail, Heat Wave, Hurricane, Ice Storm, Landslide, Lightning, Riverine Flooding, Strong Wind, Tornado, Tsunami, Volcanic Activity, Wildfire, and Winter Weather. The FEMA National Risk Index is calculated by multiplying the Expected Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.



- According to FEMA's National Risk Index, the parcel **is** considered **relatively low** for overall natural hazards risks.
- Community Resilience is a consequence reduction risk component and a community risk factor that represents the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions and withstand/recover rapidly from disruptions. Social Vulnerability is a consequence-enhancing risk factor that represents the susceptibility of social groups to the adverse impacts of natural hazards.
- Its community resilience and social vulnerability are rated as **relatively high**.

Renewable Energy Commitment

- Regarding energy use and consumption, the parcel utilizes electricity as the predominant fuel type for heating purposes.
- DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities. Regarding utilities, DEMA suggests incorporating 90%

series furnaces/HVAC systems; the closer to 99%, the better, as well as A/C units of 20 Seer or greater. DEMA recommends using tankless water heaters, and battery backup systems for sump pumps to reduce potential water damage from power failure.

- Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roofs where applicable and allowable, and the like.

State Historic Preservation Office – Contact Carlton Hall 302-736-7400

- There are no known archaeological sites or known National Register listed or eligible properties on the parcel.

- Historic maps do not indicate any historic structures immediately associated with the parcel in question. However, as the parcel is located adjacent to a historic road, there is still medium potential for historic sites in the parcel. In addition, as the project area contains moderate to well drained soils but has a less than ideal proximity to fresh water, the potential for precontact archaeological resources is medium. Despite the medium probability for historic and precontact archaeological resources, significant disturbance in the parcel related to industrial activity has likely disturbed any intact archaeological resources in the project area.

- This office has no archaeological concerns related to the parcel in question.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- The Office of the State Fire Marshal has no comment on this Comprehensive Plan amendment.

Once the amendment is voted on by Planning and Zoning and/or City Council, please forward a copy of the decision regarding the amendment to this office for our files. Thank you for the opportunity to review this amendment. 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, March 21, 2023 @ 6:00 p.m.
City Council Hearing: Monday, March 27, 2023 @ 6:00 p.m.

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 2023-16

Legal Owner Southern States Milford Coop, Inc. for a Change of Zone from
I-1 (Limited Industrial) to C-3 (Highway Commercial)
on 4.959 +/- acres of land located along the north side of
Milford-Harrington Highway at the intersection of Williamsville Road
Present Use Vacant Proposed Use Retail Sales
Tax Map & Parcel MD-16-182.00-01-03.00

WHEREAS, the equitable owners of the property, as described herein, have petitioned the City of Milford Planning and Zoning Office for a Change of Zone from I-1 to C-3, to permit Retail Sales on 4.959 +/- acres of land located along the north side of Milford-Harrington Highway at the intersection of Williamsville Road; and

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

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on March 21, 2023, at which time interested parties will publicly comment on the application; and allowing an informed recommendation to be forwarded to City Council; and

WHEREAS, Milford City Council will hold a Public Hearing on March 27, 2023, allowing for additional public comment, after which City Council will make a final determination on the application; and

WHEREAS, as required by Chapter 230, the Public Notice was published in the Delaware State News on March 5, 2023 and provided to property owners within 200 feet of the subject parcel; and

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

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

Section l. The adoption of this Ordinance hereby grants Legal Owner Southern States Milford Coop, Inc. a Change of Zone from I-1 to C-3 on 4.959 +/- acres of land located along the north side of Milford-Harrington Highway at the intersection of Williamsville Road, Sussex County, Milford, Delaware, Tax Map & Parcel MD-16-182.00-01-03.00.

Section 2. Any future use of the property must comply with the City Zoning Code §230-12. C-3 (Highway Commercial) District.

Section 3. Scheduled Dates.
City Council Introduction: Monday, March 13, 2023
Planning Commission Review & Public Hearing: Tuesday, March 21, 2023
City Council Public Hearing: Monday, March 27, 2023
Effective: Ten (10) Days following Adoption

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

Advertised*: Delaware State News 03-05-2023*

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 SOUTHERN STATES MILFORD COOPERATIVE, INC.

Planning Commission Meeting: March 21, 2023

Application Number / Name	:	23-002 / Southern States Milford Coop, Inc.
Applicant	:	Southern States Milford Cooperative, Inc. 7308 Williamsville Road Milford, DE 19963
Owner	:	Same
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Commercial (pending adoption of Ordinance 2023-14)
Present Zoning District(s)	:	I-1 (Limited Industrial)
Proposed Zoning District(s)	:	C-3 (Highway Commercial)
Present Use	:	Vacant
Proposed Use	:	Retail Sales & Equipment Repair
Size and Location	:	4.959 +/- acres of land located along the north side of Milford-Harrington Highway at the intersection of Williamsville Road.
Tax Map & Parcel(s)	:	MD-16-182.00-01-03.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Preliminary Plans

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

STAFF REPORT
March 2, 2023

Application Number / Name	**:**	23-002 / Southern States Milford Coop, Inc.
Size and Location	**:**	4.959 +/- acres of land located along the north side of Milford-Harrington Highway at the intersection of Williamsville Road.
Tax Map & Parcel(s)	**:**	MD-16-182.00-01-03.00

I. BACKGROUND INFORMATION:

- The applicant proposes to develop the above referenced vacant parcel into a retail sales and equipment repair business for Southern States. The applicant is requesting to rezone the property from I-1 (Limited Industrial) to C-3 (Highway Commercial).

- The application is dependent on the adoption of Ordinance 2023-14 to change the future land use of the property from Industrial to Commercial in the 2018 Comprehensive Plan Future Land Use Maps.

- The project would be subject to site plan review with the Planning Commission under a separate application.

II. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request to amend the Zoning Map:

- The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps, pending the adoption of Ordinance 2023-14. The Future Land Use designation for the property is Commercial, for which C-3 (Highway Commercial) is a suitable zoning designation. See attached Land Use & Zoning Link table from the comprehensive plan document.

- Per the 2018 Comprehensive Plan, the Commercial Future Land Use category allows for different levels of commercial development intensity. This category includes neighborhood commercial, central business district, highway development, office buildings, and medical services. The individual characteristics of each site should be considered before identifying the level of commercial development suitable for the property. The land use would allow the

C-1, C-2, C-2A, C-3, BP, OC-1 and H-1 zoning districts. Highway Commercial should be considered along major State transportation routes, including DE 1, US 113, Route 14 and Business 1.

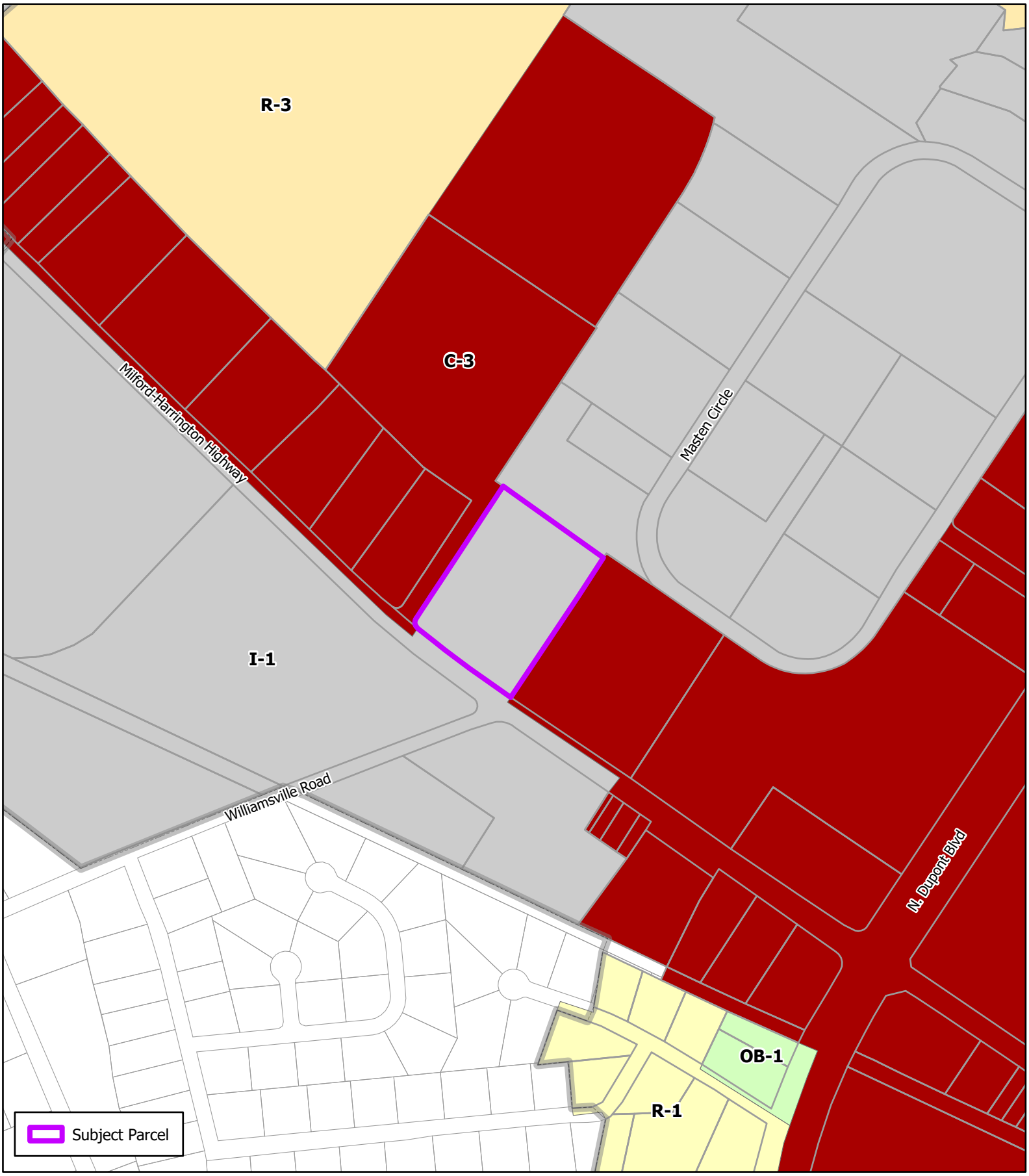
- The subject parcel is located along Route 14/Milford-Harrington Highway which is a minor arterial road per DelDOT's functional classification map.

- Chapter 230 states, 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.

- Any future use of the property must comply with Chapter 230 and the C-3 (Highway Commercial District) zoning use and area regulations. Enclosed is a copy of the current permitted and conditional uses within the C-3 District.

III. AGENCY COMMENTS:

- DelDOT – No comments solicited
- Kent Conservation District – No comments solicited.
- State Fire Marshall – No comments solicited.



THE CITY of Milford DELAWARE

Scale: 0 240 480 Feet

Drawn by: WRP

Date: 03/06/23

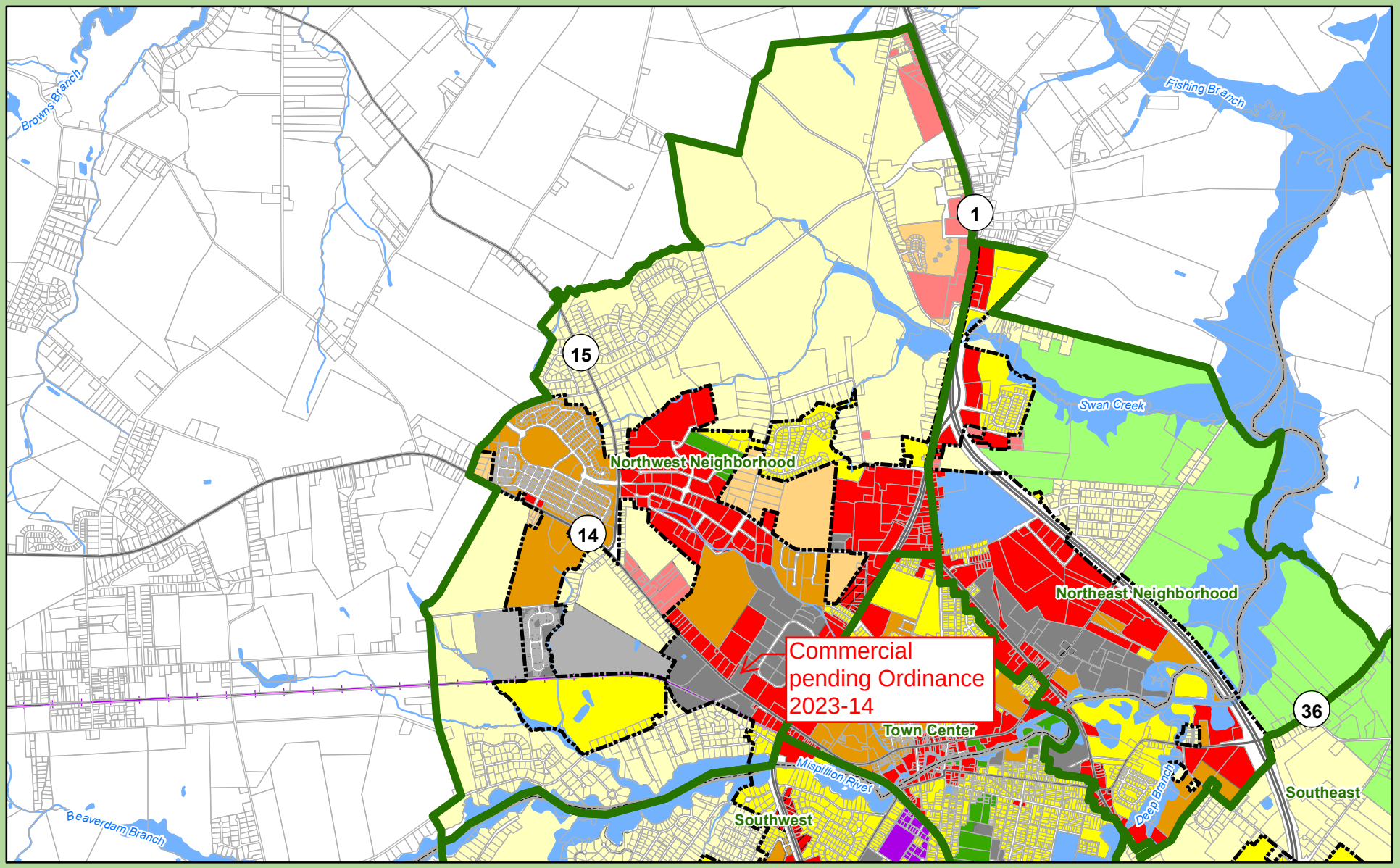
Filepath: COZ_SouthernStates.aprx

Title:

Change of Zone

Southern States Milford Coop, Inc.

Location & Zoning Map



Neighborhoods

Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition Area
- Municipal Boundary
- County Boundaries
- State Parcels
- Routes
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use

Northwest Neighborhood

Adopted Jan. 22, 2018, Certified TBD

0 0.2 0.4 0.8 1.2 1.6 Miles

Sources:

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

Note:This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.

THE CITY of Milford DELAWARE

UNIVERSITY OF DELAWARE

www.ipa.udel.edu

institute for Public Administration

S 55°52'13" E 398.33'

IRCF

15" UTILITY POLE

EX-OHE

EX. 6' BARBWIRE CHAIN LINK FENCE

ELECTRICAL BOX

CONCRETE PAD

DRIVEWAY

30" STEEL UTILITY POLE #106

15" UTILITY POLE

N 33°18'54" E 507.16'

LANDS N/F
L.P.J. PROPERTIES
MD-16-173.00-01-15.00
S-40-96

LANDS N/F
DIAMOND STATE TELEPHONE
MD-16-183.00-01-16.00
M-28-424

S 33°06'26" W 545.00'

EX-10W

EX-8SS

M00-X3

20'

15'

22'

SMH 3
RIM ELEV=37.49
INV A=25.36 (8" PVC)
INV B=25.33 (8" PVC)
INV C=25.33 (8" PVC)
INV D=25.29 (8" PVC)

ELECTRICAL BOX

15" UTILITY POLE

LANDS N/F
SOUTHERN STATES MILFORD COOP
MD(5)-16-182.00-01-16.00
D-298-23

EX. 6' BARBWIRE CHAIN LINK FENCE

SMH 2
RIM ELEV=36.30
INV A=27.49 (8" PVC)
INV B=24.62 (8" PVC)
INV C=24.53 (8" PVC)

30" STEEL UTILITY POLE #104

A= 36.46'
R= 25.00'
CH= N 08°27'54" W
CH L= 33.31'

A= 246.91'
R= 2825.72'
CH= N 52°44'59" W
CH L= 246.83'

15" RCP INV=33.17

EXISTING UTILITY EASEMENT WIDTH VARIES

30" STEEL UTILITY POLE #103

SMH 1
RIM ELEV=34.14
INV A=23.15 (8" PVC)
INV B=23.08 (8" PVC)
INV C=22.94 (8" PVC)

12" UTILITY POLE COM # YD286

CB 1
RIM ELEV=32.66
INV A=28.18 15" RCP
INV B=28.06 15" RCP

30" STEEL UTILITY POLE #101

CB 4
RIM ELEV=32.61
INV A=27.94 15" RCP
INV B=27.93 15" RCP

15" RCP INV=34.58

15" RCP INV=34.32

12" UTILITY POLE COM#550068

30" STEEL UTILITY POLE #105

15" RCP INV=34.47

15" RCP INV=33.80

12" UTILITY POLE COM

15" RCP INV=33.88

15" RCP INV=33.71

15" RCP INV=33.64

IRCS

N 55°56'22" W 131.84'

CMF

15" RCP INV=32.67

15" RCP INV=31.45

MILFORD-HARRINGTON HWY SR 14

12" UTILITY POLE COM#51277

12" UTILITY POLE

12" UTILITY POLE COM#51292

SMH 5
RIM ELEV=33.71
UNABLE TO MEASURE

CB 6
RIM ELEV=33.54
FULL OF DIRT

12" UTILITY POLE COM#51306

SWMH 1
RIM ELEV=36.85
LOCKED

12" UTILITY POLE

12" UTILITY POLE COM#51322

CB 5
RIM ELEV=32.72
INV A=28.44 15" RCP
INV B=28.36 15" CMP
INV C=27.91 15" RCP
INV D=27.87 15" RCP

0 30 60 90

DAVIS, BOWEN & FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS

SALISBURY, MARYLAND (410) 543-9091
MIDDLETOWN, DE (302) 464-4411
EASTON, MARYLAND (410) 770-4744

EXISTING CONDITIONS PLAN

SOUTHERN STATES MILFORD COOPERATIVE

CITY OF MILFORD, MISPILLION HUNDRED

KENT COUNTY, DELAWARE

Revisions:

Date:	JUNE, 2022
Scale:	1" = 30'
Dwn.By:	DLW
Proj.No.:	0820B001
Dwg.No.:	EX-01

P:\Warfel Brendon\0820B001 Southern States\Design\0802B001 - EXISTING CONDITIONS PLAN.dwg Jun 20, 2022 - 5:00pm WILD

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DATA COLUMN

TAX MAP ID:	MD(5)-16-182.00-01-3.00-00
ENGINEER:	DAVIS, BOWEN, & FRIEDEL, INC. CLIFTON D. MUMFORD, P.E. 1 PARK AVENUE MILFORD, DE 19963 PHONE: 302-424-1441 CDM@DBFINC.COM
PROPERTY OWNER:	SOUTHERN STATES MILFORD COOPERATIVE, INC. GARY RHOADES 6606 WEST BROAD ST. RICHMOND, VA 23230 302-632-7550 GARY.RHODES@SSCOOP.COM
DATUM: VERTICAL: HORIZONTAL:	 NAVD 88 NAD 83 (DE STATE PLANE)
DEED REFERENCE:	DB 298 PG 23
ZONING:	LIMITED INDUSTRIAL DISTRICT
LAND USE EXISTING: PROPOSED:	 VACANT COMMERCIAL
SETBACKS FRONT SIDE REAR	 75' 40' 45'

AREA REGULATIONS	EXISTING	PROPOSED
MIN. LOT AREA:	2 ACRES	4.959 ACRES
MAX LOT COVERAGE:	75%	73%
MIN. LOT WIDTH:	150'	400'
MAX BLDG HEIGHT:	50'	50'

EXISTING SITE AREA: 4.959 AC.

PARKING LOADING SPACE RATIONALE:	 1 SPACE PER 200 SQ.FT.
PROPOSED PARKING RATIONALE:	24,800 SQ.FT. OF SPACE @ 1 SPACE PER 200 SQ.FT.
TOTAL SPACES REQUIRED:	124 SPACES
TOTAL SPACES PROVIDED:	86 SPACES
UTILITIES SEWER PROVIDER: WATER PROVIDER: ELECTRIC PROVIDER: GAS PROVIDER:	 CITY OF MILFORD CITY OF MILFORD CITY OF MILFORD CHESAPEAKE UTILITIES

THIS PROPERTY IS LOCATED 200'± TO THE SOUTHEAST OF THE INTERSECTION OF WILLIAMSVILLE ROAD (KCR 443) AND MILFORD-HARRINGTON HWY (SR 14).

MILFORD-HARRINGTON HIGHWAY POSTED SPEED LIMIT: 40 M.P.H.

N/F
WILSON FLEET & EQUIPMENT SERVICE LLC
5-16-18300-01-0600-00001
D.B.: 9797/331
ZONING: I-1

N/F
CITY OF MILFORD
5-16-17300-01-0602-00001
D.B.: 5830/157
ZONING: C-3

N/F
DIAMOND STATE TELEPHONE
5-16-18300-01-1600-00001
D.B.: M28/424
ZONING: C-3

N/F
L P J PROPERTIES
5-16-17300-01-1500-00001
D.B.: 540/96
ZONING: C-3

PROPOSED DRIVE-THRU BAY
(1-STORY)
3,200 SF.

PROPOSED SERVICE BAYS
(1-STORY)
5,625 SF.

PROPOSED STORAGE
(1-STORY)
6,375 SF.

PROPOSED SALES BUILDING
(2-STORY)
24,800 SF.

N/F: SOUTHERN STATES MILFORD COOPERATIVE
5-16-18200-01-0300
4.95 ACRES
DB 298/23
ZONED I-1

PROPOSED NURSERY
3,000 SF.

PROPOSED BULLPEN
14,300 SF.

40' B.R.L.

75' B.R.L.

EX. VARIABLE WIDTH UTILITY EASEMENT CONVEYED TO THE CITY OF MILFORD

A 15' PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT

EX. ASPHALT PARKING LOT

EX. ASPHALT PARKING LOT

EX. ASPHALT DRIVEWAY

1+00
2+00
294' TRANSITION
PC2+54.88
3+00
4+00
5+00
6+00
7+00
PT8+04.56
8+00
9+00

8' SHOULDER
11' TRAVEL LANE
100' TAPER
120' STORAGE LENGTH
11' LEFT TURN LANE
EXISTING 12' TRAVEL LANE
EXISTING 10' SHOULDER
11' LANE SHIFT
EX. 40' R.O.W.
195' STORAGE LENGTH
10' RIGHT TURN LANE
4' BIKE LANE
11' TRAVEL LANE
50' TAPER
50'
30'
EXISTING 8' SHOULDER
EXISTING 11' LEFT TURN LANE
EXISTING 12' TRAVEL LANE

MILFORD HARRINGTON HIGHWAY
STATE ROUTE 14 (KCR 036)

WILLIAMSVILLE ROAD
(KCR 443)

0 30 60 90

P:\Warfel Brendon\0820B001 Southern States\Design\Concept\0802B001 - - Southern States Offsite Concept Plan-REV.dwg Jan 19, 2023 - 9:08am foxs

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SOUTHERN STATES CONCEPT PLAN

SOUTHERN STATES MILFORD COOPERATIVE
CITY OF MILFORD, MISSPILLION HUNDRED
KENT COUNTY, DELAWARE

Revisions:

Date:	AUGUST, 2022
Scale:	1" = 30'
Dwn.By:	TCB
Proj.No.:	0802B001
Dwg.No.:	C-001

right to do so). The city's future land use map is largely a reflection of its understanding of likely growth and development. Wherever possible, the future land use attempts to anticipate likely changes. A key feature of the 2017 Comprehensive Plan Update is the "transition" future land use category.

The "transition" future land use designation, conceptually, helps with all three key considerations. It is straightforward and simple to see on the overall and neighborhood maps. It limits the potential need for plan amendments, in that each time a residential property requests rezoning to a commercial or industrial use, it will still be in compliance with the existing future land use map. It maintains flexibility in the identified areas. If and when properties petition for rezoning, procedural changes can be made to the zoning ordinance without it conflicting with the Milford Comprehensive Plan.

The transitional future land use classification has the added benefit of allowing the existing, largely residential uses, as by-right uses to ensure that existing property owners who wish to remain residential are not classified as non-conforming uses.

10-4. Land Use and Zoning

10-4a. Future Land Use Categories

Employment

The employment category is intended to serve as a primary location for a large employer to bring jobs and economic development to the city. Potential uses include schools and healthcare-related uses that would provide many jobs and services for the region. This land use category is similar to the H-1, IM, and IS zoning districts found in the Milford Zoning Ordinance.

Commercial

The commercial category allows for different levels of commercial development intensity. This category includes neighborhood commercial, central business district, highway development, office buildings, and medical services. The *Future Land Use and Urban Growth Boundary* map designates all commercial areas in one category, but the individual characteristics of each site would be considered before identifying the level of commercial development that is suitable for each property. Each level of commercial use differs by the size of the site and use intensity. This land use is similar to the C-1, C-2, C-2A, C-3, BP, OC-1, and H-1 zoning districts found in the Milford Zoning Ordinance.

Regular Highway Commercial for the city is located along major state transportation routes, including DE 1, US 113, Route 14 and Business 1.

Industrial

The industrial category is intended to serve as a primary location for light to moderate industrial and manufacturing uses. This land use is similar to the I-1 and I-2 zoning districts found in the Milford Zoning Ordinance.

Institutional

The institutional category includes government, civic, and community facilities such as libraries, schools, colleges, hospitals, medical facilities, community centers, places of worship, nursing homes, assisted living facilities, and other similar uses. Institutional uses may be found within residential, commercial, and employment areas.

Low Density Residential

The Low Density Residential District represents typical single-family detached dwellings and duplex development. These units receive full urban services. Other dwelling types may be allowed as part of a density bonus by providing additional open space and amenities of development or through a conditional use of a Planned Unit Development by Milford City Council. Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-1, R-2, C-1, and OB-1 zoning districts found in the Milford Zoning Ordinance.

Moderate-Density Residential

The Moderate Density Residential District represents typical single-family detached dwellings, attached single-family dwelling units, patio homes, duplexes, triplexes, quadplexes, townhomes/row houses, condominiums, apartments, and loft-style units. Availability of open space and walkable sidewalks are also key components. Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-3, R-8, C-1, and OB-1 zoning districts and the PUD conditional use for residential development found in the Milford Zoning Ordinance.

Transitional Commercial and Industrial Areas

These areas are designed to allow for a migration from residential to the underlying future land use categories depicted on the *Future Land Use and Urban Growth Boundary* map. There are two main transitional areas, commercial and industrial. The commercial transition areas are located along major roadways, including US 113 and Rehoboth Boulevard (Route 1A). The Industrial transition area is located along Route 14 between Routes 1A and 1.

The transitional areas will allow the property owners to maintain their current residential zoning until such time they wish to change their zoning to either commercial or industrial. This will allow the area to transition slowly along these corridors, without forcefully rezoning properties and potentially creating non-conforming properties and uses. Once the property owner changes the zoning of the property from residential to commercial or industrial, the property will remain industrial or commercial unless there is an amendment to the Milford Comprehensive Plan that would allow otherwise. The Comprehensive Plan will be reviewed again in five years, where the future land use exhibits can be updated to permanently show the properties that have transitioned from the residential categories to the more intense uses, and reduce the footprint of the transitional area on the maps.

Open Space

The Open Space category includes both existing open space owned by the city as well as the large area of open space located east of DE 1. Milford may elect to annex existing developed residential properties within the proposed Open Space future land use areas at the lowest intensity residential zoning category and provide services if deemed cost effective.

One of the recommendations of the Milford Comprehensive Plan is to prepare an Open Space Preservation Plan. Local governments and conservation groups offer many tools to preserve farmland and other open space. Some rely on the donation or sale of property development rights by a property owner, while other tools may include marketing assistance or protective planning and zoning. The primary goals of the Open Space designation east of DE 1 are the following:

- Promote the Transfer of Development Rights (TDR) – A TDR is a legal agreement that allows a developer who wants to build at a higher density than is permitted to purchase or trade for additional development rights from a willing seller who owns land in an area designated for preservation. The goal of the Open Space designation is to use the land as a sending area either into designated areas of the City of Milford or designated areas of Sussex County, thus protecting the open space area.
- Promote Conservation Easements – A conservation easement is a legal agreement between a landowner and a land trust or government agency whereby a landowner sells or donates the rights to develop his or her property to a conservation organization.
- Protective Rural Zoning – This type of zoning allows a very low density per acre. This is one of the most effective ways to protect rural and agricultural land and maintain a mass of land required to support agriculture economies without buying conservation easements.

- Purchase of Land – In the interest of Milford City Council to protect our recharge areas, funding could be used to protect our recharge areas and preserve open space.

10-4b. Land Use and Zoning Link

The link between land use and zoning is important because Title 22, Section 702(c) of the Delaware Code requires that Milford:

"…within 18 months of the adoption of a comprehensive development plan or revision thereof, amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan."

Table 27 shows the link between the future land use designations depicted on the *Future Landuse and Urban Growth Boundary* map and the zoning districts summarized in Table 28. Table 27 provides guidance as to the zoning districts that would be considered consistent with each land use designation.

Table 27. Land Use and Zoning Link

Future Land Use Designation	Corresponding Zoning District(s)
Employment	H-1 – Institutional Development
	IM – Institutional Medical
	IS – Institutional Service
Commercial	C-1 – Community Commercial
	C-2 – Central Business
	C-2A – Riverfront Development
	C-3 – Highway Commercial
	OC-1 – Office Complex
	BP – Business Park
	H-1 – Institutional Development
Industrial	I-1 – Limited Industrial
	I-2 – General Industrial
Institutional	Institutional uses may be permitted or conditionally permitted in residential, commercial, and employment zones

Future Land Use Designation	Corresponding Zoning District(s)
Low Density Residential	R-1 – Single Family Residential
	R-2 - Residential
	C-1 – Community Commercial
	OB-1 – Office Building
Moderate Density Residential	R-3 – Garden Apartment & Townhouse
	R-8 – Garden Apartment & Townhouse
	C-1 – Community Commercial
	OB-1 – Office Building
Open Space	Designed for preservation. Existing residential properties may be zoned R-1.

Disclaimer: Table 27 shows the relationship between the future land use designations depicted on the future land use map and the zoning districts summarized in Table 28. This table describes how Milford's zoning districts might match up with the land uses recommended on the future land use map. These match ups are intended as guidance for the Milford City Council to consider during the rezoning process. They are not intended to preclude the development of new zoning districts or revisions to the zoning ordinance, the subdivision ordinance, or any other land use regulations.

10-4c. Zoning Districts

The current zoning map depicts Milford's zoning districts, and Table 28 provides a list of the current zoning classifications.

As of the date of the plan adoption, Table 28 and the existing zoning exhibit represent a fixed period in time and Milford reserves the right to create new zoning categories and change property zonings as long as the intent of the Comprehensive Plan is upheld. This table and section is for informational purposes only.

Zoning is the chief means for implementing the Milford Comprehensive Plan, consisting of a written document and a series of maps. The maps show a number of districts or zones into which the municipality is divided to regulate the use of land. The document specifies the types of activities (uses) that can occur in each district either as a matter of right (in all circumstances) or under certain conditions (conditional uses). It also regulates building height, lot sizes, setbacks, yards and green space, the number and sizes of signs, and space for off-street parking. Some municipalities incorporate environmental protection standards in zoning ordinances, while others have stand-alone ordinances with cross-references to zoning standards.

Table 28. Milford Zoning Districts

Zoning District
BP – Business Park
R-1 – Single Family Residential
R-2 – Residential
R-3 – Garden Apartment & Townhouse
R-8 – Garden Apartment & Townhouse
C-1 – Community Commercial
C-2 – Central Business
C-2A – Riverfront Development
C-3 – Highway Commercial
H-1 – Institutional Development
IM – Institutional Medical
IS – Institutional Service
I-1 – Limited Industrial
I-2 – General Industrial
OB-1 – Office Building
OC-1 – Office Complex

Zoning works with subdivision regulations. Subdivision refers to the process of splitting up or assembling land for development. The regulations governing this process designate utility locations, street rights-of-way, open space, and common areas. They also outline the services, such as water, sewer, gas, and electricity and amenities that a developer must supply prior to sale of subdivided (or assembled) land.

Increasingly, the distinction between zoning and subdivision regulations is becoming blurred.

Development plan approvals cannot take place without making sure that plans are in compliance with zoning and subdivision codes. Over the past several years, a number of Delaware municipalities have consolidated subdivision and zoning regulations into a single land use code.

§ 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 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) Outdoor commercial recreational facilities, not motorized vehicles.

(10) Swimming club.

(11) Indoor facility for amusement or assembly.

(12) Bus station.

C. Conditional uses subject to special requirements. All uses specified as conditional uses in the C-2 zoning district and 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.

(2) Commercial greenhouse.

(3) Wholesale establishment.

(4) Contractors', craftsmen's or general service shops, including welding and similar shops.

(5) Laboratory, testing and research.

(6) Automotive sales.

(7) 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.

(8) Shopping center, subject to the following site requirements:

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

(b) 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] The minimum distance between accessways and a residential district shall be 50 feet.

[3] Spacing of accessway.

[a] From adjoining property: 50 feet.

[b] From minor intersections: 50 feet.

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

(c) Setback.

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

[2] From nonresidential districts: 15 feet.

[3] From residential districts: 100 feet.

(9) Car wash.

(10) All uses permitted in the R-3 Zoning District subject to its area regulations.

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

(12) 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 35 feet, with the following exception: a motel, hotel, or aquarium may be erected to a height not exceeding 60 feet.

(5) Minimum front yard 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.

[Ord. No. 2022-06, 1-24-2022]

ARTICLE XII Zoning Amendments

§ 230-58. Procedure.

A. The City Council may, from time to time, on its own motion or the motion of the Planning Commission or on petition by an owner, amend, supplement, change, modify or repeal the zoning regulations, restrictions and boundaries in a manner in accordance with the procedure provided.

B. All proposals for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the City Council, except those originating on motion of the Planning Commission, shall be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall study all proposals, whether originating with the Commission or otherwise, conduct a public hearing, after having given notice required for the agenda of the Commission, and report its findings and recommendations to the City Council.

C. The Planning Commission is granted the authority to require, as a condition to consideration of any proposal other than one originating with the City Council, that a petition be submitted accompanied by such maps, charts, sketches and other information as the Commission deems necessary for the proper and effective consideration of such proposal and to refuse to consider any proposal not complying with such requirement.

D. No proposed amendment, change, modification or repeal of any zoning regulation, restriction or boundary shall become effective until after a public hearing shall have been held by the City Council at which parties in interest and citizens shall have an opportunity to be heard. No hearing shall be held until notice of time and place thereof has been provided to the applicant, property owners within 200 feet of the subject property, and 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:

(1) 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.

(2) The Planning Department shall provide notice to the general public of the public hearing 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.

(3) 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 pans for the proposal may be examined.

E. In case of an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.

F. If, after due consideration, a proposal is denied, such proposal shall not be eligible for reconsideration for a period of one year after final action by the City Council, except upon the favorable vote of 3/4 of the Planning Commission or City Council.

[Ord. No. 2022-06, 1-24-2022]

§ 230-59. Reserved.

§ 230-60. Fee.

A nonrefundable fee as set forth in § 230-57 shall accompany each application or petition, except for those petitions which have been initiated by the City Council or by the Planning Commission.

[Ord. No. 2022-06, 1-24-2022]

THE CITY of Milford DELAWARE

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

CITY COUNCIL MEETING

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