

# City of Milford



## AGENDA

Council Meeting

February 27, 2012

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

7:00 p.m.

### PUBLIC HEARINGS

First State Signs, Incorporated on behalf of Key Properties Group for a Conditional Use  
Tax Parcel 3-30-11.00-405.00

Adoption of Ordinance 2012-01/Conditional Use/Key Properties Group/Billboards

Davis, Bowen and Friedel, Incorporated on behalf of the City of Milford requesting the Minor Subdivision  
Northeast side of Milford-Harrington Highway, 400 feet Northwest of Williamsville Road  
Tax Parcel MD-16-173.00-01-06.01

### COUNCIL MEETING

*Call to Order - Mayor Joseph Ronnie Rogers*

*Invocation*

*Pledge of Allegiance*

*Recognition*

*Communications*

*Unfinished Business*

Adoption of Ordinance 2012-02/Establishment of a Workforce Development Commission

*New Business*

Appointment of Workforce Development Commissioners

FY2011-12 Budget Amendment/Parks and Recreation/Goat Island Nature Trail

FY2011-12 Budget Amendment/Electric Department/Rate Design Analysis

Resolution 2012-02/Borrowing Approved

DSWA Community Cleanup Program

2012 Spring Clean Up Week

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

*Adjourn*

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

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

# City of Milford



## **PUBLIC NOTICE**

### **CITY COUNCIL HEARING**

NOTICE IS HEREBY GIVEN that the City Council of the City of Milford will hold a Public Hearing on Monday, February 27, 2012 at 7:00 p.m., or as soon thereafter as possible, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware to reconsider final action on the following matter:

First State Signs, Incorporated on behalf of Key Properties Group for a Conditional Use to allow two billboards in a C-3 District at SR 1 and CR 206, Milford, Delaware. Tax Map 3-30-11.00-405.00; 4.81 +/- acres.

All interested persons are hereby notified to be present and to express their views before a final decision is rendered. Written comments will be accepted up to one week prior to the hearing date.

Please direct all questions or comments to Christine Crouch at 302-424-3712 Extension 308.

By: Terri K. Hudson, CMC  
City Clerk



# Land Use Application Cover Sheet

File Name: Key Properties Group Billboards  
 File Number: 11-177

Date Stamp: 11-03-11 cc

**Instructions for Applicants:**

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

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

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

**Please Type or Print Legibly**

<b>Property Owner:</b> <u>Key Properties Group</u>			Phone: <u>424-4364</u>
Address: <u>610 MARSHALL ST.</u>			Cell:
City: <u>Milford</u>	State: <u>DE</u>	Zip: <u>19963</u>	Fax: <u>424-4377</u>
E-Mail:			
<b>Contact Person For This Application:</b> <u>DAVE McCALISTER</u>			Phone: <u>744-9990</u>
Address: <u>122 ROSEMARY RD.</u>			Cell: <u>632-5003</u>
City: <u>Dover</u>	State: <u>DE</u>	Zip: <u>19901</u>	Fax: <u>744-9993</u>
E-Mail: <u>dave @ First State Signs - com</u>			
<b>Applicant Name and/or Company:</b> <u>DAVE McCALISTER</u>			Phone: <u>744-9990</u>
Address: <u>122 ROSEMARY RD.</u>			Cell: <u>632-5003</u>
City: <u>Dover</u>	State: <u>DE</u>	Zip: <u>19901</u>	Fax: <u>744-9993</u>
E-Mail: <u>dave @ First State Signs com</u>			
<b>Site Address:</b> <u>Rt 1 &amp; County Road 206</u>			Zoning: <u>C-3</u>
Tax Map & Parcel Number (s): <u>3-30-11.00-405.00</u>			Acreage: <u>4.81</u>
<b>Description of Proposal:</b> <u>Install 2 Billboards 1 24' TALL 1 45' TALL</u> <u>Signs to be 2 sided 12'x48' each</u>			
I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.			
Signature of Applicant: <u>[Signature]</u>			Date: <u>9-27-11</u>
Signature of Property Owner: <u>[Signature]</u>			Date: <u>9-27-11</u>

REVISED: 05.03.11



# Conditional Use Application

File Name: Key Properties Group Billboards  
 File Number: 11-177

Date Stamp: 11-03-11 *cc*

Applicant is seeking a Conditional Use, per the Code of the City of Milford:

Chapter 230-14, titled C-3 Highway Commercial District, section C, subsection 18, which states:  
Billboard, subject to the following: (a) Shall be constructed & maintained in accordance with the Delaware Code, Title 17- Highways, Chapter 11- Regulations of Outdoor Advertising, Subchapter 1- Gen. Prov.  
 A Land Use Application for a Conditional Use is deemed complete when it is accompanied by the required items identified below.  
 Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing.

### REQUIRED ITEMS

- 1. Land Use Application Cover Sheet.
- 2. A full legal description of the property, including the tax map and parcel number.
- 3. A written summary of the proposal, including the goals of the proposal, the section(s) of the City of Milford Code which require approval of the application, and the relationship of the arrangement of building and other structures, parking and landscaping to those goals and to development and use of adjoining properties.
- 4. A written description of the proposed use of the site, including hours of operation, number of employees, and any proposed storage or use of hazardous materials, if applicable.
- 5. A summary table of project statistics, including site area, building coverage, impervious surface, required and proposed parking, etc.
- 6. Thirty-eight folded copies of a site plan (5 copies no smaller than 24" x 36" and 33 copies no larger than 11" x 17") showing:
  - A. Date, scale and north arrow;
  - B. Existing and proposed right-of-ways and improvements;
  - C. Existing natural features;
  - D. Existing and proposed utilities;
  - E. Existing and proposed structures and other improvements;
  - F. The location of parking for the proposed use;
  - G. All structures, natural features and other improvements on abutting property.
- 7. A landscaping plan showing existing and proposed landscaping, fencing and buffering.
- 8. Application fee.

For Staff Use ONLY	
Verified	Waived
<i>cc</i>	
<i>cc</i>	
<i>cc</i>	
<i>na</i>	
<i>na</i>	
<i>cc</i>	
<i>cc</i>	
<i>cc</i>	
<i>cc</i>	
<i>na</i>	
<i>na</i>	
<i>cc</i>	

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

Signature of Applicant: *Robert M. Cedege* Date: 9-27-11  
 Signature of Property Owner: *Richard [Signature]* Date: 9-27-11

	FOR STAFF USE ONLY			
Owner	DAC	Planning Commission	City Council	BOA
Contact	12-21-11	01-17-12	02-27-12	n/a
Applicant				

FIRST STATE

**Signs**

AND  
GRAPHICS

DOVER DE  
**302-744-9990**

The City of Milford

Planning & Zoning Dept.

Planning & Zoning Commission Members:

As per Chapter 230-14 titled C-3 Highway Commercial District Section C, subsection 18:

We are requesting to install two billboards on State Route 1; the northern most structure will have a total height of 28 feet; the southern most structure we are requesting 45 feet due to the impending overpass.

This is a unique triangular vacant parcel of land as it is bordered by three roadways and no adjoining properties.

In my professional opinion the best use for this parcel at this present time in this economy is to install these two billboards.

  
Dale L. McCalister

First State Signs

1190 S. LITTLE CREEK RD. DOVER DE. 19901 FAX 302-744-9993





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

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

- A.** Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.
- B.** Permitted uses. Permitted uses for the C-3 District shall be as follows:
  - (1) Those uses permitted in the C-2 District.
  - (2) Warehouses.
  - (3) Large retail outlets.
  - (4) Indoor storage accessory building.
  - (5) Fast-food restaurants and drive-in restaurants.
  - (6) Supermarkets.
  - (7) Truck and trailer rentals.
  - (8) Roadside produce market.
  - (9) Memorial stone shop.
  - (10) Outdoor commercial recreational facilities, not motorized vehicles.
  - (11) Swimming club.
  - (12) Indoor facility for amusement or assembly.
  - (13) Bus station.
- C.** Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

*[Amended 10-12-1998 by Ord. No. 10-1998]*

- (1) Motels or hotels with a minimum lot size of three acres.
- (2) Commercial greenhouse.
- (3) Wholesale establishment.
- (4) Newspaper publishing or printing establishment.
- (5) Contractors', craftsmen's or general service shops, including welding and similar shops.
- (6) Laboratory, testing and research.
- (7) Car repair shops.
- (8) Used car lots.
- (9) Telephone central office or television cable central office.
- (10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:
  - (a) All facilities shall be located and all services shall be conducted on the lot.
  - (b) All repair work shall be conducted within an entirely enclosed building.
  - (c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.
  - (d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.
  - (e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
  - (f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.
- (11) Shopping center, subject to site plan review and the following site requirements:
  - (a) The total shall not be less than one acre.
  - (b) The site must be served by public water, sewer and electricity.
  - (c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.
  - (d) Traffic and parking.

[1]

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

- [2] Access to state highways shall be controlled by the State Department of Transportation.
- [3] The minimum distance between accessways and a residential district shall be 50 feet.
- [4] Spacing of accessway.
  - [a] From adjoining property: 50 feet.
  - [b] From minor intersections: 50 feet.
  - [c] From major intersections: 100 to 150 feet.
- [5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.
- [6] Parking lots shall be attractively landscaped as shown on the general site plan.
- (e) Setback.
  - [1] From street right-of-way: 15 feet.
  - [2] From nonresidential districts: 15 feet.
  - [3] From residential districts: 100 feet.
- (f) Buffering and landscaping.
  - [1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.
  - [2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.

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

[Added 10-14-1991]

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

[Added 6-14-1993]

(14) Convenience stores with gas pumps.

(15) Community residential treatment program.

[Added 9-13-1999 by Ord. No. 6-1999]

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

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

(18) Billboard, subject to the following:

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

**D. Area regulations.**

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

[Ord. No. 2008-18, § 3, 8-24-2009; Ord. No. 2009-22, § 2, 9-27-2010]

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> Chapter 230 - ZONING >> ARTICLE VI - Signs >>

## ARTICLE VI - Signs

[Amended 7-11-1994]

§ 230-24. - Permitted and prohibited signs.

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

§ 230-26. - General standards.

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

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

- A.** Signs permitted without limitation in all zoning districts shall be as follows:
- (1) Authorized signs regulating traffic under state or city authority.
  - (2) Signs designating public transportation pickup points.
  - (3) Informational signs: those erected for safety or those installed to provide directional information and those erected for the identification of public rest areas, public parking areas, entrances or exits and loading or unloading zones (not to exceed 2 1/2 square feet in area and nonilluminated).
  - (4) Warning signs and no trespassing signs.
  - (5) Memorial plaques, corner stones and signs designating historical sites.
  - (6) Signs required to be posted by law.
  - (7) Duly authorized governmental signs, public notices and signs posted or maintained by governmental order, rule or regulation.
  - (8) Flags or emblems of governmental, educational or religious organizations.
  - (9) Address signs, not to exceed one for each principal building or premises, not to exceed 160 square feet in area. The signs shall show only numerical address designations of premises upon which they are affixed/maintained.
  - (10) Signs designating permanent subdivisions, not to exceed 20 square feet in area, with only two per each street frontage.
  - (11) Signs which are attached or are integral to fuel dispensing pumps or devices, to be no larger than the servicing device to which they are attached.
  - (12) Temporary sign for sale (realty, private owner, etc.), rental or lease of premises at location. Allowance shall be determined by the Code Official.
- B.** Signs prohibited in all zoning districts shall be as follows:
- (1) Flashing signs.
  - (2) Animated signs.
  - (3) Signs producing noise or sounds.
  - (4) Signs emitting visible smoke, vapor, particles or odor.
  - (5) Signs/advertising materials which obstruct visibility of motorists or pedestrians at any location.
  - (6) Signs which, by reason of wording, position, shape or color, may cause interference with or obstruction of view or may be confused with authorized traffic signage. The allowance shall be determined by the Code Official.
  - (7) Signs attached to fire-fighting equipment, emergency egress doors, windows and like emergency purposes.
  - (8) Signs causing radio, television or other communication interference because of lighting or control mechanism(s).
  - (9) Flags (other than United States flags), banners, twirling/spinning, sandwich/A-type, sidewalk/curb signs (nonpermanent) and balloons or other gas-filled figures. Allowance shall be determined by the Code Official.
  - (10)

Signs attached to trees, fences, utility poles or any other means not designated by this article or that which is not approved by a City Code Official. Exceptions are public notices and public announcements (as previously stated).

- (11) Portable signs, fixed on movable stands or chassis, or those self-supported types not permanently embedded or any sign that allows ready transport from site to site.

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

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

### **§ 230-26. - General standards.**

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

- A.** Setback.
- (1) Commercial/industrial districts: 10 feet from front right-of-way line.
  - (2) Noncommercial districts (nonresidential):
    - (a) Advertising: 10 feet from front right-of-way line.
    - (b) Nameplate, identification and instruction: five feet from right-of-way line.
- B.** Sign standards chart (end of chapter).
- C.** Guidelines for all zoning districts. The following are the general guidelines for signage in all zoning districts:
- (1) Sidewalk or pedestrian areas are not to be obstructed in any way by signs of any type.
  - (2) Variances for dimensional increases in area, height or coverage must be submitted for review and determination by the Board of Adjustment of the City of Milford. Violations of the requirements set forth in the attached chart shall be deemed as a violation of this chapter and will be subject to the penalties herein described.
  - (3) All signs whose primary function it is to direct attention to the identity of the business, professional or industrial activity and which describes said nature of such operation shall be deemed a business sign. Such signs shall not exceed two in number on any one road frontage.
- D.** Guidelines for C-2 Zoning District. The following are the general guidelines for signage within the C-2 Downtown Commercial District:
- (1) Signs shall reflect simplicity, using graphics and minimum information.
  - (2) Light-colored lettering should be used over dark matte background as the dominant motif.
  - (3) Signs should have a singular theme.
  - (4) A maximum of three colors may be used.
  - (5) Signs should employ a style consistent with the age of the building.
  - (6) Signs should fit into the size and proportions of the building.
  - (7) Wall signage shall be placed directly above the storefront.
  - (8) Wall signs should be made of natural materials, when feasible.
  - (9) Awning signs shall be carefully mounted and add variety and color to the streetscape. All awning signage and the awning assembly shall be kept properly maintained and shall be repaired as needed.
- E.** Political signs.
- (1) Residential and Downtown Commercial Districts.
    - (a) Political signs shall not exceed 24 inches by 36 inches or six square feet.
    - (b) The maximum height of any political sign shall not exceed three feet.
    - (c) All political signs shall be removed within seven days after the election.
  - (2) Other zoning districts.
    - (a) Political signs shall not exceed 48 inches by 60 inches or 20 square feet.
    - (b) The maximum height of any political sign shall be no more than five feet.
    - (c) All political signs shall be removed within seven days after the election.
- F.** EMB signs. The following are the guidelines for all EMB signage:

- (1) EMB signs are only permitted in the C-3 Zoning District.
- (2) Contain static messages for at least eight seconds before changing the message and shall not have animation on any part of the sign, nor shall such sign have varying light intensity during the display of any single message.
- (3) May not operate at brightness levels of more than 0.20 foot candles above ambient light levels as measured at a distance of 150 feet.
- (4) The owner of said EMB sign shall provide a certification by an independent contractor of the lumens showing compliance at time of building permit application.
- (5) Each sign shall have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
- (6) Shall meet the same installation and permitting requirements and inspections as set out for all other signs.
- (7) The owner of said sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- (8) The owner of said sign shall provide to the City of Milford contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs. If, at any time the EMB display lights malfunction or are no longer working, the owner of said sign shall make repairs to the sign within 60 days or the sign will require removal.
- (9) Each sign located on a state maintained road must comply with all Delaware Department of Transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this [article].

[Ord. No. 2010-1, §§ 4—7, 5-24-2009]

**§ 230-63. - Expiration.**

A permit for any proposed work shall not be valid after one year from the date of issuance thereof and shall thereafter be considered void unless the work authorized by the permit has been substantially commenced and proceeded with due diligence.

ZONING

City of Milford  
Sign Types and Allowable Dimensions and Restrictions

Zoning District	Types of Signs													
	Wall or Mailbox (residence/occupant ID)		Freestanding [mounted on post(s)]		Fascia: Commercial (wall, roof edge, etc.) (of wall square feet)	Hanging/Projecting (extended from wall) (square feet)	Marquee (movable letters)		Illuminated (nonflashing)		EMB Square feet	Mobile (mounted, trailer, etc.)	Billboard (outdoor advertisement)	Proposed Billboard
	Height (inches)	Square feet	Height	Square feet			Height	Square feet	Height	Square feet				
R-1	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	Prohibited
R-2	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	Prohibited	
R-3	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	Prohibited
C-1	42 in	2	48 in	4	10%	15	48 in	9	48 in	4	Prohibited	N/A	N/A	Prohibited
C-2	N/A	N/A	48 in	4	10%	20	48 in	9	48 in	4	Prohibited	N/A	N/A	Prohibited
C-3	N/A	N/A	28 ft	225	10%	20	10 ft	48	28 ft	225	32 and ratio of 4:8	N/A	N/A	Conditional use per DeIDOT standards
H-1	N/A	N/A	25 ft	70	5%	N/A	N/A	N/A	25 ft	70	Prohibited	N/A	N/A	Prohibited
OC-1	N/A	N/A	28 ft	225	5%	N/A	10 ft	48	28 ft	225	Prohibited	N/A	N/A	Prohibited
I-1	N/A	N/A	28 ft	200	5%	N/A	10 ft	48	28 ft	200	Prohibited	N/A	N/A	Prohibited
I-2	N/A	N/A	28 ft	200	5%	N/A	10 ft	48	28 ft	200	Prohibited	N/A	N/A	Prohibited

[Ord. No. 2010-1, §§ 8, 5-24-2009; Ord. No. 2009-22, § 3, 9-27-2010]

City of Milford  
Sign Types and Allowable Dimensions  
and Restrictions

**CITY OF MILFORD  
PLANNING COMMISSION**

**RESOLUTION NO. PC11-021**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,  
DELAWARE, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF  
MILFORD**

**THE APPROVAL OF A CONDITIONAL USE FOR  
KEY PROPERTIES GROUP**

**AT ROUTE 1, ROUTE 20 CEDAR CREEK RD, AND WILKING RD  
FOR TWO DOUBLE SIDED BILLBOARDS (1-12'x48'x28', 1-12'x48'x48')**

**IN A C-3 ZONING DISTRICT**

**TAX MAP 3-30-11.00-405.00; 4.81+/- Acres**

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on January 17, 2011; and,

WHEREAS, by a vote of \_\_\_\_\_ recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following conditions:

1.

APPROVED: \_\_\_\_\_  
Charles Rini,  
Planning Commission Chairman

SIGNED: \_\_\_\_\_  
Christine Crouch,  
Planning Commission Rec Secretary



# City of Milford



## **PUBLIC NOTICE**

### **CITY OF MILFORD PLANNING COMMISSION HEARING**

NOTICE IS HEREBY GIVEN that the following applicant has filed a land use application with the Planning Department of the City of Milford:

First State Signs, Incorporated on behalf of Key Properties Group for a Conditional Use to allow two billboards in a C-3 District at SR 1 and CR 206, Milford, Delaware. Tax Map 3-30-11.00-405.00; 4.81 +/- acres.

A Public Hearing is scheduled for Tuesday, January 17, 2012 at 7:00 p.m. in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

All parties of interest are hereby notified to be present for the review and recommendation by the Planning Commission to City Council. Final action will be taken by City Council.

If unable to attend, written comments will be accepted in advance of the hearing. Anyone with questions or comments should call Christine Crouch at 302-424-3712 extension 308.

By: Terri Hudson, CMC  
City Clerk

11-17-11

22864

GEORGE B SMITH  
# 02707 2294

Tax Parcel Nos. 3-30 11.00 405

Prepared by:  
George B. Smith, Esquire  
Smith O'Donnell Procino & Berl, LLP  
406 South Bedford Street  
P. O. Box 588  
Georgetown, Delaware 19947-0588  
9-4-02

**NO TITLE SEARCH, LIEN SEARCH OR SURVEY REQUESTED OR PERFORMED**

**THIS DEED** is made this 16 day of May in the year of our LORD two thousand two (2002),

**BETWEEN TIMOTHY S. JOHNSON**, of 119 Coursey Mill Road, Felton, DE 19943, party of the first part,

-and-

**KEY PROPERTIES GROUP, LLC**, of 1539 Highway One, Lewes, Delaware 19958, party of the second part,

**WITNESSETH** that the party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, grants and conveys unto the party of the second part, its successors and assigns,

**ALL** that certain piece, parcel and tract of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, as depicted on a survey prepared by Charles D. Murphy Associates, Inc., dated March 6, 20002, lying on the Southwesterly side of State Route One, width varies, the Northwesterly side of County Road 206 at fifty (50) feet wide and the Easterly side of the Future Route 30 Extension at eight (80) feet wide, being more particularly described as follows, to wit:

**BEGINNING** at the point of intersection of the Southwesterly right-of-way line of U.S. Route #1 with the Northwesterly right-of-way line of County Road #206, thence running with County Road 206 the following two (2) courses and distances: (1) South 50 degrees 59 minutes 43 seconds West 485.76 feet (2) North 72 degrees 02 minutes 10 seconds West 54.51 feet to a point on the Easterly right-of-way line of the Future Route 30 Extension; thence running with the aforementioned right-of-way line North 15 degrees 04 minutes 03 seconds West 809.82 feet to a point on the Southwesterly right-of-way line of State Route One; thence finally running with the aforementioned right-of-way line South 52 degrees 22 minutes 57 seconds East 807.78 feet to the place of beginning, containing 4.81 acres of land more or less.

- 1 -

Consideration:	100000.00	Exempt Code:A
County	State	Total
1500.00	1500.00	3000.00
counter	Date: 05/17/2002	

5.9

BEING the same lands conveyed to Timothy S. Johnson by Deed of Brown P. Thawley, Jr. dated August 2, 1993 of record in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 1928 at Page 70 et seq.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year aforesaid.

Signed, Sealed and Delivered  
in the presence of:

Harold E. Duke, Jr.  
Witness

Timothy S. Johnson (SEAL)  
TIMOTHY S. JOHNSON

STATE OF DELAWARE :  
: ss.  
SUSSEX COUNTY :

BE IT REMEMBERED that on this 16<sup>th</sup> day of May, A.D. 2002, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, **TIMOTHY S. JOHNSON**, party to this Indenture, known to me personally to be such, and he acknowledged this Indenture to be his act and deed.

SWORN TO AND SUBSCRIBED before me the day and year aforesaid.

HAROLD E. DUKE, JR.  
Attorney At Law  
Notary Public Pursuant to  
22 Del. Code 4303 (a)

Harold E. Duke, Jr.  
Notary Public

Type or Print Name

My Comm. Exp. \_\_\_\_\_

RECORDER OF DEEDS  
SUSSEX COUNTY  
02 MAY 17 AM 9:38  
SUSSEX COUNTY  
DOC. SURCHARGE PAID

Received

MAY 20 2002

ASSESSMENT DIVISION  
SUSSEX COUNTY

## MILFORD CITY COUNCIL

### MINUTES OF MEETING

April 21, 2003

#### *Isaacs Farm Property*

The Annexation Committee of Milford City Council held a meeting on Monday, April 21, 2003, to discuss the request of equitable owner, Elmer Fannin, President/Country Life Homes, on behalf of current owner, Lawrence P. Isaacs, President/L.P. Isaacs Family, for the annexation of Parcel 3-30-15.00-022.00, located on the westerly side of Elks Lodge Road (State Route 211) and the easterly side of State Route 225, adjoining lands of Howard E. Wilkins and Sons, Incorporated and lots in the subdivision known as Eastman Heights, said lots fronting on Hammond Drive and consisting of 122 acres, more or less with a zoning of R-2, R-3 and C-3.

PRESIDING: Chairman Abraham Ellison

IN ATTENDANCE: Councilpersons James O'Neill and Katrina Brown

ABSENT: Planning Commissioner Chairman Randy Marvel

Also: City Manager Richard Carmean, City Planner Karen Emory Brittingham and Recorder/City Clerk Terri Hudson

Chairman Ellison called the meeting to order at 7:01 p.m.

Karen Emory-Brittingham referred to the map showing the exact location of this parcel which is directly across from Hearthstone and adjoins Eastman Heights. It was confirmed that annexing this property does not totally enclose Eastman Heights.

Ms. Brittingham advised the mixed zoning is being requested to include R-2, R-3 and C-3. She added this will probably be developed under the RPC (Residential Planned Community) similar to Hearthstone and though it is being assigned specific zoning, they will have to go through the conditional use process for the RPC zone which allows mixed housing within the zone. This does not permit more density, but allows a mixture.

The City Manager feels this will be very similar to Hearthstone Manor. The C-3 zone will permit a large clubhouse though it will not include a golf course. They are planning to have a pool and workout facility, which will require an additional fee from the residents and will also be available to the general public if they wish to become a member.

Mr. Carmean informed the committee that anyone purchasing a home in these developments is also being granted a one-year Shawnee Country Club membership.

The zoning request entails 38.8 acres of commercial, 31.79 acres of R-2 with the 50-acre residue being R-3. Ms. Brittingham emphasized Mr. Fannin will be utilizing the RPC zone

which will allow staggering the density within the subdivision itself. This will be brought in exactly as Hearthstone was with three specific zones, but will involve a later conditional use application to mix the housing within the zone itself.

Though similar in their request, Hearthstone Manor did not request a commercial zone. In this case, the commercial use will still be reviewed specifically, through site plan review at the time the commercial use is developed.

The C-3 area being requested butts up to both sides of the Wilkins Farm. There has been some additional discussion by the owner about purchasing the Wilkins Farm.

Mr. O'Neill is concerned with the C-3 zone, though if they stick with the plans being discussed this evening, it will be compatible with the rest of the subdivision. His concern involves the other uses allowed in the C-3 zone.

Ms. Brittingham agreed that any use allowed in the C-3 zone would be permitted. However, the permitted commercial use will still need to go through site plan review and if the Planning Commission feels it is not compatible within the area because of legitimate reasons, the City could place some restrictions on it, such as additional buffer or screening requirements. If the C-3 were approved, the Planning Commission could only prevent a use from going there if it were not compatible with what is in the area because of traffic, surrounding properties, etc. The Commission would need to be very specific as to why it was denied.

When asked about a possible strip mall, Ms. Brittingham stated it is permitted in the C-3 zone. She explained the RPC can only be approved through a conditional use hearing.

Mr. Carmean asked if they do not request the C-3 zone, would they be able to ask for it in the RPC. Ms. Brittingham stated that is something Mr. Fuqua needs to answer, but the RPC allows for related commercial uses. They are permitted commercial uses limited to what would serve that community. The zoning is part of the approving annexation/recommendation process. This helps understand what the commercial uses are. Though we do not have to support the C-3 zone, we can approve C-1 which permits the type of zoning Mr. Fannin needs under the RPC. Council has the authority to limit the zoning to C-1.

Ms. Brown said the committee simply wants more control of what may go there. Ms. Brittingham added that is what the C-1 will allow. The C-1 will give the owner what he needs and the City the control we want. When he comes in for the RPC, he will have the commercial to do the overlay.

In regard to the differences in the C-1 and C-3, Ms. Brittingham said that C-1 permits more neighborhood compatible businesses, such as professional offices, but less intrusive commercial. It does not allow restaurants with a drive thru or warehouses, for example.

It prohibits businesses that would generate a great deal of traffic and activity. The clubhouse would be permitted in the C-1 zone.

Mr. Carmean said the owner advised him he basically wants the same type of housing as Hearthstone. The commercial zoning is being requested for the clubhouse, pool, workout facility, etc. If the committee is uncomfortable with the C-3, he suggested they recommend C-1.

Mr. Carmean spoke with the owner today about some concerns Mr. Ellison had in relation to the billboard. Mr. Fannin's reaction was if Council wants tighter reigns, he still plans to stay in Milford and is willing to work with the City.

The City Manager said Mr. Fannin had asked for a billboard though he does not have definite plans to put one there at this time. However, if he received approval, this would be a future consideration. Mr. Carmean advised him he would not get the approval for a billboard, and Mr. Fannin seemed to have no problem with that stating he simply needed to be informed.

Ms. Brown pointed out that in the other cases, Council also stated the billboard was not permitted. Then the applicant turned around and received approval through the Board of Adjustment. Mr. Carmean stressed that the Board of Adjustment will no longer approve billboards as long as he and Mr. Fuqua are part of the board.

Ms. Brittingham explained that under the C-1, they would still be permitted to have single and multi family dwellings which allows the ability to do what was planned under the RPC. Also permitted are offices for professional services, branches offices for financial institutions and banks, barber shops, beauty shops, studios, retail food stores such as bakeries, convenience stores without gas pumps, restaurants without drive ins, retail sales, repair and servicing, public parking lots, community recreation centers and laundromats and neighborhood shopping centers.

The C-3 zone allows all the above listed uses along with warehouses, large retail outlets, indoor storage facilities, fast food restaurants and drive ins, supermarkets, truck and trailer, road side produce, memorial stone shops, swimming clubs, indoor facilities for assembly, bus stations, etc.

Ms. Brittingham feels that everything he wants is covered in the C-1 zone.

When questioned about the swim club only permitted in the C-3, Ms. Brittingham stated that if they were using that as part of the social activities, that could probably be included, though it should be part of the conditional use.

Ms. Brittingham reiterated they will need to come back with the conditional use for the RPC with the overlay which allows them to blend everything within the entire parcel.

It was again pointed out this was done in the same manner for Hearthstone Manor, though theirs did not include a commercial zone.

They are hoping to expand the commercial area, taking into account this property as well as the property owners within the Hearthstone development. Both communities would be able to share the amenities offered at this site. C-1 will allow the owner to do what he wants, but will also address Council's concerns for what could have occurred in the C-3 district.

Mr. O'Neill verified this area was included in our Comprehensive Plan.

In regard to utilities, Mr. Fannin has contracted A.P. Croll for the tap into the City's sewer line. He is paying to go across the road and connect to our transmission line. The electric is within our territory.

Eastman Heights is not served by City electric. In this case, we plan to come down by the Wilkins property. Mr. Fannin was assisting the City in obtaining an easement on the Wilkins Farm.

Mr. Carmean explained the City installed the transmission line for electric. This is standard with all electric companies. It will be run to his property at our cost.

Ms. Brittingham confirmed there is sufficient capacity for water and sewer which will be at the owner's responsibility. Mr. Fannin is also setting aside an area, either on this property or on the Vreeland Estate ( if annexed), to provide an area for the future location of a water tower for the City, which will enhance our overall service in that area.

Ms. Brittingham stated that anytime a site is reviewed for annexation, the owner is advised of the needs with regard to our services. In this case, **the City needs a water tower**. Mr. Fannin said he preferred the water tower be placed on the Vreeland site; but if it does not come in, he will allow access within the Isaacs farm. Though she cannot verify exactly where the tower will be built, the opportunity for the tower is there if that is the only land available. **She added that will be at no charge to the City because he will not require us to purchase it.**

Mr. O'Neill confirmed that will be addressed in the annexation agreement. Ms. Brittingham said we will be very specific in terms of the costs of the infrastructure and the need for an area to be set aside for our water tower.

However, if the Vreeland site is annexed, **the water tower will be placed on that property behind our existing substation.**

The Vreeland site is located across from the Wilkins Farm, Hearthstone and Matlinds Estates and runs west of State Route 30. Ms. Brittingham said there is a real advantage to

annexing the Vreeland because it adjoins our existing electric substation. Under the Vreeland annexation, we would have the ability to expand our substation and also have a potential site for a Carlisle Fire Company Substation, in addition to our water tower.

This was not included in our Comprehensive Plan because it was 90% complete when this opportunity arose. Our Comprehensive Plan will have to be amended to include this possibility before the annexation can occur.

Mr. Ellison confirmed these annexations still have to be reviewed by LUPA though they have been approved under our Comprehensive Plan. Ms. Brittingham explained that remains part of the state planning procedure.

Mr. O'Neill made a motion to recommend to Council the City proceed with the annexation request of Equitable Owner, Elmer Fannin, President/Country Life Homes, on behalf of Current Owner, Lawrence P. Isaacs, President/L.P. Isaacs Family for 122 acres with a R-2, R-3 and C-1 zoning and that the annexation agreement include a utility agreement which includes a site for a water tower. Ms. Brown seconded the motion.

With no further questions or comments, motion carried unanimously.

Mr. Carmean asked if any of Fannin's representatives discussed the C-1 or C-3 zoning with Ms. Brittingham. She stated she reviewed several possible zones though she cannot recall verbatim due to the length of time that has passed.

If the C-3 zone was chosen because of the swimming club use, Mr. O'Neill would rather approve the C-1 and allow a later exception. Ms. Brittingham explained that if the RPC is approved, the RPC allows related facilities as needed, in which case the swimming club would be permitted as part of the conditional use.

**Matlinds Estates**

The committee then discussed the request for annexation of the subdivision known as Matlinds Estates and lands of Timothy S. Johnson, which was received by five or more Matlinds Estates' property owners, and approved by majority vote of Matlinds Estates Homeowners, involving lands fronting on the northerly side of Wilkins Road, the southerly side of State Route 1, and the westerly side of the recently realigned State Route 30, adjoining lands of MG Development Corporation and lands of Thomas C. Smith and including stormwater management areas and right-of-ways within said subdivision, consisting of the following properties with a zoning of R-1 and C-3 (Parcel 405):

TAX MAP NO(s):

- |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|
| 3-30-11-405 | 3-30-11-369 | 3-30-11-359 | 3-30-11-380 | 3-30-11-391 |
| 3-30-11-408 | 3-30-11-368 | 3-30-11-358 | 3-30-11-381 | 3-30-11-392 |
| 3-30-11-378 | 3-30-11-367 | 3-30-11-357 | 3-30-11-382 | 3-30-11-393 |

3-30-11-377	3-30-11-366	3-30-11-356	3-30-11-383	3-30-11-394
3-30-11-376	3-30-11-365	3-30-11-355	3-30-11-384	3-30-11-395
3-30-11-375	3-30-11-364	3-30-11-354	3-30-11-385	3-30-11-396
3-30-11-374	3-30-11-363	3-30-11-353	3-30-11-386	3-30-11-397
3-30-11-373	3-30-11-362	3-30-11-352	3-30-11-387	3-30-11-398
3-30-11-372	3-30-11-361	3-30-11-351	3-30-11-388	3-30-11-399
3-30-11-371	3-30-11-360	3-30-11-6.07	3-30-11-389	3-30-11-400
3-30-11-370	3-30-11-406	3-30-11-379	3-30-11-390	3-30-11-401...404

Mr. Carmean explained that when Matlinds Estates initially approached the City with the possibility of annexation, their request included a tax relief period. This was because at the time they built their homes in the county, they did not plan on having an additional tax bill as part of their costs. Council agreed and added that homes sold or transferred to another property owner within that period of time would automatically become a taxable property.

Council felt it was beneficial to annex the subdivision particularly because it would define our city boundary. In addition, the other new homes to be built would bring in around \$650 or so a year. The City was told that on an average, at least half of the homes that existed would be sold or changed hands within a seven to ten year period. Mr. Carmean also believed that once the subdivision was completely built out, it would be very difficult to annex as is the case with Shawnee Acres or Eastman Heights.

Ms. Brittingham stated that under our provisions and the regulations of DNREC, if the homes are within so many feet of our existing system, they are required to tie in to the City system and no longer be permitted to install private, on-site. Under that scenario, any new homes would be required to be served by City sewer and water.

Because Council had previously agreed to a tax abatement, Mr. Ellison asked how many lots have actually been sold. Ms. Brittingham explained that 37 lots have been sold to a second party. Mr. Carmean added that at least 7 lots are under contract, but have not yet been to settlement. At no time did the owner discuss with those 7 property owners they would not be paying City taxes. Mr. Fannin is willing to take the heat for not telling them they had this option. Therefore, if these 7 parcels have not yet been settled on at the time of the annexation, they will be required to pay taxes.

Other properties that were granted a previous tax abatement included Shawnee Country Club and the J.D. Mills property on Cedar Beach/Route 1. The Mills property was annexed less than two years ago and has since been sold. As a result, the City will be receiving not only the tax base, but the tax base at a much higher commercial rate because the hotel being built will now be developed in the City. The hotel is planned on Route 36 at the Marina site.

Mr. O'Neill verified that the parcels in Matlinds that have been sold and settled on will not have to pay taxes for ten years unless it changes hands. Any property not currently developed will have to connect to the City sewer. Those with existing homes do not have to

*Handwritten notes:*  
 11/20/03  
 27/10/03  
 5/20/04

connect.

Ms. Brittingham explained the terms will be the same as those imposed on Shawnee Acres property owners. As long as their system is functioning and operating properly, they will not be required to tie in. If the system fails, they will not be given a replacement permit and will be required to tie into our system. However, they will also have the option of tying in during construction.

Mr. O'Neill then verified that the property owner pays for the connection. Mr. Carmean advised that no deals have been made with any other options. In Shawnee Acres' case, they were only required to pay impact fees to the county. In the meantime, we received a great deal of money from our legislators to assist with the costs of running the lines through the development.

In the case of water, those that abandon their wells will be given the option of keeping it for non-domestic purposes which includes landscape efforts, irrigation or similar type uses.

Mr. O'Neill asked that if someone ties in to our sewer, are they required to tie into our water lines at the same time. Ms. Brittingham stated that we request that because of metering. If they do not, they are required to install their own meters.

Mr. Carmean feels that in this development, he prefers they connect to water. Shawnee Acres is a little different situation because they are outside city limits. In the case of Matlinds, if someone needs either water or sewer, they must connect to both.

Ms. Brittingham pointed out we had the same stipulation, but ran into different scenarios where in some cases we could not extend our lines in a cost effective manner. That is the reason we did not require both connections.

Mr. Carmean agreed we should add that possibility to the agreement. But this would only apply in a case where we are unable to extend our lines. Ms. Brittingham added this may only happen with the far, extending parcels, but she does not want it to cost \$5,000 to serve a \$50 property.

By adding this limited escape clause, the property owner cannot come back and claim we agreed to serve the property. The City Manager advised we have had Shawnee Acres residents attempt to do this already. In one case, a woman asked to be connected to sewer and did not want water. Now, she wants a water connection.

Ms. Brittingham emphasized the agreement should be clear that the decision will be made by the City in each case. In other words, the City requires connection unless it is cost prohibitive.

Because this subdivision is currently being served by Conectiv Electric, the City must address

that issue with Conectiv. Other towns have addressed similar issues with Conectiv as well. Though we cannot guarantee we will eventually serve that area with electric, we will make every effort to obtain it. The property owners do not have a choice on electric companies.

If they agree to give us Matlinds, we will have to pay Conectiv for the infrastructure they have installed. However, there is a process that enables us to do this. The City Manager does not feel we will encounter a problem because it only makes sense to have this entire area which also includes Hearthstone and the Isaacs property.

Ms. Brittingham reported the City has already committed to providing police protection, bi-weekly trash collection, sewer and water as has been discussed and snow removal as scheduled. We explained there is a process for snow removal and asked they not expect it immediately. They will also receive code enforcement that requires all construction go through the City for permits.

The only exception will be on property taxes. We will also be working with Conectiv on obtaining their electric service. There will be a limited escape clause on the water and sewer service.

Mr. Carmean stated that other Council members are concerned with the fact that some property owners are not required to pay taxes. If a taxpayer questions the situation, the City Manager recommended telling them that the City judged the situation in totality of the value to the City with respect to what we will eventually gain with future taxes that we would never have had if they had not been annexed. He also pointed out the advantage to our limits which will be more defined by taking the City out to Route 1 and encompassing the Route 30 bypass, which is what the State has always encouraged.

Ms. Brittingham added this development is going to occur in the county regardless of whether the property is annexed as with most subdivisions. It should also be pointed out we will be picking up taxes from future homes that will immediately begin to offset costs that we would never have received if it had not been annexed.

Mr. Ellison added this is still not a done deal and a special election will still be required with a majority vote before the annexation is finalized.

Mr. Carmean said that as the City Manager, he prefers the three committee members be in favor of this before it is taken to Council. If not, he does not want it brought before them. Council's decision will be heavily based on the recommendation of the committee.

He does not foresee the property owners returning once the subdivision is full. He is basing this opinion on the feelings of other surrounding subdivisions including Shawnee Acres, Eastman Heights, Woodshaven, etc.

Mr. O'Neill then questioned the request for a billboard on the 4-acre parcel. Ms.

Brittingham stated she included this property as part of this annexation because originally it was part of the Matlinds Estates Subdivision before Route 30 was expanded. That property actually is on the other side of Route 30.

*15 year  
abatement*  
Ms. Brittingham then questioned the period of time for the tax abatement. The request dated March 17, 2003 stated that 'reserve lots for new homes to be built in Matlinds will fall under the 15-year tax exempt clause'. Mr. Carmean confirmed that is was Council agreed on in July of 2002.

Ms. Brittingham then referred to a letter dated March 5, 2003 from the City Manager to Allyn Denis, Secretary of the Matlinds Estates Homeowners which read 'all lots sold after the vote by the property owners for annexation, will be subject to taxation. The current rate is \$.41 per \$100 of assessed value'.

At the Matlinds Estates Annexation Meeting, it was confirmed the property owners voted on a 15-year tax relief period.

Mr. O'Neill feels that because we have already offered the 15-year abatement, reducing the period of time to 10 years would create a negative vote by the homeowners. It would also cause some doubt because we are starting to renege on some the City's promises and affect how any future trust.

Ms. Brown asked how the 10-year period came about, and Mr. Carmean stated he does not know.

When Ms. Brittingham attended the annexation hearings at Matlinds Estates, the 15-year abatement period had been agreed upon by Council which is what had been presented. Her follow-up letter stated 15 years as well as the City Manager's follow-up letter dated March of 2003. That is what the vote was cast on by the Matlinds Estates Homeowners. She agrees that changing this to 10-years would create a problem.

Mr. O'Neill recommends we offer the 15-year abatement as Council agreed to last year. Ms. Brown and Mr. Ellison both agreed we cannot change the original offer. Ms. Brown added we have to remember the property owners have already based their vote on 15 years.

Ms. Brittingham reiterated that traditionally lots transfer in five to seven years.

Regardless of whether the property is annexed or not, the residents will use our parks and recreation department, little league and other programs. In this manner, we may be prorating in getting those fees back, but we will eventually get those taxes. If the subdivision remains in the county, the City will receive nothing.

The City Manager explained Mr. Fannin advised he tried to make the zoning request as open as possible. He knows what he wants to do. Mr. Carmean said he may not need a C-1, but

if he asks for a C-3 and does better than a C-3, what would that hurt. The City Manager is of the opinion Mr. Fannin expects the City to come back with some changes.

Mr. Carmean told him he would not get the billboard. Mr. Fannin said he thought he would take a shot though he may never put on in anyway. Mr. O'Neill said we need to make sure he understands he cannot put on in.

Ms. Brittingham clarified that on the existing Matlinds Estates, we are bringing it in with an R-1 zone which is consistent with what was approved in the county. The 4.8 acre triangular piece, included, was requested to be C-3 zoning.

Mr. Ellison asked if he can get away with C-1 zoning which is consistent with the zoning across the road. Ms. Brittingham does not believe so, because we have a totally different scenario because of the major highway frontage that we do not have on Wilkins Road. We have a current realignment of Route 30 which allows for more traffic than Wilkins and Elks Lodge Road could handle. That is why she feels the request for C-3 is not an unreasonable request for the triangular piece.

Mr. Carmean is confident Mr. Fannin's intention is to sell the parcel to a Wawa, Royal Farms or something similar in an upscale type convenience store possibly with gas. He feels the residents in this area will need that service.

Mr. Ellison's concern is to continue to protect the ones we already have in town. He feels we have enough of those type businesses.

Ms. Brittingham believes this is somewhat different because it is out on State Route 1. The majority of people going to the beach never come into the Milford area. He still has to obtain DELDOT approval for the entrance. The real plus is this will be one of the few places where one can stop to use a restroom for several miles on Route 1.

Ms. Brittingham confirmed there would no access from Route 1. Vehicles would have to come in on the Route 30 bypass.

Mr. O'Neill confirmed there will be no direct entrance with the exception that north bound traffic can turn onto the Milford exit and loop around.

Mr. Ellison pointed out this is consistent nationwide because when you travel the country, you do not have access to businesses off major highways. The majority of the time, you have to get off on one road and then another before entering a commercial site.

Ms. Brittingham reinforced that even though we will zone this site at C-3, it is a vacant piece of land and anything he plans to develop in the triangular piece will still have to come before the City for site plan review. Therefore, we will still see what is planned for the property.

She added that C-3 is the highway development commercial zone, C-2 is a step up that allows more speciality stores, retail food stores, libraries, churches, tourist homes, commercial parking lots and publishing/printing businesses. Any convenience store/gas station is a conditional use application under C-1, C-2 or C-3. The reason for that is to control the gas pumps to ensure they are in an appropriate location.

Mr. Carmean believes C-3 is appropriate for that site, and Ms. Brittingham agreed. Mr. Ellison stated that regardless, they will have to come back for Site Plan review. The City Manager added he will also still have to deal with DELDOT.

Mr. Carmean recalled DELDOT advising us Wawa would have a rights in/rights out two years ago. Now DELDOT is saying no. Vehicles will have to utilize Tenth Street to enter their site.

In regard to the C-3 zone, Ms. Brittingham said that because this is high usage corner, we will have the electric, water and sewer that will serve the site at a commercial rate. Mr. Carmean reported they have already installed the sleeves beneath Route 30. Any further costs incurred will be at the expense of the owner/developer.

Under the commercial use, they are not required to purchase trash services from the City. Ms. Brittingham suggested that be part of the annexation agreement, but Mr. Carmean feels that will not be beneficial. We try to stay away from the larger capacity dumpsters or having to place three three-yard dumpsters at the site.

The City Manager stated that because of our competitive commercial trash rates, they may select City trash services anyway.

Ms. Brittingham asked the opinion of the committee on sidewalks. The last several subdivision annexations agreements have included sidewalk issues. This includes Orchard Hill, Knotts Landing and Hearthstone whom have all had sidewalk waivers based on their annexation agreements. The other option is to have Matlinds apply for relief through the Board of Adjustment.

Ms. Brittingham recommended we reference the issue by requiring relief from the sidewalk be required to go through the Board of Adjustment. Mr. Ellison confirmed we will have curbing and control of stormwater.

Mr. O'Neill asked what currently exists in the subdivision. Ms. Brittingham explained the existing Matlinds Estates has stormwater management and catch basins. They have stormwater ponds though she is unsure if they have swales directing it to the pond.

Mr. Ellison asked if we required Hearthstone to have curbs on the corners to control the water. Ms. Brittingham believes we have rolled curbing at the corners and intersections though it is not required throughout the development. She feels that supporting the relief from sidewalks should be directed somewhere else instead of in the annexation agreement.

Mr. O'Neill agrees and stated he would not be comfortable with providing waivers as part of the motion. Because of the inconsistency with sidewalk requirements and waivers, he prefers not to make a recommendation.

The City Manager feels this is an existing subdivision. The development already has a soft look and installing sidewalks on the parcels that are left to be built does not make sense.

Ms. Brittingham said this can easily be handled by stating sidewalk requirements would be consistent with the recorded plat previously approved by Sussex County. At the time, they were not required to have sidewalks.

Mr. O'Neill agreed that would make sense even though he has voted to approve waivers that he has since reconsidered. The City Manager agreed there is a great deal of inconsistency on sidewalks.

Mr. O'Neill stated we are adopting something that exists and was previously approved as a subdivision and therefore should consider accepting the pre-existing rules. Ms. Brown agrees that is reasonable and also takes the weight off the City's shoulders.

This will also not change the picture of the property owners who are planning to build in the development.

It was confirmed a vote was taken among the property owners and more than 51% agreed to annex. Under our Charter, we will now schedule a public hearing and a special election. At that time, the property owners will be given another opportunity to approve or deny the proposed annexation.

**Mr. O'Neill made a motion to recommend annexation of the Matlinds Estates Subdivision and Parcel 405 with the following conditions:**

- 1) The subdivision will be zoned R-1 with the exception of Parcel 405 which will be zoned C-3.
- 2) The legal property owners as listed on the actual annexation date will receive a 15-year tax abatement until such time the property is transferred to a new owner by deed or inheritance during that 15-year period in accordance with the Council's previous directives (July 8, 2002 Meeting).
- 3) Any lots sold after the annexation will be subject to City Taxation.
- 4) Water and Sewer connections will be made to all new homes. If existing water and sewer systems fail, properties must tie into the City system. Any exceptions will be determined by the City.
- 5) All property owners will receive the balance of municipal services including police protection, trash collection, snow removal as scheduled and code enforcement.
- 6) Electric will be provided by the City when it becomes available.
- 7) **No billboard will be permitted on Parcel 405.**
- 8) Sidewalk requirements will be consistent with the recorded subdivision previously approved by Sussex County.

**Ms. Brown seconded the motion. Motion carried with a 3 to 0 vote in favor of proceeding with the annexation.**

**Mr. Ellison advised Public Hearing(s) on both of the annexations will be scheduled before City Council in the very near future.**

**With no other business, the meeting adjourned at 8:02 p.m.**

**Respectfully submitted,**

**Terri K. Hudson  
City Clerk**

# MILFORD CITY COUNCIL

## MINUTES OF MEETING

June 30, 2003

A Public Hearing of Milford City Council was held in Council Chambers on Monday evening, June 30, 2003 to discuss the annexation proposal the following properties, including the Matlinds Estates subdivision consisting of 55 lots, stormwater management areas and right-of-ways within said subdivision:

### TAX MAP NO(s):

3-30-11-405	3-30-11-369	3-30-11-359	3-30-11-380	3-30-11-391
3-30-11-408	3-30-11-368	3-30-11-358	3-30-11-381	3-30-11-392
3-30-11-378	3-30-11-367	3-30-11-357	3-30-11-382	3-30-11-393
3-30-11-377	3-30-11-366	3-30-11-356	3-30-11-383	3-30-11-394
3-30-11-376	3-30-11-365	3-30-11-355	3-30-11-384	3-30-11-395
3-30-11-375	3-30-11-364	3-30-11-354	3-30-11-385	3-30-11-396
3-30-11-374	3-30-11-363	3-30-11-353	3-30-11-386	3-30-11-397
3-30-11-373	3-30-11-362	3-30-11-352	3-30-11-387	3-30-11-398
3-30-11-372	3-30-11-361	3-30-11-351	3-30-11-388	3-30-11-399
3-30-11-371	3-30-11-360	3-30-11-6.07	3-30-11-389	3-30-11-400
3-30-11-370	3-30-11-406	3-30-11-379	3-30-11-390	3-30-11-401...404

The purpose of this Public Hearing is to City Council to gather community comment regarding the above-described annexation proposal. Following this hearing, the Milford City Council may pass a resolution annexing such territory into the City of Milford, subject to the approval of the property owners in the territory to be annexed, which approval or disapproval, shall be determined at a later scheduled Special Election.

A resolution setting the date for this Public Hearing was published in the Milford Chronicle on May 21, 2003 and a formal notification published in the Milford Chronicle on May 28, 2003. Notice by first-class mail was sent to all property owners in the territory and within a 200-foot radius of this property.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Martha Flick, Irvin Ambrose, Abraham Ellison, James O'Neill, Owen Brooks, Douglas Morrow, James Starling and Katrina Brown.

Also: City Manager Richard D. Carmean, Chief Keith Hudson and City Clerk/Recorder Terri Hudson.

Mayor Rogers called the Public Hearing to order at 7:41 p.m.

Karen Brittingham, City Planner, advised the request for this annexation involves a recorded subdivision and requires 51% of the property owners' favorable vote to be annexed.

Ms. Brittingham reported a meeting was held under the direction of one of the Matlinds Estates homeowners to discuss the annexation issue. After discussing the pros and cons, those in attendance held their own election at which time the majority of the property owners voted in favor of the annexation. Approximately 29 property owners voted favorably

by written ballot which were then submitted to the City of Milford.

Because more than 51% of the property owners voted at that time to be annexed, the City began the process which has resulted in this public hearing. The request was reviewed by the City of Milford Annexation Committee and through the State of Delaware LUPA (Land Use Planning Act) process.

Ms. Brittingham then pointed out the exact location of the subdivision on a map and its proximity to Route 30, Wilkins Road and Elks Lodge Road. When our Comprehensive Plan was being reviewed, which included this as an annexation area, Matlinds Estates would be delineated as residential because it was an existing residential subdivision. The triangular piece was sited for commercial development. The State of Delaware agreed with those plans.

Because this is a recorded subdivision zoned AR (agricultural) in Sussex County, the applicant requested R1 zoning for Matlinds Estates as it exists and C3 for the triangular piece created by reconfiguration of Route 30. Any extensions of City services would mean the extension of electric, water and sewer. Easements would be required to access those sites.

Consistent with what has been done in the development of other subdivisions, if we do extend those services, the existing property owners would be given the right at that time to connect into the system, though they would not be forced unless their system was in failure. The committee members agreed to proceed with the annexation because the property is contiguous to existing City of Milford lands.

The zoning of the property is consistent with the Comprehensive Land Use Plan. The Office of State Planning had no objection to the annexation.

As a condition of this approval, the existing property owners would receive tax relief for a period of 15 years for improved lots, or until the lots change ownership, whether through conveyance or inheritance.

The commercial use requires a site plan review which involves a public hearing. **No billboards are permitted at the site.**

The City Clerk then read the following resolution adopted by City Council on April 8, 2002 into record:

*RESOLUTION*

Persons Addressing City Council

WHEREAS, no persons shall address the City Council until he/she has first read his/her name and address, their organization or other affiliation for the record; and

WHEREAS, speakers are requested to limit their comments to three minutes per item; and

WHEREAS, if more than one person rises to speak at the same time, the Mayor shall decide who shall speak first; and

WHEREAS, in order to expedite Council business and to avoid repetitious presentations,

the Mayor will ask any organization or group of persons wishing to address Council on the same subject matter to present a spokesperson; and

WHEREAS, once that spokesperson is heard, subsequent speakers will be limited to facts not already presented by the spokesperson.

WHEREAS, the Council deems this policy to be in the best interest of those present at City of Milford Council Hearings/Meetings and advantageous to the business of the City of Milford, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Milford, that this policy shall become effective April 8, 2002.

When asked for questions from Council, Mr. O'Neill asked for a review of the residential criteria for this annexation.

Ms. Brittingham explained that because this was an existing subdivision at the time the property owners bought their lots, it will come in as R1, single family residential which permits single family dwellings only.

She verified the vote taken at the meeting was unanimous in favor of annexation with no negative votes from those present.

Mr. Carmean pointed out there are still a number of undeveloped lots in the subdivision.

When asked if anyone from the public wished to address Council, Mary Ellis Jenkins of 511 Matthews Circle asked if Matlinds Estates includes the four or five housing lots on Wilkins Road.

Ms. Brittingham advised, and Elmer Fannin, Developer, confirmed, the original application did not include the strip development or lots in front of Matlinds Estates.

Ms. Jenkins stated that one of those four lots with less than an acre of ground, presently is home to four goats, one sheep and two cows. Ms. Brittingham stated that is part of a strip development that occurred prior to Timothy Johnson acquiring this property. She believes Ms. Jenkins is referring to lot #3 in that recorded subdivision which is not included in this annexation request or part of the City of Milford. As a result, the City has no control over those lots.

Ms. Brittingham confirmed it is a separate subdivision in Plot Book 50, page 307 which is not included in Matlinds Estates.

Allyn Dennis of 300 Matthews Circle stated that when the annexation letter was presented, one of the stipulations was the residents would not be forced to take City electric and would retain their current supplier. Ms. Brittingham confirmed that is correct.

Ms. Dennis then questioned the zoning of the triangular piece (lot 405) created by the reconfiguration of Route 30. She feels that because of the traffic issues surrounding Route

30, any commercial development would be a disaster. It would create even more danger than currently exists. She is under the impression the City would have to acquire permission from the State to change the blinking light on Route 1/Route 206 to a full service traffic light. She feels that would be in the best interest of the citizens of Milford. However, adding a store or other commercial use to this triangular piece would make this situation much worse.

Mayor Rogers explained the State Highway Department would carefully review any commercial request particularly because they are familiar with the concerns on Route 30. In addition, the State has to approve any entrances and exits.

Mayor Rogers added that any commercial use would require additional public hearings. The State would have to agree before the City could consider any commercial use on that site. He emphasized additional public hearings would take place at which time concerned citizens could voice their opinions.

Ms. Dennis confirmed that they would be notified of that hearing. Mayor Rogers agreed that would not be in the best interest of the community.

The City Manager feels that with the increased development south of Milford, it may be appropriate to have access to a store where nearby residents would have the ability to buy milk or bread though he understands the concerns regarding this particular site.

Mary Sue Thawley of 7159 Wilkins Road stated she was unaware the triangular parcel (lot 405) in question had been zoned commercial by the Comprehensive Plan and asked who is the Office of State Planning. Ms. Brittingham replied the Director of the Office of State Planning is appointed through the Governor's office. Their office is responsible for reviewing and approving each Comprehensive Plans in the State. They delineated that as a commercial area.

Ms. Thawley asked how this occurred without talking to the residents. Ms. Brittingham explained there have been at least fifteen different public hearings on the Comprehensive Plan by the City of Milford in addition to those held by the State of Delaware. The City held their public hearings at City Hall with one held at the Milford Public Library. The State and County also held public hearings including one at Milford High School.

Ms. Thawley stated they attended the hearing at the high school though this commercial zoning was not discussed at that time.

It was confirmed this triangular piece belongs to Elmer Fannin, owner of Country Life Homes. The piece is part of the Matlinds Estates Subdivision which Timothy Johnson was unable to develop into lots because of the reconfiguration of Route 30. However, it remains part of the subdivision though it was delineated for commercial use because of the reconfiguration.

Ms. Thawley does not understand how the previous owner, Tim Johnson was denied by Sussex County but the zoning was later approved by the State of Delaware Comprehensive Plan. Ms. Brittingham explained he was not denied, but withdrew the application before a

decision was made. Ms. Thawley replied that is not what the homeowners were told. She said residents on that corner are extremely distressed with that situation. She ended by saying that if someone has not experienced terror on the highway, they should come and sit on her porch or drive out of her driveway onto the roadway.

Jim Goodwin of 803 Joshua Drive in Matlinds Estates said that at a prior public hearing, the City indicated the State had jurisdiction over the roads and specifically Wilkins Road. With the amount of housing being added in Hearthstone Manor, traveling down Route 30 will become an even more dangerous situation. He asked if the City takes that road over, would they aggressively pursue improvements from the State. Because Hearthstone Manor will become part of the City, those residents will be adding danger to the situation because Wilkins Road has no shoulder. He reported that a number of the residents living in Matlinds Estates are older citizens.

The City Manager reported that at the time the stop signs were removed, the City fought to have the signs put back in place, along with many Matlinds Estates residents. As a result of our insistence, local legislators made sure the stop signs were reinstalled. He added there has been some additional discussion of having a single traffic light installed at that intersection. That entire intersection continues to be actively studied because of the problem associated with it.

Mr. Carmean said he remains very uncomfortable with the stop sign that was added at the bottom of the overpass though that design was configured by the State engineers. Mr. Carmean does not feel that was the answer to any of these problems and hopes they will come up with a better solution.

Mayor Rogers added the City remains actively involved in having that changed. He very recently spoke with Representative George Carey with regard to the traffic situation in this area.

The City Manager stated the City can petition the State to assume the roadway as was most recently done with Tenth Street out to the Canterbury Road. With Council's permission, Mr. Carmean is prepared to petition the state for numerous other streets in Milford as well. This is done because of the State's lack of maintenance. As a result, the City ends up taking care of snow removal, pot hole repair, etc. By assuming this responsibility, the City is able to obtain more highway money which helps finance these repairs.

If Council agrees, they could petition for Elks Lodge Road and Wilkins Road. He clarified that the roads will still be patrolled regardless of whether they are State or City maintained. In the case of Matlinds, the inner streets will be taken over the City.

Ken Davis of 701 Lindsay Lane questioned Council about the meeting when the actual votes were taken by the residents for the annexation. He recalled the meeting held at Country Life Homes Office, but was unaware of any additional meetings.

Ms. Brittingham explained that a vote was not taken at the first meeting she attended at Country Life Homes. Mr. Davis remembered the vote being tabled at that time.

Ms. Brittingham explained a vote was taken at the second meeting though she was not present. Mr. Davis said there were a number of residents that did not attend that meeting. He verified that no one voted against the annexation.

Allyn Dennis advised that notices of the meeting were placed in every mailbox at Matlinds Estates. Mr. Davis feels that though a vote was taken, not every resident was present which is proven by the twenty-nine votes being all in favor of the annexation.

Ms. Brittingham again explained that there were enough favorable votes to bring the annexation proposal to this meeting. There will be an official election, handled by the City, at which time the homeowners will be given the opportunity to vote to annex or not to annex into the City.

Mr. Davis said he was under the impression Council was going to vote this evening on the annexation which was the final step in the process. Ms. Brittingham replied that Council was only going to recommend that the City proceed, but the annexation was still contingent upon the majority vote of the residents by an official election.

Ms. Brittingham stated that if Council agrees to annex Matlinds Estates with the conditions the residents requested, the recommendation will be contingent upon the election at a later date. She then referred to the Public Notice for tonight's hearing which read "following this (Public) Hearing, the Milford City Council may pass a resolution annexing such territory into the City of Milford, subject to the approval of the property owners in the territory to be annexed, which approval or disapproval, shall be determined at a later scheduled Special Election". Notices will be mailed to all Matlinds Estates property owners, as well as advertised in the Milford Chronicle.

Allyn Dennis asked the City update their mailing list to ensure that all property owners receive them. Anyone who did not receive a notice needed to contact the City Clerk.

Bill Shupe of 805 Joshua Drive asked if the 15-year tax abatement is still a condition of the annexation. Mayor Rogers confirmed that Council agreed to that stipulation.

Mr. Shupe then asked if they would still receive their electric service from Conectiv. Mayor Rogers also verified that would not change.

Mr. Shupe questioned if City water lines are run to Matlinds and they are requested to connect, would they be able to keep their wells for watering their yards and gardens.

Mr. Carmean and Mayor Rogers both agreed those conditions were discussed at the time of the annexation vote and remain in effect. Mayor Rogers advised the only time the 15-year tax abatement would be removed is when a property was conveyed to a new owner.

Ms. Brittingham further clarified they would have the opportunity to connect to water for domestic use and at the same time keep their on-site wells for irrigation purposes only. Mr. Carmean added if they wished to connect, it would be for domestic use.

Councilman O'Neill then questioned the electricity issue. He asked if the zones change

periodically with Conectiv and the City. Mr. Carmean advised we have not had a change in the City service area of existing homes during the past seven years while he has been City Manager. He recalled prior times when development was occurring and services areas were being assigned, if the City chose to provide electricity for an annexation such as this, the City would be required to buy the infrastructure from Conectiv at a fair market value. For this number of homes, it would not be cost effective.

Mr. O'Neill said he did not realize this was going through with a provision which would allow them to keep Conectiv power. He was under the impression that nothing would change initially because it was not financially practical, but did not prevent this from occurring once our services became available in that area. His concern is having a contractual obligation that would never allow this even though he understands it is not practical. By not knowing what may change in future, this will restrict the City should we need to expand to that area.

Mr. Carmean explained that a number of the undeveloped areas requesting annexation have been taken in as new electric service areas and were not once considered part of the City service area. For example, the subdivision on Bowman Road was one case. He believes the Isaacs Farm should have been served by Conectiv, but was annexed prior to any infrastructure improvements. In these cases, we are able to do this because of the lack of infrastructure and no up front costs owed to another electric company.

Mayor Rogers said that if Conectiv came to the City and offered a deal, it would have to be a very worthwhile one before we would consider it.

Mr. O'Neill agreed that at that point it would be able to be considered, but that is the point he wants to make. He realizes there is no intent for the City to do anything, but wanted to clarify there is an actual contractual arrangement.

Mr. Carmean verified it is part of the current annexation agreement that these residents are allowed to remain Conectiv customers. However, down the road that may change and may not. Regardless, the City may still not be able to service them. Conectiv is locked into a residential rate until 2006 or 2007. Once that has expired, the City will be much more competitive and these residents may reconsider at that point.

Mr. O'Neill remains concerned that we are closing the door even if the situation change in the future.

Mr. Ambrose verified that if for some reason, Conectiv came to the City and offered to give this area to the City, the City would not able to take it because of this agreement. Mr. O'Neill agreed that is his concern.

The City Manager confirmed we would have to honor the agreement with the residents though he does not foresee Conectiv giving the City anything.

Mr. O'Neill added he would hate to see the City not have the ability to be able to take the area.

Mayor Rogers agreed with the City Manager that the agreement was made and would be

honored unless the residents felt otherwise.

Ms. Brittingham suggested that should another option become available with regard to this agreement, another public hearing could be scheduled and residents given the opportunity to vote for or against the change. Only if such a scenario ever arose would this ever be considered. At this point, the City does not foresee such a possibility. If nothing else, residents would at least be given the opportunity to voice their opinions at the public hearing.

Mayor Rogers agreed it should be handled through another public hearing particularly because we are agreeing to this on record.

Mr. Ellison made a motion to proceed with the annexation of Matlinds Estates which will be decided by a favorable vote of the annexation by its residents. Ms. Brown seconded the motion.

With no further questions or comments, the motion carried with the following 8 to 0 roll call vote:

Ms. Flick	Yes
Mr. Ambrose	Yes
Mr. Ellison	Yes
Mr. O'Neill	Aye
Mr. Brooks	Yes
Mr. Morrow	Yes
Mr. Starling	Yes
Ms. Brown	Yes

The City Manager pointed out these conditions would apply to those property owners who have settled on their properties by the date of the favorable vote by the Matlinds Estates residents. If someone is in the process of purchasing a property, but have not gone to a final settlement, the conditions will not apply.

Mayor Rogers advised Notices of the Election will be sent to each resident. The election will be held at City Hall.

Having no additional business, the Public Hearing adjourned at 8:14 p.m.

Respectfully submitted,

Terri K. Hudson  
City Clerk

Now, Therefore, Be It Resolved, that this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in said County where said lands are situate.

I, Joseph R. Rogers, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at its meeting held on July 14, 2003, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Mayor Joseph R. Rogers

Motion seconded by Mr. Starling. Motion carried the following 7 to 0 roll call vote:

Mr. Ambrose	Yes
Mr. Ellison	Yes
Mr. O'Neill	Aye
Mr. Brooks	Yes
Mr. Morrow	Yes
Mr. Starling	Yes
Mrs. Brown	Yes

*Adoption of Resolution/Annexing Matlinds Estates and Scheduling a Special Election*

When asked if he has spoken with any more Matlinds Estates residents, Mr. Fannin replied he has discussed the matter with four or five people who spoke in favor of it. However, he has not had any additional meetings.

Ms. Brown said the election will determine whether the majority of the residents are in favor of the annexation.

Mr. Carmean said that publicly what is important to understand is the fact that they approached the City. Many people still do not understand these property owners approach us for annexation. We do not actively go after these properties. The City and Mayor and Council do not want hostile annexations.

Referring to previous problems with tapping into the City water and sewer lines in Shawnee Acres, Mr. Ellison asked how we will control the empty lots in Matlinds Estates. Presently there is no infrastructure at Matlinds for water and sewer. However, if Matlinds annexes, they will have to permit through the City. Shawnee Acres is in the county and goes through Sussex County. As a result, we should not experience that problem.

Mr. Ellison confirmed that at the time of the election, we will know exactly how many undeveloped lots there are. It was noted we already have that information on file. In

addition, Country Life Homes keeps us up to date on new property transfers.

The annexation will be determined by majority vote. The majority vote will be based on the actual number of those who vote. Abstentions will not be considered.

Ms. Brown made a motion to adopt the following resolution scheduling a Special Election for Saturday, August 16, 2003. The annexation is subject to those conditions previously agreed to by City Council and the Matlinds Estates Residents:

RE: ANNEXATION/LAND OF: Matlinds Estates Subdivision  
Approved Zoning: R-1, C-3 (Limited to Parcel 405)

TAX MAP NO(s):

3-30-11-6.07	3-30-11-361	3-30-11-372	3-30-11-383	3-30-11-394
3-30-11-351	3-30-11-362	3-30-11-373	3-30-11-384	3-30-11-395
3-30-11-352	3-30-11-363	3-30-11-374	3-30-11-385	3-30-11-396
3-30-11-353	3-30-11-364	3-30-11-375	3-30-11-386	3-30-11-397
3-30-11-354	3-30-11-365	3-30-11-376	3-30-11-387	3-30-11-398
3-30-11-355	3-30-11-366	3-30-11-377	3-30-11-388	3-30-11-399
3-30-11-356	3-30-11-367	3-30-11-378	3-30-11-389	3-30-11-400
3-30-11-357	3-30-11-368	3-30-11-379	3-30-11-390	3-30-11-401
3-30-11-358	3-30-11-369	3-30-11-380	3-30-11-391	3-30-11-402
3-30-11-359	3-30-11-370	3-30-11-381	3-30-11-392	3-30-11-403
3-30-11-360	3-30-11-371	3-30-11-382	3-30-11-393	3-30-11-404
3-30-11-405	3-30-11-406	3-30-11-407	3-30-11-408	3-30-11-409

On the 16<sup>th</sup> day of August, 2003, at Milford City Hall, 201 South Walnut Street, Milford, Sussex County, Delaware, between the hours of twelve noon, prevailing time, until seven o'clock in the evening, prevailing time, there will be a Special Election to determine whether the City of Milford shall annex lands located contiguous to the present corporate limits of the City of Milford being more particularly described in Exhibit "A" attached hereto and incorporated herein.

Particulars concerning the Special Election are contained in this Resolution of the City Council of the City of Milford which was passed at a meeting held July 14, 2003, a copy of which is as follows:

WHEREAS, pursuant to a Resolution adopted by the City Council of the City of Milford, a committee appointed by the Mayor of the City of Milford according to the requirements of Article I, Section 1.04 of the Code of the City of Milford, as amended, recommended in its report that certain territory located contiguous to the present corporate limits of the City of Milford be annexed.

WHEREAS, after notice duly published according to the requirements of the Annexation requirements of the Code of the City of Milford, as amended, a Public Hearing was held on the 30<sup>th</sup> day of June, 2003, upon the proposal of the City Council of the City of Milford to annex certain territory located contiguous to the present corporate limits of the City of Milford.

WHEREAS, in the opinion and judgment of the individual members of the City Council, no cause has been shown why the territory located contiguous to the present corporate limits of the City of Milford should not be annexed, and it positively appearing that said territory should be annexed in the event that a majority of the duly qualified electors in the territory proposed to be annexed shall approve the proposed annexation at the Special Election hereinafter provided for.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Milford, that a Special Election shall be held on the 16<sup>th</sup> day of August, 2003, at Milford City Hall, 201 South Walnut Street, in the City of Milford, Sussex County, Delaware, from the hours of twelve noon, prevailing time, until seven o'clock in the evening, prevailing time, at which time a Special Election will be held at which time the duly qualified voters in the territory proposed to be annexed shall vote for or against the annexation into the City of Milford of the territory located contiguous to the present corporate limits of the City of Milford, said territory being more particularly described in Exhibit "A" attached hereto and incorporated herein.

AND BE IT FURTHER RESOLVED, that the City Manager of the City of Milford has and is hereby authorized and directed to cause a Notice of the Special Election to be printed in a newspaper published in the City of Milford and having a general circulation both in the City of Milford and in the territory to be annexed, specifically in the July 30, 2003 and August 6, 2003 issues of the Milford Chronicle, in the July 27, 2003 and August 8, 2003 issues of the Delaware State News and in the July 25, 2003 and August 3, 2003 issues of the Wilmington News Journal, all within thirty (30) days immediately preceding the date of the Special Election.

Mayor Joseph R. Rogers

Mr. O'Neill seconded motion. Motion carried the following 7 to 0 roll call vote:

Mr. Ambrose	Yes
Mr. Ellison	Yes
Mr. O'Neill	Aye
Mr. Brooks	Yes
Mr. Morrow	Yes
Mr. Starling	Yes
Mrs. Brown	Yes

Because of the growth and development, Mayor Rogers stated we need to review the wards to determine whether or not they need to be realigned. In addition, we may also need to add another ward to the City by adding two more Council Members.

Mayor Rogers thanked the City Manager for having Lakeview Avenue repaired. We have experienced many problems in that area and though we will still need to be keep an eye on it, it is much better than when it was originally paved.

During the prayer walk this past weekend was a good opportunity to observe the properties in Milford. We still have many properties that have grass issues in addition to other code violations. Adding the extra personnel to that department did not seem to help the matter.

Mr. Brooks explained that when a grass complaint is received, a letter is mailed giving the property owner ten days to respond. At the time the letter is mailed, the grass is already too high. When another ten days passes, the grass is outrageously high.

Mayor Rogers feels we need to place stiffer penalties on the property owners who violate these ordinances.

#### COMMITTEE REPORTS

##### *Report of Special Election/Matlinds Estates Annexation*

Mayor Rogers reported that a total of 44 Matlinds Estates residents participated in the special election on August 16<sup>th</sup>. Of those votes, 39 votes were in favor of the annexation and 5 against the annexation. As a result, Matlinds Estates was annexed into the City of Milford by favorable vote of its residents.

The tally was certified by the special election board consisting of Kenneth Fountain, Donna Merchant and Carlene Wilson.

Ms. Flick made a motion to accept the report, which was seconded by Ms. Brown. Motion carried unanimously.

##### *Public Works Committee*

Mayor Rogers advised that pothole repairs on needed on Sixth Street and by Wilmington Trust Bank.

In regard to the delayed traffic light on Rehoboth Boulevard and Buccaneer Boulevard, the timing was reset for school traffic which created a problem for north and southbound traffic. This is being addressed.

NOTICE OF ORDINANCE ADOPTION  
CITY OF MILFORD

NOTICE IS HEREBY GIVEN that on Monday, September 27, 2010, City Council, in regular session at the Joseph Ronnie Rogers Council Chambers at 201 South Walnut Street, Milford, Delaware adopted the following ordinance:

ORDINANCE 2009-22

AN ORDINANCE TO AMEND CHAPTER 230 OF THE CODE OF THE CITY OF MILFORD, ZONING, FOR THE PURPOSE OF ALLOWING BILLBOARDS AS A CONDITIONAL USE IN A HIGHWAY COMMERCIAL (C-3) DISTRICT.

WHEREAS, the City acknowledges the current zoning ordinance does not adequately define and address the placement of billboards within the City limits;

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 230, Section 4 of the Code of the City of Milford, entitled Zoning, is hereby amended by adding the following definition:

BILLBOARD – A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained.

Section 2. Chapter 230, Section 14.C of the Code of the City of Milford, entitled Zoning, is hereby amended by adding the following language:

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

Section 3. Chapter 230, Section 26.B, of the Code of the City of Milford, entitled Zoning, is hereby amended as follows:

ZONING  
City of Milford  
Sign Types and Allowable Dimensions and Restrictions

SEE ATTACHED SIGN CHART

Section 4. Dates.

Introduction to City Council-11/23/09

Planning Commission Public Hearing-12/15/09

City Council Public Hearing-07/26/10

Adoption Date-09/27/10

Effective Date-10/07/10

A complete copy of the City of Milford Code is available for review at the City Clerk's Office at Milford City Hall, 201 South Walnut Street, Milford, Delaware or on the website [cityofmilford.com](http://cityofmilford.com)

By: Terri K. Hudson, CMC  
City Clerk

Zoning Dist	Wall or Mailbox (residence/occupant ID)		Freestanding (mounted posts(s) on		Fascia: Commercial (wall, roof edge, etc) (of wall square feet)	Hanging/ Projecting (extended from wall) (square feet)	Marquee (movable letters)		Illuminated (non flashing)		EMB	Mobile (mounted, trailer, etc.)	Billboard (outdoor advertisement)	PROPOSED: Billboard	
	Ht	Sq Feet	Ht	Sq Feet			Ht	Sq Feet	Ht	Sq Feet				Sq Ft	Ht
R-1	42"	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	Prohibited	
R-2	42"	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	Prohibited	
R-3	42"	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	N/A	Prohibited	
C-1	42"	2	48"	4	10%	15	48"	9	48"	4	Prohibited	N/A	N/A	Prohibited	
C-2	N/A	N/A	48"	4	10%	20	48"	9	48"	4	Prohibited	N/A	N/A	Prohibited	
C-3	N/A	N/A	28'	225	10%	20	10'	48	28'	225	32 and ratio of 4:8	N/A	N/A	Conditional Use per DEIDOT Standards	
H-1	N/A	N/A	25'	70	5%	N/A	N/A	N/A	25'	70	Prohibited	N/A	N/A	Prohibited	
OC-1	N/A	N/A	28'	225	5%	N/A	10'	48	28'	225	Prohibited	N/A	N/A	Prohibited	
I-1	N/A	N/A	28'	200	5%	N/A	10'	48	28'	200	Prohibited	N/A	N/A	Prohibited	
I-2	N/A	N/A	28'	200	5%	N/A	10'	48	28'	200	Prohibited	N/A	N/A	Prohibited	

## PUBLIC NOTICE

Notice is hereby given the following ordinance is under review by the  
Milford Planning Commission and Milford City Council:

### ORDINANCE 2012-01 Conditional Use/Key Properties Group

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE AUTHORIZING A CONDITIONAL USE PERMIT FOR FIRST STATE SIGNS, INCORPORATED ON BEHALF OF KEY PROPERTIES GROUP TO ALLOW TWO BILLBOARDS IN A C-3 DISTRICT ON THE WEST SIDE OF STATE ROUTE 1 AND COUNTY ROAD 206 (WILKINS ROAD). TAX MAP 3-30-11.00-405.00; 4.81 +/- ACRES.

Whereas, the City of Milford has been requested by Dale McCalister of First State Signs, Incorporated on behalf of Key Properties Group to allow a conditional use for two billboards; and

Whereas, the Planning Commission reviewed the application at a public hearing on January 17, 2012 and has presented the item to be considered by the City Council; and

Whereas, the City Council held an advertised public hearing on February 27, 2012 to allow public comment on the application.

Now, Therefore, the City of Milford hereby ordains:

Section 1. Upon the adoption of this ordinance, Key Properties Group is hereby granted a conditional use permit to allow two billboards in accordance with the application, approved plans and any conditions set forth;

Section 2. Construction or operation shall be commenced within one year of the date of issuance or the conditional use permit becomes void.

Section 3. Dates.

Introduction to City Council: 01-09-12

Planning Commission Review & Public Hearing: 01-17-12

City Council Review & Public Hearing 02-27-12

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

Ordinance 2012-01 is scheduled for adoption, with or without amendments, at the Council Meeting on February 27, 2012. Should you have questions, please contact the City of Milford Planning and Zoning Department at 302-424-3712 Extension 308.

# City of Milford



## **PUBLIC NOTICE** **CITY COUNCIL HEARING**

NOTICE IS HEREBY GIVEN that the City Council of the City of Milford will hold a Public Hearing on Monday, February 27, 2012 at 7:00 p.m., or as soon thereafter as possible, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware to consider final action on the following matter:

Davis, Bowen and Friedel, Incorporated on behalf of the City of Milford requesting the Minor Subdivision of a 21.694 acre parcel into two parcels (10.479 acres and 11.215 acres) in a C-3 District; site located on the northeast side of Milford-Harrington Highway, 400 feet northwest of Williamsville Road, Milford, Delaware; Tax Parcel MD-16-173.00-01-06.01.

All interested persons are hereby notified to be present and to express their views before a final decision is rendered. Written comments will be accepted up to one week prior to the hearing date.

Please direct all questions or comments to Christine Crouch at 302-424-3712 Extension 308.

By: Terri K. Hudson, CMC



# Land Use Application Cover Sheet

File Name: Milford, City of - Elec Substation  
 File Number: 12-180

Date Stamp: 01/13/12  
*cc*

**Instructions for Applicants:**

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

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

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

**Please Type or Print Legibly**

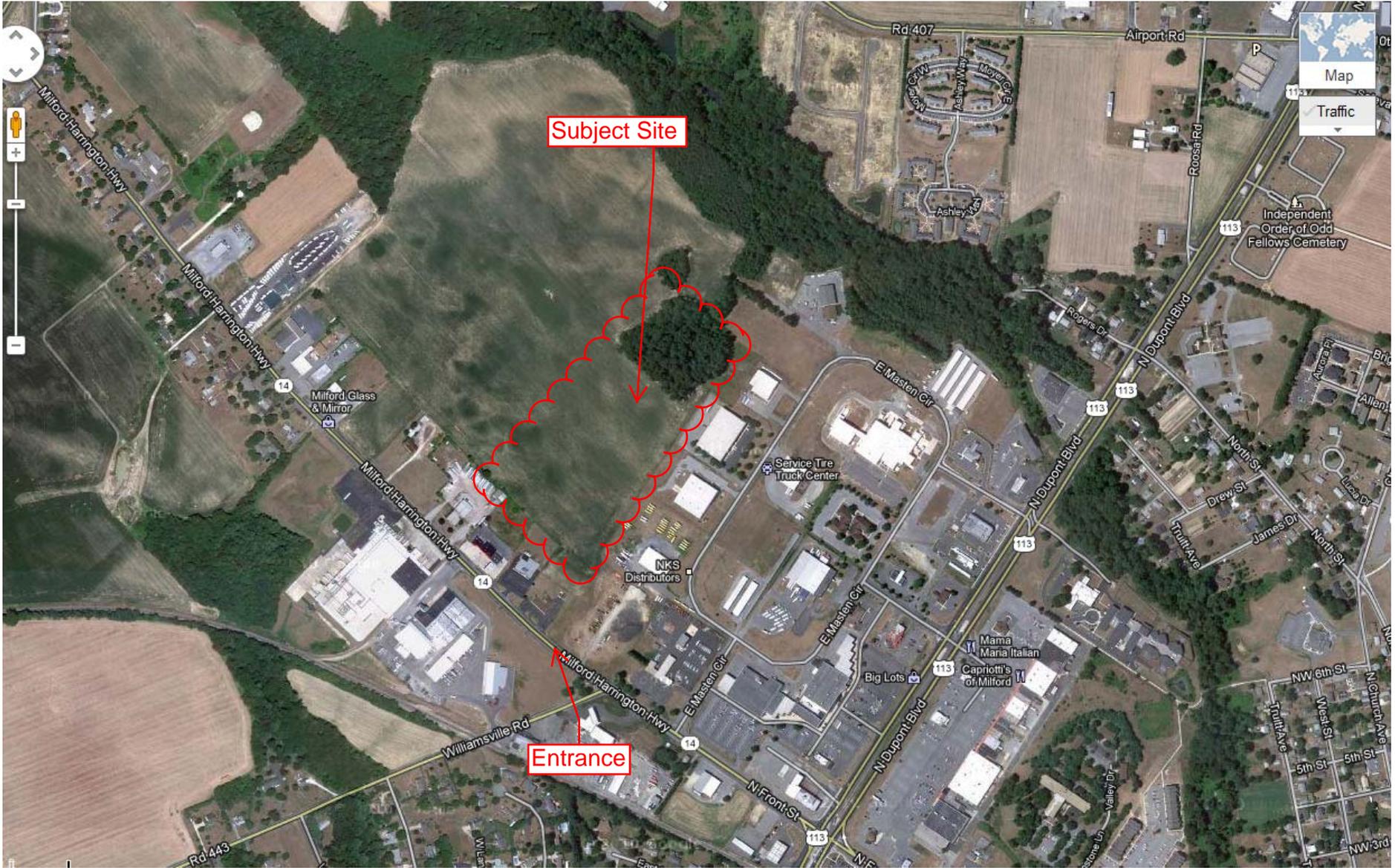
<b>Property Owner:</b> City of Milford			Phone: (302) 424-3712
Address: 201 South Walnut Street			Cell:
City: Milford	State: DE	Zip: 19963	Fax: (302) 424-3558
E-Mail:			
<b>Contact Person For This Application:</b> Carlton Savage Jr., P.E.			Phone: (302) 424-1441
Address: 23 N. Walnut Street			Cell:
City: Milford	State: DE	Zip: 19963	Fax: (302) 424-0430
E-Mail: crs@dbfinc.com			
<b>Applicant Name and/or Company:</b> Davis, Bowen, & Friedel Inc.			Phone: (302) 424-1441
Address: 23 N. Walnut Street			Cell:
City: Milford	State: DE	Zip: 19963	Fax: (302) 424-0430
E-Mail: crs@dbfinc.com			
<b>Site Address:</b>			Zoning: C-3
Tax Map & Parcel Number (s): MD-16-173.00-01-06.01			Acreeage: 21.694
<b>Description of Proposal:</b> Minor Subdivision of existing 21.694 acre lot into two (2) parcels (10.479 acres and 11.215 acres)			
I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.			
Signature of Applicant:		<i>[Signature]</i>	
Signature of Property Owner:		<i>[Signature]</i>	
		Date:	1/13/12
		Date:	

REVISED: 11.15.11











STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

CAROLANN WICKS, P.E.  
SECRETARY

February 17, 2011

Mr. Kris Connelly  
Kent County Planning & Zoning  
555 Bay Road  
Dover, DE 19901

DelDOT  
NO OBJECTION  
TO RECORDATION

**SUBJECT:** SKR 5882; Minor Subdivision of the lands of Fordmill, L.L.C.  
Tax Parcel # MD-16-173.00-01-06.00-000  
KCR 036 Milford-Harrington Highway (DE 14)  
City of Milford, Kent County

Dear Mr. Connelly:

The Department of Transportation has reviewed the minor subdivision plan dated January 2011, with latest revision date of February 16, 2011, for the above reference site, and has no objection to recordation as shown on the enclosed drawing and as noted.

**Note:**

Lot 1 and the Residual Lands shall have access to Milford-Harrington Highway via existing access points as shown on the above referenced plan, no new entrances are proposed by this plan. All entrances shall conform to DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access and shall be subject to its approval.

An entrance permit is required from the DelDOT Central District – Entrance Permits Section any time property is subdivided, sold, leased, the change of use of the property will significantly alter the flow or volume of traffic and/or drainage (at the sole discretion of the Division) and/or the owner transfers his/her interest in the property. With the proposed minor subdivision, DelDOT will require a copy of the **recorded Record Plan** showing all appropriate signatures, seals, Plot Book and Page Number, prior to issuing the entrance permit.

The owner is to submit this information to the Central District Entrance Permits Manager 760-2433, to obtain the entrance permit. **Entrance(s) must be installed prior to the sale of any lot(s).**



Mr. Kris Connelly  
Page 2  
February 17, 2011

This "Letter-of-No-Objection" is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject this proposed plan even though DelDOT has established that these enumerated transportation improvements are acceptable.

If I can be of any further assistance, please contact me at (302) 760-2266.

Sincerely,



Marc Cote  
Subdivision Engineer, Development Coordination

MC:dmc

Enclosure (1)

cc: Eric Cimo, Central District Public Works Engineer (w/attachment)  
Todd Sammons, Kent County Subdivision Engineer, Subdivisions (email)  
Diane Calloway, Project Engineer, Subdivisions (email)  
Joseph M. Joachimowski, Jr., Davis, Bowen & Friedel, Inc. (email)  
File (w/attachment)



# OFFICE OF STATE FIRE MARSHAL



2307 MacArthur Road  
New Castle, DE 19720-2426  
Phone: 302-323-5365  
Fax: 302-323-5366

### Technical Services

1537 Chestnut Grove Road  
Dover, DE 19904-9610  
Phone: 302-739-4394  
Fax: 302-739-3696

22705 Park Avenue  
Georgetown, DE 19947  
Phone: 302-856-5298  
Fax: 302-856-5800

## FIRE PROTECTION PLAN REVIEW REPORT

Plan Review Number 2011-03-0027-MIS-01 Tax Parcel Number MD-16-173.00-01-06.00-000  
Review Status APPROVED AS SUBMITTED Review Date 02/09/2011

### PROJECT

FORDMILL LLC		
FORDMILL LLC		
Phase#	Building #	Unit #
MILFORD HARRINGTON HWY		
MILFORD, DE 19963		

### SCOPE OF PROJECT

Project Type <u>MIS Minor Site</u>	
Number of Stories _____	Occupant Load _____
Square Footage _____	Occupancy Code _____
Construction Class _____	Fire District <u>42</u>

### APPLICANT

### OWNER

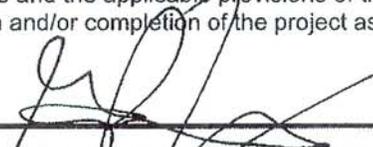
DAVIS BOWEN & FRIEDEL	FORDMILL LLC
23 N WALNUT ST	PO BOX 212
PO BOX 809	LEWES, DE 19958
MILFORD, DE 19963	

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

  
 \_\_\_\_\_  
 GARY LONG, SR. FIRE PROTECTION SPECIALIST

# FIRE PROTECTION PLAN REVIEW COMMENTS

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Project Name FORDMILL LLC

Plan Review Number 2011-03-0027-MIS-01

Tax Parcel Number MD-16-173.00-01-06.00-000

Review Status APPROVED AS SUBMITTED

Review Date 02/09/2011

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## PROJECT COMMENTS

- 1002                    This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) Effective November 11, 2009. The current Delaware State Fire Prevention Regulations are available on our website at [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov). These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
- 
- 1301                    A plan assessment was conducted indicating the Delaware State Fire Prevention Regulations have Minimal Impact on this project. This Agency has no objection to the recordation or revision to the recordation of this site plan. This reflects the site approval only.
- 
- 1501                    If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.
- 

A handwritten signature in black ink, consisting of a stylized 'A' shape with a long horizontal line extending to the right.



# KENT CONSERVATION DISTRICT

800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 (302) 741-2600 EXT. 3 • FAX (302) 741-0347

January 31, 2011

Ms. Sarah Keifer, AICP  
Kent County Department of Planning  
555 Bay Road  
Dover, Delaware 19901

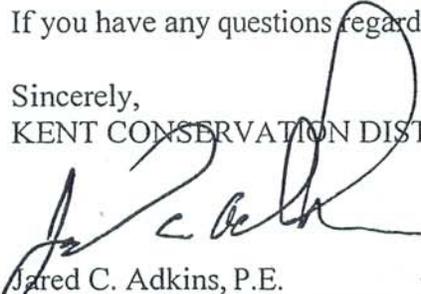
RE: Minor Subdivision Site Plan  
Lands of: Fordmill, LLC  
Tax Map No. MD-16-173.00-01-06.00-000

Dear Ms. Keifer:

The Kent Conservation District has no objection to the recordation of the above referenced site plan. A standard sediment and stormwater permit is required prior to any land disturbing activity (clearing, grading, grubbing, etc.) up to one (1) acre taking place on the lot.

If you have any questions regarding this matter, please contact our office.

Sincerely,  
KENT CONSERVATION DISTRICT

  
Jared C. Adkins, P.E.  
Stormwater Engineer/Program Manager

cc: Joseph M. Joachimowski, Jr. - Consultant  
Fordmill, LLC - Owner





PUBLIC WORKS DEPARTMENT  
302.422.6616, FAX 302.422.1119

180 VICKERS DRIVE  
MILFORD, DE 19963

March 1, 2011

DBF  
23 North Walnut Street  
Milford, Delaware 19963

Attn: Joseph M. Joachimowski, Jr.

Re: Public Works Approval

DBF Project NO: 1040J001  
Minor Subdivision-Fordmill, LLC

Dear Joe

At this time the Public Works Departments have no objection to the above mentioned subdivision. More detailed utility plans will be required at time of further development. At this time please move forward with the planning process.

Sincerely

Brad Dennehy  
Director of Public Works, City of Milford

CC: Gary Norris

*Gerald G. Friedel, P.E.  
Michael R. Wigley, AIA  
Randy B. Duplechain, P.E.  
Charles R. Woodward, Jr., LS  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA  
Jason P. Loar, P.E.*

**LEGAL DESCRIPTION  
MINOR SUBDIVISION  
LOT 1A  
LANDS OF  
CITY OF MILFORD**

January 13, 2012

**ALL** that piece or parcel of land, hereinafter described, situate, lying and being on the northeasterly side of State Route 14, and being located in the City of Milford, Milford Hundred, Kent County, Delaware, being all of the Lot 1, as shown on a plot entitled "Fordmill Electrical Substation, Record Plan," completed by Davis Bowen & Friedel, Inc., dated Sept. 2011, said piece or parcel of land being more particularly described as follows:

**BEGINNING** at an iron rod and cap set at a point formed by the intersection of the northeasterly right-of-way line of State Route 14, with the southeasterly line of lands of, now of formerly, L.P.J. Properties, as recorded in the Office of the Recorder of Deeds in Deed Book S-40, Page 96, thence running,

1) leaving said right-of-way line of State Route 14 and running by and with said new property line of L.P.L. lands, the following 3 courses and distances, along a curve to the left having a radius of 25.00 feet, an arc length of 39.26 feet and a chord bearing and distance of North 78 degrees 44 minutes 14 seconds East 33.35 feet to an iron rod and cap set at a point, thence running,

2) North 33 degrees 18 minutes 55 seconds East 399.74 feet to an iron rod and cap set at a point, thence running,

3) North 55 degrees 30 minutes 57 seconds West 192.89 feet to an iron pipe found at a point on the northeasterly line of lands of, now or formerly, Branta Enterprises, LLC, as recorded in said Office of the Recorder of Deeds in Deed Book D-269, Page 179, thence running,

4) leaving said L.P.J. Properties lands and running by and with said Branta lands and in part running by and with lands of, now or formerly, Cosmo Properties, as recorded in said Office of the Recorder of Deeds in Deed Book D-703, Page 1, and in part running by and with lands of, now or formerly, Blue Hen Lines, Inc., as recorded in said Office of the

Recorder of Deeds in Deed Book S-42, Page 139, North 45 degrees 40 minutes 21 seconds West 441.60 feet to an iron pipe found at a point on the southeasterly line of said Residual Lands of Fordmill, LLC., as recorded in said Office of the Recorder of Deeds in Plat Book 113, Page 96, thence running,

5) leaving said Blue Hen Lines, Inc. lands and running by and with Residual land of said Fordmill, L.L.C. lands, North 34 degrees 00 minutes 14 seconds East 603.40 feet to an iron rod and cap set on the new southerly property line of Residual lands of Fordmill, LLC., thence running,

6) running by and with said Residual Lands of Fordmill, LLC., running with said new property line, South 55 degrees 59 minutes 46 seconds East 645.42 feet to a concrete monument found at a point on the westerly line of lands of, now or formerly, Richard J. Marchetti as recorded in said Office of the Recorder of Deeds in Deed Book D-356, Page 275, thence running,

7) running by and with said Marchetti lands and in part running by and with lands of, now or formerly, Wilson Fleet & Equipment Service, as recorded in said Office of the Recorder of Deeds in Deed Book D-216, Page 342, South 33 degrees 02 minutes 25 seconds West 588.49 feet to an iron rod and cap found at a point, thence running,

8) running by and with said Wilson Fleet lands, South 55 degrees 56 minutes 14 seconds East 30.87 feet to an iron rod and cap found at a point on the northerly line of lands of, now or formerly, Southern States Milford Coop., as recorded in said Office of the Recorder of Deeds in Deed Book D-298, Page 23, thence running,

9) leaving said Wilson Fleet lands and running by and with said Southern States lands, the following 2 courses and distances, South 33 degrees 18 minutes 54 seconds West 507.16 feet to an iron rod and cap set at a point, thence running,

10) along a curve to the left, having a radius of 25.00 feet, an arc length of 36.46 feet and a chord bearing and distance of South 08 degrees 27 minutes 54 seconds East 33.31 feet to an iron rod and cap set at a point on the aforementioned right-of-way line of State Route 14, thence running,

11) leaving said Southern States lands and running by and with said right-of-way line of State Route 14, the following 2 courses and distances, North 49 degrees 42 minutes 33 seconds West 52.23 feet to a point, thence running,

12) North 48 degrees 46 minutes 33 seconds West 54.65 feet to an iron rod and cap set at the point and place of beginning; **CONTAINING** 10.479 acres of land, more or less.

**EXCEPTING** thereon a 60 feet wide Access Easement and a 15 feet wide Permanent Utility Easement as shown on a plat entitled "Fordmill Electrical Substation, Record Plan," completed by Davis Bowen & Friedel, Inc., dated Sept. 2011.

*Gerald G. Friedel, P.E.  
Michael R. Wigley, AIA  
Randy B. Duplechain, P.E.  
Charles R. Woodward, Jr., LS  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA  
Jason P. Loar, P.E.*

**LEGAL DESCRIPTION  
MINOR SUBDIVISION  
RESIDUAL LANDS OF  
CITY OF MILFORD**

January 13, 2012

**ALL** that piece or parcel of land, hereinafter described, situate, lying and being on the northeasterly side of State Route 14, and being located in the City of Milford, Milford Hundred, Kent County, Delaware, being all of Residual Land, as shown on a plot entitled "Fordmill Electrical Substation, Record Plan," completed by Davis Bowen & Friedel, Inc., dated Sept. 2011, said piece or parcel of land being more particularly described as follows:

**BEGINNING** at a point formed by the intersection of the southwesterly line of lands of, now or formerly, Kentmere Builders, LLC, as recorded in the Office of the Recorder of Deeds in and for Kent County and the State of Delaware in Deed Book D-695, Page 53, with the southeasterly line of existing Residual lands of, Fordmill, LLC., as recorded in said Office of the Recorder of Deeds in Plat Book 113, Page 96, thence running,

1) leaving said existing Residual lands of Fordmill, LLC and running by and with said Kentmere Builders lands, South 55 degrees 59 minutes 46 seconds East 585.57 feet to a concrete monument found at a point on the northwesterly line of lands of, now or formerly, Timothy S. & Jeannie N. Johnson, as recorded in said Office of the Recorder of Deeds in Deed Book D-701, Page 63, thence running,

2) leaving said Kentmere lands and running by and with said Johnson lands, along a curve to the right, having a radius of 805.00 feet, an arc length of 276.49 feet and a chord bearing and distances of South 23 degrees 13 minutes 47 seconds West 275.13 feet to an iron rod and cap set at a point, thence running,

3) running by and with said Johnson lands and in part with lands of, now or formerly, Milford Associates, L.P., as recorded in said Office of the Recorder of Deeds in Deed Book C-45, Page 192, and in part with lands of, now or formerly, Richard J. Marchetti, as recorded in said Office of the Recorder of Deeds in Deed Book D-356, Page 275, South 33 degrees 02 minutes 25 seconds West 500.90 feet to an iron rod and cap set at a point on the new northeasterly property line of Lot 1A, thence running,

4) leaving said Marchetti lands and running by and with said Lot 1A, North 55 degrees 59 minutes 46 seconds West 645.42 feet to an iron rod and cap set at a point on the southeasterly line of said existing Residual lands of Fordmill, LLC, thence running,

5) leaving said Lot 1A and running by and with said existing Residual lands of Fordmill, LLC, North 34 degrees 00 minutes 14 seconds East 771.11 feet to the point and place of beginning; **CONTAINING** 11.215 acres of land, more or less.

## Chapter 200 - SUBDIVISION OF LAND

[HISTORY: Adopted by the City Council of the City of Milford 11-10-2008 by Ord. No. 2008-12. <sup>128</sup> Amendments noted where applicable.]

### GENERAL REFERENCES

<a href="#">Building construction – See Ch. 88</a>	<a href="#">Streets and sidewalks – See Ch. 197</a>
<a href="#">Floodplain management – See Ch. 130</a>	<a href="#">Trees – See Ch. 211</a>
<a href="#">Property maintenance – See Ch. 174</a>	<a href="#">Water – See Ch. 222</a>
<a href="#">Sewers – See Ch. 185</a>	<a href="#">Zoning – See Ch. 230</a>

[§ 200-1. - Purpose.](#)

[§ 200-2. - Title.](#)

[§ 200-3. - Definitions.](#)

[§ 200-4. - Application procedure.](#)

[§ 200-5. - General requirements and design standards.](#)

[§ 200-6. - Variances and waivers.](#)

### § 200-1. - Purpose

These regulations are adopted in order to promote and protect the public health, safety, convenience and general welfare; ensure the orderly growth and development of the City, the conservation, protection and proper use of land and adequate provision for housing, recreation, circulation, utilities and services; and safeguard the City from undue future expenditure for the maintenance of streets and public spaces.

### § 200-2. - Title

These regulations shall be known and may be cited as the "City of Milford, Delaware, Land Subdivision Regulations."

### § 200-3. - Definitions

As used in this chapter, the following terms shall have the meanings indicated:

ALLEY — A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

COMMISSION — The Planning Commission of the City of Milford, Delaware.

OPEN SPACE — Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and or the public and which have the purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:

- (1) Community gardens;
- (2) Promotion of conservation and protection of wildlife;
- (3) Perpetual conservation easements;
- (4) Parks, plazas, walkways, sidewalks and trails;
- (5) Buffers or forested areas; or
- (6) For recreational uses as defined herein.

Open space shall not include areas of land for the following unless otherwise approved by Council:

- (1) Wetlands or stormwater management facilities;
- (2) Drainage easements;
- (3) Flagpole areas;
- (4) Medians (unless designed as a park);

- (5) Signage areas;
- (6) Landscaping in parking areas;
- (7) Predominantly impervious surfaces such as streets and parking lots;
- (8) Required front, side, or rear yards;
- (9) Any land included within designated lot lines; or
- (10) Utility facilities for uses such as sewer, water, gas or electric.

PLAT — The final drawing on which the subdivision plan is presented to the City Council for approval and which is submitted to the County Recorder of Deeds for recording.

PROPERTY OWNERS' ASSOCIATION — An association established by the subdivider as a non-stock corporation to provide for the perpetual maintenance of the common property in the subdivision.

RECREATIONAL USE — Areas of land within residential subdivisions or developments including planned unit developments which have the purpose to provide active recreational opportunities that are available to all residents of the community and/or the public including lands used for:

- (1) Indoor club houses;
- (2) Swimming pools and pool houses;
- (3) Tennis courts;
- (4) Basketball courts;
- (5) Athletic fields;
- (6) Picnic areas with tables;
- (7) Ponds for recreational use (boat, fishing or swimming);
- (8) Playgrounds; and
- (9) Bike or multi-model trails.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, gas pipelines, and water line, sanitary storm sewer, and other similar uses.

ROADWAY — The paved portion of the street primarily used for vehicular traffic.

- A. ARTERIAL STREET and HIGHWAY — A street primarily used for fast and/or heavy traffic.
- B. COLLECTOR STREET — A street carrying traffic from minor streets to arterial streets and highways, including the principal traffic and entrance streets of a residential development.
- C. MINOR STREET — A street primarily used for access to the abutting properties.
- D. MARGINAL ACCESS STREET — A minor street paralleling and adjacent to an arterial street or highway and providing access to abutting properties and protection from through traffic.
- E. DEAD-END STREET or CUL-DE-SAC — A street closed at one end and having only one connection with any other street.
- F. HALF STREET — A street paralleling the boundary of a subdivision and lying partly in an abutting tract.

STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN — The current specifications regulating subdivision design and construction as adopted by the City.

STREET — All land between property lines, whether designated as a street, highway, throughway, thoroughfare, avenue, boulevard, road, parkway, right-of-way lane, place, court or any similar term.

SUBDIVIDER — Any person, firm, corporation, partnership or association or duly authorized agent who or which shall apply to the Commission for approval of the layout of any subdivision.

SUBDIVISION — The division or redivision of any tract of land into two or more lots or parcels for immediate or future sale or for building development.

SUBDIVISION, MINOR — Any subdivision fronting on an existing street, not involving any new street or road, not involving the extension of any municipal water or wastewater mains, not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the development plan, Official Map, [Chapter 230](#), Zoning, or this chapter; limited to four lots.

SUPERBLOCK — An oversize residential block wherein private open spaces, closed to automobile traffic, are provided for the common use of all residents in the block.

*[Ord. No. 2009-18, §§ 1, 2, 4-26-2010]*

## § 200-4. - Application procedure.

- A. Preliminary approval.
  - (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by the City Planner, along with the appropriate fees, as specified in [§ 230-57](#).
  - (2)

The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. Upon confirmation by the City Planner that all DAC issues have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.

- (3) The Planning Commission shall review the application and provide either a recommendation of preliminary approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions or recommendation of denial, the application shall be scheduled to be heard by the City Council.
- (4) City Council shall grant preliminary approval of the application with or without conditions, deny the application, or table the application.
- (5) Preliminary approval from City Council shall be void after one year, unless an extension is requested by the owner and approved by City Council prior to the expiration.

**B. Final approval.**

- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in [§ 230-57](#)
- (2) The Development Advisory Committee shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.
- (3) The Planning Commission shall review the application and provide either a recommendation of final approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions, or recommendation of denial, the application shall be scheduled to be heard by City Council.
- (4) City Council shall approve the application with or without conditions, deny the application, or table the application.
- (5) Within 90 days of final approval from City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Four sets will be returned to the subdivider.
- (6) Upon recordation of the plat, the subdivider shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.
- (7) Failure to record the approved plat within one year from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for final approval again.
- (8) Failure to record the approved plat in more than one year from the date of City Council approval shall void the preliminary approval and final approval. In order to obtain preliminary and final approval after they have been voided, the subdivider must make application for and receive preliminary approval, then make application for and receive final approval.

### **§ 200-5. - General requirements and design standards.**

The following shall be deemed to be minimum requirements and may be varied or waived by the Commission only under circumstances set forth in [§ 200-6](#):

**A. Streets.**

- (1) The layout, character, extent, width, grade and location of proposed streets shall be established with due regard to:
  - (a) Public convenience and safety.
  - (b) Proposed uses of the land to be served by said streets.
  - (c) Proper relation and connection with and continuation and projection of streets in the adjacent areas, whether these streets are existing or proposed in another subdivision in a neighborhood plan, in the development plan or in the Official Map, as approved or adopted by the Commission.
  - (d) Topography and other land features.
- (2)

The layout of proposed streets shall furthermore be arranged in a manner acceptable to the Commission and City Council.

- (3) Minor streets shall be laid out so as to discourage their use by through traffic.
- (4) Where a subdivision abuts or contains an existing or proposed arterial street, limited-access highway or railroad, the City Council may require marginal access or service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line and deep lots with rear service alleys or other treatment, such as parks, which may be necessary for the protection of residential properties and for separation of through and local traffic, with due regard for the requirements of future approach grades and grade separations.
- (5) Where a tract of land is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements of this chapter.
- (6) Reserve strips controlling access to streets shall be prohibited except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the City Council such as provided in Subsection A(4) above.
- (7) Certain proposed streets may be required to be extended to the boundary line of the subdivision to provide access to tracts which may be subdivided in the future. Wherever necessary, when a street is carried to the boundary line of the subdivision, the City Council may require a temporary turnaround improved to the satisfaction of the City Engineer and of the size specified in Subsection A(16) below at the stub end.
- (8) The creation of dead-end or loop streets and superblocks will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.
- (9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.
- (10) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.
- (11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than 750 feet on arterial streets, 300 feet on collector streets and 100 feet on minor streets. The outer right-of-way line shall be parallel to said inner right-of-way line.
- (12) Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90° shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line of the intersecting street. The outer right-of-way line shall be parallel to said inner right-of-way line.
- (13) Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be 25 feet.
- (14) Right-of-way widths.
  - (a) Street right-of-way widths shall be as shown on the Official Map or development plan, and, if not shown thereon, said widths for the various street types between face of curb or edge of road shall not be less than as follows:

Street Type (feet)	Right-of-Way Roadway (feet)	
Arterial	80 to 110	As required by DeIDOT
Collector	60	28
Minor, for townhouses and apartments	60	30
Minor, for other residences	50	25
Dead-end	50	22
Marginal access	30	16
*Alley	20	12

Note:

\* If utilities are present in an alley, the City reserves the right to modify the minimum right-of-way and roadway widths.

- (b) Subdivisions utilizing open swale drainage shall have a ten-foot drainage easement along the front of each property to accommodate the back slope of the drainage swales.
- (15)

Half streets shall be prohibited except where essential to the reasonable development of a subdivision in conformity with the requirements of this chapter and where the Commission finds that it shall be practicable to require the dedication of the other half when the abutting property is subdivided. Wherever an approved half street shall be adjacent to a subdivision, the other half of the street shall be platted within said subdivision.

- (16) Dead-end streets, designed to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of 76 feet and a street right-of-way diameter of 100 feet.
- (17) Street names.
  - (a) Street names shall be selected so as not to duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission. It is recommended that all new streets shall be named in the following manner:

General direction	Long	Short (under 1,000 feet)
North and south	Streets	Places
East and west	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes or Circles

- (b) Arterial streets shall be named "boulevards."
  - (18) Street grades shall not exceed 5%.
  - (19) Street grades shall be not less than 0.5% wherever feasible.
  - (20) Changes in street grades shall be connected by vertical curves of suitable length.
  - (21) The width of streets adjacent to areas designed, proposed or zoned for nonresidential use shall be increased by such amount as may be deemed necessary by the Commission to assure the free flow of through traffic without interference by parked or parking cars and to provide adequate and safe parking space.
  - (22) All required roads shall be constructed in accordance with the standard specifications as issued by the City Engineer.
- B. Sidewalks and curbs.**
- (1) Sidewalks shall be required in all subdivisions on both sides of the street. Sidewalks shall have the following widths:
    - (a) In residential subdivisions: four feet unless otherwise specified.
    - (b) In commercial and industrial subdivisions: from the curb to property lines unless otherwise specified.
  - (2) Curbs or drainage swales conveying stormwater shall be required in all subdivisions.
  - (3) All required sidewalks shall be constructed in accordance with standard specifications as issued by the City Engineer.
- C. Easements.** Where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream, there shall be provided a stormwater easement or drainage right-of-way of such width as will be adequate for the purpose, in accordance with requirements specified by the City Engineer. Parallel streets or parkways may be required in relation thereto.
- D. Blocks.**
- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
    - (a) The provision of building sites suitable to the needs of the type of use contemplated.
    - (b) Zoning requirements as to lot sizes and dimensions.
    - (c) The control, safety and convenience of pedestrian and vehicular traffic.
    - (d) The characteristics of topography.
  - (2) Block length shall not exceed 1,200 feet.
  - (3) Block widths shall be not less than 275 feet nor more than 450 feet and shall be planned to provide two rows of lots.
  - (4) Pedestrian walkways other than in streets may be required where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Said walkways shall be not less than four feet wide.
  - (5) Alleys shall be provided if required by the City Engineer.
- E. Lots.**
- (1) Lot width, depth, shape and orientation and the building setback lines shall be appropriate for the location of the subdivision, for the type of development and for the use contemplated.
  - (2) Lot sizes shall conform to the requirements of [Chapter 230](#), Zoning.

- (3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to comply with the off-street parking and loading requirements contained in [Chapter 230, Zoning](#).
  - (4) Corner lots shall have sufficient width to provide an adequate building site within all the yard requirements. Corner lots shall have two front yard setbacks fronting each street, one side yard setback, and one rear yard setback.
  - (5) All lots in a subdivision shall have frontage on a public street.
  - (6) Double-frontage lots shall be avoided. Reverse-frontage lots shall be provided where necessary for protection of residential properties from through traffic and adverse nonresidential uses, for separation of through and local traffic and to overcome difficulties of topography or other specific conditions. Screen planting and a fence or wall shall be provided along the rear property line within an easement 10 feet or more in width, across which there shall be no right of access.
  - (7) Side lot lines shall be at right angles or radial to street lines.
  - (8) No lots shall be platted on land subject to flooding for residential or any other use where danger to life or property or an aggravation of flood hazard may result. Such land should be set aside for uses which would not be endangered by periodic or occasional inundations.
  - (9) No lots shall be platted within 25 feet of land under the jurisdiction of the U.S. Army Corps of Engineers.
- F.** Parks, playgrounds, open spaces, school sites and natural features.
- (1) Parks and playgrounds. Where a proposed park or playground is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, in those cases in which the Commission deems such requirements to be reasonable.
  - (2) Open spaces. Where deemed essential by the Commission and City Planner, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the Commission or City Planner may require the dedication or reservation of sites of a character, extent and location suitable to the needs created by such development for playgrounds or parks. The Commission shall not require that more than 10% of the gross area of the open space of the subdivision to be so dedicated or reserved unless otherwise specified by the Zoning Code.<sup>2[29]</sup> In case of a conflict, the requirement of the Zoning Code prevails. The Commission shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. Generally, the minimum area of contiguous open space acceptable for dedication for public use shall be at least three acres and preferably five acres. Open spaces with a lesser area may be approved by the Commission whenever it deems that the difference between the area offered and three acres may be made up in connection with the future subdivision of adjacent land or added to an existing recreation area.
  - (3) School sites or sites for other public uses. The Commission may also require a subdivider to set aside such area as it may deem to be required for a school or other public use. Upon failure of the proper authorities to purchase such site within one year after the date of the approval of the plat, the subdivider, upon application to the Commission and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.
  - (4) Preservation of natural features. The Commission may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and historic spots and similar irreplaceable assets. In no case shall a tree over 12 inches in diameter measured three feet from the base be removed without prior approval by the City Arborist.
- G.** General grading. No final slope on the property shall exceed the normal angle of repose of the soil of said slope as determined by the City Engineer, except where said slope consists of a natural rock formation or is supported by a retaining wall or equivalent of a design acceptable to the City Engineer.
- H.** Improvements.
- (1) In major subdivisions the following improvements are required:
    - (a) Paved streets.
    - (b) Street signs.
    - (c) Curbs and gutters, or roadside swales. Curbs shall be required as per standard specifications to stabilize intersections, entrances, and parking areas, and where they are necessary for the conveyance of stormwater and protecting road surfaces and driveway surfaces from vehicular traffic.
    - (d) Sidewalks.
    - (e) Streetlighting.
    - (f)

Shade trees. Shade trees 150 feet on center each side of the road shall be located so as not to interfere with utilities or sidewalks and shall be of the types recommended by the City Arborist.

- (g) Topsoil protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
  - (h) Monuments. Monuments shall be of the type, size and shape required by the City Engineer.
  - (i) Water mains, culverts, storm sewers and sanitary sewers.
    - [1] All water installations shall be looped; all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an approved method and shall be adequate to handle all present and probable future development.
    - [2] All of the above-listed improvements shall be subject to inspection and approval by the City Engineer, who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.
    - [3] Utility easements shall be required to be granted and recorded by the subdivider to allow extension of utilities to neighboring properties.
  - (j) Swales. Conveyance of stormwater is permitted by open drainage systems where appropriate for environmental and engineering integrity and design. Such systems shall be separated from the edge of road to the top of bank by a minimum five-foot shoulder. The depth of such systems shall not exceed two feet below crown of road. The side slope shall be a maximum of 4:1. The bottom of the system shall have a minimum width of two feet. The system slope shall be such that the maximum velocity does not exceed two feet per second. The system has to be designed in such a way as to incorporate driveway and crossroad drainage pipes; such systems shall be restored with topsoil and sod. Temporary check dams shall be placed in intervals not to exceed 300 feet.
  - (k) Headwalls. Storm drainage pipes which are part of an open swale drainage system shall be terminated with a headwall in accordance with standard specifications.
- (2) The developer shall complete all utilities and street improvements not specifically waived by the Commission in accordance with standard specifications as issued by the City Engineer and with any additional requirements specified by the Commission. Construction drawings shall be submitted in a form satisfactory to the City Engineer.
  - (3) When the Commission or the City Engineer, due to planning considerations extraneous to the subdivision, requires a standard of improvements higher than that which is sufficient to serve the subdivision, the amount of the bond to be posted shall be deemed to be satisfactory if it adequately covers the cost of improvements which would be normally required.
  - (4) The developer shall pay the review and inspection fees as set forth in [Chapter 230, Zoning, § 230-57](#), Planning and zoning fees. The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.

### § 200-6. - Variances and waivers

Applicants may request, at the time of application submission, the varying or waiving of requirements of [Chapter 200](#), and the Planning Commission may, at its discretion, recommend to City Council the varying or waiving of said requirements and request conditions that substantially secure the objectives of the requirements so waived. Upon the findings of the City Council that, due to special conditions peculiar to a subdivision or a site, certain requirements of these regulations are inappropriate or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the City Council may vary or waive said requirements, provided that such variance or waiver shall not be detrimental to the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the Official Map, [Chapter 230](#), Zoning, the Development Plan or this chapter. In varying or waiving certain requirements, the City Council may specify such conditions at will, in its judgment, secure substantially the objectives of the requirements so varied or waived.

#### FOOTNOTE(S):

- <sup>(28)</sup> 1. Editor's Note: This ordinance also repealed former Ch. 200, Subdivision of Land, adopted 12-10-2001 by Ord. No. 2001-8, as amended. ([Back](#))
- <sup>(29)</sup> 2. Editor's Note: See Ch. 230, Zoning. ([Back](#))

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

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

- A.** Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.
- B.** Permitted uses. Permitted uses for the C-3 District shall be as follows:
- (1) Those uses permitted in the C-2 District.
  - (2) Warehouses.
  - (3) Large retail outlets.
  - (4) Indoor storage accessory building.
  - (5) Fast-food restaurants and drive-in restaurants.
  - (6) Supermarkets.
  - (7) Truck and trailer rentals.
  - (8) Roadside produce market.
  - (9) Memorial stone shop.
  - (10) Outdoor commercial recreational facilities, not motorized vehicles.
  - (11) Swimming club.
  - (12) Indoor facility for amusement or assembly.
  - (13) Bus station.
- C.** Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

*[Amended 10-12-1998 by Ord. No. 10-1998]*

- (1) Motels or hotels with a minimum lot size of three acres.
- (2) Commercial greenhouse.
- (3) Wholesale establishment.
- (4) Newspaper publishing or printing establishment.
- (5) Contractors', craftsmen's or general service shops, including welding and similar shops.
- (6) Laboratory, testing and research.
- (7) Car repair shops.
- (8) Used car lots.
- (9) Telephone central office or television cable central office.
- (10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:
  - (a) All facilities shall be located and all services shall be conducted on the lot.
  - (b) All repair work shall be conducted within an entirely enclosed building.
  - (c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.
  - (d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.
  - (e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
  - (f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.
- (11) Shopping center, subject to site plan review and the following site requirements:
  - (a) The total shall not be less than one acre.
  - (b) The site must be served by public water, sewer and electricity.
  - (c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.
  - (d) Traffic and parking.

[1]

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

- [2] Access to state highways shall be controlled by the State Department of Transportation.
- [3] The minimum distance between accessways and a residential district shall be 50 feet.
- [4] Spacing of accessway.
  - [a] From adjoining property: 50 feet.
  - [b] From minor intersections: 50 feet.
  - [c] From major intersections: 100 to 150 feet.
- [5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.
- [6] Parking lots shall be attractively landscaped as shown on the general site plan.
- (e) Setback.
  - [1] From street right-of-way: 15 feet.
  - [2] From nonresidential districts: 15 feet.
  - [3] From residential districts: 100 feet.
- (f) Buffering and landscaping.
  - [1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.
  - [2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.

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

*[Added 10-14-1991]*

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

*[Added 6-14-1993]*

- (14) Convenience stores with gas pumps.

- (15) Community residential treatment program.

*[Added 9-13-1999 by Ord. No. 6-1999]*

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

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

- (18) Billboard, subject to the following:

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

**D. Area regulations.**

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

*[Ord. No. 2008-18, § 3, 8-24-2009; Ord. No. 2009-22, § 2, 9-27-2010]*

**CITY OF MILFORD  
PLANNING COMMISSION**

**RESOLUTION NO. PC12-002**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,  
DELAWARE, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF  
MILFORD  
THE APPROVAL OF A FINAL MINOR SUBDIVISION FOR  
MILFORD, CITY OF  
AT MILFORD-HARRINGTON HWY  
FOR A TWO LOT SUBDIVISION  
IN A C-3 ZONING DISTRICT  
TAX MAP MD-16-173.00-01-06.01**

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on February 21, 2012; and,

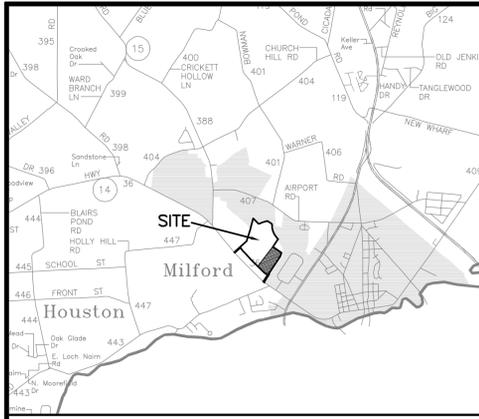
WHEREAS, by a vote of \_\_\_\_\_ recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following recommendations:

- 1.

APPROVED: \_\_\_\_\_  
Charles Rini,  
Planning Commission Chairman

SIGNED: \_\_\_\_\_  
Christine Crouch,  
Planning Commission Rec Secretary



LOCATION MAP 1"=1 MILE

**NOTES**

- THIS PLAT DOES NOT VERIFY THE EXISTENCE OR THE ABSENCE OF EASEMENTS AND/OR RIGHT-OF-WAYS.
- NO TITLE REPORT FURNISHED.
- WETLANDS EXIST ON SITE. WETLANDS EVALUATION WAS PERFORMED BY ENVIRONMENTAL RESOURCES, INC. IN ACCORDANCE WITH THE 1987 CORP OF ENGINEERS WETLANDS DELINEATION MANUAL AND ASSOCIATED GUIDANCE.
- ALL ENTRANCES SHALL CONFORM TO DELDOT'S STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS AND SHALL BE SUBJECT TO ITS APPROVAL.  
  
AN ENTRANCE PERMIT MUST BE OBTAINED FROM THE CENTRAL DISTRICT PUBLIC WORKS ENGINEER PRIOR TO CONSTRUCTION: 930 PUBLIC SAFETY BOULEVARD DOVER, DE 19901 PHONE: (302)760-2433
- 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 PREVIOUS RECORD PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE OF THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHALL BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- IF THE APPROVED PLAN NEEDS TO BE MODIFIED, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY THE KENT CONSERVATION DISTRICT.
- THE KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR PURPOSES OF PERIODIC SITE INSPECTION.
- THIS PLAT SHALL REFERENCE THE PREVIOUSLY RECORDED PLOT BOOK 113 PAGE 96 (PREVIOUSLY RECORDED JUNE 3, 2011)

**DATA COLUMN**

TAX MAP ID :MD-16-173.00-01-06.01  
 EXISTING ZONING :C3

TOTAL SITE AREA :21.694 ±AC.  
 AREA OF LOT 1A :10.479 ±AC.  
 AREA OF RESIDUAL LAND :11.215 ±AC.

**SETBACKS**  
 MINIMUM ROAD FRONTAGE :60'  
 MINIMUM LOT WIDTH :60'  
 FRONT YARD SETBACK :30'  
 SIDE YARD SETBACK :MIN. 20' / AGGREGATE 50'  
 REAR YARD SETBACK :50'

NUMBER OF LOTS CREATED :1

LOT 1A ROAD FRONTAGE :107 FEET  
 RESIDUAL ROAD FRONTAGE :0 FEET (60' ACCESS EASEMENT)

IMPERVIOUS COVERAGE PERMITTED :80%  
 PRESENT USE OF LOT 1A :ELECTRIC SUBSTATION  
 PROPOSED USE OF RESIDUAL :UTILITIES  
 PROPOSED SEWER :CITY OF MILFORD  
 PROPOSED WATER :CITY OF MILFORD

VERTICAL DATUM :NAVD 88

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.

NUMBER OF MONUMENTS FOUND.....3  
 NUMBER OF PINS FOUND / EXISTING....15  
 NUMBER OF IRON RODS TO BE SET.....3

FORDMILL, L.L.C.  
 MD-16-173.00-01-06.00  
 2482-50, 2482-55, 2482-60, 2596-221  
 3041874 SQ. FT.  
 69.832 AC.  
 ZONED R-3

**LEGEND:**

- PROPERTY LINE
- BUILDING SETBACK LINE
- EASEMENT LINE
- CROSS ACCESS EASEMENT
- IRON PIPE FOUND / PREVIOUSLY ADDED (UNLESS OTHERWISE NOTED)
- CONCRETE MONUMENT FOUND IRON
- ROD & CAP SET
- NON-TIDAL WETLANDS AREA
- TREELINE

**LINE TABLE:**

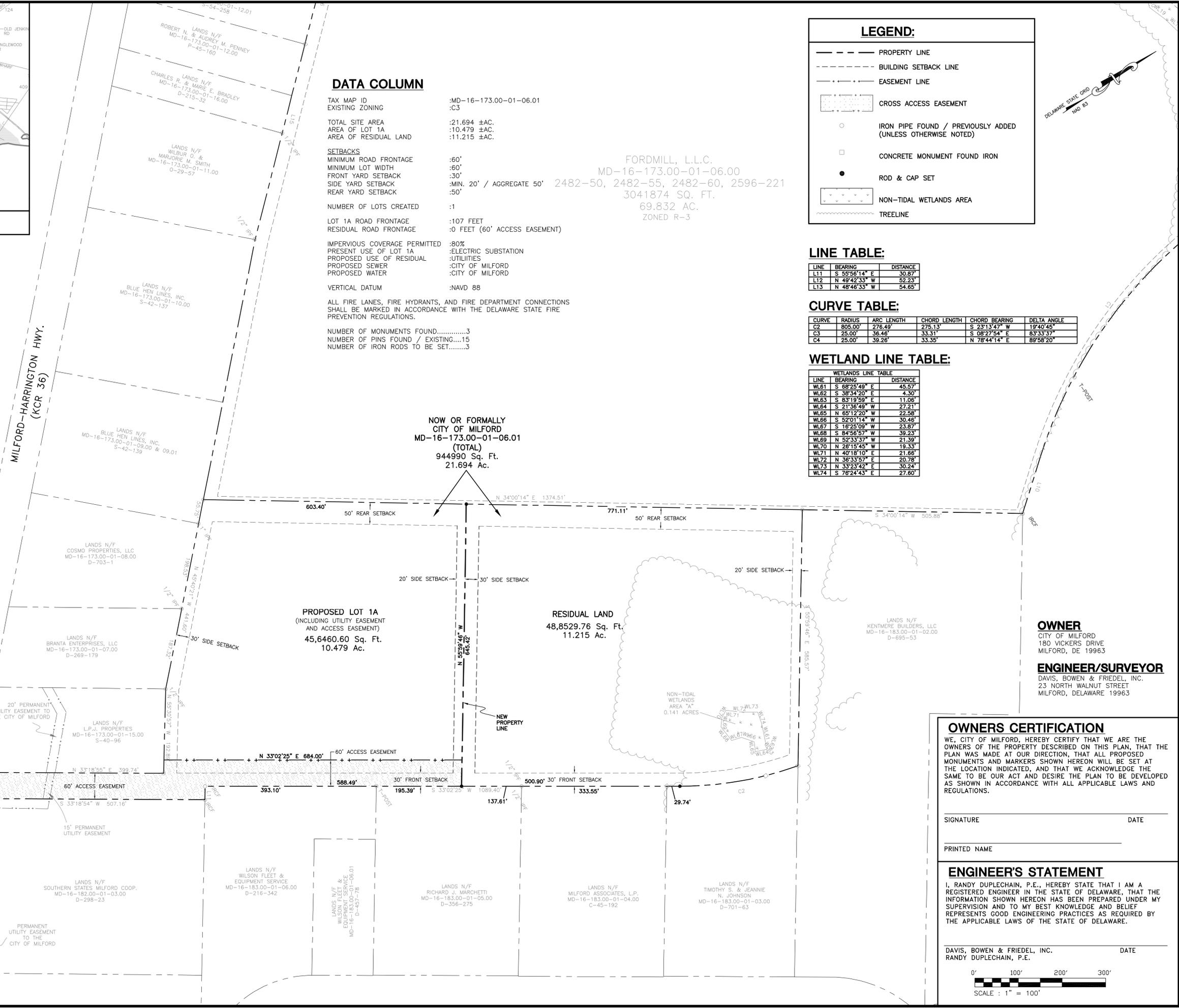
LINE	BEARING	DISTANCE
L11	S 55°56'14" E	30.87'
L12	N 49°42'33" W	52.23'
L13	N 48°46'33" W	54.65'

**CURVE TABLE:**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C2	805.00'	276.49'	275.13'	S 23°13'47" W	19°40'45"
C3	25.00'	36.46'	33.31'	S 08°27'54" E	83°33'37"
C4	25.00'	39.26'	33.35'	N 78°44'14" E	89°58'20"

**WETLAND LINE TABLE:**

LINE	BEARING	DISTANCE
WL61	S 68°25'49" E	45.57'
WL62	S 38°34'20" E	4.30'
WL63	S 83°19'59" E	11.06'
WL64	S 21°36'49" W	22.21'
WL65	N 65°12'20" W	22.58'
WL66	S 52°01'14" W	30.46'
WL67	S 16°25'09" W	23.87'
WL68	S 84°56'57" W	39.23'
WL69	N 52°33'37" W	21.39'
WL70	N 26°15'45" W	19.33'
WL71	N 40°18'10" E	21.66'
WL72	N 36°33'57" E	20.78'
WL73	N 33°23'42" E	30.24'
WL74	S 76°24'43" E	27.60'



NOW OR FORMALLY  
 CITY OF MILFORD  
 MD-16-173.00-01-06.01  
 (TOTAL)  
 944990 Sq. Ft.  
 21.694 Ac.

PROPOSED LOT 1A  
 (INCLUDING UTILITY EASEMENT  
 AND ACCESS EASEMENT)  
 45,6460.60 Sq. Ft.  
 10.479 Ac.

RESIDUAL LAND  
 48,8529.76 Sq. Ft.  
 11.215 Ac.

**OWNER**  
 CITY OF MILFORD  
 180 VICKERS DRIVE  
 MILFORD, DE 19963

**ENGINEER/SURVEYOR**  
 DAVIS, BOWEN & FRIEDEL, INC.  
 23 NORTH WALNUT STREET  
 MILFORD, DELAWARE 19963

**OWNERS CERTIFICATION**

WE, CITY OF MILFORD, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT ALL PROPOSED MONUMENTS AND MARKERS SHOWN HEREON WILL BE SET AT THE LOCATION INDICATED, AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
 PRINTED NAME \_\_\_\_\_

**ENGINEER'S STATEMENT**

I, RANDY DUPECHAIN, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVIS, BOWEN & FRIEDEL, INC. DATE \_\_\_\_\_  
 RANDY DUPECHAIN, P.E.



**RECORD PLAN**  
**FORDMILL ELECTRICAL SUBSTATION**  
**CITY OF MILFORD**  
**MILFORD HUNDRED, KENT COUNTY, DELAWARE**

DAVIS, BOWEN & FRIEDEL, INC.  
 ARCHITECTS, ENGINEERS & SURVEYORS  
 SALISBURY, MARYLAND (410) 543-9091  
 MILFORD, DELAWARE (302) 424-1441

Revisions:  
 9-13-11 FIRE MARSHAL  
 9-19-11 KCD  
 1-12-12 RECORD REVISION

Date: **SEPTEMBER 2011**  
 Scale: **1" = 100'**  
 Dwn.By: **CRS / RAK**  
 Proj.No.: **052A019**  
 Dwg.No.:

R-1

# City of Milford



## **PUBLIC NOTICE**

### **CITY OF MILFORD PLANNING COMMISSION HEARING**

NOTICE IS HEREBY GIVEN that the following applicant has filed a land use application with the Planning Department of the City of Milford:

Davis, Bowen and Friedel, Incorporated on behalf of the City of Milford requesting the Minor Subdivision of a 21.694 acre parcel into two parcels (10.479 acres and 11.215 acres) in a C-3 District; site located on the northeast side of Milford-Harrington Highway, 400 feet northwest of Williamsville Road, Milford, Delaware; Tax Parcel MD-16-173.00-01-06.01.

A Public Hearing is scheduled for Tuesday, February 21, 2012 at 7:00 p.m. in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

All parties of interest are hereby notified to be present for the review and recommendation by the Planning Commission to City Council. Final action will be taken by City Council.

If unable to attend, written comments will be accepted in advance of the hearing. Anyone with questions or comments should call Christine Crouch at 302-424-3712 extension 308.

By: Terri Hudson, CMC

01-19-12



# Sussex County Association of Towns

*P.O. Box 589 Georgetown, DE 19947*

*Town of Bethany Beach*

*Town of Bethel*

*Town of Blades*

*Town of Bridgeville*

*Town of Dagsboro*

*Town of Delmar*

*Town of Dewey Beach*

*Town of Ellendale*

*Town of Fenwick Island*

*Town of Frankford*

*Town of Georgetown*

*Town of Greenwood*

*Town of Henlopen Acres*

*Town of Laurel*

*City of Lewes*

*City of Milford*

*Town of Millsboro*

*Town of Millville*

*Town of Milton*

*Town of Ocean View*

*City of Rehoboth Beach*

*City of Seaford*

*Town of Selbyville*

*Town of Slaughter Beach*

*Town of South Bethany*

*Sussex County Council*

## MEETING NOTICE

**LOCATION:** DiFebos Bistro – Bear Trap Dunes  
7 Clubhouse Drive, Ocean View

**DATE:** Wednesday, March 7, 2012

**TIME:** 6:00 p.m. – Social  
6:30 p.m. – Dinner  
7:00 p.m. – Program

**HOST:** Town of Dagsboro

**SPEAKER:** DelDOT Secretary Shailen Bhatt

**COST:** \$29.00

**MENU:** Tossed Green Salad with House Vinaigrette  
Chicken Marsala with Wild Mushrooms  
Thinly Sliced Beef in Wild Mushroom Gravy  
Creamy Mashed Potatoes  
Sautéed Zucchini, Squash and Tomatoes  
DiFebo’s Famous Tiramisu w/Cream Anglaise

For reservations, please call Rae Long or Duane Kenton at the Town of Dagsboro at 732-3777 no later than Thursday, March 1st.

Please make checks payable to the Town of Dagsboro. Checks can be presented at the door or mailed to: Town of Dagsboro, P. O. Box 420, Dagsboro, DE 19939.

**DELAWARE LEAGUE OF LOCAL GOVERNMENTS  
MONTHLY DINNER MEETING  
MARCH 22<sup>ND</sup>, 2012  
SHERATON DOVER HOTEL  
1570 NORTH DUPONT HIGHWAY  
DOVER, DELAWARE**

\*\*\*\*\*

SOCIAL HOUR:           6:00 P.M. - 6:45 P.M.  
OPENING:               6:45 P.M. - 7:00P.M.  
DINNER:                7:00 P.M. - 7:20 P.M.  
PROGRAM:               7:20 P.M. - 8:00 P.M.

**PROGRAM**

John Eldridge, President of Metropolitan Revenue Associates, will lead a discussion about “Creating Synergies within State and Local Government.” Due to high unemployment rates, municipalities have seen a decline in income tax revenue for the last several years, resulting in millions in revenue lost to cities that is difficult to make up. According to the National League of Cities, city finance officers report the largest spending cuts and revenue loss in the last 25 years; with 79% of cities expecting to lay off workers.

This presentation will illustrate that knowledge is power, and how leveraging relationships, overcoming limitations, and setting internal controls will lead to win-win solutions for municipalities throughout Delaware. If you are concerned about having too few staff with too many responsibilities or the perils of managing taxpayer money then this will be highly valuable to you and your administration.

**NEXT MEETING: APRIL 26<sup>TH</sup>, 2012**

\*\*\*\*\*

Special diets can be accommodated with 24 hours notice

**WE MUST HAVE YOUR RESERVATIONS NO LATER THAN MARCH 12th, 2012**

Mail To: Delaware League of Local Governments  
P.O. Box 484  
Dover, Delaware 19903  
Telephone: 302-678-0991      Fax: 302-678-4777

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

PLEASE LIST THE NAMES OF THOSE ATTENDING

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

- ( ) Check enclosed for ( ) dinners @ \$20.00 each
- ( ) Please direct bill the Municipality/County/Agency
- ( ) Payment will be made at the door
- ( ) Enclosed for ( ) dinners @ \$20.00 each

ORDINANCE 2012-02

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD BY  
ADDING A NEW CHAPTER ENTITLED WORKFORCE DEVELOPMENT  
COMMISSION.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

Amend the City of Milford Code by adding a new Chapter entitled Workforce Development Commission to read as follows:

-1. Establishment.

There is hereby established a commission to be known as the "City of Milford Commission of Workforce Development," hereinafter referred to as the "Commission."

-2. Membership; Appointment; Terms of Office.

The Commission shall be comprised of nine members, one of said members to be the Mayor or designee, one of said members to be the Milford School District Superintendent or designee and seven of said members to be appointed, all to serve without pay. Recommendations will be forwarded to the Mayor for appointments, subject to confirmation by City Council. All members shall be residents of the Milford School District or employed therein. Following the time of their initial appointment, Commissioners shall be appointed or reappointed at the next Annual Organizational Meeting. Thereafter, terms will be for one year beginning on the date of each subsequent Organization Meeting.

-3. Removal.

Members of the Commission may be removed by the majority vote of City Council for substantial neglect of duty, misconduct or a violation of the Code of the City of Milford.

-4. Chairman; Officers; Vacancies.

The Commission shall elect a Chairman, Vice-Chairman or any other officers deemed necessary. Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

-5. Meetings and Records.

The Commission shall hold meetings at a fixed and regular time in the Council Chambers at Milford City Hall. Meeting shall be open to the public per 29 Del. Code, Chapter 100 (Freedom of Information Act "FOIA") and 29 Del. Code, Chapter 5 (State Archives). Proper notification must be given and minutes generated. All records of the Commission shall be kept at City Hall in accordance with state law.

-6. Sub and Adhoc Committees; Members.

Creation and establishment of any advisory group, board or panel must be approved by City Council. Non-Commission members will be appointed as required in \_\_-2. Said groups are subject to the procedural requirements of FOIA.

-7. Rules of Procedure.

Roberts Rules of Order shall apply to the conduct of the Commission meetings.

-8. Powers and Duties.

It shall be the duty of the Commission to:

- A. Create an environment that would give the student an opportunity to develop marketable job skills and a work history to successfully compete in the job market upon graduation from Milford High School.
- B. Participate in the growth of an educational fund to be made available to the student upon graduation.
- C. Help the student learn what is expected of an employee in a business environment.
- D. Give the student an opportunity to acquire a sense of pride in earning an income.
- E. Collaborate with the school district to monitor and evaluate the effectiveness of the program.
- F. Monitor the financial aspects of the program, including but not limited to, donations and disbursements.
- G. Partner with local business and industry to develop a viable network of employment opportunities for the student participants.

-9. Consultation with Outside Sources.

In carrying out its duties, the Commission shall collaborate with various groups interested in the problem of concern to the Commission, including but not limited to federal, state and county governments, public and private organizations and civic groups working in the field of workforce development and jobs programs.

-10. Recommendations and Reports.

The Commission shall present its recommendations to the City Council as deemed necessary. At the first official meeting following the annual organizational meeting of the Council, the Commission shall present a detailed report of its work from the preceding year.

-11. Contracts.

The Commission is not authorized to enter into any contract or agreement with any public or private organization but shall recommend such course of action to the Mayor and City Council in order to carry out its assigned tasks.

-12. Functions Limited. The Commission shall not involve itself in activities or functions already assigned by law or decree to other governmental bodies.

Section 2.

Dates.

Introduction: 02/13/12

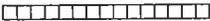
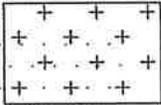
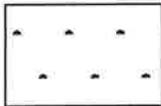
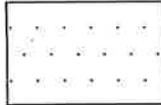
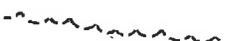
Adoption: 02/27/12

Effective: 03/08/12

# ***List of recommended appointees for Workforce Development Commission***

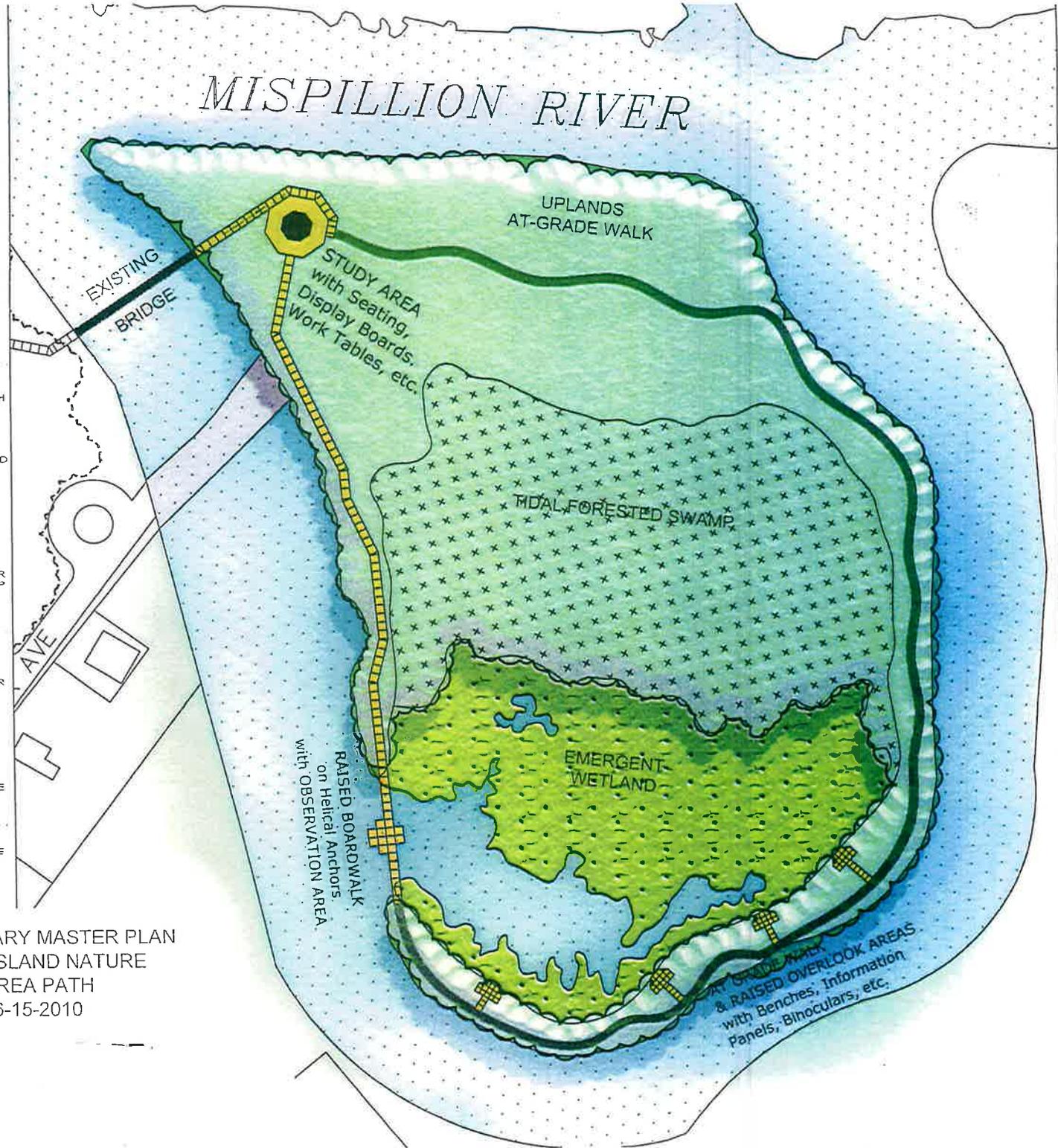
<b>Phone #</b>	<b>Name</b>	<b>Representing</b>
422-8883	Ronnie Rogers	Mayor/ City council
422-1607	Sharon Kanter	Superintendent of Milford Schools
632-2228	William Pilecki	Workforce Development Committee
422-8003	Dave Markowitz	Workforce Development Committee
284-7672	Fred Rohm	Milford Chamber of Commerce/ Business owners
422-3619	Irv Ambrose	Downtown Milford Inc. Business owners
422-8466	Dottie Vuono	Milford Ministerial Assoc/ Church's
422-2861	Grant Curtis	Milford Lions Club/ Service organizations
430-5738	Michael Ashton	Bay Health/ Major employer

# LEGEND

-  OVERLOOK with BENCHES and INFORMATION PANEL
-  RAISED BOARDWALK with CONCRETE FOOTERS
-  RAISED BOARDWALK with HELICAL ANCHORS
-  AT GRADE PATH
-  TIDAL FORESTED SWAMP
-  FRESHWATER TIDAL SWAMP
-  OPEN WATER
-  EXISTING WOODLINE
-  PROPOSED WOODLINE



PRELIMINARY MASTER PLAN  
 GOAT ISLAND NATURE  
 AREA PATH  
 6-15-2010





Mispillion Greenway: Goat Island Raised Boardwalk & Trail  
City of Milford Department of Parks & Recreation

**COST ESTIMATE**  
September 29, 2011

Page 1 of 1

Item #	Quantity	Description	Unit Cost	Total
1	7,176 SF	Raised Boardwalk w/ ThruFlow Premium Composite Decking (Includes overview areas)	90.00	645,840.00
	1,722 LF	Wood Safety Railing	6.00	10,332.00
	1	32' Octagon Pavilion	44,000.00	44,000.00
	4	Bench 6' with back	1,200.00	4,800.00
	5	Trash Receptacles	400.00	2,000.00
	4	Information Panels-	1,100.00	4,400.00
	12,456 SF	Selectively clear, grub and fine grade	LS	6,000.00
	12,456 SF	Quarry Dust Path on CR 1 base with Geotextile Fabric	2.00	24,912.00
		Sub-Total:		742,284.00
		General Conditions & Mobilization (10%):		74,228.00
		Contingency (15%):		111,343.00
			TOTAL	<b>\$927,855.00</b>
		Professional Fees – Survey Path, Permitting, Final Design, Contract Documents, & Contract Administration		\$92,478.00
			<b>GRAND TOTAL</b>	<b>\$1,020,333.00</b>

**NOTE:** Costs may vary with the final survey data, material selection, time of implementation and does not include permitting fees.

Parks & Recreation  
FY 2011-2012 Budget Amendment

Request \$200,000 in the General Fund Green Acres Reserve Account  
be used for the Goat Island Trail Project

## The Future Looks Bright for Goat Island

By Gary L. Emory, Director  
Milford Parks and Recreation

I thought the time was appropriate to shed light on the future of the Goat Island Nature Education Park. In my travels around town I am often asked the questions... "What's the future plans for Goat Island?", "How will it benefit the community?", "When will the Island be accessible to the public?" , and "Why develop Goat Island?"

These are fair inquiries based on the recent completion of an 8' wide 130' long pedestrian bridge over the Mispillion River reaching from the Warnell Greenway to Goat Island. Several naysayers in the community have dubbed the span "The Bridge to Nowhere." However, I have a more optimistic approach and choose to view the span as "The Bridge to the Future."

I'll address the last question first. "Why Develop Goat Island?".... The target area consists of an eight-acre island located within the city limits containing four adjoining habitat environments: high woodland, tidal flooded woodland, tidal freshwater wetland marsh and open water. These four diverse habitats located in one central area allow for unique nature study opportunities for the citizens of Milford, young and old alike. The proposed circuitous trail that will be developed on the site will provide an opportunity for educating visitors about the various flora and fauna that occupy the Island's four ecosystems. Education will be provided by the City of Milford Parks and Recreation staff and interpretive signs throughout the park.

The project will benefit the community by providing residents and visitors to Milford the opportunity to travel between the city's recreational, cultural, business and environmental attractions without use of an automobile. Visitors to the park will benefit by hands on learning about wetlands, environmental ecology, woodland habitat and associated plant and animal interrelationships, including songbird nesting and varied insect and amphibian habitat relationships.

The Goat Island project will be a key benefit to the city's eco-tourism initiative and will promote economic development for the citizens of Milford and Kent and Sussex Counties. The Island will be an educational resource for area schools, community and nature groups.

The cost to develop Goat Island Nature Education Park is substantial. The proposed cost to complete the project is estimated at \$800,000.00 and

would take approximately two years once funding resources have been identified and secured.

The park will include a nature study area with seating, display boards and work tables. The trail will consist of an at grade path with raised overlook areas including benches and information panels. In addition raised composite decking on helical anchors with observation areas will traverse the wetland sensitive areas.

In the meantime, the Island will be restricted to public access due to liability concerns which include safety and security issues. The Island's environmental sensitivity is also a concern and needs to be managed accordingly.

Upon completion "Goat Island Nature Park" will anchor the eastern most phase of the Mispillion Greenway which will result in a one mile contiguous pedestrian walkway to be enjoyed by the citizens of Milford and future generations for years to come.



PLANNING & ZONING DEPARTMENT  
302.424.3712, FAX 302.424.3559

201 SOUTH WALNUT STREET  
MILFORD, DE 19963

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

TO: Richard D. Carmean, City Manager

FROM: Rick Carmean, Electric Superintendent

DATE: January 20, 2012

RE: **BUDGET TRANSFER**

It has come to my attention that the Electric Department's consultant fees (Economic & Technical Consultants) are exceeding what was budgeted for this fiscal year (\$20,000.00). These fees are for the Rate Design-Revenue Analysis that is ongoing.

We respectfully request an increase of \$40,000\* to the Electric Department's Billing line item (Account 205-5050-432-60-16) to cover not only the last two months of fees (November 2011 & December 2011), but the remaining second half of the fiscal year. We ask that this money come out of reserves, as we were not aware that this study would be conducted, and therefore did not budget appropriately for it.

\*After talking with Jay Kumar on 1/6/12, it was determined that it will take approximately \$10,000.00 to finish the Rate Study-Revenue Analysis, roughly \$15,000.00 to cover current outstanding bills (November 2011, December 2011, January 2012), \$10,000.00 to cover logistics and review of the Rate Study, and an additional \$5,000.00 to cover any miscellaneous items.

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

FY 2011-2012 Budget Transfer  
Electric Department

Request to Reduce Electric Capital  
&  
Increase Billing Line Item 205-5050-432-60-16

**CITY OF MILFORD**  
**Resolution 2012-02**

**A RESOLUTION PRESCRIBING THE DETAILS, FORM OF AND PROVIDING  
FOR THE SALE BY THE CITY OF MILFORD OF ITS \$4,000,000 GENERAL  
OBLIGATION BOND TO FINANCE OR RE-FINANCE THE COSTS OF CERTAIN  
IMPROVEMENTS TO THE CITY'S DRINKING WATER SYSTEM**

WHEREAS, the City of Milford, Delaware (the "City"), a municipal corporation of the State of Delaware, pursuant to 72 Del. Laws Ch. 148 (as amended, the "City Charter"), resolutions adopted by the City Council on October 10, 2011 and October 17, 2011 (the "Resolutions"), a Public Hearing held on October 17, 2011 (the "Public Hearing") and a favorable election conducted on November 19, 2011 (the "Special Election") (collectively, the City Charter, the Resolutions, the Public Hearing and the Special Election are referred to as the "Authorizing Acts") authorized the borrowing of up to \$4,000,000 to (i) finance or reimburse the City for the costs of certain improvements to the City's drinking water facilities including, but not limited to, demolition and reconstruction of the Washington Street Water Plant and office building, and (ii) pay the costs of issuance of the Bond (as defined herein) (collectively, the "Project");

WHEREAS, the Authorizing Acts provided that the City may issue its general obligation bonds in the aggregate principal amount of up to \$4,000,000 for the Project (the "Bond");

WHEREAS, the City has received a commitment for a loan of \$4,000,000 from Delaware Department of Health & Social Services, Division of Public Health ("Health and Social Services") to finance the Project; and

WHEREAS, pursuant to a Resolution adopted October 10, 2011, the City gave notice of its intention to borrow up to \$4,000,000 through the issuance of its general obligation bonds for the Project and established a Public Hearing to be held on October 17, 2011; and

WHEREAS, notice of such Public Hearing was properly advertised and posted as required by the City Charter; and

WHEREAS, having conducted the Public Hearing in accordance with the City Charter, the City adopted a Resolution determining to proceed with the proposed borrowing and established a Special Election for the purpose of voting for or against the proposed borrowing on November 19, 2011; and

WHEREAS, such Special Election was held on November 19, 2011 and results were in favor of the proposed borrowing for the Project; and

WHEREAS, notice of such Special Election was properly advertised and posted as required by the City Charter; and

WHEREAS, the City now wishes to establish the form of the bond, the time of payment with respect thereto, the interest rate thereon, the series thereof, the maturity thereof, the registration therefor, the call features thereon and all other relative and appurtenant matters pertaining thereto, and to authorize the issuance of the Bond as provided herein;

NOW THEREFORE:

THE MILFORD CITY COUNCIL RESOLVES AS FOLLOWS::

Section 1. The City of Milford, Delaware (the "City") shall issue its general obligation bond in a maximum aggregate principal amount not to exceed \$4,000,000 (the "Bond") for the purpose of financing or reimbursing the City for costs of the Project.

Section 2. The full faith and credit of the City shall be pledged to the punctual payment of the principal of and interest on the Bond. The principal of, premium, if any, and interest on the Bond, if not paid from other sources, shall be paid by ad valorem taxes levied on all real property subject to taxation by the City without limitation as to rate or amount.

Section 3. The Bond shall be dated as of the date of closing on the sale of the Bond (the "Closing") and shall be designated, "City of Milford, Delaware \$4,000,000 General Obligation Bond (Improvements to Drinking Water System Project) Series 2012-SRF." Interest on the Bond shall be one percent (1%) per annum. During construction of the Project, interest on the principal amount drawn and outstanding will be due and payable in semi-annual payments commencing on September 15 2012. Upon Project completion, Health and Social Services will forgive 35% of the principal due and owing. The remaining principal outstanding and unpaid shall be amortized over a twenty (20) year period and shall be due in semi-annual installments. If the City has not (i) drawn from the loan proceeds at least 10% of the Project costs as set forth in the Financing Agreement between the City and Health and Social Services to be dated as of the date of Closing on the Loan (the "Financing Agreement"), or (ii) provided a notice to proceed, as required by the Financing Agreement, a penalty of 1% of the total principal amount of the Loan may be imposed at the discretion of Health and Social Services.

Section 4. The Bond shall be in fully registered form and the Bond shall contain a recital that it is issued pursuant to 72 Del Laws, Chapter 148, as amended. The Bond shall be signed by the Mayor by his manual signature or a facsimile thereof and countersigned by the manual signature of the City Clerk of the City. The official seal of the City shall be imprinted in facsimile or impressed on the Bond.

Section 5. The Bond shall be prepayable or redeemable in whole or in part at any time without penalty. In the event that the Bond is called for redemption prior to maturity, notice thereof shall be given by first class mail, postage prepaid to the registered owner thereof at the address shown on the registration books not more than (60) days nor less than (30) days prior to the date fixed for redemption. The Bond will cease to bear interest on the specified redemption date provided funds for its redemption are on deposit at the place of payment on the redemption date as shall be more fully set forth in the Bond.

Section 6. The money raised by the issuance of the Bond, after the payment of charges and expenses connected with the preparation, sale and issuance thereof, shall be expended only for the purposes authorized in the Authorizing Acts and herein.

Section 7. The power to negotiate any other forms of documents, execute any documents, and the power to take any further action and do all things necessary, with respect to the sale, issuance and delivery of the Bond is hereby delegated to the Mayor and the City Clerk of the City subject to the provisions of the Authorizing Acts and this Resolution.

Section 8. The power to execute any documents, and the power to take any further action and do all things necessary, with respect to the sale, issuance and delivery of the Bond is hereby delegated to the Mayor, City Manager and the City Clerk of the City subject to the provisions of the Authorizing Acts and this Resolution.

I, THE UNDERSIGNED, the Clerk of the City of Milford, do hereby certify that the above resolution was passed at a regular meeting of the Milford City Council, duly called and convened, held on the 27<sup>th</sup> day of February, 2012, at which a quorum was present and voting throughout and that same is still in full force and effect and the same has not be amended, revoked or rescinded.

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

Adopted by the City of Milford  
Delaware on February 27, 2012

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Lawrence Tassone  
Secretary



## COMMUNITY CLEANUP INITIATIVE PROGRAM (CCIP)

### GUIDELINES

The following are general guidelines for use in determining how the CCIP is to be administered. Any questions should be directed to Libby J. Kelley, Exec. Asst, DSWA at (302) 739-5361 or [lj@dswa.com](mailto:lj@dswa.com).

1. Each fiscal year (July 1 – June 30) DSWA will provide a landfill user fee credit of \$1,000 for each Representative and \$2,000 for each Senator.
2. There are no funds to exchange or allot. DSWA will apply the CCIP as a credit against the current facility user fee.
3. The credit can only be used on “public” cleanups that legislators designate. Municipal, non-profit, or other local community association groups must obtain prior designation from the appropriate legislator.
4. Credit is only good for each fiscal year. The credit cannot be “banked” or carried over to the next fiscal year.
5. The credit does not have to be fully used within the legislator’s district. The credits can be partnered with other legislators on a project by project basis.
6. When a CCIP is authorized by a legislator, that legislator must notify DSWA in writing at least seven (7) days prior to the event(s). The memo must be dated.
7. DSWA will administer and account for credits at the facilities and send appropriate reports.
8. The CCIP is not limited by the number of events. It is only limited by the credit allotment.
9. In the event the disposal costs for a cleanup exceed the allotted credit, then the sponsoring organization(s) shall be responsible for payment of such excess user fees to DSWA.
10. A copy of the memo must be submitted to Libby Kelley.
11. DSWA weighmasters will only accept memos addressed to Libby Kelley.
12. All memos must be dated at the time of submission. All memos must be dated in either the mm/dd/yy format or other applicable formats. DSWA will only accept memos for the current Fiscal Year.
13. If a hauler will be used for the cleanup, the name of the hauler and a working telephone number for the administrative office will need to be provided on the memo.
14. A copy of your memo to DSWA must be given to each driver to turn in at the weigh station for each load.
15. DSWA will notify legislators when the credit has been consumed.