

City of Milford



AGENDA

Council Meeting

March 25, 2013

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

7:00 P.M.
COUNCIL MEETING

Call to Order - Mayor Joseph R. Rogers

Invocation

Pledge of Allegiance

Recognition

Communications

Unfinished Business

New Business

FY 2012-2013 Budget Adjustment/Legal Expenses/Police Department

Appointment of City of Milford Election Board

Adoption of Resolution 2013-09/Spring Clean-Up Week

Adoption of Resolution 2013-10/USDA Loan

Preliminary Major Subdivision Extension-CCM-Koelig, LLC on behalf of Wickersham Subdivision

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

*Personnel Matter

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

DELAWARE



"THE GARDEN CITY OF TWIN COUNTIES"

OFFICE OF THE CHIEF OF POLICE
E. KEITH HUDSON

400 N.E. FRONT STREET
MILFORD, DELAWARE 19963
(302)422-8081 FAX (302)424-2330

DATE: March 13, 2013

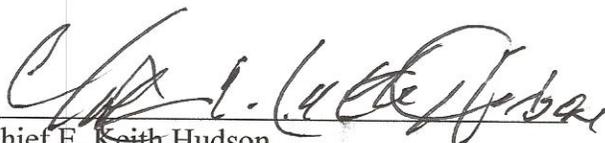
TO: Mayor and Council
Richard D. Carmean, City Manager
Jeff Portmann, Finance Director

FROM: Chief E. Keith Hudson

RE: Budget Line Item Increase Request for FY 2012-2013 Funds

Due to the influx of Legal Expenses this fiscal year, it is apparent that the amount budgeted for the Police Department's Legal Expense Line Item is not going to be sufficient enough to fulfill our current and remaining (estimated) legal fees for the balance of this fiscal year. Therefore, I respectfully request Council to approve a \$15,000 increase to our Legal Expense Account (101-1610-421.30-20).

Thank you in advance for your prompt attention in this matter.


Chief E. Keith Hudson

cc: Terri Hudson

City of Milford



2013 City of Milford Election Board:

Joanne Leuthauser	509 Ashley Way	422-3111
Phyllis Fox	200 E. Clarke Avenue	422-5236
Carole Mason	153 Barksdale Court, Hearthstone Manor	422-2809

03-12-13

City of Milford



Resolution 2013-09

SPRING CLEAN-UP WEEK

Now, Therefore, Be It Resolved by the Mayor and Council of the City of Milford, in Council met:

WHEREAS, it is desirous to promote the general cleaning of the City of Milford and improve its overall beauty to the maximum enjoyment and benefit of all citizens and visitors; and

WHEREAS, we are fortunate to live in a community so abundantly blessed with natural assets that we have a continuing responsibility to preserve our environment by keeping it clean, healthy and in order by organizing and carrying out clean-up and fix-up projects which will enhance, restore and maintain the beauty of all properties; and

WHEREAS, all maintenance and clean-up debris, including large and bulk items, shall be placed for curbside pickup in order to exemplify cleanliness and beauty.

NOW, THEREFORE, I, Joseph R. Rogers, Mayor of the City of Milford, by the power vested in me, do hereby proclaim the week of April 22, 2013 to April 26, 2013 "Spring Clean-Up Week" in the City of Milford; in the case of inclement weather, "Spring Clean-Up Week" will be extended through May 3, 2013.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Milford to be affixed this 25th day of March 2013.

Mayor Joseph R. Rogers

City Clerk _____

City of Milford



Loan Resolution 2013-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE
Authorizing and Providing for the Incurrence of Indebtedness for the Purpose of Providing a Portion of the Cost of Acquiring, Constructing, Enlarging, Improving, and/or Extending its

**SOUTHEAST MILFORD WATER EXPANSION FACILITY TO
SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.**

WHEREAS, it is necessary for the City of Milford (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$5,000,000 (Five Million Dollars) pursuant to the provisions of the City Charter; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association.

NOW THEREFORE, in consideration of the premises the City of Milford hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and

- operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
 7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
 8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
 9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
 10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.
 11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
 12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
 13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
 14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
 15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
 16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
 17. To accept a grant in an amount not to exceed \$ -0- under the terms offered by the Government;

that the Mayor and City Council of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the City Council of the City of Milford has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this 25th day of March, 2013.

Signature

By: Joseph R. Rogers, Mayor
Name/Title

(SEAL)

Attest:

Signature

Teresa K. Hudson, City Clerk
Name/Title

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as City Clerk of the City of Milford, hereby certify that the City Council of the City of Milford is composed of eight members, of whom, _____ constituting a quorum, were present at a meeting thereof duly called and held on the 25th day of March 2013; and that the foregoing resolution was adopted at such meeting by the vote shown above.

I further certify that as of _____, the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been rescinded or amended in anyway.

Dated, this _____ day of _____, 2013.

(SEAL)

Signature

Teresa K. Hudson, City Clerk
Name/Title



Land Use Application Cover Sheet

CITY OF MILFORD

File Name: Wickersham

Date Stamp

File Number: 08-13

FEB 04 2013

RECEIVED

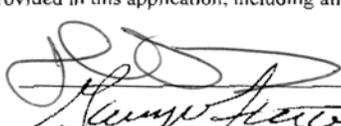
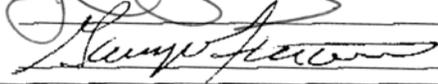
Instructions for Applicants:

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 ^{EXTENSION}
- Final Minor Subdivision
- Final Site Plan
- Final Major Subdivision
- Variance/Appeal
- Change of Zone
- Conditional Use
- Annexation

Please Type or Print Legibly

Property Owner: <u>CM-Koelig LLC</u>			Phone: <u>302-998-9463</u>
Address: <u>764600 Newlin Rd Hill Rd, site 102</u>			Cell:
City: <u>Wilmington</u>	State: <u>DE</u>	Zip: <u>19808</u>	Fax: <u>302-856-0974</u>
E-Mail: <u>gmfairar@aol.com</u>			
Contact Person For This Application: <u>John Tracey, Esq</u>			Phone: <u>302-571-6740</u>
Address: <u>1000 N. King Street, PO Box 391</u>			Cell:
City: <u>Wilmington</u>	State: <u>DE</u>	Zip: <u>19899</u>	Fax: <u>302-576-3382</u>
E-Mail: <u>jtracey@ycst.com</u>			
Applicant Name and/or Company: <u>SAME AS ABOVE</u>			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Site Address: <u>Northwest Corner of Park 1 + Johnson Rd</u>			Zoning: <u>R-3</u>
Tax Map & Parcel Number (s): <u>3-30-16-00-5.00</u>			Acreage: <u>40.69 44.5</u>
Description of Proposal: <u>1 year extension of preliminary major subdivision - Wickersham.</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: 			Date: <u>1/31/13</u>
Signature of Property Owner: 			Date: <u>1/31/13</u>

REVISED: 11.15.11

January 31, 2013

BY FEDERAL EXPRESS & E-MAIL

Ms. Christine Crouch
Administrative Assistant
City of Milford
201 South Walnut Street
Milford, DE 19963

Re: Subdivision Project No. 08-013/Wickersham

Dear Christine:

I write, as is becoming my custom, to submit the application for a fifth (and, in all likelihood, final) extension request for the Preliminary Subdivision Plan of Wickersham. As you are aware, the above-referenced project received its most recent extension of its preliminary approval from the City at a hearing on or about March 26, 2012. At that time, matters were on hold pending the resolution of the design of the offsite water and sewer systems that this project would ultimately connect into following its annexation within the City limits. Since the date of that extension, definitive progress has been made on both the water service to this subdivision as well as the offsite road improvements impacting this subdivision, such that the developer can now complete its Record Plan submission. As these matters were resolved only very recently, however, the timing necessitates this request for an extension.

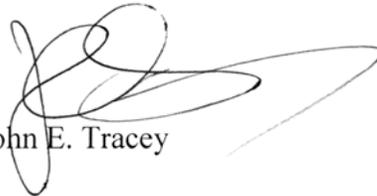
This timing necessitates me to request an additional extension of the preliminary major subdivision approval which is currently set to expire on March 26, 2013. My client's plans are now progressing to the submission and approval of the Record Plan as the resolution of the water service issue, which calls for a water tank to be located on my client's property, was the last major stumbling block that this project was facing. Indeed, it is not inconceivable that we will have all materials into the City for its review and approval prior to the need for this extension. Given the compressed time remaining in the life of this Preliminary Plan, however, it is prudent to request the extension in case the final submissions and reviews cannot be completed prior to the Plan's March expiration date.

YOUNG CONAWAY STARGATT & TAYLOR, LLP
Ms. Christine Crouch
January 31, 2013
Page 2

The time and effort invested in pushing forward a resolution for the offsite services needed to serve this project have, unfortunately, prevented the final approval of this plan. It seems, however, that the path forward has now been clearly established and the offsite infrastructure plans are now progressing. That should facilitate the completion of the Final Record Plan for this subdivision within the requested extension. To that end, the applicant is respectfully requesting an extension of our approval until March 23, 2014. That being said, the anticipated final Record Plan should be submitted well in advance of that date.

I have previously submitted the materials required for the extension granted last March and there have been no substantive changes to those documents. As such, please let me know whether you need another set of these materials as I would like to avoid the costs associated with duplicating these documents if it is not necessary. Please advise me as to the date and time of the scheduled hearing, which I would hope could be in February, so that I can make sure that someone will be in attendance to answer any questions. As always, I can be reached at 302-571-6740.

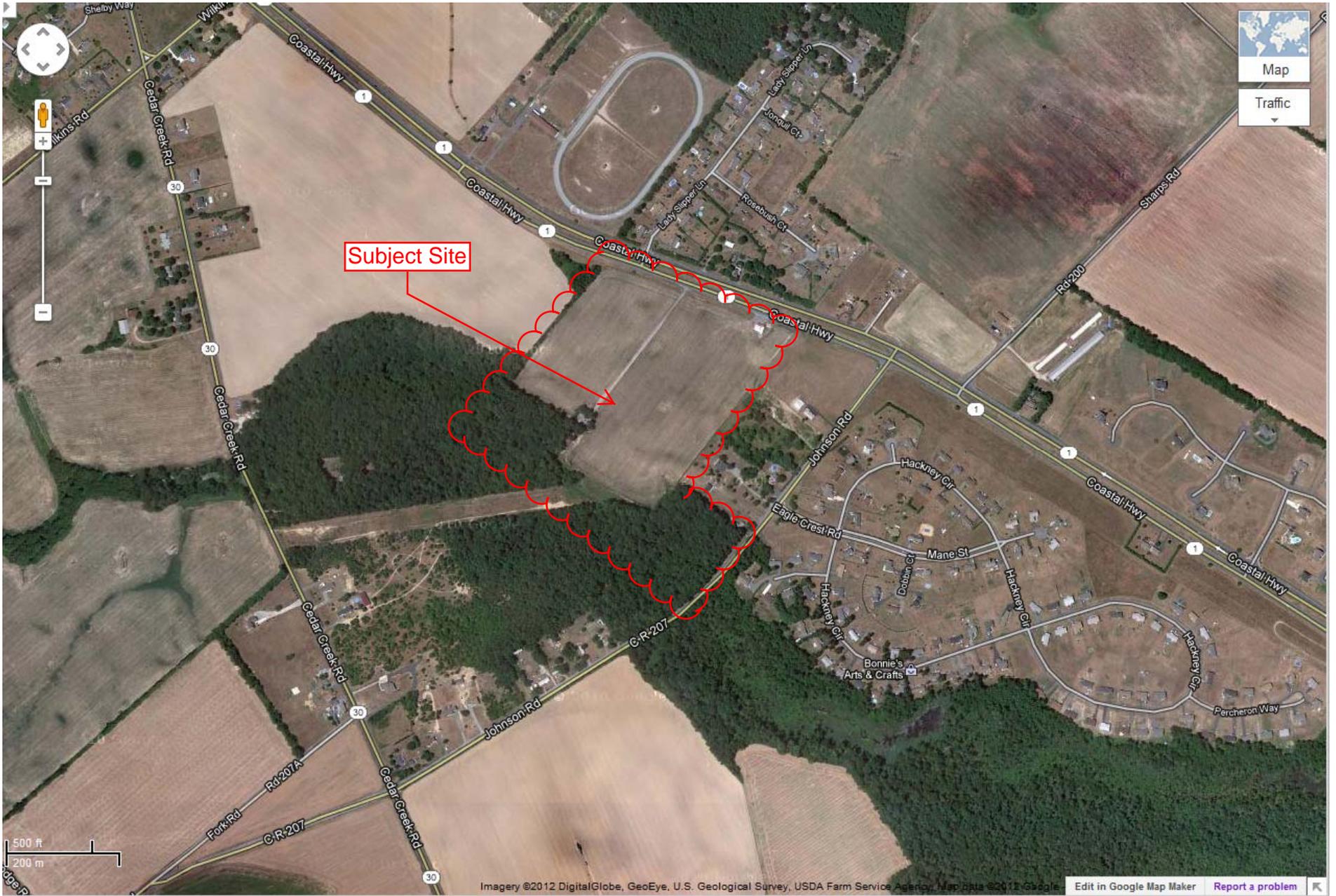
Very truly yours,



John E. Tracey

JET:ki
Enclosures

cc: Ramesh C. Batta, P.E.
Mr. Richard D. Carmean, City Manager
Gary Norris, AICP, City Planner



Annexation/Land of: Patrick J. Emory and Judy K. Emory
Tax Map No.(s): 3-30-15.00-62.00
3-30-15.00-62.01
3-30-15.00-62.02
Requested Zoning: R-3

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by legal property owners and duly witnessed, requesting the annexation into the City of Milford, that certain lot, piece or parcel of land situated in, Cedar Creek Hundred, Sussex County, Delaware, being more recently shown on a survey plan by Charles D. Murphy Associates, Inc. dated August 31, 2006, said parcel lying on the easterly side of Route 30, Cedar Creek Road, approximately 1800 feet north of the intersection of Route 30, Cedar Creek Road and Johnson Road, Road 207, containing 28.0777 acres of land, more or less, has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of the City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chairman Clifford Crouch, Councilwoman Katrina Wilson, Councilman John Workman and Planning Commission Chairman Randy Marvel.

Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committee's recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

Adoption of Resolution/Benson Annexation Request/Committee Investigation

Annexation/Land of: Equitable Owner Koelig, Incorporated on behalf of
Owner of Record R. Dale Benson and Michele M. Benson
Tax Map 3-30-16.00-5.00
Requested Zoning: R-3

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by legal property owners and duly witnessed, requesting the annexation into the City of Milford, that certain lot, piece or parcel of land situated in, Cedar Creek Hundred, Sussex County, Delaware, being more recently shown on a survey plan by Ramesh C. Batta Associates P.A. dated January 11, 2006, said parcel lying on the westerly side of U.S. Route 1, Coastal Hwy, and the Northerly side of Johnson Road, Road 207, approximately 600 feet north of the intersection of U.S. Route 1 and Johnson Road, Road 207, containing 40.686 acres of land, more or less, has been submitted to the City Council of the City of Milford.

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Adoption of Resolution/Silicato Annexation Request/Committee Investigation

City of Milford

Annexation/Land of: Equitable Owner Koelig, Incorporated
on behalf of Owner of Record R. Dale Benson and Michele M. Benson
Tax Map 3-30-16.00-5.00
Requested Zoning: R-3

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Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committee's recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

Mayor Joseph R. Rogers

Attest:

DATE: October 9, 2006

~~City of Milford
Milford Independence Commons
Tax Map MD-00-173.00-02-09.01-000
Requested Zoning: OC-1
Land: 11.845 acres, more or less~~

City Planner Gary Norris advised the city believed this parcel was part of the north side of the business park and had been annexed into the city when the balance of the property was annexed. Further investigation revealed differently and is the basis for this request. This is the site the Hospice is developing for their facility.

Mr. Workman confirmed the City of Milford owns the property which is under contract to Hospice. Mr. Norris said the site plan was previously approved by the planning commission though it will go back through for a final review following its annexation.

Mr. Workman moved that the city proceed with the annexation process for the legal owner City of Milford on behalf of the equitable owner Delaware Hospice, seconded by Mr. Crouch. Motion carried.

~~Patrick J. Emory and Judy K. Emory
Tax Map No (s): 3-30-15.00-62.00; 3-30-15.00-62.01; 3-30-15.00-62.02
Requested Zoning: R-3
Land: 28.07 acres, more or less~~

~~Equitable Owner Koelig, Incorporated on behalf of Owners of Record R. Dale Benson and Michele M. Benson
Tax Map 3-30-16.00-5.00
Requested Zoning: R-3
Land: 40.68 acres, more or less~~

Attorney John Tracey of Young, Conaway, Stargatt and Taylor, was present to represent Equitable Owner Koelig, Incorporated on behalf of Owners of Record R. Dale Benson and Michele M. Benson and the Emory property. He asked that both of the petitions be addressed simultaneously because the sites abut each other and the one is contingent upon the other.

A concept plan was distributed for the annexation's review noting the Emory piece would need to be annexed in order for the Benson property to be contiguous.

Mr. Tracey advised the properties are located in the southeast annexation corridor adjacent to Route 1. The first annexation request for the Emory property was submitted in the April of 2004 and the Benson property followed shortly thereafter. There was a waiting period while the comprehensive plan was updated to include this area. The city then put a moratorium in place while examining some zoning and development issues. Both of those issues have since been resolved and the annexations allowed to proceed.

As indicated in the comprehensive plan maps, this is shown in the future annexation area and the growth strategy maps identified for residential development. The maps also show the Benson property as being targeted for annexation in 2005 to 2006 and the Emory property targeted for annexation in 2006 to 2007.

He noted the Benson property is 40 acres and sits to the east of the Emory property and is bordered to the east by Route 1 and to the north by lands currently in Sussex County but targeted for future growth and future annexation.

The Emory property is bordered by Cedar Creek Road with the same constraints on the other side.

They are requesting both properties be annexed with the R-3 zone to allow a townhouse, workforce housing type development. The code currently allows 16 dwelling units per acre though townhouses cannot exceed 12 units per acre. However, they are not requesting more than 7 units per acre.

The plan is not to overburden the property and instead create a pleasing community that works well with the goals the city is trying to obtain. They are also aware the city is currently considering some revisions to some of its ordinances and planned units developments. This will not be a planned unit development though they plan to incorporate a lot of those design features into the subdivision.

More open space will be provided than is required by the code with the Benson property at 51%. Active recreational areas will be incorporated including walking trails. Sidewalks are planned for both sides of the streets.

What they are presenting for the Benson property Mr. Tracey feels is a good depiction of what they can accomplish. Surveying, topographies, wetland delineations, etc. have been completed.

The plan shown for the Emory property is a concept based on some old aerial photography and delineations. Though they believe the property can handle it, until a more thorough examination is done, that will remain to be seen. However, the cap for the development will be far below the maximum density for a townhouse development.

It is believed this is in the best interest of all parties including the city. All city services will be utilized along with the benefits from real estate property tax revenues. This annexation will also give the city the ability to control the property adjacent to it.

When asked how many units are planned, Mr. Tracey noted there are roughly 80 units shown on the Emory property which works out between 2 and 3 units per acre. The Benson property is showing 220 units which is approximately 6 units per acre though that allows some flexibility and whose number will be more firm once they start the subdivision process. It was noted this will continue the R-3 zone has already been established in this area.

When asked if there is the capability of connectivity between the two developments, Mr. Tracey explained the Stapleford Branch (wetlands) runs between the two sites and would prevent vehicular access or even a pathway.

City Planner Norris advised that townhouses require rear loaded alleys with Mr. Tracey stating he was willing to discuss that further. He said it could be done with rear alleys though they feel there are valid reasons not to consider them particularly because they will not have units backing up to one another. Regardless, if alleys are required, the plan will include them.

Mr. Norris asked if there is any consideration of limited commercial in that area and it was verified that has not been proposed and the plan is for a straight residential community.

Mr. Norris questioned the inclusion of fences, decks, etc. and the problem with getting the lawnmower from the front to the back.

Mr. Tracey said part of that concern can be addressed through the homeowners' documents with the creation of easement rights. With new communities, there is a lot of investment in the homeowners' association and planning correcting is to the benefit of the regulations working.

The other concern the city planner has is the distance from Route 1 to the townhouses. Engineer Ramesh Batta of Ramesh Batta Associates, P.A. stated it is showing 100 feet with some additional buffering and plantings between.

Only one entrance into each development was shown on the plan with one off Cedar Creek Road for the Emory parcel and one off Johnson Road for the Benson parcel.

Mr. Brooks asked where Mr. Emory planned to put a billboard. Mr. Emory explained there is a small piece of land on the other side of the power liens though he understands billboards are hard to obtain approval. That was part of the original 2004 request and Mr. Tracey advised that many of the conditions listed in the 2004 are no longer part of the request.

Mr. Tracey emphasized the plan presented is a concept plan. Some of the ideas such as the increase in open space, active recreational areas, etc. were obtained from the proposed RD-1 zone. He said that each unit backs up to open space and not to another house. He feels that adds character and flow to the design.

They plan to do the different type facades as is required in the ordinance though they do not want a planned unit development. As a result, the RD-1 does not apply because that calls for mixing of different housing types.

Mr. Crouch said that though the concept is for 6 per acre, if it is approved as an R3, it can increase to 16 units. Mr. Tracey said they are very willing to conditioning the approval on the 7 units per acre as initially stated. They are leaving some flexibility because if alleys are required, some changes will need to be made. However, they did not intend to approach the 12 or 16 units per acre.

Mr. Crouch is unsure if the approval can be conditioned with a maximum of 7 per acre because the R3 specifically allows 16 units. Mr. Ambrose believes the comprehensive plan, which is a governing document, is capping the R3 at 8 per acre.

Mr. Tracey said that if the comprehensive plan states that and the zoning code states something else, that may be a conflict. The courts often look at the zoning code as the controlling law. However, the developers do not have a problem and are willing to be capped at 7. They do not have a problem if the recommendation to council says it must be limited at 7. All of his clients are in attendance, as well as the engineer, and they will state for the record that they will not exceed 7 units. Even the Emory property is unable to approach those numbers.

If the committee does not feel they have the power to condition it, he will state that as a commitment on behalf of himself and his clients that they will not exceed 7 units per acre.

Mr. Ambrose said the problem occurs if the property later flips and the new owner wants to max the property out. Mr. Norris agrees that is a concern and once it is zoned R3, it could be maxed out if a new owner took over. It is next to Route 1 and low density residential would be inappropriate.

Mr. Tracey offered to put some type of formal documentation into the record stating they would agree not to exceed 7 units per acre.

Mr. Crouch moved to recommend the Emory and Benson annexations proceed with R-3 but be limited to 7 units per acre and that a formal document be filed stating the same, seconded by Mr. Workman. Motion carried.

With no further business, Chairman Crouch adjourned the Annexation Committee Meeting at 7:35 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

ANNEXATION COMMITTEE REPORT

TO: Mayor Ronnie Rogers
City of Milford Council Members

FR: Annexation Committee

DA: November 8, 2006

RE: Annexation Committee Report

A public hearing was held in Council Chambers on November 8, 2006 to consider the annexation request for lands described as:

Property owner: Koelig, Inc., a Delaware Corporation
Owners of Record: R. Dale Benson and Michele M. Benson

Location: A certain lot, or parcel of land situated in Cedar Creek Hundred, Sussex County, said parcel lying on the westerly side of U.S. Route 1 and the northerly side of Johnson Road, Road 207, approximately 600 feet north of the intersection of U.S. Route 1 and Johnson Road, 207.

Size: 40.686 Acres

Existing zoning: AR-1 Proposed zoning: R-3

Tax map number: 3-30-16.00-5.00

The Annexation Committee of the City of Milford City Council recommends

TO APPROVE

the application, with the following comments:

- 1) Annexation is consistent with the "Comprehensive Land Use Plan"
- 2) Property is contiguous to existing City Limits
- 3) Any changes to the property would be subject to review by the City of Milford Planning Commission and/or City Council.
- 4) Property will be served by City Electric, Sewer, and Water (At present these utilities are not available to the site.)
- 5) The City will benefit through additional revenues, including taxes and the sale of water, sewer and electric.
- 6) Upon the Council approval, a Municipal Annexation Plan of Services will be submitted to the Office of State Planning for their approval.

The property should be annexed with the following zoning classification: R-3

11.21.06
P.C.

Mr. Johnson expressed his feeling of forty cars being too many for that particular site.

Mr. Marvel questioned the number of employees he would have onsite at any one time.

Mr. Swartzentruber stated there would most likely be two sales people there.

Mr. Marvel asked is someone was required to be there to operate the car wash.

Mr. Swartzentruber stated no. There is a mechanic that comes in and does house cleaning. We do provide other services as well.

Mr. Marvel stated he did not feel there would be adequate parking for the site for employees as well as people looking at the vehicles for sale.

Mr. Masten expressed that it is a small site to navigate. Feels this would make things too tight and would be a recipe for disaster.

Mrs. Stevenson made a motion to accept the conditional use as presented with a maximum of thirty cars for sale. Mr. Warfel seconded the motion.

Mrs. Stevenson	YES
Mr. VanGorder	NO – Too many vehicles on the lot.
Mr. Warfel	YES
Mr. Masten	NO – Too many vehicles and not enough parking.
Mr. James	NO – Not enough parking for people looking at cars.
Mr. Johnson	NO – Too many vehicles and not enough room.
Mr. Marvel	NO – Too many vehicles and not enough room.

The application was denied with a 5 to 2 vote at 8:21 p.m.

6. Patrick J. and Judy K. Emory
Annexation & Zoning Recommendation
Requested Zoning R3
East side of RT 30
TAX MAP # 3-30-15.00-62.00, 3-30-15.00-62.01, 3-30-15.00-62.02

7. R. Dale and Michele M. Benson
Equitable Owner Koelig, Incorporated
Annexation and Zoning Recommendation
Requested Zoning R3
TAX MAP # 3-30-16.00-5.00

Mr. Willard reviewed the annexation process for the Commission.

John Tracy stated he would be representing the application. The Emory piece and the Benson piece go hand in hand and he represents this one as well.

Mr. Marvel stated that it would need to be two separate votes but did not see any problem with them being presented together.

Mr. Tracy stated this property was considered by the annexation committee a couple of weeks ago which issued a favorable recommendation with regards to the annexation. The Emory piece is the piece that is currently contiguous to the City. The one right behind it would be the Benson property. The Benson property is bordered to the East by RT 1. When we were before the annexation committee, we were requesting R3 zoning for these properties. We are proposing a town house development on each of the properties knowing that the Commission and Council are in the process of considering a new PUD ordinance. We were trying in advance to incorporate some of the requirements of the proposal into the design such as sidewalks on both sides of the street and an increase in open space. We are showing about 10% more open space than the ordinance does require. As it was discussed, the sole issue for consideration tonight is the proposed zoning and we are requesting R3. Under the R3 zoning as currently in the town code, we could do up to sixteen units per acre and if doing town houses it could be up to twelve per acre. When we were before the annexation committee, we represented that we would not be planning to build more than seven units per acre on this property. We were asked by a member of the annexation committee to submit a letter to that affect. He did submit that letter during the meeting to the Commission. The letter was signed by both property owners as well as the applicant. Again, no more than seven units per acre. Would have no problem with a condition to that affect. Within the town, the property directly across the street from us is zoned R3 and the piece to the north of that is zoned commercial for purposes of development of a shopping center.

Mr. Norris questioned the open space and the amenities that would be provided.

Mr. Tracy stated they are proposing 51% open space. They have done a fair amount of topographical and survey work on the Benson property but have not done so on the Emory property. The Emory property has a lot on constraints on it as well. What you are seeing is a concept plan. As we are showing it now it is 51% on the Benson piece and there would most likely be some active recreation areas but there is no clubhouse or

swimming pool being proposed. We are trying to have open space around all of the properties not just located in one spot.

Mr. Norris questioned the requirement for rear access in terms of alleys.

Mr. Tracy stated that they had discussed that at the last meeting. The concept plan does not show that but they can incorporate alleys into the plan. We have some reason for suggesting not to include alleys and that is primarily to increase the amount of open space and reduce the amount of impervious but do recognize as we move through the process and get into the subdivision process that would be a subject matter for discussion. We are not asking for a waiver for that.

Mr. Norris asked if they felt comfortable with the various distances between the buildings, in terms of sixty feet from face to face.

Mr. Tracy stated they felt real comfortable. With the Benson property, what you are seeing is a very educated concept so we obviously have very good ideas about that property. Until we actually survey the other property, we do not have any idea. But again, we do not intend to ask for any waivers on that.

Mr. Norris questioned the buffer being proposed along RT 1.

Mr. Tracy expressed there would be a berm.

Mr. Marvel questioned Mr. Willard about an annexation agreement. Is that a valid way to approach this?

Mr. Willard stated this was something that was being wrestled with for several applications. The applicant has provided a letter stating no more than seven per acre but feel that might not be enough. If the property is sold, that could change. If Council zones the property R3 than the owner of the property would have the right to apply for a subdivision as long as it met the requirements of the R3 zone. The letter would not follow the sale of the property. An annexation agreement would be documented and recorded and would follow the property. Do not feel that a letter would give the town the security to enforce.

Mr. Tracy expressed that they would have been happy to have a formal condition placed on the application. It was asked at the last meeting to produce something that would further indicate our intent. The letter was not meant to be the formal document. We would be happy to execute whatever formal document the Commission would want us to execute so that everyone feels comfortable. We are not asking for anything more and we

won't come in with a plan after the fact that shows a bunch of four story buildings with sixteen per acre. He was looking for any way to offer assurance to the Commission.

Mr. Willard stated that annexation agreements have been recognized. It is possible to turn this into an annexation agreement and it would run with the land and be recorded with Sussex County. Any successor or assign would be bound by that limitation.

Mr. Tracy stated that they would have no problem with that. We were looking for whatever mechanism the City wanted to see in place that would cap the density. We would be happy to work with the City in doing so.

Mr. Marvel questioned if that would be going down the path of contract zoning.

Mr. Tracy stated he did not see it as contract zoning. Contract zoning tends to be when you take something right in the middle that does not fit and you barter and trade. Here we have R3 zoning across the street and commercial zoning right next to it. We are also aware that the town has been pursuing a path that says we want to take a look at our ordinances and we want to adjust the densities and we want to be proactive in that regard.

We are not trying to do multi-family dwellings but we have simply proposed a work force town house community. We want to give the City their comfort level.

Mr. Willard stated that contract zoning is maybe the City is giving something they otherwise would not be giving because they want some type of consideration. This is an annexation that is coming in.

Mr. Tracy stated again, that they are not looking for anything special from the town. We are just looking to say that concerns have been expressed and we want everyone to be sure of the number we are coming in with.

Mr. Kramlich stated that he was part of the annexation committee and he does not believe that it was recommended for anything other than the R3. There was no condition placed on the application. This letter was not a condition of the recommendation.

Mr. Masten stated that his feeling is that the R3 a high density zone, the units per acre is only part of that zoning. It is the housing type as well. He disagrees with sticking R3 way out in the middle of a rural area. We have also had this debate on east of RT 1. This case is a little bit different because you already have R3 and commercial across the street. Looking at the properties on an individual basis, we need to draw the line somewhere. In his opinion, because the Emory piece has the wooded buffer all the way around it and it is adjacent to the R3, maybe that is where we draw the line. The Emory property should be the R3 with the limit on the housing type but the Benson property which seems to be completely surrounded by single-family houses should be something else.

Mrs. Stevenson expressed that she agreed with Mr. Masten. It seems that we are getting further out from the core of the City.

Mr. Norris stated that based on the Comprehensive Plan and the existing zoning map there is considerable amount of highway commercial that is already out there. Certainly a commercial area could support higher density.

Mr. VanGorder questioned if any thought had been given to the fire service for the town. They are at their maximum right now. There is a need for a substation out in that area.

Mr. Marvel stated there had been some discussions but it comes back to a funding issue.

Norman Wilthon stated he lives on Bucks Road. Does the Commission realize that they would be setting a precedent that anyone with a farm could come in and ask for the same zoning. It is something to think about.

Sunny Vuono stated he lives in Lincoln and the reason he is attending the meeting was because this land was annexed from Lincoln. All the homes in Lincoln are all single-family homes and these people have been there for generations. They are satisfied with how they live in Lincoln. Leave Lincoln alone – we want single-family. We resent the intrusion of Milford coming into Lincoln and annexing because Lincoln is an unincorporated town. Lincoln is now looking into incorporating the town because we are forced to.

Paul Goldstein stated that the fact that Mr. Tracy agreed to annexation agreement stating no more than seven units per acre should stand up for something. Think they have done the right thing. Feel the letter should be filed with Sussex County.

Mr. Masten made a motion to recommend the R3 zoning on the Emory property with the agreement of no more than seven units per acre. Mrs. Stevenson seconded the motion. The motion passed with a 6 to 1 vote at 9:13 p. m. Mr. Johnson voted no because he does not feel comfortable with the density out in that area.

Mr. Masten made a motion to recommend the R2 zoning on the Benson property. Mr. James seconded the motion. The motion passed unanimously at 9:15 p.m.

~~Mr. Marvel noted that the annexation and zoning recommendation for Silicato-Wood would be postponed.~~

~~X~~ Section R-210.1 - Exit doors required. Not less than 2 exit doors shall be provided for each single family dwelling unit. The required exit door shall provide for direct access from the habitable portions of the dwelling to the exterior without requiring travel through a garage.

(a) Section R-211 - Door type and size. The required exit doors shall be, as a minimum, a door no less than 36" in width and 6'8" in height.

(b) Section R-212 - Landings at doors. There shall be a floor or landing on each side of each exit door. The width of each landing shall not be less than the width of the door(s) served. If sliding glass or French doors are installed, the landing width should include the width of both doors (regardless if one panel is fixed or not). The minimum size of each landing shall not be less than 36" x 36". Exception: Where a stairway of two or fewer risers is located on the exterior side of a door, a landing is not required for the exterior side of the door.

(c) Section R-213 - Stairways. All exit doors should be served by a stairway (steps). Stairways shall not be less than 36" in clear width. Current Building code should be consulted in regards to height of risers and tread depth.

(d) Section R-214.1 - Guards and handrails required. Current Building code should be consulted in regards to: height of guardrails, height of handrails, continuity of handrails, projection of handrails into stairway and grip size.

Section IV. Dates.
 Adopted: December 27, 2006
 Effective: January 6, 2007

Motion seconded by Mr. Crouch. Motion carried the following 7-0 unanimous roll call vote:

Mr. Ambrose	Yes
Mr. Kramlich	Yes
Mr. Workman	Yes
Mr. Crouch	Yes
Mr. Brooks	Yes
Mr. Morrow	Yes
Mr. Starling	Yes

Emory and Benson Annexation Review

The City Manager referred to the annexation agreements included in the packets mailed last week.

The planning commission recommended an R-2 zone on the Benson site with a limit of seven units to the acre. Though it is in the agreement, it is not clear that the zoning is R-2 if council chooses to approve the annexation agreement.

Mr. Crouch noted that though the planning commission recommended the R-2 zone, his committee had recommended the R-3 with a limitation of seven units to an acre.

Mr. Brooks recalled the total number of units planned for the Emory parcel came out to only three units per acre though the recommendation was a higher number.

Mr. Kramlich added that the plan presented at the last meeting showed somewhat lower than seven units per acre for the Benson property and the conceptual plan for the Emory site resulted in around three units per acre. However, the maximum number recommended was seven units per acre.

Mr. Carmean said the purpose of presenting the agreement is to show the actual format of the annexation agreement should council decide an annexation agreement is needed on the two parcels.

Mr. Crouch confirmed the agreement was drawn up by the city solicitor.

Mr. Norris explained that the difference in the R-2 and R-3 zone is that condominiums are permitted in the R-3 zone and would be excluded in the R-2 zone.

The proposal submitted was for a townhouse community. The city manager verified the developers are continuing to pursue an R-3 zone but do not want more than seven units per acre. They feel the R-2 zone would meet their needs.

Council will make the final decision on which zone that would be applied at the time of the final vote.

The City Manager advised another public hearing would be held prior to the final vote is taken on the Emory and Benson properties. Though comments were solicited throughout the hearing, complaints were made that everyone was not able to make public comment that evening.

A final vote will not be taken until the plan of services has been accepted by the State of Delaware.

DELDOT--NKS Proposed Annexation

Mr. Carmean explained that he did not have a drawing of this project to add to the packet though he had the clerk add it to the agenda in order to discuss the situation with council.

Mr. Carmean referred to an area map showing where New Wharf Road and Route 1 intersect and the 15-acre site adjacent to Hitchens Tire Service that is presently owned by DELDOT. It was initially purchased by them for a proposed cloverleaf that could still be constructed sometime in the future.

He reported that the governor's office had sent a representative to find some land for NKS Distributing Company to build a new facility because at their present site they were landlocked. The concern was over the potential loss of jobs should the enterprise be moved to another area outside of Milford or worse yet, another community.

Mr. Carmean took them to the industrial areas of town though for various reasons these areas did not suit their needs. In turn, DELDOT decided not to use this site and opted to sell this parcel to NKS. NKS wanted to be in the city because of sewer, water and other services.

Mr. Silicato has applied for annexation for another parcel which is adjacent to this site.

When we heard nothing on the annexation request, Mr. Carmean learned it is DELDOT's policy not to request annexation of any easements or right-of-ways the State of Delaware owns. However, the municipalities can ask DELDOT to request the annexation. As a result, the city will need to ask DELDOT to apply for the annexation which is backwards from our normal procedure.

Once council agrees to consider the annexation for the use by NKS, DELDOT will forward a petition requesting annexation.

If council chooses, the city manager or mayor will write a letter to DELDOT requesting they submit their request to begin the process.

He also noted that the state is currently discussing the possibility of putting a service road through the property.

Mr. Carmean confirmed that NKS wants to expand their facility which should provide additional jobs.

Mr. Crouch moved that a letter be written to DELDOT asking they submit a petition requesting the annexation of this site, seconded by Mr. Ambrose. Motion carried.

Hiring of Assistant City Manager

Mr. Carmean recalled the executive session in which he spoke to council about the assistant city manager position.

Mr. Crouch moved the Benson property be zoned R-3, contingent upon the annexation agreement limiting the density to seven units per acre, seconded by Mr. Starling.

Motion carried the following 6-2 roll call vote:

Mr. Ambrose	Yes
Mr. Kramlich	No
Mr. Workman	No
Mr. Crouch	Yes
Mr. Brooks	Yes
Mr. Morrow	Yes
Mr. Starling	Yes
Ms. Wilson	Yes

Mr. Kramlich stated he votes no and will uphold the planning and zoning recommendation of R-2.

Mr. Workman said he votes no to coincide with the planning and zoning recommendation also.

Mr. Crouch stated he is voting with the annexation committee of council which recommended the R-3 zone and does not understand the differences in the two zones as explained by Planning Chairman Marvel.

Mr. Morrow votes yes and confirmed that at the time the planning and zoning, they did not have the legal opinion. If they had the information, they would have approved the R-3.

Mr. Crouch moved for adoption of the following resolution, seconded by Mr. Starling:

*Annexation/Land of: Equitable Owner Koelig, Incorporated
on behalf of Owner of Record R. Dale Benson and Michele M. Benson
Tax Map 3-30-16.00-5.00
Requested Zoning: R-3*

Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City all that certain piece or parcel of land situate in Broadkill Hundred, Sussex County, and State of Delaware being Tax Parcel No. 3-30-16.00-5.00 and as surveyed by Ramesh C. Batta Associates, P.A., Consulting Engineers, Planners, and Land Surveyors, shown on Plan No. 89560-C-17280, dated January 11, 2006, as follows to wit:

Beginning at a point on the northwesterly side of Route 1 right-of-way, at 175.00 feet wide, the said point being a common corner for Thomas W. Bennett, Sr. and lands herein being described, the said point of beginning being the following three courses and distances from a fillet joining the said side of Route 1 with the westerly side of Johnson Road, Delaware Road 207, at 50.00 feet wide:

- 1. North 31 Degrees, 22 Minutes, 02 Seconds West, 51.25 feet to a point;*
- 2. By an arc of a circle, to the left, having a radius of 2730.94 feet and an arc distance of 200.65 feet to the point of tangency;*
- 3. North 70 Degrees, 20 Minutes, 52 Seconds, 285.94 feet to a point;*

Thence from the said point of beginning the following six courses and distances:

- 1. South 38 Degrees, 56 Minutes, 48 Seconds West, 370.03 feet to a point;*
- 2. South 38 Degrees, 42 Minutes, 55 Seconds West, 144.45 feet to a point;*
- 3. South 37 Degrees, 48 Minutes, 27 Seconds West, 226.87 feet to a point;*
- 4. South 37 Degrees, 53 Minutes, 50 Seconds West, 220.00 feet to a point;*
- 5. South 37 Degrees, 53 Minutes, 50 Seconds West, 151.97 feet to a point;*
- 6. South 51 Degrees, 06 Minutes, 25 Seconds East, 512.82 feet to a point on southwesterly side of said Johnson Road, at 50.00 feet wide;*

Thence along the said side of Johnson Road the following two courses and distances:

- 1. South 38 Degrees, 16 Minutes, 58 Seconds West, 171.55 feet to a point;*
- 2. By an arc of a circle, to the right, having a radius of 1348.63 feet and an arc distance of 349.39 feet to a point in the middle of Stapleford Branch;*

Thence along the said Stapleford Branch with several meandering courses about 330+/- feet to a point; The said point being a tie line from the North 48 Degrees, 30 Minutes, 52 Seconds West, 308.91 feet from the last described course:

Thence along the centerline of Stapleford Branch the following twenty-four courses and distances:

- 1. North 56 Degrees, 53 Minutes, 20 Seconds West, 23.71 feet to a point;*
- 2. North 54 Degrees, 58 Minutes, 27 Seconds East, 23.90 feet to a point;*
- 3. North 11 Degrees, 23 Minutes, 55 Seconds West, 79.47 feet to a point;*
- 4. North 83 Degrees, 31 Minutes, 56 Seconds West, 96.82 feet to a point;*
- 5. North 39 Degrees, 34 Minutes, 55 Seconds West, 58.66 feet to a point;*
- 6. North 03 Degrees, 23 Minutes, 02 Seconds East, 66.04 feet to a point;*
- 7. North 16 Degrees, 50 Minutes, 00 Seconds West, 35.50 feet to a point;*
- 8. North 82 Degrees, 18 Minutes, 26 Seconds West, 52.79 feet to a point;*
- 9. North 28 Degrees, 20 Minutes, 43 Seconds West, 77.87 feet to a point;*
- 10. North 00 Degrees, 19 Minutes, 27 Seconds East, 8.70 feet to a point;*
- 11. North 49 Degrees, 52 Minutes, 20 Seconds West, 49.03 feet to a point;*
- 12. North 58 Degrees, 44 Minutes, 04 Seconds West, 131.83 feet to a point;*
- 13. North 62 Degrees, 04 Minutes, 30 Seconds West, 105.37 feet to a point;*
- 14. North 13 Degrees, 16 Minutes, 35 Seconds West, 47.88 feet to a point;*
- 15. North 63 Degrees, 40 Minutes, 48 Seconds West, 88.87 feet to a point;*
- 16. North 42 Degrees, 36 Minutes, 30 Seconds West, 46.71 feet to a point;*
- 17. North 45 Degrees, 03 Minutes, 34 Seconds West, 48.22 feet to a point;*
- 18. North 65 Degrees, 27 Minutes, 53 Seconds West, 127.63 feet to a point;*
- 19. South 88 Degrees, 01 Minutes, 41 Seconds West, 31.19 feet to a point;*
- 20. North 39 Degrees, 41 Minutes, 19 Seconds West, 71.60 feet to a point;*
- 21. North 00 Degrees, 41 Minutes, 02 Seconds East, 62.12 feet to a point;*
- 22. North 45 Degrees, 46 Minutes, 08 Seconds West, 45.65 feet to a point;*
- 23. North 27 Degrees, 40 Minutes, 58 Seconds West, 58.55 feet to a point;*
- 24. North 57 Degrees, 14 Minutes, 37 Seconds West, 88.23 feet to a point;*

Thence along Lands of Emory, North 47 Degrees, 17 Minutes, 57 Seconds East, 314.44 feet to a point; The said point being a common corner for Emory and Lands of W. Nelson Hall; Thence along Lands of Hall, North 38 Degrees, 01 Minutes, 48 Seconds East, 198.00 feet to a point; Thence along Lands of Hall, in part, and Lands of State of Delaware, the following four courses and distances:

- 1. North 36 Degrees, 31 Minutes, 48 Seconds East, 526.64 feet to a point;*
- 2. South 70 Degrees, 20 Minutes, 52 Seconds East, 91.61 feet to a point;*
- 3. North 19 Degrees, 39 Minutes, 08 Seconds East, 10.00 feet to a point;*
- 4. North 70 Degrees, 20 Minutes, 52 Seconds East, 1128.92 feet to the point and place of beginning.*

Containing within described metes and bounds, 40.686 acres of land, be the same, more or less.

Subject to a 150.00 foot-wide Delmarva Power & Light electric easement, as shown on the Boundary Plan,

and having considered the recommendation of the Committee appointed to investigate said annexation; having held a Public Hearing on this date November 27, 2006 on said annexation; having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code and whether or not to proceed with the proposed annexation; having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code; and having fully executed an Annexation Agreement

between Petitioner(s) and the City of Milford, hereby determines as follows:

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 a meeting held on March 12, 2007 at which a quorum was present and voting throughout and that the same is still in full force and effect.

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

Mr. Ambrose	Yes
Mr. Kramlich	No
Mr. Workman	No
Mr. Crouch	Yes
Mr. Brooks	Yes
Mr. Morrow	Yes
Mr. Starling	Yes
Ms. Wilson	Yes

Mr. Kramlich votes no for the reason stated before.

Mr. Workman votes no for the same reason.

Adoption of Resolution/City Council Rules of Procedure

Mr. Brooks said he has done a lot of thinking and he knows how Mayor Rogers likes to run meetings. He does not feel we need a resolution. Mayor Rogers stated he is inclined to agree with Mr. Brooks.

Mr. Brooks said if the mayor wants a time for people to come in before the meeting that is fine. But he knows how Mayor Rogers likes to run the meetings and knows the mayor can control the meetings and the mayor does not want to take the voice away from the citizens.

Mayor Rogers said he agrees adding that we have been operating the city under Roberts Rules for a number of years. He sat on council for a number of years from 1972 to 1982 and from 1982 to now he has been mayor. All the years he has served as councilman or the mayor, he has never gotten the city into any legal problems. He has always tried to be fair to the public and has always recognized them as Mr. Brooks knows because Mr. Brooks has served for twenty-five years. He really does not think we need this piece of legislation. He stated there is no problem and that maybe he should have been a little tighter on a couple of meetings but he only wants to be fair to the public. He thinks council has always worked well with Roberts Rules as we have done for years. Personally, he does not think we need the resolution at all.

Mr. Brooks stated he was vice mayor for eighteen years and he has read the Roberts Rules several times. Mayor Rogers added he has never been called down by the law in thirty some years.

Mr. Morrow agrees with Councilman Brooks and he has been talking with others who agree. He appreciates what Councilman Workman put together and is pretty much saying the same thing. He would rather have the freedom to do it the way we are doing it. It's worth the thought but he agrees with Councilman Brooks.

Mayor Rogers said he feels like we are dealing with the public sometimes on some items and the public has not had a chance to hear it. That is the reason we are asking the city solicitor to be here more now. Since he has been here, he will jump in and put us back on course if we get off. He thinks we all need to stay together and if somebody is talking, we do not need to interrupt. We should not talk back and forth. He thinks that will help too. But he feels the council has used Roberts Rules of Order for a number of years and he does not think we have many problems. He knows we have had more going on the last few months and he has let a lot of people talk and he did not need to. But he thinks as long as it

~~Mr. Hayes Yes, with reservations.
Mr. Gleysteen Yes, have to trust that the proper state agency do their job thoroughly and address the neighbors concerns.
Mrs. McColley Yes, with reservations.
Mr. Johnson Yes, with reservations.
Mr. Rini Yes, with the feeling that the neighbors concerns will try to be addressed.
Mr. Warfel Yes, have met all the requirements.~~

~~The motion passed unanimously at 9:48 p.m.~~

4. Ramesh C. Batta Associates, P.A. on behalf of CCM-Koelig LLC
Wickersham
Preliminary Major Subdivision Review
Northerly side of Johnson Road, Road 207
Zoned R-3
TAX MAP # 3-30-16.00-5.00

John Tracy with Young, Conaway, Stargate and Taylor stated he would be representing the application. This is a straight by right subdivision application. For those of you who were on the commission at the time that this property was actually annexed by the City of Milford in the spring of 2007. There were two pieces, this piece as well as the Emory piece. The Emory piece is not currently moving forward with anything. This is the Benson property and is bordered to the north by RT1, to the east by Johnson Road and some residential out parcels, to the south by the Stapleford Branch and to the west by the Emory property and the Hall property. This is a 41 acre piece and is presently zoned R-3 under the City's code. The proposal calls for a 205 unit town home community a number that translates into a density of approximately 5 units per acre. That is significantly less than the code with a maximum of 12 units per acre and is also less than what we were capped at our annexation agreement which was 7 units per acre. In fact what you see in front of you is essentially the plan that we showed you at the time and what the commission and council were considering at the time of annexation. There will be a single boulevard entrance off of Johnson Road. Currently the property is accessed off of RT 1 and that is going to be disappearing as part of this. The property is proposing 47% open space, which is approximately 20 acres including a big center green area which will be the site of some active recreation. There are also walking paths around the perimeter of the community which will tie into the sidewalk network that is in there. It will be served by both streets which are 60 foot right-of-ways and alleys which are 20 foot right-of-ways. We have reached out to DELDOT in part based on the DAC comments and no traffic impact study is required for this project because it doesn't meet the minimum threshold level for a traffic impact study. Each of the parcels will have two off street parking spaces. One of the different things you will see in this is that you will notice there are 100 additional off street parking spaces and they are dispersed throughout the community to make them more accessible to the different houses. There will be a single car garage as well as a parking pad next to that. The storm water management is being dispersed throughout the community although this is preliminary at this stage although we do anticipate some infiltration being able to occur up in the portion adjacent to RT 1. There will be a landscaped berm running along RT 1 as well. There are some wetlands on the property – they are at the very southern edge of the property – we are not disturbing any of those wetlands and we are maintaining a 50 foot buffer off of the wetlands as well. There will be a homeowner's association created as part of this which would be responsible for maintaining the open space in the common facilities within. We are not seeking any waivers in front of this body but we are going to go before the Board of Adjustment next month for a design waiver. If that is denied it does not affect anything in the plan in terms of the units, the density or the lot sizes. What we are attempting to do is get a variance from the front yard setback and the rear yard setback in order to spread the house and the garage out to allow for a private courtyard, kind of a useable lawn area for each of the units. It is a design feature that has been well received in a number of jurisdictions. Again, we are at the preliminary stage. Mr. Warfel has made it clear the approvals we would need in hand before we come back before you.

Mr. Norris asked when this would go before the PLUS. Mr. Tracy stated next week. Mr. Norris asked if there was any consideration for an emergency entrance or exit because there is only one entrance into the property. Mr. Tracy stated they really only have access in this area right here unless it was suggest by someone that they wanted to see a fire access or something like that off of RT 1. There would not be any other location with which to put it. Mr. Norris asked Mr. Tracy to show the walkway and the height of the berm along RT 1. Mr. Tracy stated that the berm is approximately 3 to 4 feet right now with landscaping on top. The walkway goes around the perimeter of the property down to here. There is a sidewalk network throughout the community on both sides of the street. Mr. Norris questioned if the walkway would be continued along the front. Mr. Tracy stated he did not know of anything prohibiting it if that is something the commission would like to see. Think the reason it was stopped was because there were some residential parcels here and sometimes they don't like to necessarily like to see a walkway continue along the back of their property. It does not impact us one way or another if we want to carry it through. Mr. Norris asked if there had been any consideration of using the open space for storm water retention so it would serve a dual purpose. Mr. Tracy stated they had not looked at that from a design area. Think the idea is to make that center open space usable open space, active recreation of some sort. Because we are dispersing the storm water in different areas we thought that we would need to use this as a dual purpose. Obviously when we go through the engineering we may decide that we need additional storm water management. Again, it remains an option. Bob Sevensky stated that there is a ridgeline going through the center of the site and the water is actually spreading in both directions. Actually that site might be the least ideal unless we try to force it there. Mr. Norris stated that he thought it could be multi-purpose and than you would not need such large retention ponds.

Mr. Warfel questioned if they had been in contact with Mark Mallamo. Mr. Tracy stated he spoke with Mr. Mallamo about a week and a half ago and followed up with a letter trying to get information on some of the additional folks that are involved in the process of the sewer and water. We obviously would like to see it move forward as quickly as possible so we will certainly be reaching out. Mr. Warfel asked if some of the other projects don't move forward, does it affect this project. Mr. Tracy stated it ultimately depends on sitting down with Mark and seeing what the ultimate goals are. We would like to be able to move forward when the plan gets approved. Mark has advised us that he views it as being eighteen months to two years out.

Mr. Norris asked if they had considered using some sort of porous pavers for the driveways so that the water can infiltrate. Mr. Tracy stated they have not discussed it but it is something that they can discuss. Mr. Norris stated that the front yard for the townhouses is going to be 10 feet but that 10 feet will also be utility easement. Mr. Tracy stated that is correct and the area that is outside of the setback. The 10 feet between the property line and the setback line. Mr. Norris stated they would need approval from the Board of Adjustment for that. Mr. Tracy stated that is correct. Mr. Norris stated that his recommendation is that the 10 foot be put on each deed. Mr. Tracy expressed that they would not have a problem with doing that. He can also incorporate that into the homeowner's association documents. Mr. Norris stated if that is in each deed than the utilities are going to go into that 10 foot easement. If someone plants a tree or bush in that easement and we dig it up at least it is in the deed. Mr. Norris asked if Mr. Tracy had consulted with Rick Carmean. Mr. Tracy expressed that they had reached out to him post the DAC meeting. We have been in contact with him since before we submitted the application. One of the confusing things was there was a suggestion that the water and sewer was going to be in the alleys – it is actually going to be in the streets. Mr. Norris asked Mr. Tracy to explain where the utilities are going to be. Mr. Sevensky stated that the water and sewer are in the main streets as opposed to the alleys. The electric and cable will be in the first green area immediately behind the right of way. Mr. Sevensky was in touch with Mr. Carmean and have emailed back and forth and he is satisfied. Mr. Norris questioned if they meet the other requirements in the ordinance about the face of building and the architectural requirements. Mr. Tracy stated yes and they have no problem adhering to those.

Mr. Warfel stated all they have come forward with tonight is a subdivision application. They have presented us with a lot more than that but they would be coming back with a preliminary site plan. Mr. Willard expressed that they could come back for final if this is approved. Mr. Tracy stated this is preliminary major subdivision review. Mr. Willard stated this is an R-3 zone and in R-3 they allow townhouses and townhouses have certain other requirements involving open space and most important is the size of the lot and they meet the open space requirement. When they say they have asked for a variance, which means that they have to go before the Board of Adjustment because there is something in the code and in this case it is the setback where the Board of Adjustment has jurisdiction over. That just involves the placement of the garage. This can be preliminarily approved and the only thing that will be uncertain as far as the plan is where those houses will be placed. As you can see they want the garage right on the edge of the alley so they are asking for 10 feet there and they want the townhouse closer to the road. If the commission approves this preliminarily and you see it again for final and it has a different footprint for the house it is because they did not get what they wanted from the Board of Adjustment. Mr. Tracy stated that is correct. Nothing about the Board of Adjustment impacts the lots or the layout. The layout can be designed either way. In the commission approves this tonight, by the time we are at council next month, we would know whether or not we have gotten the Board of Adjustment variance or not. Had this been a PUD we would be asking you for that because it would be within your jurisdiction. Mr. Norris asked if they had contacted the school district. Mr. Tracy stated yes we are reaching out to them. We would obviously be designing whatever they want. Mr. Rini expressed that usually the school district does not say anything about it. Mr. Rini would like to have some sort of covered bus stop. Mr. Tracy stated there is the nice center area and could foresee that being a good location in the center of the community. Mr. Rini questioned if they anticipated any mail center or individual mail delivery. Mr. Tracy expressed that they have not totally figured it out but were thinking individual delivery. Mr. Rini stated just as a personal note, Knotts Landing does have a mail center and it doubles as a covered school bus stop and works out beautifully.

Mrs. McColley expressed that duplexes are not moving as fast and who is the target market for these. Mr. Tracy stated this is not age targeted but more towards first time homebuyers/workforce housing. The price would be somewhere around \$200,000. Mrs. McColley had some questions about lighting. Mr. Tracy stated that they would be submitting a lighting plan as part of the whole package that comes in for final.

Mr. Warfel stated that only major issue is the Board of Adjustment. Mr. Tracy stated that is a minor issue. Mr. Norris expressed that they have met all the requirements for subdivision. Mr. Norris stated that he has seen with other townhouses, a 5 foot pedestrian easement between packs. Mr. Tracy stated that is something they can take a look at; they make have the flexibility to do that. Mr. Norris asked if they were two stories. Mr. Sevensky stated a full three. Mr. Warfel questioned the size of the units. Mr. Sevensky stated approximately 1800 to 2000 square feet.

Mr. Warfel opened the discussion up to the public. No comments were received.

Mr. Hayes made a motion to approve the preliminary major subdivision as presented. Mr. Johnson seconded the motion. The commissioners were poled.

- Mr. Hayes Yes
- Mr. Gleysteen Yes
- Mrs. McColley Yes
- Mr. Johnson Yes
- Mr. Rini Yes, it meets the requirements.
- Mr. Warfel Yes, it meets the requirements.

The motion passed unanimously at 10:17 p.m.

The Board of Adjustment of the City of Milford held a Public Hearing on Thursday, March 13, 2008 at 10:00 am in the Meeting Room at Milford Parks & Recreation, 207 Franklin Street, Milford, Delaware to consider the following variance request:

Application of Ramesh C. Batta, P.A. on behalf of CCM-Koelig LLC requesting 20 foot encroachments into a 30 foot front yard setbacks and requesting 13 foot encroachments into 15 foot rear yard setbacks (for all 205 lots) to allow for a proposed subdivision to be known as Wickersham. Property is located in an R-3 District on the northerly side of Johnson Rd, Rd 207, approximately 600 feet north of the intersection of US Rt 1 and Johnson Rd, Milford, DE 19963. Tax Map 3-30-16.00-5.00.

Present: Mayor Joseph Rogers, City Solicitor Tim Willard, City Manager Richard Carmean
Also: Administrative Assistant & Recording Secretary Christine Crouch

Mr. John Tracey of Young Conaway Stargatt & Taylor LLP provided Mr. Willard with a letter to be included for the record. The Board took a moment to read the letter presented.

Mayor Rogers called the meeting to order at 9:40 am. John Tracey was present to represent the application and introduced Mr. Steve Deton part of CCM-Koelig, Mr. Gary Farrar also part of CCM-Koelig and Mr. Ramash Batta the project engineer. Mr. Tracey explained these variances are design related variances, not density variances or unit variances. The property is located NW of the intersection of Rt 1 and Johnson Rd and is the former Benson Farm which was annexed along with the Emory parcel in March of last year.

Mr. Tracey explained what they are seeking to do is consistent with the Livable Delaware initiative to create different types of development. Mr. Tracey further explained the 205 unit count is based on a cap that was placed on the property when it was annexed, thereby negating the possibility of a PUD conditional use application. This development, if this variance is approved, will have a smaller front yard, since people do not do most activities in the front yard, will have a one car garage along with a parking space and a courtyard in the back yard. If the variance is not approved, the number of units will not change. It will only change the placement of the townhomes and eliminate the courtyard.

Mr. Batta explained the display set up which showed what is being proposed with this variance versus what the City code currently allows and should the variance be denied, what will be built.

Mr. Tracey explained Delaware State Housing Authority has submitted a letter in favor of this design and Mr. David Edgell of the State Planning Office has also endorsed the design. A copy of those letters will be forwarded to Mr. Willard.

First time home buyers and workforce housing is the target market for this project, according to Mr. Tracey. Mayor Rogers asked where children can play in this neighborhood. Mr. Tracey stated not only can they play in the individual courtyards that would be created behind each unit, but there are other open spaces throughout the development.

Mr. Carmean stated this is a far superior design concept being proposed, without a question, however, for the purpose of this meeting, does the letter submitted change anything in terms of how the Board should be reviewing this application.

Mr. Tracey stated often times hardship is in the eye of the beholder. He further explained the letter submitted to Mr. Willard cites several cases where variances were approved, and in one case the whole development, where the project could have moved forward without the variance being granted, but the variance was approved to enhance the local area around the project. Mr. Tracey stated the applicant is not gaining anything by obtaining this variance. Only a better design concept and a more attractive and better development in Milford. They in return are not gaining more units or more lots.

Mr. Willard stated he sees that this is a superior design for all the reasons stated. He has seen this type of design in Delaware and it is indeed more attractive. However, he has not reviewed the cases referenced in the letter and they are relevant to this application. The variance law has been whittled away over time. He feels in general a subdivision-wide variance is not appropriate. If the City wants a design like that in R-3, the Code should be changed and this is an excellent argument of why it should be maybe included as a waiver in the R-3. Mr. Willard feels a subdivision-wide variance flies in the face of what a variance is truly intended for.

Mr. Willard further questioned what will stop any developer to come in requesting multiple variances on a plan, approaching it almost like a PUD and couching it as variance. Mr. Tracey stated they would have to come to the Board and justify their reasoning. Every case is evaluated on a case by case scenario. Mr. Willard stated Mr. Tracey has even said this could be built without this variance. Mr. Tracey acknowledged it could, just as in the case law he referenced, but not at the betterment of the community. Mr. Willard stated he would need to look at how the Supreme Court dismissed those cases. He reiterated that this is a slippery slope to go down with potential other developers requesting variances.

Mr. Carmean explained again, this design is unquestionably preferable to what the code allows currently. He further felt changes to the code to allow waivers to request this type of design could be made in a short period of time, thereby negating the need for the variance. Mr. Willard felt that is very possible, but it is up to council to make that decision to put a waiver provision in the code.

Mr. Tracey felt comfortable suggesting Mr. Willard review the case law presented today. It certainly provides the legal footing if the Board decides to approve the variance. Mr. Willard suggested this design could even be a model for creating the waiver in the code.

Mayor Rogers asked for comments from the audience.

Joe Pallermo of 5 Misty Vale Court asked when this development would be built. Mr. Farrar stated 18 months to 2 years from final approval.

Mike Spalane of 20 Clearview Drive asked if this application would go back to Planning Commission. Mr. Willard stated no because it was seen by them for preliminary approval and this application does not change the layout of the plans. The Planning Commission will see the project again for final approval.

Mr. Willard made a motion to table the application until next month's Board of Adjustment to provide him enough time to review the case law offered today. Mr. Carmean seconded the motion. Motion carried.

Meeting adjourned at 10:19 am.

Respectfully Submitted,

Christine Crouch
Administrative Assistant

MILFORD CITY COUNCIL
MINUTES OF MEETING
March 24, 2008

A Public Hearing was held before Milford City Council on Monday, January 28, 2008 in the Meeting Room of the Delaware Rural Water Association Facility, 210 Vickers Drive, Milford, Delaware, to take final action upon:

Ramesh C. Batta Associates, P.A. on behalf of CCM-Koelig LLC for a Preliminary Review of the Major Subdivision of 40.60 +/- acres into 205 lots, in an R-3 Zone, to be known as Wickersham, on the northerly side of Johnson Road, Road 207, approximately 600 feet north of the intersection of U.S. Route 1 and Johnson Road, Milford, Delaware. Tax Map No. 3-30-16.00-5.00.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Irvin Ambrose, John Kramlich, John Workman, Douglas Morrow, Owen Brooks, Jr. and Katrina Wilson

ALSO: City Manager Richard Carmean, Assistant City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

Mayor Rogers called the Public Hearing to order at 8:32 p.m.

Councilman Morrow arrived at this time.

X John Tracy of Young, Conaway, Stargatt and Taylor represented CCM-Koelig. Gary Farrar from CCM-Koelig and Ramesh Batta, P.A., engineer of record, were both present.

Mr. Tracy recalled that this property was annexed in the spring of 2007 and is now seeking preliminary approval for a major subdivision. It was considered by the planning commission who unanimously recommended the plan on February 19th. This plan proposes 205 townhouse units on 41 acres of land; it supports the initiatives of the Governor's Livable Delaware Program by providing work force and first time home buyer housing as opposed to the larger lot single subdivisions.

The zoning is R-3 though the density is roughly five units per acre. A PUD allows up to sixteen units per acre and townhouse units can have a maximum of twelve units an acre, though this is capped at seven units an acre per an annexation agreement. However, this development is actually below that at five units per acre.

The proposed entrance is on Johnson Road approximately 1/4 mile southwest of Route 1. They are proposing 47% open space which is almost twenty acres. This includes a central green, over two acres in size, which will be the main open space area. Additional open space areas will also be spread throughout the community. Walking trails will tie into the sidewalks on both sides of the streets. It will contain 60-foot roads and 20-foot wide alleys. All homes will be accessed by rear loaded garages off the alleys. They have worked with DELDOT though no traffic study is required.

Each house will have two off street parking spaces, a single car garage as well as a parking pad adjacent to it. In addition, over one hundred additional off street parking spaces will be disbursed throughout the community. Stormwater management is spread throughout the community through several stormwater basins. The Stapleford Branch is shown on the drawing and runs along the bottom. The wetland areas will not be disturbed. A homeowners' association will be created who will maintain all the open spaces as well as the alleys which will be private.

The plan was reviewed by state PLUS at the end of February and was universally well received.

The applicant is seeking a variance from the Board of Adjustment. However, this waiver has nothing to do with the unit count, density or size of the lots. Under the code, there is a 30-foot front yard requirement for townhouses and a 15-foot rear yard requirement which makes the house and garage closer. It does not provide a meaningful backyard the residents can use. They are proposing to move the houses forward and the garages back toward the alley which will create a fenced-in courtyard effect for all properties.

The garages will end up being two-feet off the alley, which on both sides of the street, will leave a 24-foot wide alley and the houses would be 10 feet off the front yard. This has been reviewed by the utility departments who did not foresee any problems.

The design waiver has been discussed with the Office of State Planning and other state agencies involved in PLUS and was very well received. Two of the PLUS agencies provided letters of support of the variance request.

Mr. Tracy read a couple of quotes from each of those letters, the first being from the Office of State Planning:

‘The Office of State Planning supports the design approach as it is consistent with well established urban design practices described in the Better Models for Development in the Delaware Manual. Moving the townhouses closer to the street and replacing parking in the rear will greatly enhance the attractiveness of the streetscapes and improve the connectivity of the sidewalk network. While the streetscapes and open space areas will be public amenities for the development, it will be similarly important to provide small but meaningful private open spaces on the lots to enhance individual homeowner enjoyment of their units. These relatively simple design elements will greatly increase the functionality and attractiveness of this townhouse development.’

The Delaware State Housing Authority also provided a letter which was forwarded to City Solicitor Tim Willard, though it did not arrive until after the Board of Adjustment hearing. The letter stated as follows:

‘We support the proposed design for this development at a reduced setback distance. The developer will be using this reduced setback to create a courtyard backyard environment for new homeowners. Well-designed communities create psychological benefits for residents such as pride in their home and neighborhood. This leads to better maintenance of the property and homes. Homes that are well designed not only provide immediate benefits to the homeowners, but also throughout the years. DSHA applauds the developer and staff in their efforts to design a housing community that will be adaptable over time and allow flexibility for all populations to enjoy. Overall, good affordable housing design creates numerous benefits for the community.’

Mr. Tracy said the hearing before the Board of Adjustment occurred a couple of weeks ago. He felt the members of the board appreciated this was a variance request where they were not seeking additional density or additional units, but were simply looking within the lots created by the plan to provide some flexibility to create a backyard environment for the residents.

The board is currently considering the application. Part of the reason action was deferred was because City Solicitor Tim Willard did not have the opportunity to review the state housing letter and this variance request was unusual in comparison to what the board normally sees.

For purposes of council this evening, Mr. Tracy explained that the size of the development and the size of the lots will not change regardless of what the board of adjustment decides. If the variance is granted, they are able to move the garage and house apart creating the desired backyard environment. If it is not granted, it can be built with the house and garage closer together. Simply put, the front yards will be larger.

Mr. Kramlich asked if the variance was supposed to have been approved by this hearing. Mr. Tracy had hoped the board would have made a ruling on the day of the hearing. Because the city was not accustomed to seeing a subdivision wide variance, some additional research was needed. Mr. Tracy had provided several Delaware cases to Mr. Willard that involved similar requests; Mr. Willard is considering those and the item will be back on the April agenda.

Mr. Tracy emphasized that should the Board of Adjustment deny the variance, the developer will still move forward.

The city manager said that as a member of the Board of Adjustment, a development-wide variance was something they had never seen before. The planning commission sent this forward and actually liked the design. It appears to be a better project with smaller front yards, but more rear yards with greater outdoor living possibilities. He explained the board was not comfortable making a decision at that time and preferred that council review the plan first. The solicitor felt it was advantageous to look at some similar cases.

Mr. Willard explained the court cases Mr. Tracy presented were from New Castle. He felt the consensus of the board was to protect the integrity of the code and hardship variance law is supposed to take unique situations though that has been whittled away over time. However, the rarity in this case is this is a subdivision wide variance. He feels that a better way of handling this is to change the code. If everyone likes the design and setback for an alley garage situation, that is what should be added. The board of adjustment will make the decision and he will render his legal opinion at that time.

Mayor Rogers said that being the third member of the board of adjustment, he likes the concept, the look and feels it will work nicely for the residents. However, he agreed that council needed to see the design before a decision was made.

Mr. Kramlich asked if it would be appropriate to vote on this without an answer from the board of adjustment. Mr. Willard advised that the only way it would not be appropriate would be if the applicant requested it not be acted on.

Mr. Tracy emphasized the variance does not have an impact on what they will do. If the variance had an effect on the layout council is seeing as far as numbers or types of lots, that would be a problem if the board were to come back and say no after council said yes. But in this case, what they are talking about is internal and within the lots. Council is seeing the overall subdivision. The developer does not have a problem with a vote tonight.

Mr. Kramlich moved that the preliminary site plan for Wickersham Subdivision be approved, seconded by Ms. Wilson. Motion carried by unanimous vote.

Mayor Rogers declared the Public Hearing adjourned at 8:49 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

Mrs. McColley agreed with Mr. Sharp in that the commission needs to be consistent. The railroad being in the area also persuades her. The lot size, however, fits fine in the area and she does not feel that is as big an issue.

Mr. Rini question who will be responsible for maintaining grinder pump. Mr. Wolfe understood it is his responsibility as the property owner.

Mr. Annand asked where the location of the sidewalk would be required on Dixie Ave, if required. Mr. Norris stated it would be in the public right of way. Mr. Wolfe was not certain there would be enough room along Dixie Ave to do that, as the street is narrow.

Mr. James felt the commission needs to be consistent with the sidewalk requirement.

Mr. Rini called for public comment. Hearing none, he closed the public hearing.

A motion by Mr. Sharp to approve resolution PC09-007 with the condition that sidewalks be installed on Delaware Ave and Dixie Ave, was seconded by Mr. James. Motion carried with the following poll of the commissioners.

- Mrs. McColley Yes
- Mrs. Stevenson No. This would create non-conforming lots.
- Mr. Kramlich Yes. He sees no need for sidewalks along Dixie Ave, but the commission needs to be consistent. He has no problem with the lot sizes.
- Mr. Sharp Yes. Lots were probably combined by the county.
- Mr. James Yes. Lots were probably combined by the county.
- Mr. Rini Yes

X **Wickersham Preliminary Major Subdivision/Approval Extension Tax Parcel 3-30-16.00-05.00**

Mr. John Tracey was present to represent the application. This parcel was annexed in March of 2007 and received preliminary major subdivision approval in March of 2008. The final major subdivision is on hold not so much because of the economy but because city water and sewer are not in the area yet. Water however is coming along, from a design standpoint though, according to the City Engineer Mark Mallamo. There are however a number of other parcels along the way to this property that need to be considered for the sewer, which is why it is taking so long. Before the property owner can apply for the final major subdivision approval with the City, the engineers for the project need to know how the utilities will come to the property. The engineers for the project won't know that until the water and sewer are to the property.

Mr. Norris asked if the extension is approved will final major subdivision application be applied for soon. Mr. Tracey stated as soon as the infrastructure is available, they can submit very quickly. Without that key piece of information, they cannot complete final major subdivision plans.

Mrs. Stevenson asked if there will be sidewalks in the development. Mr. Tracey stated there will be – on both sides of the streets.

Mr. Rini called for public comment. Hearing none, he closed the public hearing.

Mrs. Stevenson made a motion to recommend approval of the extension request, which was seconded by Mrs. McColley. Motion carried with the following votes.

- Mrs. McColley Yes
- Mrs. Stevenson Yes

Mr. Kramlich	Yes
Mr. Sharp	Yes
Mr. James	Yes
Mr. Rini	Yes

**Element on behalf of Nephrology Associates, Inc
Preliminary Site Plan - Medical Facility/Office
3.05 +/- Acres at 201 West Liberty Way, Lot 17, Independence Commons
Tax Map MD-16-173.00-01-02.21; OC-1 District
Adoption of Resolution PC09-006**

Mr. Doug Warner and Mr. Matthew Peterson with Element Engineering on behalf of Nephrology Associates were present to represent the application. Mr. Warner provided an overview of the project and presented a powerpoint presentation to the commission. They are proposing a one story "L" shaped building to take up roughly half of the site, with the other half of the site available for future development. There are existing utilities on site and stormwater management is provided at the park as well. Because this is a corner lot, they have provided for the required two front yard setbacks and are meeting the rear and side yard setback as well as required parking. The impervious surface is proposed at 28% of the site. The signage was discussed at the DAC meeting and after reviewing the Independence Commons deed restrictions have been relocated to come into compliance with them.

Extra parking is being proposed because it will provide more accessibility for the patients. This is a very straight forward site plan, including landscaping. More renderings of the building will be provided at final site plan submission.

Mr. Norris confirmed all of the DAC comments have been addressed, including sidewalks and signage. He questioned if there are any other nephrology offices in Delaware. Mr. Warner stated there is one in New Castle County and one in Georgetown, but this site is looking to expand into dialysis as well, which would be in an additional building in the future.

Mrs. Stevenson commended Mr. Warner and Mr. Peterson on their work and asked if sidewalks could be added along Airport Road. Mr. Warner felt the owner would be agreeable to that request.

Mr. Norris explained the commission must be consistent when other parcels come in for site plan approvals in Independence Commons.

Mr. James also commended the applicant on their work.

Mr. Rini called for public comment.

Mr. Mark Mallamo, the City Engineer, explained there may be technical difficulty with installing sidewalks on Airport Rd because it is open swale system and does not have the drainage to accommodate sidewalks. He has requested additional funds in his budget to have a multi modal path installed along Airport Rd, since it is a City maintained street.

Mr. Sharp asked if Mr. Mallamo could address those difficulties prior to the application coming back for final site plan approval. Mr. Mallamo felt the difficulties would be too extensive. He remembered a month ago when Response Computer Group was approved for a preliminary site plan and sidewalks on Airport Road were not mentioned to them.

Mr. Baird said the intent was to have the matter discussed in executive session. He then talked with the parties involved. Mr. Spillane brought the issue to him, which in his opinion was unfounded while raising some very serious accusations. The first person this information was shared with was city council and Mr. Willard. The subsequent conversation with Mr. Willard was to go to executive session under FOIA but council would need to vote to do that. However, when you are dealing with individuals, the individual who is being accused, has the right to discuss it in executive session or open session. He understands that council feels it could have been handled differently, but the facts, which include the information from Mr. Spillane raising a very serious charge, whether founded or unfounded, was put on the table. Then Mr. Willard, the accused, said he was willing to talk about it in open session which is his choice under FOIA.

Mayor Marabello pointed out the item was on the agenda; if council had a problem before it was discussed, a motion could have been made to go into executive session.

Mr. Workman emphasized that he feels the conversation between Mr. Willard and Mr. Baird should have been shared with council because the solicitor works for city council. Also, the information was already out in the public once the packet was prepared. If, after council went into executive session, Mr. Willard chose to have it discussed publicly, he would not have had a problem. He feels the entire matter could have been handled in a much easier manner in executive session.

Mr. Baird then referenced a Delaware Attorney General ruling with regard to a similar situation at the City of Newark that determined that city solicitors are not deemed employees of the municipality. He understands that council appoints the solicitor, but in the opinion of the Attorney General, they are considered employees of the town under Delaware Law.

Mr. Workman reiterated the city solicitor is appointed by city council.

Mr. Baird then recommended that city council close this issue one way or the other.

Mr. Morrow feels we need to move on and feels council is spending too much time on frivolous issues which is an unfortunate waste of time for both council and our citizens. He personally does not see a conflict of interest.

Mr. Brooks said he spoke with Mr. Baird who explained the situation and he sees no problem with Mr. Willard.

Ms. Wilson agrees with Mr. Workman and Mr. Starling and feels we need to move on. She does not see a conflict of interest at all.

Mr. Ambrose said he will respectfully disagree it should have been discussed in executive session only because Mr. Willard wanted this out in the public and feels it was to his advantage to prove it was frivolous matter. He agrees we need to move on.

Mayor Marabello agreed and announced the matter is officially closed.

Wickersham Preliminary Major Subdivision/Approval Extension Tax Parcel 3-30-16.00-5.00

The following letter from Attorney John Tracey, dated January 12, 2009, was presented to city council:

As you are aware, the above-referenced project received preliminary approval from the City Council on March 24, 2008. Since that time, again as you know, we have received a variance from the Board of Adjustment to permit us to vary some of the internal lot designs within the project. As you are also probably aware, we have been working with the City in terms of its plans for the provision of utilities to this portion of the City limits. This has begun to move forward after periods of long delay.

Unfortunately, the delays caused by the decisions with regard to infrastructure necessitates me to request an extension of the preliminary major subdivision approval which is currently set to expire on March 24, 2009. While plans are now moving forward, they are not moving forward in such a way we will be able to have final approval by the March 24, 2009 date.

Therefore, we are respectfully requesting an extension of our approval until March 24, 2010.

City Planner Gary Norris reported this was reviewed by the planning commission and their recommendation was to grant the extension for a year to allow time for the city to work on utility extensions that need to be in place to start and complete this development.

John Tracey of Young, Conaway, Stargatt and Taylor, LLP was present to answer any questions.

Mr. Baird said there has been a lot of discussion between the developer and the city. He explained the property is somewhat isolated which is why it is taking longer to determine what is best for the city and the applicant to move forward.

Mr. Tracey agreed noting there have been substantial discussions with the city engineer and area property owners. Their understanding from Mr. Mallamo is the design and plans for the water have actually moved very far along though the sewer is lagging behind. The work cannot be completed until some conclusions are reached.

Mr. Ambrose moved to grant the extension until March 24, 2010, seconded by Ms. Wilson.

When questioned how much longer this will take to prevent another extension request next year, Mr. Tracy explained he does not know stressing it is in the hands of the city. Once the designs are worked out, the developer is ready to move forward.

Motion carried by unanimous roll call vote.

With no further business, Mr. Ambrose moved to adjourn the council meeting, seconded by Mr. Morrow. Motion carried.

The Council Meeting was adjourned by Mayor Marabello at 7:40 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

Mayor Marabello advised there is still a replacement needed from Ward I. This remains on the agenda to prevent it being overlooked; any future unfinished business items will continue to be added to the agendas until their conclusion.

He advised that in addition to Charles Goswick of Hearthstone Manor, Patty Atkinson of Matlinds Estates is also still interested. The mayor suggested a quick interview at the next workshop and if acceptable, council will confirm the appointment of the ninth planning commissioner.

Mr. Workman suggested it be filled as soon as possible.

Snow Removal Reimbursement Request-Hearthstone Manor

Mr. Spillane recalled that the streets at Meadows at Shawnee were plowed during the recent snow storms though they had not been accepted by the city while other city streets were overlooked. He feels that some sort of reimbursement is needed because taxpayers' money should not have been used to maintain the streets before they were officially dedicated.

Mr. Spillane moved the Meadows at Shawnee reimburse the city for the costs of plowing their streets during the snowstorm. Motion failed for lack of a second.

Councilman Spillane then stated a number of residents have questioned why Phases I, II and III were not being plowed noting they were properly paved.

Mr. Baird said the city has never plowed in Hearthstone Manor because those streets were not dedicated. He explained that Meadows at Shawnee has been plowed for a couple of years because the project was finished. He reiterated that Phases I, II and portions of III of Hearthstone are completed but have not been dedicated. At this time, the developer is not interested in dedicating it.

Mr. Spillane confirmed the problem is not the city but is the developer. Mr. Baird agreed stating they have discussed the possibility with the developer though the last couple of months, it has not been a priority due to a lack of interest.

Mr. Spillane asked how that can again be considered so that Hearthstone residents would receive the same services as the Meadows at Shawnee. He asked what Hearthstone and other areas not yet accepted get for the taxes they pay and asked if that can be considered.

Mayor Marabello suggested it be added to the next agenda in an effort to resolve it.

NEW BUSINESS

Preliminary Major Subdivision Extension Request/Wickersham

City Planner Norris noted the primary reason for the extension is because the city continues to work on utility extensions to this area though it has not been completed. It was confirmed this property is located at the corner of Route 1 and Johnson Road and are at the end of the line. In order to proceed from a cost standpoint that will work, property owners are needed to participate between their site and where the current utilities exist. Those property owners will need to determine how best to finance that which is the primary reason for the delay.

Mr. Brooks moved to approve the extension until March 23, 2011, seconded by Mr. Morrow.

Motion carried by unanimous roll call vote.

Cascades Subdivision/Ingerman Group Presentation

David Holden of Ingerman Group based out of Wilmington, stated the Ingerman Group develops, builds and manages affordable housing in Delaware, Maryland, Pennsylvania and New Jersey.

Mr. Pilla moved to table the project until April 20, 2010, seconded by Mrs. Stevenson. After polling the commission the motion carried unanimously.

John Tracey on behalf of CCM Koelig LLC; Project 08-013
Extension of a Preliminary Major Subdivision to be known as Wickersham
Johnson Rd
Tax Map 3-30-16.00-5.00; 40.69+/- acres; R-3 Zoning
Adoption of Resolution PC10-004

Mr. John Tracey with Young, Conoway, Stargate & Taylor was present to represent the application. He was here this time last year, seeking the first extension for this project. The primary reason for that extension is the City is coming up with an overall sewer and water plan for that area and he was unable to progress because that plan has not been finalized. Since that time, two things have happened. First, there was a collective meeting of developers, property owners, the City and others in August or September of last year to try to generate some momentum towards finalizing the plan, although nothing further has occurred after that. In addition, the City has annexed the property to this project's immediate North, which is a commercial site on Rt1 signaling a further intent to want to do things in this area. Construction drawings have been submitted by his client in hopes of spurring some conclusions in regard to sewer, but none have been forthcoming as of yet. This brings the project to the time period where another extension is necessary. He does know his clients have spoken to Randy Duplechain of Davis, Bowen & Friedel, who he understands is the City's Engineer, about some alternatives that would allow this project to get moving so the plans can be finished and be recorded. His client does want to get moving on this project and start building.

Mr. Norris concurred with Mr. Tracey.

Mr. Sharp asked where the location of the property is. Mr. Tracey replied at the intersection of Johnson Road and Rt 1.

Mr. Rini stated he knows when this project goes to council, they will ask if the project has extreme hardship conditions and asked for greater elaboration on those as well as maybe project what might be seen happening between now and when the extension would end.

Mr. Tracey replied the hardship is waiting on the City to making a decision with regard to how to provide utilities to that area. The only reason they have not moved forward with a final subdivision plan is because no decision has been made on utilities. He would find it difficult to deny an extension when the applicant has been doing everything it can to move a project forward, but being unable to do so due to lack of direction from the City.

Mr. Rini asked what the time table would be upon receiving a decision from the City on utilities. Mr. Tracey would like to say less than six months. DeIDOT and Fire Marshal approval is still necessary though.

Mr. Tracey asked if the City has given Mr. Tracey a time table on the utilities. Mr. Tracey replied not to his knowledge. He reiterated the meeting in the fall with the group of area property owners is the last he has heard from the City.

Mr. Norris had no additional information to offer as far as the time table goes and confirmed Mr. Tracey is correct in the issues that have prevented the project from progressing to final approval and recordation.

Mr. Rini called for public comment. No one came forward.

Mr. Pilla confirmed no site work has begun.

Mr. Rini asked if Mr. Tracey needs a full year extension. Mr. Tracey felt that would be the safest time period.

Mr. Rini stated Council's opinion is to keep on top of these extensions because contact can be lost in a year's time. Mr. Tracey stated they have been in very good contact over the past year.

A motion by Mr. Campbell to recommend a one year extension of the preliminary major subdivision, Resolution PC10-004 was seconded by Mr. Burk. Following a poll of the commission, the motion carried unanimously.

Mr. Rini confirmed with Mr. Willard the extension will be valid until March 23, 2011.

~~Ordinance 2010-1/Chapter Zoning Code/EMB Sign/Public Hearing~~

~~Mr. Norris began by stated the planning commission has reviewed this extensively for the last six months. It was introduced to City Council and has since been pared down per the commission's comments. He recommendation is to make a recommendation to City Council.~~

~~Mr. Rini called for public comment. No one came forward.~~

~~Mr. Rini stated the Commission did a lot of work on this ordinance and came up with something that was not mentioned at all in the code that needed to be there. He thinks the commission cooperated with not only the people in the City but also the outside business world. Under Mr. Sharp's guidance a subcommittee was created worked with the downtown business association and worked well with them which is a sign of working in the right direction in the future.~~

~~Mrs. McColley made a motion to recommend approval of Ordinance 2010-1 to City Council, seconded by Mr. Burk. The motion carried with the following votes:~~

~~Yes-Pilla, Sharp, Stevenson, Campbell, McColley, Burk, Rini~~

~~No- Gleysteen believes they should be permitted in the C1 and C2 districts.~~

UNFINISHED BUSINESS

~~Review and Recommendation Ordinance 2009-17/Chapter 230; Zoning Code/Open Space~~

~~Mr. Rini stated Ordinance 2009-17 and 2009-18 will be discussed together and voted separately.~~

~~Review and Recommendation Ordinance 2009-18/Chapter 200; Subdivision Code/Open Space~~

~~Mr. Norris noted the commission has reviewed these ordinances extensively. To his recollection Mr. Emory spoke to the commission and was in favor of the ordinances. Mr. Norris's recommendation is to recommend approval of the ordinances to City Council for approval and adoption.~~

~~He asked if Mrs. Stevenson was still interested in more options be made available to developers. Mrs. Stevenson explained she wants it clearly written as to when the fee in lieu of open space can be utilized. After discussing the changes to the ordinance, it was determined that option was removed from the ordinance to prevent that option from being used.~~

~~The discussion then turned to whether to use eight units or lots as the threshold for requiring recreational uses in an R3 district. Open space will be required no matter how many lots or units are created, but currently the ordinance reads that any subdivision creating eight or more lots will require recreational uses. After discussing~~

~~Mr. Baird said that though it is complicated, it will allow things to move forward today but also add some provisions to accommodate later development in that southeast area.~~

~~Mr. Adkins confirmed the city will spend \$110,000 for the engineering project though it could take ten years before they decide to move forward. He asked if the engineering work would still be accurate. Mr. Duplechain said yes, unless they decide to change something in the area.~~

~~Mr. Duplechain noted the \$110,000 would be reimbursed back to the city by the developer.~~

~~Mr. Baird explained the agreement in the packet for the design needs to be approved by city council. Before he takes it to council, he will have a second agreement with Key Properties outlining how they will pay the city. In that manner, council will see both agreements before they would approve the engineering work.~~

~~Mr. Duplechain reiterated the city would not be out of the money other than the interim.~~

~~Mr. Duplechain again confirmed that this project includes the Route 1 East pump station and associated force main to Meadows at Shawnee, the replacement of the Shawnee Acres pump station along with some improvements downstream of the Shawnee Acres station.~~

~~Mr. Baird advised the city is receiving immediate pressure from Milford Housing and Wickersham on the Benson and Emory properties. Both have indicated they are ready to proceed.~~

Mr. Duplechain added that the developer of the Hall property plans to follow the timeline of DelDOT with the overpass.

Mr. Brooks asked if each of these developers will be talked to individually or as a group. Mr. Baird said they have been here at one time when the overall concept presented. The majority stated they are ready to proceed once the city lets them know what to do. Some work was needed to see how it could be put together and he wanted this committee made aware of these projects and to share the plans to move forward.

Mr. Spillane asked what it is the financial responsibility of the city for the new water tower when it is needed to accommodate new development in this area. Mr. Baird said the tower was needed before any development is considered. It justifies the additional need though there is already a need in the current water system, not only from a storage capacity, but to ensure pressure and fire flow in all areas of the city.

Adding a fourth water tower in this area will help offset some of the demand we are seeing from the center part of the city. Mr. Baird added there are system-wide benefits by having all these developments tied in.

The mayor asked if the new water tower will be up and running before the other two are repaired; Mr. Baird said possibly though there may be some work done on the exterior of the existing towers. It makes sense to have the additional storage before the other tank has to be drained for interior work.

It was confirmed that the Washington Street tower is a critical component to our water system and though it is old, it can be rehabbed and does not have to be removed. Mr. Duplechain said that though there was some discussion about removing it at one time, it would definitely be needed if there was a downtown fire. Otherwise, we would have to rely on the Caulk tower and trying to draw water from the other two tanks. The preference is to keep it up and running.

Mr. Baird sees the next step is to move forward with Key Properties on the design. He will then present this to council, along with some guarantees to ensure the bill will be paid. They will continue to map out the layout as well as work with the other property owners in the area.

Mr. Brooks said he is comfortable with it as long as it understood the majority of the costs will be paid by the developer.

~~Ms. Wilson votes no and agrees with the concerns Mr. Starling and Mr. Adkins have expressed. She thinks that any professional that knows something is wrong needs to do something about it. They need to always allow for consequences. With that amount of money and this big a project, that work should not have proceeded. Therefore, she feels both parties are at fault and votes no.~~

~~Mayor Rogers votes yes stating he agrees there was confusion. He also feels that if Mr. Reed had thought there were problems, he should have stated that instead of proceeding with the job. When he looked at the job, it was not properly done. If Mr. Reed felt he was being encouraged to get the job done, he had the right to stop the work and express those concerns. This agreement will allow the city to move forward and correct the problems out there which he feels must be done.~~

~~*FY2010-11 Budget Transfer/General Fund-Fund Balance/Live Near Your Work Program*~~

~~Mr. Baird explained the city has received another Live Near Your Work Program notice where a Perdue employee had purchased a home on Brady Drive. The city's contribution is \$1,000 which will be used toward the closing costs of that home.~~

~~Ms. Wilson moved to approve the budget transfer of \$1,000 from General Fund/Fund Balance, Account 101-0000-399-10.00 to pay the city's contribution and place that into the new line item 101-1110-411-68-31, Live Near Your Work Program. Motion seconded by Mr. Morrow and carried by unanimous roll call vote.~~

~~NEW BUSINESS~~

~~*Wickersham Preliminary Major Subdivision Extension*~~

~~Attorney John Tracey of Young, Conaway, Stargatt and Taylor was present on behalf of the application. Mr. Tracey reported the project is at the corner of Johnson Road and State Route 1. He is seeking for a third extension for the same reasons presented during the first and second requests. Initially, the project was delayed during the utility design phase in order to serve the property. More recently, DelDOT is working on the overpass which is immediately to the north and will take a portion of that parcel, but will also provide a route for the utility services.~~

~~He recalled that when this was first being considered, the city was looking at a global sewer service in that area. The economy has reeked havoc on businesses including his client. A number of the parties originally participating in that project have since disappeared which has resulted in a redesign of the project it was designed to serve. There is now an agreement though his client has been tasked with the preliminary estimates for the design and build of the system which will be submitted to the city for its approval. Following that, they hope to work with the city in hopes of a recoupment to allow his client and any other participating property owners who plan to tie into the system at a later date.~~

~~For those reasons, they have been unable to move forward with the final design because they were unsure where the final utility routes would be. He reiterated this should be the last extension needed. He feels there is about seven to eight months of work needed for final approval.~~

~~Mr. Brooks moved for approval of a one year extension for the Preliminary Major Subdivision for the Wickersham Subdivision, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.~~

~~*MBI Development Company/Cascades Housing Development/Tax Abatement Request/David Holden*~~

~~The Ingerman Group, through its affiliate, MBI Development Company, is the equitable owner of the Cascades Housing Development. City Manager Baird recalled that Development Principal David Holden discussed this project in March of 2010 and requested tax relief from the city to assist in their Delaware State Housing Authority (DSHA) application.~~

**CITY OF MILFORD
PLANNING COMMISSION**

*Minutes of Meeting
February 15, 2011*

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, February 15, 2010.

PRESIDING: Chairman Charles Rini
IN ATTENDANCE: Commissioners George Pilla, Archie Campbell, Jamie Burk, Kim Stevenson
ALSO: City Solicitor David Rutt and Recording Secretary Christine Crouch

Mr. Rini called the meeting to order at 7:00pm noting Mr. Sharp, Mr. Lane, Mrs. McColley, and Mr. Gleysteen were absent. He informed the commission Mr. Norris is out due to surgery.

APPROVAL OF MINUTES

The minutes for the January 2011 regular monthly planning commission meeting were approved as submitted with a motion by Mr. Burk, seconded by Mr. Campbell.

CHAIRMAN MONTHLY REPORT

Mr. Rini informed the commissioner's that at last night's council meeting, an ordinance regarding recreational vehicles was introduced. The ordinance may go to workshop before it is reviewed by planning commission to make recommendations.

NEW BUSINESS

**John Tracey on behalf of CCM-Koelig LLC; Project No 08-013
Third Extension Request for a Preliminary Major Subdivision
Wickersham
State Route 1 & Johnson Road
Tax Map 3-30-16.00-5.00; Area of Petition 40.69 +/- Acres; R-3 Zoning
Adoption of Resolution PC11-001**

Mr. John Tracey of Young, Conaway, Stargate & Taylor was present to represent the application. He recalled how this seems to be an annual event for him, but is optimistic this will be last request for an extension. As the commission will recall, utilities have not been extended to the site as of yet, which is the reason for the numerous extension requests. Sewer was originally a regional concept, however economy has derailed leaving the regional developers not interested in expanding. A new route has been agreed to and the cost estimates are being obtained in partnership with the Bolis property, which is adjacent. The other two issues include the water tower location, which seems to be resolved, and DeIDOT's proposed Rt 30 bypass location. It appears the bypass location will be on the Bolis property, and will likely move forward. Now that the parties involved, including the City, know where the utilities are able to come from and go to.

Mr. Rini asked how long Mr. Tracey believes the final major subdivision application will take to submit. Mr. Tracey felt between six to nine months once the extension is granted. Mr. Rini also

commented that Mr. Norris had informed him the developer has been working closely with the City regarding the utilities.

Mr. Campbell asked where the electric will be coming from. Mr. Tracey explained from the property to the immediate North, Bolis property. It is fairly close to Rt 1.

Mrs. Stevenson asked if Mr. Mallamo had any comments, seeing as he was present this evening. Mr. Mallamo had no comments.

Mr. Rini called for public comment. Hearing none, closed the public hearing.

Mrs. Stevenson made a motion to approve resolution PC11-001, seconded by Mr. Burke. Following a poll of the commission, motion carried unanimously.

~~Davis, Bowen & Friedel and Two Farms Inc on behalf of Silicato-Wood Partnership LLC;
Project No 08-085
Final Site Plan
Royal Farms
108 Silicato Parkway
Tax Map MD-16-174.15-01-01.05; Area of Petition 3.09+/- Acres; C-3 Zoning
Adoption of Resolution PC11-002~~

~~Mr. Jamie Sechler of Davis, Bown & Friedel was present to represent the application. This is for a Final Site Plan of Royal Farms. Preliminary approval was given in December of 2008 and there were extensions granted. A sign variance was approved by the Board of Adjustment earlier this month as well. This is referred to as an "S" type store with eight fuel dispensers, three diesel dispensers, and one car wash. There are two access points to the site; one from Rt 1 and the other from Silicato Parkway. With all approvals in hand, pending tonight's, he anticipates two months until they are ready to begin construction and three months until the store is open.~~

~~Mr. Rini referred to a letter from Mr. Mallamo dated 01/28/11 and confirmed the changes have been made based on this letter.~~

~~Mrs. Stevenson asked if Kent Conservation approval had been obtained. The letter in her packet was not an approval. Mr. Sechler said approval has been obtained and a copy can be emailed to the city.~~

~~Mr. Pilla confirmed the carwash is automatic where the driver stays in the car.~~

~~Mr. Rini questioned what the store will look like. Mr. Sechler held up a color rendition and stated it will look like the one in Ellendale, not like in Felton, and will have a stone façade.~~

~~Mrs. Stevenson asked if Mr. Mallamo had any comments. He did not.~~

~~Mr. Campbell questioned how a fuel spill is contained. Mr. Sechler explained Royal Farms has a plan of action of their own but essentially each dispense island has a separate tank where oil is slicked off to. Royal Farms would call the Carlisle Fire Department for further instructions on how to proceed. The Fire Chief determines if DNREC needs to be notified. After additional~~

**John Tracey on behalf of CCM-Koelig, LLC; Project No 08-013
Preliminary Major Subdivision Ext 4; Wickersham
State Route 1
Tax Map 3-30-16.00-005.00; 40.69 +/- Acres; R-3 Zoning
Adoption of Resolution PC12-005**

Mr. John Tracey of Young, Conaway, Stargatt & Taylor LLP was present to represent the application. This is the fourth venture before the commission and council seeking an extension. For those unfamiliar with the project, Mr. Tracey provided a brief summary of the project. The hold up on the development is the sewer and water being available at the site. Back when the subdivision received its original preliminary approval, there were large other large subdivisions planned in the area and the City felt water and sewer would be extended soon than now. Since the slow down in the economy, most of the other developments have all but stopped with their plans to develop. Wickersham however is still willing to move forward, provided the water and sewer are extended. DelDOT designs for the overpasses have now been resolved since the preliminary subdivision approval.

In order to design the final subdivision plans, Wickersham needs to know where water and sewer are going to be placed in order to incorporate that in their design. Without knowing that, the project cannot move forward.

Chairman Rini stated typically the maximum number of extensions the commission is willing to recommend approval for is 3, however he understands the hardship for this development, in that it is not their fault.

Mr. Norris has spoken with the City Manager regarding this extension request and based on that conversation Mr. Norris recommended approval of the extension.

Chairman Rini called for public comments. Hearing none, he closed the public comment session.

A motion by Mr. Sharp to approve PC12-005 was seconded by Mr. Lane. Motion carried unanimously following a poll of the commission.

City Planner Monthly Report

Mr. Norris had nothing to report this month.

With no further business, a motion to adjourn by Mr. Lane was seconded by Mr. Pilla. The meeting adjourned at 7:28 pm.

Respectfully submitted,



Christine R. Crouch
Department Administrative Assistant/Recording Secretary

Preliminary Major Subdivision Extension -John Tracey/CCM-Koelig, LLC on behalf of Wickersham

Planning Commission Chairman Chuck Rini advised that extension #4 was approved by the planning commission by a vote of 7-0. He stated that typically they prefer not giving more than three extensions, but in this case, the hardship was a result of a utility concern that involved the city.

City Manager Carmean advised that one of the reasons they were unable to move forward was due to the condition of the economy. In this case, the developers remain the same with the same intention.

Mr. Carmean said he also spoke with them about the possibility of placing the water tower in this area. A test boring will be done within the next few days.

Attorney John Tracey was present on behalf of the applicant. He confirmed the two big drivers of why they have not been able to move forward is because there has been no resolution on how they will obtain sewer and water. As soon as the city has a plan in place, they will immediately proceed with their plans.

Mr. Tracey said he received a recent e-mail from the city's consultant who informed him the location chosen for the water tower did not work out and the city is looking for a new site in this area.

He said they remain committed and the same property owner in 2006 at the time of annexation remains the one behind this project.

Mr. Brooks moved for approval of a one year extension for the Preliminary Major Subdivision, seconded by Ms. Wilson. Motion carried by unanimous roll call vote with Mr. Gleysteen stated that reluctantly he is voting yes and only because of the extenuating circumstances.

~~EXECUTIVE SESSION~~~~*Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements.*~~~~Mr. Pikus moved to go into Executive Session reference discussions on site acquisitions, seconded by Mr. Grier. Motion carried.~~~~Mayor Rogers recessed the Council Meeting at 9:15 p.m. for the purpose of an Executive Session as is permitted by Delaware's Freedom of Information Act.~~~~*Return to Open Session*~~~~City Council returned to Open Session at 9:24 p.m.~~~~*Executive Session Matter*~~~~Mr. Pikus moved to authorize the city manager to proceed with the assessments of two properties discussed, seconded by Ms. Wilson. Motion carried with no one opposed.~~

ADJOURN

With no further business, Mr. Johnson moved to adjourn the Council Meeting, seconded by Mr. Grier. Motion carried.

Meeting adjourned at 9:25 p.m.

Respectfully submitted,

§ 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 preliminarily 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.

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC13-002

**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 FIFTH EXTENSION OF A
PRELIMINARY MAJOR SUBDIVISION FOR
CCM-KOELIG LLC
AT STATE RT 1 AND JOHNSON ROAD
FOR A 205 LOT, 205 UNIT SUBDIVISION
TO BE KNOWN AS WICKERSHAM
IN AN R-3 ZONING DISTRICT
TAX MAP 3-30-16.00-005.00**

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 March 19, 2013; and,

WHEREAS, by a vote of _____ recommended approval of the application.

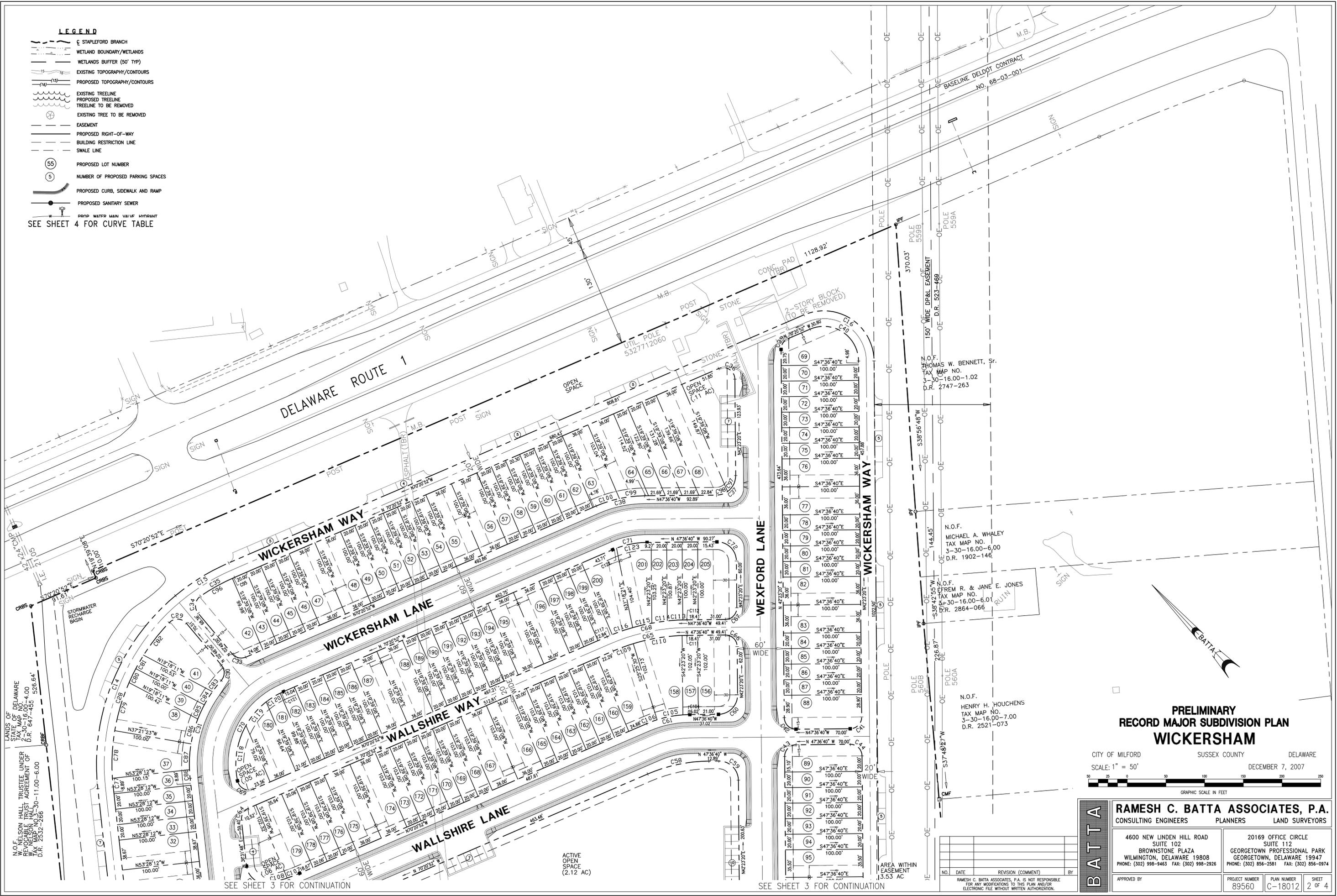
NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following recommendations:

- 1.

APPROVED: _____
James Burk,
Planning Commission Chairman

SIGNED: _____
Christine Crouch,
Planning Commission Rec Secretary

- LEGEND**
- ☐ STAPLEFORD BRANCH
 - ▬ WETLAND BOUNDARY/WETLANDS
 - ▬ WETLANDS BUFFER (50' TYP)
 - (15)— EXISTING TOPOGRAPHY/CONTOURS
 - (16)— PROPOSED TOPOGRAPHY/CONTOURS
 - ▬ EXISTING TREELINE
 - ▬ PROPOSED TREELINE
 - ▬ TREELINE TO BE REMOVED
 - ⊗ EXISTING TREE TO BE REMOVED
 - ▬ EASEMENT
 - ▬ PROPOSED RIGHT-OF-WAY
 - ▬ BUILDING RESTRICTION LINE
 - ▬ SWALE LINE
 - 55 PROPOSED LOT NUMBER
 - 5 NUMBER OF PROPOSED PARKING SPACES
 - ▬ PROPOSED CURB, SIDEWALK AND RAMP
 - ⊙ PROPOSED SANITARY SEWER
 - ⊙ PROPOSED WATER MAIN VALVE HYDRANT
- SEE SHEET 4 FOR CURVE TABLE



LANDS OF DELAWARE
 STATE TAX MAP NO. 30-16.00-4.00
 D.R. 67-435 526-64

N.O.F. NELSON HALL TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF TAX MAP NO. 30-11.00-6.00 D.R. 2532-266

THOMAS W. BENNETT, Sr.
 TAX MAP NO. 30-16.00-1.02
 D.R. 2747-263

N.O.F. MICHAEL A. WHALEY
 TAX MAP NO. 30-16.00-6.00
 D.R. 1902-146

N.O.F. FREM R. & JANE E. JONES
 TAX MAP NO. 30-16.00-6.01
 D.R. 2864-066

N.O.F. HENRY H. HOUGHENS
 TAX MAP NO. 30-16.00-7.00
 D.R. 2521-073

PRELIMINARY RECORD MAJOR SUBDIVISION PLAN WICKERSHAM

CITY OF MILFORD SUSSEX COUNTY DELAWARE
 SCALE: 1" = 50'
 DECEMBER 7, 2007

BATTA

RAMESH C. BATTA ASSOCIATES, P.A.
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APPROVED BY: _____ PROJECT NUMBER: 89560 PLAN NUMBER: C-18012 SHEET: 2 OF 4

SEE SHEET 3 FOR CONTINUATION

SEE SHEET 3 FOR CONTINUATION

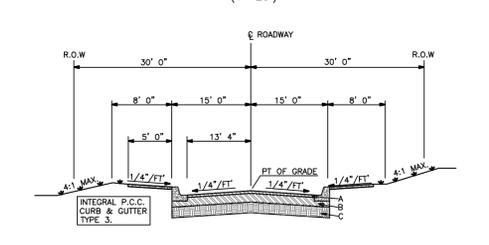
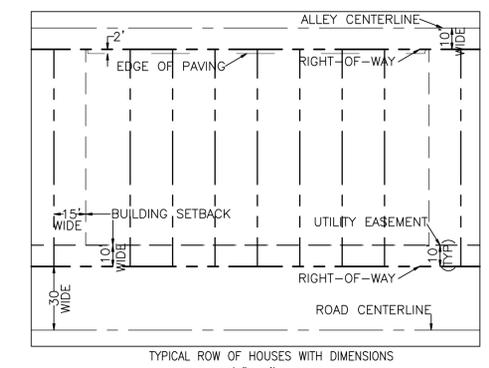
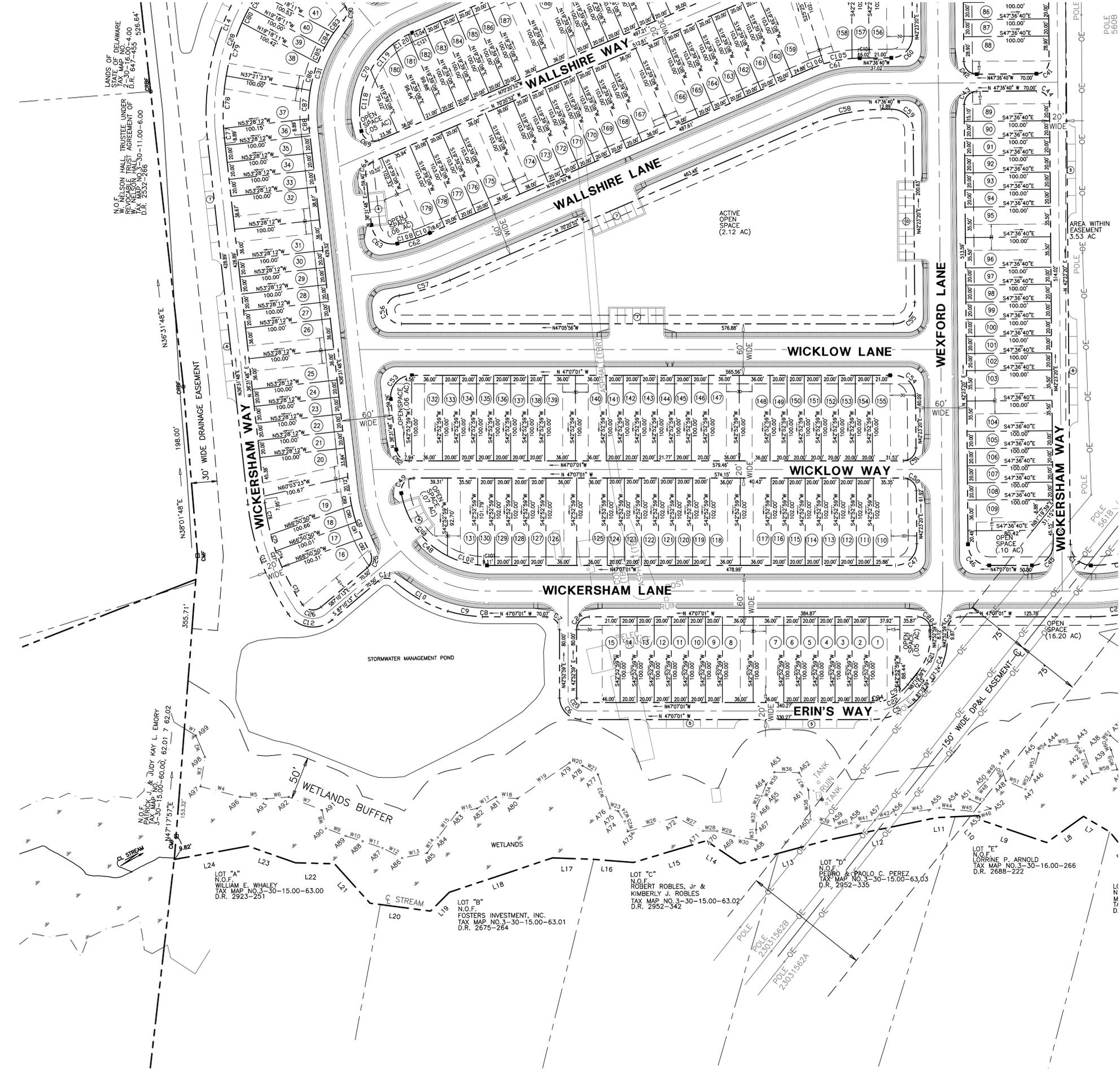
NO.	DATE	REVISION (COMMENT)	BY

RAMESH C. BATTA ASSOCIATES, P.A. IS NOT RESPONSIBLE FOR ANY MODIFICATIONS TO THIS PLAN AND/OR ELECTRONIC FILE WITHOUT WRITTEN AUTHORIZATION.

ACTIVE OPEN SPACE (2.12 AC)

AREA WITHIN EASEMENT 13.53 AC

SEE SHEET 2 FOR CONTINUATION SEE SHEET 2 FOR CONTINUATION SEE SHEET 2 FOR CONTINUATION



- NOTES:
1. ALL CURBING SHALL BE AS PER CURRENT DELDOT STANDARDS.
 2. REFER TO SECTION 5 FOR SIDEWALK SPECIFICATIONS.
 3. REFER TO SECTION 7 OF THE SPECIFICATIONS FOR DESIGN INFORMATION.
 4. REFER TO SECTION 7 OF THE SPECIFICATIONS FOR DESIGN INFORMATION.

- LEGEND**
- STAPLEFORD BRANCH
 - WETLANDS BOUNDARY/WETLANDS
 - WETLANDS BUFFER (50' TYP)
 - EXISTING TOPOGRAPHY/CONTOURS
 - PROPOSED TOPOGRAPHY/CONTOURS
 - EXISTING TREELINE
 - PROPOSED TREELINE
 - TREELINE TO BE REMOVED
 - EXISTING TREE TO BE REMOVED
 - EASEMENT
 - PROPOSED RIGHT-OF-WAY
 - BUILDING RESTRICTION LINE
 - SWALE LINE
 - PROPOSED LOT NUMBER
 - NUMBER OF PROPOSED PARKING SPAK
 - PROPOSED CURB, SIDEWALK AND RAM
 - PROPOSED SANITARY SEWER
 - PROP. WATER MAIN, VALVE, HYDRANT

SEE SHEET 4 FOR CURVE TABLE

WETLANDS LINE TABLE

LINE	BEARING	LENGTH
W1	S15°40'17"E	15.80
W2	S20°05'22"W	27.29
W3	S15°28'13"W	34.69
W4	S32°32'33"E	47.89
W5	S42°39'21"E	31.09
W6	S52°10'39"E	26.06
W7	S25°34'50"E	42.02
W8	S30°39'24"W	21.81
W9	S26°17'43"E	24.65
W10	S29°51'32"E	20.80
W11	S28°21'54"E	24.58
W12	S20°13'47"E	25.92
W13	S58°37'04"E	29.86
W14	N77°41'43"E	22.05
W15	N80°37'17"E	36.78
W16	S58°35'56"E	23.88
W17	S77°48'19"E	25.66
W18	S43°43'59"E	25.31
W19	S81°22'11"E	74.15
W20	S33°52'53"E	15.60
W21	S17°58'01"E	20.63
W22	S23°08'41"W	42.11
W23	S28°34'02"E	10.02
W24	S10°32'52"W	14.19
W25	S26°03'45"W	12.27
W26	S83°22'20"E	59.05
W27	S20°33'12"E	35.34
W28	S46°03'13"E	16.63
W29	S31°07'43"E	20.79
W30	S36°15'06"E	26.52
W31	N40°58'24"E	12.36
W32	N44°55'23"E	27.83
W33	N68°27'46"E	12.90
W34	N63°58'54"E	14.33
W35	N76°42'17"E	17.19
W36	S45°55'52"E	29.18
W37	S14°32'31"W	22.89
W38	S38°45'58"W	34.41
W39	S28°43'32"E	31.30
W40	S64°18'52"E	18.74
W41	S54°15'26"E	28.14
W42	S61°29'29"E	25.27
W43	S55°52'25"E	51.67
W44	S39°58'59"E	17.03
W45	S42°19'37"E	30.17
W46	S63°31'25"E	13.79
W47	N23°06'17"W	27.17
W48	N85°23'45"E	31.04
W49	N80°07'31"E	23.87
W50	S23°49'02"W	21.54

WETLANDS LINE TABLE

LINE	BEARING	LENGTH
W51	S23°49'50"E	25.27
W52	N67°54'38"E	18.45
W53	N58°54'17"E	26.70
W54	S80°34'14"E	14.80
W55	S53°24'52"E	34.34
W56	S07°08'02"W	11.53
W57	S23°37'07"E	28.54
W58	S56°41'30"E	30.16
W59	N25°08'00"E	24.07
W60	N19°42'39"E	13.17
W61	N82°21'35"E	6.40
W62	S05°58'55"E	30.01
W63	S27°52'02"E	30.44
W64	S27°24'26"E	21.20
W65	S52°50'08"E	37.55
W66	S04°56'29"W	21.18
W67	S81°11'11"E	29.04
W68	S73°39'12"E	21.90
W69	S21°39'04"E	19.39
W70	S28°18'15"E	16.43
W71	N85°43'57"E	24.59
W72	S50°02'14"E	23.46
W73	S45°17'20"E	28.11
W74	N75°24'13"E	34.90
W75	S73°09'27"E	29.02
W76	S33°24'05"E	42.77
W77	S07°57'56"W	30.81
W78	N50°05'45"E	34.98
W79	S63°03'15"E	14.01
W80	S74°39'39"E	24.42
W81	S07°04'13"E	22.07
W82	S42°49'10"E	25.99
W83	S35°00'24"E	13.06
W84	S35°32'00"E	34.85
W85	S63°42'16"E	12.67
W86	S71°14'48"E	21.91
W87	N69°22'31"E	17.06
W88	S07°18'52"E	8.78
W89	S11°12'56"W	13.28
W90	S75°45'25"W	20.62
W91	S55°46'31"W	15.57
W92	S38°59'38"W	20.54
W93	S05°21'03"W	19.10
W94	S05°50'10"E	14.93
W95	S67°04'13"W	16.66
W96	S23°03'20"E	39.78
W97	S45°36'19"W	17.94
W98	S51°26'14"W	27.96
W99	S58°52'29"W	14.48
W100	S18°53'03"W	10.24

SEE SHEET 4 FOR CONTINUATION

PRELIMINARY RECORD MAJOR SUBDIVISION PLAN WICKERSHAM

CITY OF MILFORD SUSSEX COUNTY DELAWARE

SCALE: 1" = 50'

DECEMBER 7, 2007

RAMESH C. BATA ASSOCIATES, P.A.
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APPROVED BY: [Signature]

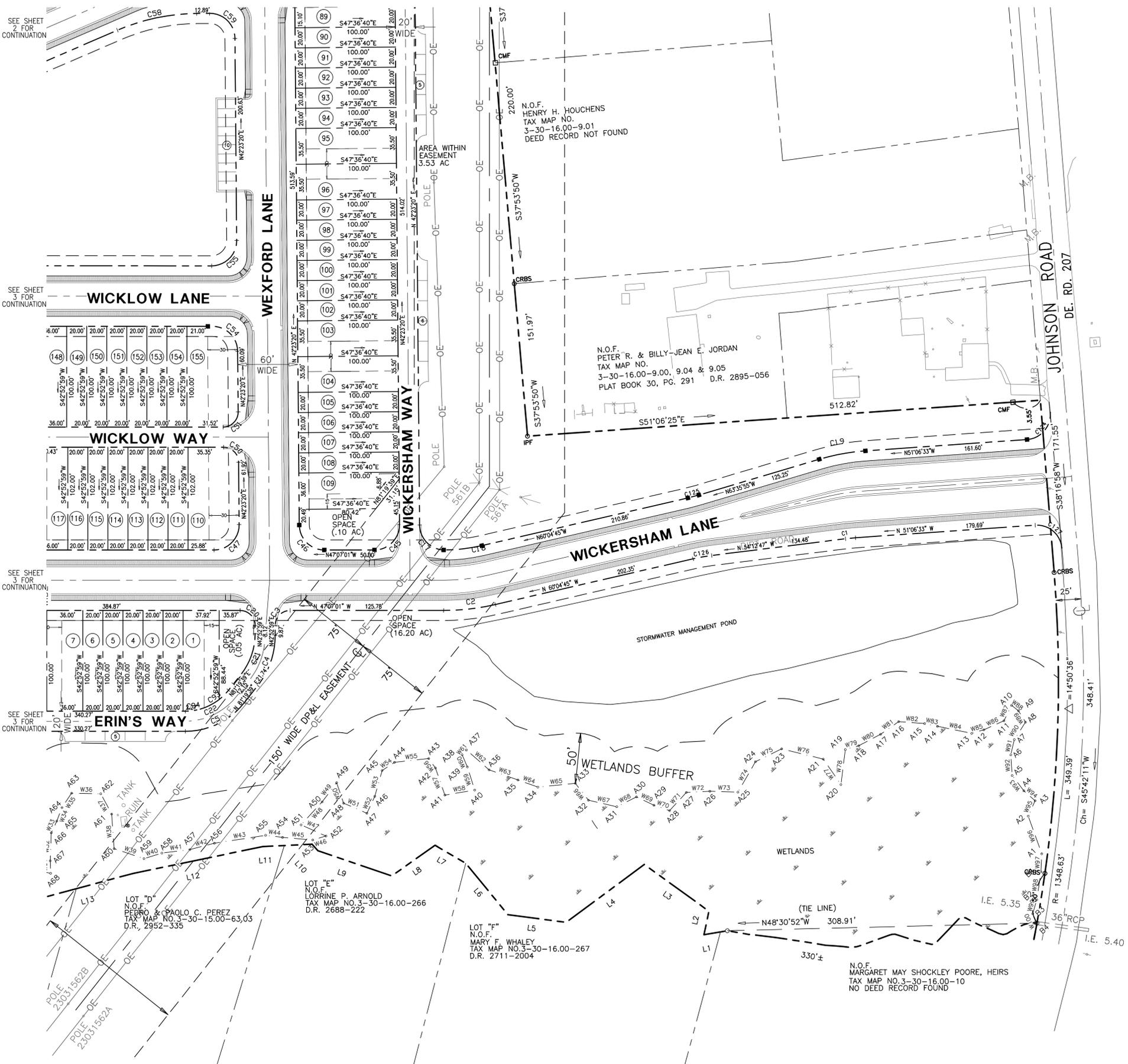
PROJECT NUMBER: 89560 PLAN NUMBER: C-18012 SHEET: 3 OF 4

NO.	DATE	REVISION (COMMENT)	BY

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SEE SHEET 2 FOR CONTINUATION
SEE SHEET 2 FOR CONTINUATION



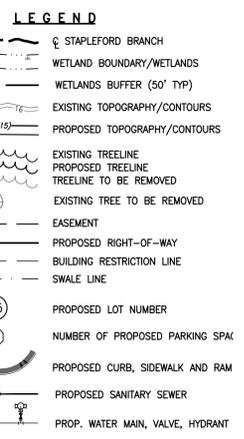
CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BRG	DISTANCE
C1	70.94	310.00	13°06'45"	35.63	N57°39'48"W	70.79
C2	111.94	375.00	17°06'09"	56.39	S55°40'05"E	111.52
C3	23.56	15.00	90°00'00"	15.00	S87°52'59"W	21.21
C4	53.68	80.00	38°26'39"	27.89	N62°06'19"E	52.68
C5	67.49	75.00	51°33'21"	36.22	S72°53'41"E	65.23
C6	38.82	28.16	85°01'01"	23.98	S02°07'01"E	35.36
C7	23.56	15.00	90°00'00"	15.00	N02°07'01"W	21.21
C8	5.46	162.00	1°55'47"	2.73	S46°09'07"E	5.46
C9	41.04	164.94	14°15'16"	20.62	S37°55'48"E	40.93
C10	71.77	161.95	25°23'31"	36.49	S17°59'17"E	71.19
C11	21.44	15.00	81°52'41"	13.01	N46°13'52"W	19.66
C12	38.53	35.00	95°48'33"	38.74	S39°15'56"E	51.94
C13	137.28	282.00	27°53'28"	70.03	S22°35'04"W	135.92
C14	278.98	282.00	56°40'54"	152.10	S64°52'15"W	267.74
C15	80.92	282.00	16°26'26"	40.74	N78°34'05"W	80.64
C16	127.90	65.00	112°44'12"	97.72	N13°58'46"W	108.24
C17	41.50	25.00	95°05'59"	27.33	S05°09'40"E	36.89
C18	63.24	315.00	11°30'10"	31.73	S68°27'45"E	63.13
C19	84.64	370.00	13°06'24"	42.51	N57°39'37"E	84.45
C20	23.56	15.00	90°00'00"	15.00	N02°07'01"W	21.21
C21	43.61	65.00	38°26'39"	22.66	N62°06'19"E	42.80
C22	49.49	55.00	51°33'21"	26.56	S72°53'41"E	47.84
C23	7.88	4.95	91°10'54"	5.05	S02°07'01"E	7.07
C24	23.56	15.00	90°00'00"	15.00	S87°52'59"W	21.21
C25	21.44	15.00	81°52'40"	13.01	N51°53'27"E	19.66
C26	25.08	15.00	95°48'33"	16.60	S39°15'56"E	22.26
C27	127.28	282.00	27°53'28"	68.06	S22°35'04"W	126.28
C28	230.75	282.00	50°27'39"	123.46	S61°45'38"W	223.36
C29	25.08	15.00	95°48'33"	16.60	N45°06'16"W	22.26
C30	21.44	15.00	81°52'49"	13.01	N43°44'25"E	19.66
C31	136.14	162.00	48°09'01"	72.38	S60°36'19"W	132.17
C32	17.70	161.95	25°23'31"	8.98	S23°38'06"W	17.12
C33	19.15	15.00	73°08'52"	11.13	S33°48'26"E	17.88
C34	25.08	15.00	95°48'33"	16.60	S50°42'17"W	22.26
C35	50.50	262.00	11°02'35"	25.33	N75°52'10"W	50.42
C36	29.51	15.00	112°44'12"	22.55	N13°58'46"W	24.98
C37	36.27	25.00	90°00'00"	25.00	N87°23'20"E	35.36
C38	64.29	162.00	22°44'12"	32.57	N58°58'46"W	63.87
C39	17.61	15.00	67°15'48"	9.98	S76°01'14"W	16.62
C40	89.54	45.00	112°44'12"	67.65	N13°58'46"W	74.94
C41	23.56	15.00	90°00'00"	15.00	N87°23'20"E	21.21
C42	23.56	15.00	90°00'00"	15.00	S02°36'40"E	21.21
C43	23.56	15.00	90°00'00"	15.00	S87°23'20"W	21.21
C44	23.56	15.00	90°00'00"	15.00	N02°36'40"W	21.21
C45	39.49	25.00	90°29'40"	25.22	N87°38'10"E	35.51
C46	39.05	25.00	89°30'20"	24.79	S02°21'50"E	35.20
C47	39.49	25.00	90°29'40"	25.22	N87°38'10"E	35.51
C48	142.55	102.00	80°04'19"	85.70	S07°04'51"E	131.23
C49	26.16	15.00	99°55'41"	17.85	S82°55'09"W	22.97
C50	23.43	15.00	89°30'20"	14.87	N02°21'50"W	21.12
C51	23.69	15.00	90°29'40"	15.13	N87°38'10"E	21.30
C52	21.90	15.00	83°38'49"	13.42	S05°17'36"E	20.01
C53	42.04	25.00	96°21'11"	27.94	S84°42'24"W	37.26
C54	39.05	25.00	89°30'20"	24.79	N02°21'50"W	35.20
C55	39.49	25.00	90°30'45"	25.22	N87°38'42"E	35.51
C56	51.75	16.47	80°00'00"	INFINITE	S38°15'25"W	32.94
C57	62.51	280.00	12°47'29"	31.39	S63°57'07"E	62.38
C58	81.35	205.00	22°44'12"	41.22	N58°58'46"W	80.82
C59	39.27	25.00	90°00'00"	25.00	N02°36'40"W	35.36

BOUNDARY LINE TABLE

LINE	BEARING	LENGTH
L1	N56°53'20"W	23.71
L2	N54°58'27"E	23.90
L3	N11°23'55"W	79.47
L4	N83°31'59"W	98.82
L5	N39°34'55"W	58.66
L6	N03°23'02"E	66.04
L7	N16°50'00"W	35.50
L8	N82°18'26"W	52.79
L9	N28°20'43"W	77.87
L10	N00°19'27"E	8.70
L11	N49°52'20"W	49.03
L12	N58°44'04"W	131.83
L13	N62°04'30"W	105.37
L14	N13°16'35"W	47.88
L15	N63°40'48"W	88.87
L16	N42°36'36"W	46.71
L17	N45°03'34"W	48.22
L18	N85°02'53"W	127.63
L19	S88°01'41"W	31.19
L20	N39°41'19"W	71.60
L21	N00°41'02"E	62.12
L22	N45°46'08"W	45.65
L23	N27°40'58"W	58.55
L24	N57°14'37"W	88.23

C60	39.27	25.00	90°00'00"	25.00	N87°23'20"E	35.36
C61	57.94	145.00	22°44'12"	29.15	N58°58'46"W	57.16
C62	40.23	220.00	10°28'42"	10.17	S65°06'31"E	40.18
C63	42.06	25.00	96°23'58"	27.96	S11°40'11"E	37.27
C64	19.14	15.00	73°07'20"	11.12	S73°05'28"W	17.87
C65	98.41	248.00	22°44'12"	49.86	N58°58'46"W	97.77
C66	23.56	15.00	90°00'00"	15.00	N02°36'40"W	21.21
C67	23.56	15.00	90°00'00"	15.00	N87°23'20"E	21.21
C68	106.35	288.00	22°44'12"	53.88	N58°58'46"W	105.65
C69	26.51	15.00	01°11'06"	18.28	S19°42'49"E	23.19
C70	140.16	102.00	78°43'54"	83.68	S70°17'11"W	129.39
C71	45.64	115.00	22°44'12"	23.12	N58°58'46"W	45.34
C72	39.27	25.00	90°00'00"	25.00	N02°36'40"W	35.36
C73	49.90	262.00	10°54'47"	25.03	S14°05'44"W	49.83
C74	20.01	262.00	4°22'34"	10.01	S21°44'24"W	20.01
C75	20.03	262.00	4°22'34"	10.02	S26°07'06"W	20.03
C76	37.59	262.00	8°13'17"	18.83	S32°25'10"W	37.56
C77	11.11	262.00	2°25'48"	5.56	S37°44'42"W	11.11
C78	61.45	262.00	13°26'18"	30.87	S45°40'45"W	61.31
C79	64.80	262.00	14°10'13"	32.56	S59°29'01"W	64.63
C80	20.02	262.00	4°22'38"	10.01	S68°45'27"W	20.01
C81	20.02	262.00	4°22'44"	10.02	S73°08'08"W	20.02
C82	53.37	279.89	10°55'38"	26.76	S81°20'53"W	53.29
C83	18.34	162.00	6°29'08"	9.18	S81°26'15"W	18.33
C84	20.06	162.00	7°05'42"	10.04	S74°38'50"W	20.05
C85	20.04	162.00	7°05'19"	10.03	S67°33'20"W	20.03
C86	33.26	162.00	11°45'50"	16.69	S58°07'45"W	33.20
C87	33.32	162.00	11°47'07"	16.72	S46°21'16"W	33.26
C88	11.12	162.00	3°55'55"	5.56	S36°29'46"W	11.11
C89	13.36	161.95	4°47'54"	6.79	S33°55'09"W	13.56
C90	20.08	161.95	7°06'19"	10.05	S27°58'02"W	20.07
C91	20.03	161.95	7°05'09"	10.03	S27°58'02"W	20.02
C92	18.02	161.95	6°22'36"	9.02	S14°08'25"W	18.01
C93	30.38	55.00	31°38'39"	15.59	S82°51'02"E	29.99
C94	19.11	55.00	19°54'41"	9.65	S57°04'21"E	19.02
C95	3.42	262.00	0°44'50"	1.71	N70°43'17"W	3.42
C96	47.08	262.00	10°17'44"	23.60	N76°14'35"W	47.02
C97	24.03	25.00	55°04'58"	13.04	N69°55'49"E	23.12
C98	15.24	25.00	34°55'02"	7.86	S65°04'11"E	15.00
C99	32.87	162.00	11°37'33"	16.49	N53°25'27"W	32.82
C100	31.41	162.00	11°06'39"	15.76	N64°47'33"W	31.37
C101	6.55	102.00	3°40'41"	3.28	S45°16'40"E	6.55
C102	37.34	102.00	20°58'23"	18.88	S32°57'08"E	37.13
C103	98.66	102.00	65°25'15"	53.57	S05°14'41"W	94.86
C104	3.98	145.00	1°34'24"	1.99	N48°23'52"W	3.98
C105	38.95	145.00	15°23'25"	19.59	N56°52'47"W	38.83
C106	14.61	145.00	5°46'22"	7.31	N67°27'41"W	14.60
C107	17.28	220.00	4°30'04"	8.65	S68°05'50"E	17.28
C108	22.95	220.00	5°58'39"	11.49	S62°51'29"E	22.94
C109	27.96	248.00	6°22'03"	13.80	N67°09'50"W	27.95
C110	69.26	248.00	16°00'02"	34.86	N50°58'48"W	69.03
C111	1.59	248.40	0°22'04"	0.80	S47°36'40"E	1.59
C112	1.59	268.00	0°20'28"	0.80	N47°46'54"W	1.59
C113	20.02	268.00	4°16'51"	10.02	N50°05'33"W	20.02
C114	20.15	268.00	4°18'25"	10.08	N54°23'11"W	20.14
C115	28.62	268.00	6°07'05"	14.32	N59°35'56"W	28.60
C116	28.62	268.00	5°23'22"	14.42	N69°30'55"W	28.61
C117	7.16	298.58	1°22'22"	3.58	S70°20'52"E	7.16
C118	73.57	102.00	41°19'30"	38.47	S51°34'59"W	71.98
C119	40.34	102.00	22°39'40"	20.44	S83°34'34"W	40.08
C120	21.29	102.00	11°57'26"	10.68	N79°06'53"W	21.25
C121	4.96	102.00	2°47'18"	2.48	N71°44'31"W	4.96
C122	6.08	115.00	3°01'52"	3.04	N68°48'56"W	6.08
C123	39.55	115.00	19°42'19"	19.97	N57°27'50"W	39.36
C124	39.68	25.00	80°56'03"	25.41	N83°25'26"E	35.64
C125	11.36	185.00	3°31'09"	5.68	S61°50'20"E	11.36
C126	18.94	185.00	5°51'59"	9.48	N57°08'46"W	18.93
C127	38.86	25.00	89°03'57"	24.60	N06°34'34"W	35.07



PRELIMINARY RECORD MAJOR SUBDIVISION PLAN WICKERSHAM

CITY OF MILFORD SUSSEX COUNTY DELAWARE
SCALE: 1" = 50'
DECEMBER 7, 2007

BATTA

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APPROVED BY: PROJECT NUMBER: 89560 PLAN NUMBER: C-18012 SHEET: 4 OF 4

NO.	DATE	REVISION (COMMENT)	BY

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