

*MILFORD CITY COUNCIL  
MINUTES OF MEETING  
August 19, 2009*

A Meeting of the Annexation Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Wednesday, August 19, 2009.

PRESIDING: Chairwoman Katrina Wilson

IN ATTENDANCE: Committee Members Douglas Morrow and Michael Spillane  
Planning Commission Chairman Chuck Rini

City Planner Gary Norris City Clerk/Recorder Terri Hudson

Chairwoman Wilson called the Annexation Committee Meeting to order at 6:38 p.m. to review the following request submitted by Ring W. Lardner of Davis, Bowen and Friedel, Incorporated:

*On behalf of the owners and our client, Bolis Properties L.L.C., we are pleased to submit an annexation request for the property owned by W. Nelson and Dorothy I. Hall in accordance with Section 1.04 of the Charter of Milford. The Comprehensive Plan Update was approved by City Council and is awaiting certification by the Governor of Delaware. It is our understanding that the certification is imminent.*

*Enclosed with this request are the following documents:*

*Petition of Property Owner duly witnessed.  
Current Recorded Deed  
Complete Legal Description  
Current Sealed Property Survey as depicted by Miller Lewis, Inc and signed and sealed by  
Donald K. Miller.  
Map identifying area proposed for annexation  
CD Containing all information above in .pd format and the Legal Description in Word Format.*

*We respectfully request the City to begin the Annexation Procedure.*

Mr. Lardner was present on behalf of Developer Gary Bolis/Bolis Properties and Legal Owner Nelson Hall.

He informed the committee the property lies on the east side of Route 30, west side of Route 1 and south side of Wilkins Road. The request included an amendment to the comp plan to C-3. That amendment went through as part of the 2008 Comprehensive Plan update which now shows the property as proposed highway commercial. He noted that should the annexation be approved by council and subsequently zoned C-3, it would be in compliance with the recently certified plan.

City Planner Gary Norris asked the disposition of the properties along Route 30 and Wilkins Road. He noted there are approximately three to four houses on Route 30 and four homes on Wilkins Road. Mr. Lardner advised that in his last discussion with DELDOT, the four homes on the south side of Wilkins Road east of Route 30 will be acquired by DELDOT as part of the alignment. His understanding is the Wilkins Road overpass will now be an on-road alignment and not a road shift as was originally proposed. The plans for the four homes, along with a vacant lot, on Route 30 are to remain. DELDOT does not feel they will need to acquire them though they could need some additional right-of-way easements.

Mr. Lardner reported he has an unofficial meeting with DELDOT Engineer John Gaines tomorrow to discuss the improvements critical to the Hall property as far as access to Route 1. He has seen three different alignments through the Hall property and is hoping to get a much clearer picture of what is planned. By the time the annexation public hearings are scheduled, Mr. Lardner hopes to have a better answer regarding the overpass.

Mr. Gaines had previously informed Mr. Lardner they are approximately six weeks away from preliminary design

submission, which is an approximate 75% solution to the project. Construction is scheduled to begin in 2011 with completion by 2013-2014. He noted it is DELDOT Secretary Carolann Wicks' number one priority for the overpass to be built and is receiving top support from the bottom to the top.

Mr. Norris then questioned the sign on the site indicating commercial development. He asked if none of that land is used for the overpass and is intact for commercial uses, does the developer have things in place for development. Mr. Lardner answered that back in 2007 when the comp plan update was first being discussed, tenants lined up through conditional verbal agreements though no contracts had been signed. With the downturn in the economy, those tenants have since backed out of all agreements so there are no proposed tenants at this time. He advised the purpose of the sign was to get the attention of people traveling on Route 1. He said that things are appearing better and in speaking with Mr. Bolis, they expect those verbal commitments to reappear over the next six months if the economy continues to improve.

Mr. Morrow asked for the overall time table as far as moving forward. Mr. Lardner said a lot depends on the timetable established by the city. If the public hearings occur in September or October and the final vote is in November, they would then go through a three to four-month design process for preliminary plan approval and another six to eight months to complete the process.

He said that once the PLUS process is complete, a shopping center requires a conditional use which is an additional approval process. Construction documents will take another six to eight months. It could take another eighteen to twenty-four months before the final plan approval is obtained. In addition, DELDOT should begin construction of the overpass so that everything can be built and opened at the same time. Mr. Lardner pointed out that time frame is subject to shift depending on many factors.

Mr. Morrow confirmed the time line will coincide with DELDOT's construction of the overpass. Mr. Lardner confirmed that is one of their requirements adding that was included in the original comments. They did not want this project completed prior to the opening of the overpass. Simultaneous construction is possible, but they did not want this development to be completed ahead of their schedule.

Mr. Rini asked for a clarification of the exit onto Route 1 from the proposed site even though nothing has been determined yet. Mr. Lardner explained the alignment shows a right in/right out onto Route 1 south of the overpass. He believes it will be an on-grade exit explaining the exits will not be above the existing ground. A service type road is expected to tie into Route 30. The part not finalized is whether it will have right in/right out or a flyway with a very long radius. However, all plans so far have shown a right in/right out. Also, none have shown a direct access to the property and instead use a service type road with entrances into this parcel.

Mr. Rini asked if in the southeast corner, a service road would surround the shopping area. Mr. Lardner referred to the map showing the area with the service road which would tie in just south of the property. He pointed out the proposed entrance into the Fannin property. He also referenced another possible alignment closer to the existing home near the Hall property. There will be a right in and a right out using the same road for southbound traffic. The other question not answered is how northbound vehicles will exit.

He hopes to have many of these questions answered tomorrow.

Mr. Spillane asked if a road will be going into the Fannin property. Mr. Lardner said he is unaware of any formal plans being submitted by Mr. Fannin though he has seen some proposed entrance plans where an attempt was made to align the two entrances across from each other instead of staggering the entrances.

It was confirmed that no formal plans have been submitted for the Fannin property though Mr. Lardner has seen a map with a proposed entrance which was going to be aligned with the entrance/exits of this parcel.

Ms. Wilson emphasized that the city does not have jurisdiction over the roadway issues and those decisions will be made by DELDOT.

Mr. Morrow said that at the point when the preliminary plan and subdivision plans are submitted, more information will be obtained from DELDOT before final approvals are granted by the city.

Mr. Spillane asked if we can postpone action on this annexation until the plan has been finalized by the state. He thinks there are many problems and prefers that be addressed before we proceed.

Mr. Morrow agrees with Mr. Spillane but noted they will not allow them to proceed with the commercial development until the roadways are built. Mr. Spillane said that Mr. Reed and some other DELDOT representatives informed him that DELDOT will only build the overpass. He said there are no funds for any extension of roads. He is concerned that cars coming from the overpass will be exiting on secondary roads that are unable to handle the current traffic. Therefore, he feels those issues need to be discussed and worked out first.

Ms. Wilson pointed out that many of those issues will be addressed as the process continues. There will be a number of approvals needed as the plans are presented. She said this is only step one and much more work is needed before any development can be considered. The State of Delaware will also be reviewing this plan before it is brought to the city for any final approval.

Mr. Spillane reiterated that DELDOT told him personally that they do not have the funds to make improvements to these roads; he asked if that will be the responsibility of the developer.

Mr. Rini then moved to recommend to city council they proceed with the annexation of the Hall property with a C-3 zone with the following conditions:

- 1) The development of the Fannin property has no impact on the annexation of this Hall property.
- 2) If this property is not annexed, it could be developed under Sussex County which will prevent the city from having any control and no say which he feels would be a tremendous mistake.
- 3) If a shopping center or large retail commercial area is developed, that would create additional tax revenues which will benefit the city and the residents.
- 4) When land use applications are submitted, at that point the roadways and other infrastructure can be addressed.

Mr. Morrow seconded the motion adding it is very important for Milford to keep control over this land. Any concerns with roadways can be better addressed if this property is in the city. Also, after it is annexed, the city will become the recipient of real estate transfer and property taxes and other applicable revenues as this land is developed.

When asked for questions, Mr. Spillane noted there have been discussions about a possible sewer plant and tower being placed in this area. City Planner Norris reported that DBF has submitted early preliminary drawings showing how the southeast area would have water and sewer service. There is a proposal to place a water tower in that area and Mr. Bolis had indicated he may be willing to donate the land for the tower. Mr. Lardner confirmed noting there is a meeting with the city on September 10<sup>th</sup> to discuss some possible locations which largely depend on DELDOT's roadway system.

Mr. Lardner explained that at this time, he is only asking for annexation and zoning of the land. All other concerns, which he agrees are valid, will be addressed as the plans are submitted to the city. Should the annexation be approved by city council, the next step would involve traffic impact studies, preliminary subdivision designs, etc. The final answers will eventually become available though he does not expect anything sooner than six to eight months.

Mr. Norris emphasized that the city has had preliminary discussions with other land owners in the southeast planning area. There are several options being considered for the water tower and water system to serve that area though that will be the decision of the city manager.

Motion carried by a unanimous roll call vote.

Mr. Spillane said he has some concerns but right now the committee is only addressing the annexation, though he did read in the charter we are supposed to submit to council the pros and cons of annexation. For the sake of times, he said

he will vote yes.

Mr. Rini voted yes for the reasons previously stated.

Mr. Morrow said he votes yes for the reasons he also stated and added it coincides with the land use plan in the current comprehensive plan and those concerns presented tonight can be addressed during the process.

Ms. Wilson votes yes because it is included in the comprehensive plan, it is at a very early stage where the city can stay on track with DELDOT, the developers will work with DELDOT to address these concerns and she is very hopeful the roadway issues will be worked out. She also noted this annexation has been on the radar screen for several years and would like to see some resolution.

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

Chairwoman Wilson adjourned the Annexation Committee meeting at 7:09 p.m.

Respectfully submitted,

Terri K. Hudson, CMC  
City Clerk/Recorder