

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
November 23, 2015

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 Monday, November 23, 2015.

PRESIDING: Chairperson Katrina Wilson

IN ATTENDANCE: Committee Members: Councilman Douglas Morrow, Councilman James Burk  
and Planning Commission Chairman Archie Campbell

City Clerk/Recorder Terri Hudson

City Planner Rob Pierce was also in attendance.

Chairwoman Wilson called the Annexation Committee Meeting to order at 6:40 p.m. to review the petition submitted by James Masten of Mispillion Realty LLC:

*City of Milford Planning & Zoning  
c/o Christine Crouch  
201 South Walnut Street  
Milford, Delaware 19963*

*RE: Request For Annexation*

*Property Address: Vacant Lot Adjacent to Brookstone Trace,  
Near Old Shawnee Road, Milford, Delaware 19963  
Owner: Mispillion Realty, LLC  
Tax Parcel # 1-30-3.00-80.02 - 2.0 +/- Acres*

*Dear Christine,*

*Please accept this letter as my request for annexation on the above two-acre parcel. This parcel is located next to Brookstone Trace, a townhouse project located within the City limits. This is the same parcel that I requested the comprehensive plan amendment (to moderate residential density) on last year that the City approved. The Brookstone subdivision is zoned R-3 so I request this parcel have the same possibilities so I am requesting the R-3 zoning. I plan to design the site for comparable development in the near future which I believe will be an asset to the community.*

*Thank you in advance for your consideration.*

*James J. Masten, Owner  
Mispillion Realty LLC*

Chairwoman Wilson referenced a report submitted by City Planner Pierce, highlighting the advantages and noting there is no disadvantages should the land be annexed:

**APPLICANT**

*A petition by the property owners was submitted on October 17, 2014 to annex 2.0 +/- acres into the corporate limits of the City of Milford.*

**LOCATION**

*The property is identified as Sussex County tax parcels 1-30-3.00-80.02 and would be located in the 2nd Ward of the City of Milford. The property is off of Old Shawnee Road and adjacent to Fieldstone Avenue within the recorded Brookstone*

*Trace subdivision. The property is currently unimproved and it is anticipated that the owner will incorporate this land into the Brookstone Trace subdivision.*

#### **STREETS**

*The applicant intends to incorporate the property into the Brookstone Trace subdivision and the development of the parcel would gain access to Fieldstone Avenue. Internal street construction, to City standards, will be required and reviewed by the City of Milford as part of the major subdivision or site plan review.*

#### **DRAINAGE**

*Any development of this parcel will be subject to DNREC storm-water regulations and the developer would be required to obtain any and all permits from the Sussex Conservation District and State of Delaware.*

#### **ZONING**

*The area proposed to be annexed is currently zoned MR (medium residential) in Sussex County under the Sussex County Zoning Ordinance. The applicant requests the property to be zoned R-3 (Garden Apartment and Townhouse District) under the City of Milford's Zoning Ordinance.*

#### **SEWER**

*The area will be served by gravity sewer associated with the recorded Brookstone Trace subdivision. Extensions and improvements to the system are the responsibility of the owner/developer. Additional fees, including County and City impact fees, will be required through the individual lot permitting.*

#### **WATER**

*The area will be served with a water main loop from Fieldstone Avenue and Pebblebrook Drive located within the recorded Brookstone Trace subdivision. Extensions and improvements shall be the responsibility of the owner. Additional fees, including City impact fees, will be required through the individual lot permitting.*

#### **ELECTRIC**

*The City will extend electric from existing power within the Brookstone Trace subdivision. Costs of the improvements shall be the responsibility of the owner. Additional fees, including City impact fees, will be required through the individual lot permitting.*

#### **UTILITY AGREEMENT**

*A utility agreement regarding all infrastructure costs will be required as part of the major subdivision or site plan approval process.*

#### **TRAFFIC**

*Any development of these parcels will be directed through the internal layout of Brookstone Trace subdivision. There are no anticipated traffic impacts associated with this annexation request.*

#### **ENVIRONMENTAL ISSUES**

*The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel. According to the DNREC Environmental Navigator website, the property does not contain state mapped wetlands. Also, the property is not located within an excellent groundwater recharge area nor is it located within the 100-year floodplain.*

#### **AREA LAND USES**

*The parcel is surrounded on the north and east to other moderate density housing types including the Brookstone Trace townhouse development. The parcel is surrounded on the south and west by medium density residential developed lots.*

#### **FIRE AND POLICE**

*The Carlisle Fire Dept. will provide fire and EMS coverage to this area. The City will provide police service.*

**COMPREHENSIVE LAND USE PLAN**

*The annexation is consistent with the amended 2008 Comprehensive Plan Future Land Use Plan and is designated as Moderate Density Residential. The Comprehensive Plan was amended by City Council on October 26, 2015 changing the future land use from low residential density to moderate residential density.*

**PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS**

*It is anticipated that the property taxes, after development, will increase on this property and the City would benefit from the revenues received from building permits. Construction costs as well as user service fees cannot be determined at this time, as the applicant has not proposed a project to assess.*

**ADVANTAGES TO THE CITY**

1. *The property would be within the planning area of the City of Milford.*
2. *The City would receive revenues (property tax, building permits, etc.) for activity on the property.*
3. *Potential for additional water, sewer and electric customers.*
4. *Identified within the Urban Growth Boundary Area of the 2008 Comprehensive Plan.*
5. *Consistent with the Comprehensive Plan Future Land Use Map.*
6. *Increases the amount of housing opportunities within the City limits.*

**DISADVANTAGES TO THE CITY**

1. *None.*

**STAFF RECOMMENDATION**

*Based on the issues and comments discussed in this report, Mr. Pierce recommends approval of the application. City will benefit from additional revenues, including property taxes.*

*Property should be annexed with the following zoning classification: R-3*

With no additional questions or comments, Mr. Morrow moved to proceed with the annexation process, with the next step being a review and recommendation by the planning commission, seconded by Mr. Burk. Motion carried.

With no further business, the Annexation Committee meeting was adjourned at 6:52 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder