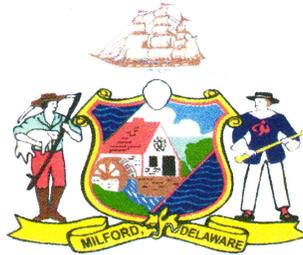


City of Milford



CITY COUNCIL AGENDA

September 26, 2016 - 7:00 P.M.

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

PUBLIC HEARING

GD Blessing Child Care Learning Center on behalf of E. Stuart Outten
Conditional Use to allow a Daycare Center
C2 (Central Business) District on .262+/- acres
North side of SW Front Street at intersection of Church Street and SW Front Street
Present Use: Vacant Building
Proposed Use: Daycare Center
Tax Map MD-16-183.10-04-68.00

Adoption/Ordinance 2016-11

Christopher & Jenna Menge
Conditional Use to allow a Home Occupation
R2 (Residential) District on .192+/- acres
313 Marshall Street
Present Use: Single Family Detached Dwelling
Proposed Use: Same with Customary Home Occupation
Tax Map 3-30-11.05-088.00

Adoption/Ordinance 2016-12

Gator & Associates Inc on behalf of James Grant
Conditional Use for Multiple Permitted, Mixed and Business, Commercial or Industrial Uses
C3 (Highway Commercial) District on 1.2+/- acres
586 Milford-Harrington Highway
Present Use: Vacant Storage Warehouse
Proposed Use: Brew Pub with Distillery, Fitness Center and Warehouse
Tax Map MD-16-173.00-01-12.00

Adoption/Ordinance 2016-16

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Recognition

Proclamation 2016-12/Public Power Week in the City of Milford

Unfinished Business

Authorization/DelDOT/Proposed Byway Route Participation

Adoption/Ordinance 2016-18/Chapter 19 Amendment/Economic Development & Redevelopment/Downtown Development Designation Incentives

Ratification/Teamsters Local 326 Collective Bargaining Agreement

Planning Commission Vacancy**

New Business

DBF Contract Change Order/Washington Street Water Treatment Facility*

Resolution 2016-15/City of Milford General Obligation Bonds 2011 Series A Refunding Program

Adjourn

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.

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.

072216 080816 081116 090716 090816 091416 *092016 Late Addition Requested by Public Works Director **092316 Late Addition Reminder Added



PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

DATA SHEET FOR GD BLESSING CHILD CARE LEARNING CENTER

Planning Commission Meeting: August 16, 2016

Ordinance & Resolution	:	Ord 2016-11
Application Number / Name	:	16-005 / GD Blessing Child Care Learning Center
Applicant	:	Miguel Matos 535 E. Poplar Street Seaford, DE 19973
Owner	:	E. Stuart Outten 6 Winged Foot Road Dover, DE 19904
Application Type	:	Conditional Use
Comprehensive Plan Designation	:	Highway/Commercial
Zoning District	:	C-2 (Central Business District)
Present Use	:	Vacant Commercial
Proposed Use	:	Daycare
Area and Location	:	0.3151 +/- acres located at 19 SW Front Street
Property Identification Numbers	:	MD-16-183.10-04-68.00-000

ENC: Staff Analysis Report
Exhibit A - Location & Zoning Map
Exhibit B – Site Plan



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201 SOUTH WALNUT STREET
MILFORD, DE 19963

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STAFF ANALYSIS REPORT
July 1, 2016

Application Number / Name	:	16-005/ GD Blessing Child Care Learning Center
Application Type	:	Conditional Use
Comprehensive Plan Designation	:	Highway/Commercial
Zoning District	:	C-2 (Central Business District)
Present Use	:	Vacant Commercial
Proposed Use	:	Daycare
Property Identification Numbers	:	MD-16-183.10-04-68.00-000
Area and Location	:	0.3151 +/- acres located at 19 SW Front Street

I. BACKGROUND

The applicant proposes to renovate the existing 2,050 square foot commercial building located at 19 SW Front Street within the Central Business District in order to open a Child Care Center. According to the applicant, the daycare will serve twenty-five children and employ two people. Hours of operation will be 7 am to 6 pm, Monday through Friday.

II. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for a Conditional Use:

- Conditional Use evaluation based on the following criteria provided in Chapter 230-48:

The presence of adjoining similar uses.

Staff Response: The subject parcel is adjacent to two churches, including Avenue United Methodist Church which provides a pre-school program for children ages 3 to 5.

An adjoining district in which the use is permitted.

Staff Response: Daycare centers are only permitted without conditional use approval in IS (Institutional Service), IM (Institutional Medical) and R-8 (Garden Apartment and Townhouse) zoning districts. None of these designations are adjacent to the subject property. Daycare Centers are a conditional use in R-1, R-2, C-2, C-3, OB-1, OC-1, and BP.

There is a need for the use in the area proposed as established by the Comprehensive Plan.

Staff Response: The comprehensive plan does not specifically mention the need for the proposed use in the area, but does promote goals related to redevelopment of underutilized and vacant properties within the City, specifically in the downtown area.

There is sufficient area to screen the conditional use from adjacent different uses.

Staff Response: The property is bound on two sides by public right-of-ways (SW Front Street and Church Street) and to the east by the Mispillion River. The property to the north is an existing church which would operate during different days and times during the week. The applicant may want to install screening with the adjacent property, but staff feels it is not necessary.

The use will not detract from permitted uses in the district.

Staff Response: The property is surrounded by office type uses, churches and other vacated commercial buildings. The existing building and other elements of the subject property are in poor condition, and in the current state, detract from permitted uses around it. Redevelopment of this property would improve the appearance of the property and could encourage additional redevelopment efforts in this area. Although the proposed use will generate more traffic, it would not detract from permitted uses in the district.

Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

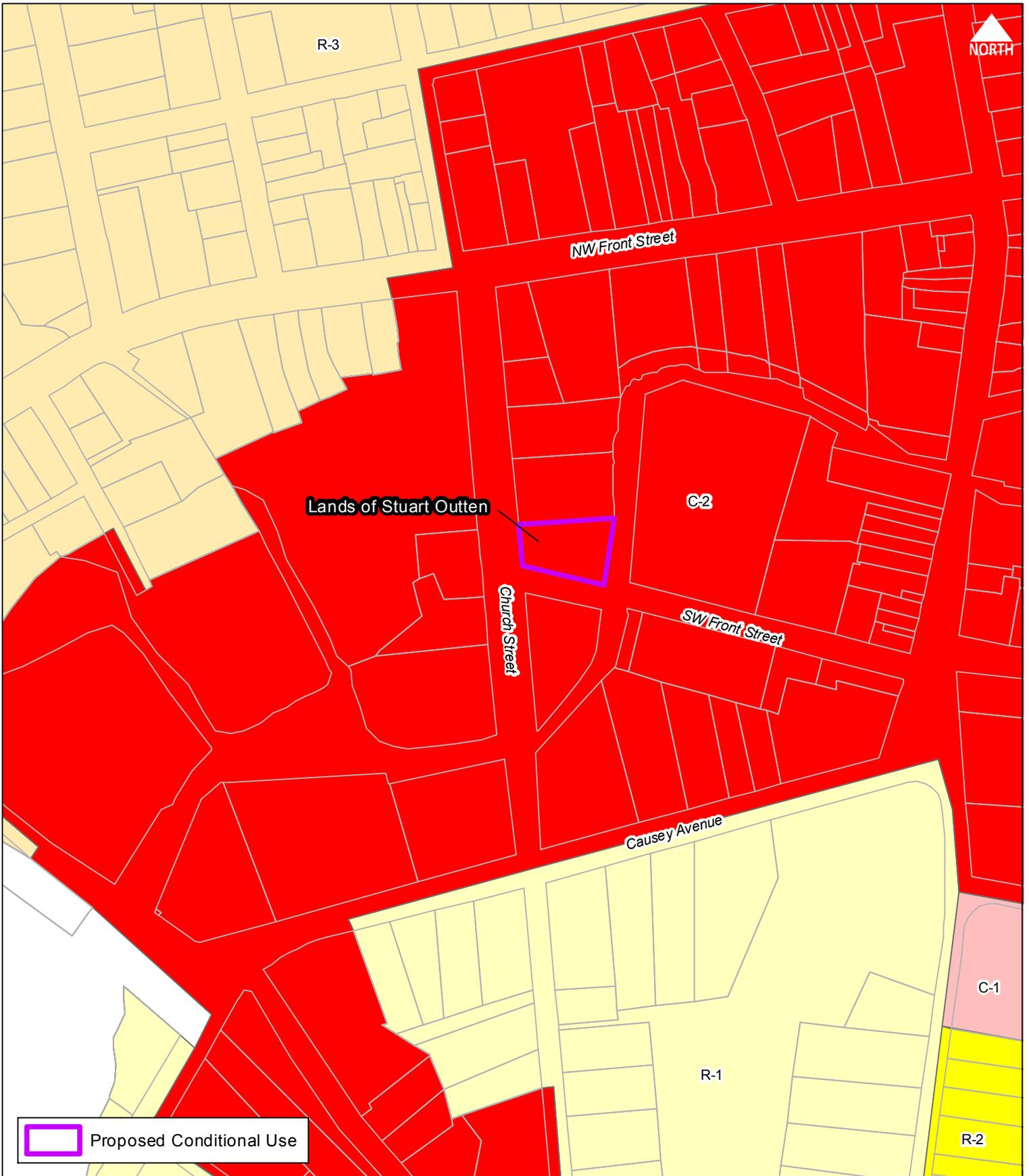
Staff Response: The C-2 (Central Business District) has no setback or off-street parking requirements. The applicant has provided twelve off-street parking spaces for the proposed daycare. There are two entrances to the property, one located on SW Front Street and the other located on Church Street. Any overflow parking would utilize both SW Front Street and Church Street for child drop-off and pick-up. As mentioned above, screening may not be necessary between the daycare and church since these types of uses are often combined.

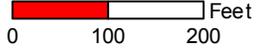
III. AGENCY & DEPARTMENT COMMENTS:

If approved, staff recommends the applicant replace the sidewalk along SW Front Street and Church Street. The condition of the sidewalk along the entire perimeter of the property is in poor condition and should be replaced for safety reasons. The applicant would need to coordinate with the Public Works Department for sidewalk specifications and requirements.

The child care facility will require proper approval and licensing from the State of Delaware prior to operation.

No other agency or department comments were solicited.



	Scale:  Feet 0 100 200	Title: <h3 style="text-align: center;">Conditional Use Lands of Stuart Outten Location & Zoning Map</h3>
	Drawn by: WRP Date: 06/23/16	
Filepath: ConditionalUse_Outten.mxd		

GD. Blessing Child Care Learning Centers Inc.,

Written Summary Proposal:

GD. Blessing Child Care Learning Centers propose to open a Child Care Center to work with infants to school age children in Milford, Delaware. The goal is to work according to regulation of section of the City of Milford C-2 (Central Business) Section -C of the Subsection -7 for the Conditional uses by the Permit for Daycare Centers. We will work and cooperate to the parking, and landscaping of those regulation and goals established by the development.

Company Summary:

GD. Blessing Child Care Learning Centers is a start-up managed by two partners. Both have extensive experience in the childcare industry, and have maintained excellent reputations in this same industry. In addition, these two partners are capable of handling the sales/management and finance/administration areas, respectively.

This business will start out as a simple proprietorship, owned by its founders, Miguel A. Matos, MFT, MS. MSCC and Gloria Matos, BS, Child Care Teacher. As the operation grows, the owners will consider re-registering as a limited liability company or as a corporation, whichever will better suit the future business needs.

Services:

GD. Blessing Child Care Learning Centers will offer child care services for ages from infants to 6 years old. Hours of operation are from 7:A.M. to 6: P.M., Monday through Friday.

Company Locations and Facilities:

GD. Blessing Child Care Learning Centers will base its' operations in Milford, Delaware a suburb of Delaware. The facility will originally consist of a 2,050 SQ. FT., commercial facility located in a quiet, commercial neighborhood, in Southwest front & Church Street in Milford, DE. The property has 12 parking spaces available to our clients and staffs. There will be one parking space labeled "handicap accessible" within the parking facility. The yard will be fully fenced in to ensure no one can either come in or wander away. The Site yard will be furnished with safe, entertaining toys, as well as a sandbox. The Property will be used for rainy-day activities and the serving of warm meals. The Property will also contain toys, games, and books for the entertainment of the children.

Summary Table of Project:

Project Statistic & Market Analysis Summary:

GD. Blessing Child Care Learning Centers is a business that has become necessary in today's fast-paced world. There are an increasing amount of families who have become dependent on two incomes, which has created the necessity of the child care industry.

Market Segmentation:

There are over 300 Child Care facilities in the United State. There are 5 licensed Child Care Centers with the 20-miles radius area that provide similar services to GD. Blessing Learning Child Care Centers: each of these has a large client base, and a lucrative business. It has been reported that each of these centers has a waiting list of 3 months to a year. There is no doubt that there is room in the market for a high-quality child care learning facility.

GD. Blessing Child Care Learning Centers have a focus on meeting the local need for child care services within the 30-mile radius of Milford. Children are taken in flexibly on either a full-time or part-time basis.

Full-Time Working Couples:

The company wants to establish a significantly large full-time regular client base in order to establish a healthy, consistent revenue base to ensure stability of the business. Customer relations are extremely important, as it is imperative to keep the parents pleased in order to keep their children in the daycare center.

Strategy and Implementation Summary:

GD. Blessing Child Care Learning Centers will succeed by offering its clients' children a safe and secure care environment, and close personal attention plus higher level of quality care and education both in English and Spanish. The goals of the GD Blessing Child Care learning Centers are dual-sided: to help parents feel good about the care of their children, and to make it a safe, educational, and fun experience for the child.

Competitive Edge:

Child care competitive edge is the facility's efforts in obtaining all appropriate licensing and certifications. Additionally, thorough pre-hire background screenings are performed on all individuals before hired for employment. GD. Blessing Child Care Learning Centers will attend to the needs of the Bi-lingual and low income families. These needs are essential for the growth and development of the working class of the immigrant population which is rapidly growing in the city of Milford, Delaware.

§ 230-13. - C-2 Central Business District.

In a C-2 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District. Specifically, the regulations are designed to encourage the development and opening of new businesses. This may be accomplished by providing an attractive and convenient shopping center or mall that is organized and developed as an integrated unit. The district regulations also recognize the unique circumstances that are peculiar to the downtown area.
- B. Permitted uses. Permitted uses for the C-2 District shall be as follows:
- (1) Those uses permitted in the C-1 District.
 - (2) General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.
 - (3) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.
 - (4) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.
 - (5) Financial institutions, loan companies and banks.
 - (6) Restaurants, excluding fast-food or franchised food service operated restaurants.
 - (7) Taverns and tap rooms.
 - (8) Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.
 - (9) Professional services and administrative activities, including such uses as offices of agents, brokers, physicians, dentists, attorneys, architects, engineers, musicians and artists and governmental offices serving the public.
 - (10) Libraries, museums, art galleries and public information centers.
 - (11) Churches and other places of worship.
 - (12) Fraternal, social service, union or civic organization.
 - (13) Tourist home, boardinghouse, rooming house or lodging house.
 - (14) Studio for artists, designers, photographers, musicians, sculptors and related uses.
 - (15) Commercial parking lot, public garage or multilevel parking garage and off-street parking.
 - (16) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.
 - (17) Publishing, printing and reproduction establishments.
 - (18) Repair and servicing as an accessory activity of any article for sale in the same establishment.
 - (19) Indoor storage facilities as an accessory use to any of the permitted uses in this district.

- (20) The outdoor display of merchandise, if done in a reasonable manner and if the display is kept neat and orderly as determined by the Code Official. Furthermore, the outdoor display may not interfere with the safe and efficient flow of pedestrian traffic.
 - (21) Family day care, which shall involve a maximum of six full-time and two after-school children, as specified by state regulations.
- C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:
- (1) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.
 - (2) Laundromats and dry-cleaning establishments.
 - (3) Undertakers.
 - (4) Motels and hotels.
 - (5) Instructional, business or trade stores.
 - (6) Fast-food or franchised food service operated restaurants.
 - (7) Day-care centers.
 - (8) Small convenience grocery shops with gas pumps.
 - (9) Community residential treatment program.
 - (10) All dwellings other than single-family with a maximum density of 12 units per acre and in conjunction with nonresidential use.
- D. Area regulations.
- (1) Minimum lot area shall be 2,500 square feet for any permitted use, together with its accessory buildings, provided that parking and loading space are provided in accordance with Article VI of this chapter.
 - (2) Minimum lot width shall be 50 feet.
 - (3) Height of buildings shall not exceed 35 feet.
 - (4) There shall be no required setback, rear yard or side yard.

ARTICLE IV - Off-Street Parking and Loading

§ 230-20. - General provisions.

- A. Establishment of off-street parking area. The establishment of any off-street parking area having a capacity of four or more automobiles shall be subject to the approval of the Code Official and further subject to the following requirements. It shall:
- (1) Have a buffer strip at least five feet wide between it and any adjacent residential lot.
 - (2) Be attractively landscaped and screened from neighboring residential lots.
 - (3) Not extend into any required front yard areas, except for the driveways.
 - (4) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.
- B. Parking space size. Parking space sizes shall be in accordance with § 230-21.

- C. Parking spaces in driveways. Driveways shall be considered as constituting off-street parking space for one-family detached, semidetached or townhouse dwellings in residential districts, provided that sufficient space is available in such driveways to meet the requirements of this section.
- D. Location of parking spaces. All parking spaces shall be set back 15 feet from any street line. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.
- E. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.
- F. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking areas for downtown shoppers. The location of the municipal parking lots are:
 - (1) North Walnut Street and Northeast Front Street.
 - (2) Park Avenue and Northeast Front Street and Denney Row.
 - (3) Park Avenue and North Washington Street.
 - (4) Southeast Front Street between South Walnut Street and Church Street.
 - (5) Southeast Front Street and South Washington Street.
- G. Parking lot and garage maintenance. Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.
- H. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.
- I. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.
- J. Points of ingress and egress. When the parking garage buffer strip is adjacent to any public street upon which the lot has frontage, the fifteen-foot buffer strip which extends for the full frontage of the lot may be interrupted only at points of ingress and egress. Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than 25 feet and not more than 32 feet in width. No two accessways on the same lot shall be placed within 75 feet of each other.

§ 230-21. - Parking and loading standards.

- A. Design standards (general).
 - (1) Parking spaces and aisle ways shall be designed in accordance with the following dimensional standards:

Parking Angle	Stall Width (feet)	Aisle Way to Curb (feet)	Aisle Way Width
90°	9	18	As required by State Fire Marshal
60°	9	20	As required by State Fire Marshal
45°	9	18	As required by State Fire Marshal
Parallel	10	20	As required by State Fire Marshal

- (2) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).
 - (3) All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.
 - (4) Exceptions to the design standards shall be permitted as follows.
- B. Use standards. All uses permitted in this chapter shall be subject to the following minimum off-street parking requirements in addition to any special requirements as indicated in each zoning district.

Types and Uses	Required Off-Street Parking Spaces
Retail stores and shops, all types, supermarkets, retail food stores and undertakers	1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees
New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions	4 per salesperson, plus 1 per per 2 employees during the period of greatest employment
Personal service establishments, laundromats and dry cleaning	1 per 200 square feet of gross floor area

Banks and other financial institutions	1 per 200 square feet of gross floor area, plus 1 for each employee
Business, governmental and professional offices	1 per 100 square feet of gross floor area
Medical and dental offices or clinics	From 1 per 100 square feet gross floor space for medical and dental offices or clinics to 1 per 150 square feet of gross floor area for medical and dental offices or clinics
Hospitals	1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment
Sanatorium or nursing home	1 for every 4 beds
Churches and other places of worship	1 per 5 seats
Indoor and commercial outdoor recreation	1 for each 150 square feet of gross floor, building or ground area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility
Restaurants, taverns and similar uses	1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment
Dwelling, one-family detached, semidetached or mobile home	2 1/2 per dwelling unit
Dwelling, townhouse, garden apartment or multifamily dwelling	2 1/2 per dwelling unit
Rooming and boarding house or converted unit	1 per rented unit
Museum, art gallery and similar use	1 per 4 seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 for each 2 employees on the shift of greatest employment

Public library	1 per 400 square feet of gross floor area for public use, plus 1 per 2 employees on the shift of greatest employment
Fire station	25
Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center	1 per 4 fixed seats in the largest assembly room area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 per 150 square feet of gross floor area, whichever is applicable to the facility
Social club and fraternal, social service, union and civic organization building	1 per adult attendant, plus 1 per 100 square feet gross floor area devoted to such uses
Public or private school	3 per room used for administrative offices, plus 1 per room used for class instruction, plus 1 for each 5 seats in the auditorium and other places of assembly or facility available to the public
Industrial, manufacturing or wholesaling establishment	1 per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales
Hotel and motel	1 for each guest room plus 1 for each 3 employees

- (1) Reduction in the required number of off street parking spaces in the case of developments such as shopping centers or other commercial developments required to provide more than 50 off-street parking space.

The developer must set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this Ordinance, but, upon the request of the developer, if agreed by the City of Milford, the developer may be permitted to set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this chapter but not be required to construct more than 80% of the required parking spaces. In the event the developer is permitted to construct fewer than the required parking spaces, the remainder of the parking area set aside must be kept free of all construction and be planted and maintained as a grassy area and designated as Future Parking Space. The City of Milford may require construction of the remaining parking spaces at any time by the then owner of the premises upon giving the owner not less than six months' advance written notice. In the event of the granting of the waiver herein described, the fact of the grant as well as the requirement that the owner maintain the space set aside as a level grass area and that the City of Milford has reserved the right to require construction of the remaining parking spaces upon six months' notice to the owner of the site must be reflected in a note appearing on the subdivision or site development plans recorded.

C. Loading spaces.

- (1) No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following requirements:
 - (a) For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on the gross floor area devoted to such use shall be as follows:
 - [1] Five thousand to 7,999 square feet of floor area: one berth.
 - [2] Eight thousand to 19,999 square feet of floor area: two berths.
 - [3] Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of floor area: one additional berth.
 - (b) For hotels and motels, the number of berths based on the gross floor area devoted to such uses shall be as follows:
 - [1] Eight thousand to 20,000 square feet of floor area: one berth.
 - [2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.
 - (c) Each manufacturing, office research and industrial establishment with a total of 3,500 square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.
- (2) Loading spaces shall not be allowed in any front yard of any property.

§ 230-47. - Application and approval procedures.

- A. The application for a conditional use shall first be made with the Code Official, who shall then forward the materials to the Planning Commission.
- B. The Planning Commission shall study such information and make recommendations to the City Council within 60 days of the Code Official's referral to the Commission after holding a public hearing.
- C. The Council shall then act within 60 days of the receipt of the Commission's recommendation to either approve with conditions or deny such use after holding a public hearing. The Council's decision shall be based on the determination that the location of the use is appropriate, it is not in conflict with the Comprehensive Plan and it is consistent with the purpose and intent of this chapter.

§ 230-48. - Criteria for evaluation.

The following criteria shall be used as a guide in evaluating a proposed conditional use:

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

§ 230-49. - Conditions for approval; expiration.

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 230-48 and that such use will continue to do so.
- B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
- C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. See fee schedule.
- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.
- F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

NOTICE OF PUBLIC HEARINGS
PLANNING COMMISSION PUBLIC HEARING: AUGUST 16, 2016
CITY COUNCIL PUBLIC HEARING: SEPTEMBER 26, 2016

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, August 16, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 26, 2016 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

Ordinance 2016-11

GD Blessing Child Care Learning Center on behalf of E. Stuart Outten for a Conditional Use for a Day Care Center in a C2 (Central Business) District on .262+/- acres. Property is located on the north side of SW Front Street at the intersection of Church Street and SW Front Street, Milford, Delaware. Present Use: Vacant Building; Proposed Use: Daycare Center.
Tax Map MD-16-183.10-04-68.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on August 16, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on September 26, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a Day Care Center as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, GD Blessing Child Care Learning Center on behalf of E. Stuart Outten is hereby granted a Conditional Use Permit to allow a Day Care Center, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

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

Section 3. Dates.

Planning Commission Review & Public Hearing: August 16, 2016

City Council Introduction: September 12, 2016

City Council Public Hearing: September 26, 2016

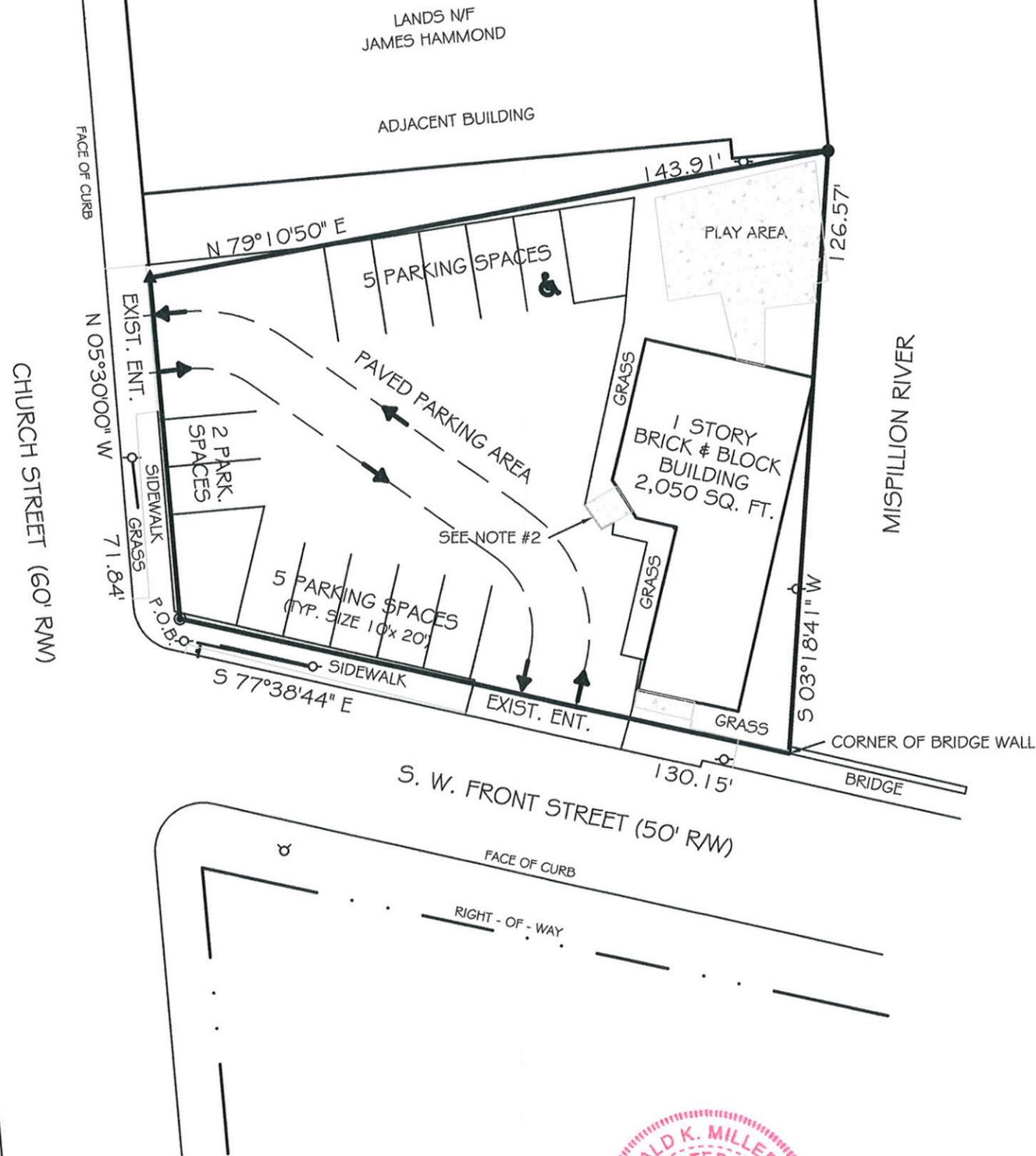
Adoption: September 26, 2016

Effective: October 6, 2016

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

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 07/13/16



DATA COLUMN:
 CURRENT ZONING: C-2 (CENTRAL BUSINESS DISTRICT)
 PROPOSED USE: DAYCARE
 EXISTING USE: VACANT
 SITE AREA: 13,281 SQ. FT., 0.3151 ACRE
 IMPERVIOUS SURFACE: 11,599 SQ. FT. (INCLUDES ROOF)
 BUILDING COVERAGE: 2,050 SQ. FT.
 NUMBER OF STUDENTS: 25
 NUMBER OF EMPLOYEES: 2
 HOURS OF OPERATION: 7 AM TO 6 PM
 REQUIRED PARKING: N/A
 PROVIDED PARKING: 12 SPACES

NOTES:
 1. FEMA MAP 1000420041K DATED 3/16/15 SHOWS ALL THE PROPERTY TO BE IN THE 100 YEAR FLOODPLAIN.
 2. ENTRANCE WALK AT FLOOR LEVEL (ADA COMPLIANT)

- SYMBOLS USED:
- TALL IRON PIPE (FOUND)
 - ▲ 2" STEEL POST AT GRADE (FOUND)
 - ⊙ DRILL HOLE
 - † "STOP" SIGN
 - UTILITY POLE
 - ⊕ FIRE HYDRANT
 - ↑ TRAFFIC FLOW ARROW



THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY OTHER THAN THOSE SHOWN. NO TITLE SEARCH PROVIDED OR STIPULATED.

SURVEY CLASS: SUBURBAN

SITE PLAN FOR
MIGUEL & GLORIA MATOS

LANDS OF E. STUART OUTTEN, JR. (DB X-30-341)
 19 & 21 S.W. FRONT ST., MILFORD, DE 19963
 CITY OF MILFORD
 MILFORD HUNDRED KENT COUNTY
 STATE OF DELAWARE
 SCALE 1" = 30' JUNE 6, 2016

PREPARED BY: **MILNER LEWIS, INC.** LAND SURVEYING
 1560 MIDDLEFORD RD. SEAFORD, DE. 19973
 PH: 302-629-9895
 FAX: 302-629-2391

NOTICE OF PUBLIC HEARINGS
PLANNING COMMISSION PUBLIC HEARING: AUGUST 16, 2016
CITY COUNCIL PUBLIC HEARING: SEPTEMBER 26, 2016

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, August 16, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 26, 2016 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

Ordinance 2016-11

GD Blessing Child Care Learning Center on behalf of E. Stuart Outten for a Conditional Use for a Day Care Center in a C2 (Central Business) District on .262+/- acres. Property is located on the north side of SW Front Street at the intersection of Church Street and SW Front Street, Milford, Delaware. Present Use: Vacant Building; Proposed Use: Daycare Center.
Tax Map MD-16-183.10-04-68.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on August 16, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on September 26, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a Day Care Center as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, GD Blessing Child Care Learning Center on behalf of E. Stuart Outten is hereby granted a Conditional Use Permit to allow a Day Care Center, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

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

Section 3. Dates.

Planning Commission Review & Public Hearing: August 16, 2016

City Council Introduction: September 12, 2016

City Council Public Hearing: September 26, 2016

Adoption: September 26, 2016

Effective: October 6, 2016

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

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 07/13/16



PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

DATA SHEET FOR LANDS OF CHRISTOPHER AND JENNA MENGE

Planning Commission Meeting: **September 20, 2016**

Ordinance & Resolution	:	Ord 2016-12
Application Number / Name	:	16-007 / Lands of Christopher and Jenna Menge
Applicant	:	Christopher & Jenna Menge 313 Marshall Street Milford, DE 19963
Owner	:	Same
Application Type	:	Conditional Use
Comprehensive Plan Designation	:	Low Density Residential
Zoning District	:	R-2 (Residential District)
Present Use	:	Single Family Detached Dwelling
Proposed Use	:	Single Family Detached Dwelling with Customary Home Occupation
Area and Location	:	0.2 +/- acres located within the 300 block of Marshall Street.
Property Identification Numbers	:	3-30-11.05-088.00

ENC: Staff Analysis Report
Exhibit A - Location & Zoning Map
Exhibit B – Aerial Map and Property Photographs



PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

STAFF ANALYSIS REPORT
Revised August 23, 2016

Application Number / Name	:	16-007/ Lands of Christopher and Jenna Menge
Application Type	:	Conditional Use
Comprehensive Plan Designation	:	Low Density Residential
Zoning District	:	R-2 (Residential District)
Present Use	:	Single Family Detached Dwelling
Proposed Use	:	Single Family Detached Dwelling with Customary Home Occupation
Property Identification Numbers	:	3-30-11.05-088.00
Area and Location	:	0.2 +/- acres located within the 300 block of Marshall Street.

I. BACKGROUND INFORMATION:

The applicant is proposing to move their existing computer repair business to their primary residence located at 313 Marshall Street. The business would be operated within a 10' x 20' portion of the existing residential garage.

II. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for a Conditional Use:

- Conditional Use evaluation based on the following criteria provided in Chapter 230-48:

The presence of adjoining similar uses.

Staff Response: The subject property is surrounded by single-family detached, semi-detached, and neighborhood commercial uses.

An adjoining district in which the use is permitted.

Staff Response: The subject property is located near the center of a residential district in which residential uses are permitted.

There is a need for the use in the area proposed as established by the Comprehensive Plan.

Staff Response: There are several goals and objectives outlined in the Comprehensive Plan that promote shorter commutes and “live near work” scenarios.

There is sufficient area to screen the conditional use from adjacent different uses.

Staff Response: The accessory structure is located close to the rear and side property lines. The applicant may want to consider installing a fence or planting a vegetative screen between the driveway and the neighboring property to the north. Based on the information provided by the applicant, staff cannot determine if there is sufficient area to plant a vegetative screen.

The use will not detract from permitted uses in the district.

Staff Response: The home occupation will utilize a 10’ x 20’ portion of the existing residential garage. Improvements will be made to the structure, eliminating a garage door and installing a traditional doorway for entry. The applicant anticipates 10-20 customers per week that will utilize the driveway and Marshall Street for parking.

Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

Staff Response: Based on the low customer volume, it is anticipated that traffic and parking will not be an adverse impact on the neighborhood. The applicant may want to consider screening the use along the driveway from the neighboring property to the north for privacy.

- Additional evaluation based on Chapter 230-9.C(6) which states a customary home occupation or a studio for artists, designers, photographers, musicians, sculptors and other similar persons is subject to conformance with the following requirements:

The area used for the practice of the home occupation or studio shall occupy no more than 50% of the total floor area of the dwelling unit in which it is located.

Staff Response: The area used would occupy a 10’ x 20’ portion of the existing garage, which accounts for approximately 50% of the garage floor area and 11% of the total floor area between the principal and accessory buildings. **The criteria states the home occupation shall occupy no more than 50% of the total floor area of the dwelling unit in which it is located; therefore, the accessory detached garage cannot house the home occupation unless a variance is granted from the Board of Adjustment for this requirement. Any approval shall be contingent upon Board of Adjustment approval.**

No storage of materials or products outside the dwelling shall be permitted unless completely housed.

Staff Response: All storage of materials and products will be within the accessory structure.

The home occupation or studio shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.

Staff Response: The proposed home occupation will be located in a portion of the existing residential two-car garage. One of the existing garage doors will be removed and replaced with a full wall and a typically entry way door and window. A small sign, as outlined below, will be affixed to the building indicating the proposed business.

No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.

Staff Response: The applicant proposes to make modifications to the residential garage by eliminating one garage door and replacing it with a typical entry way door and window. A small sign, as outlined below, will be affixed to the building indicating the proposed business.

No display of products shall be visible from outside the building.

Staff Response: All products will not be visible from outside the building.

A maximum of one non-illuminated display sign affixed to the building not exceeding two square feet shall be permitted.

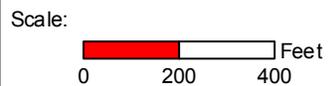
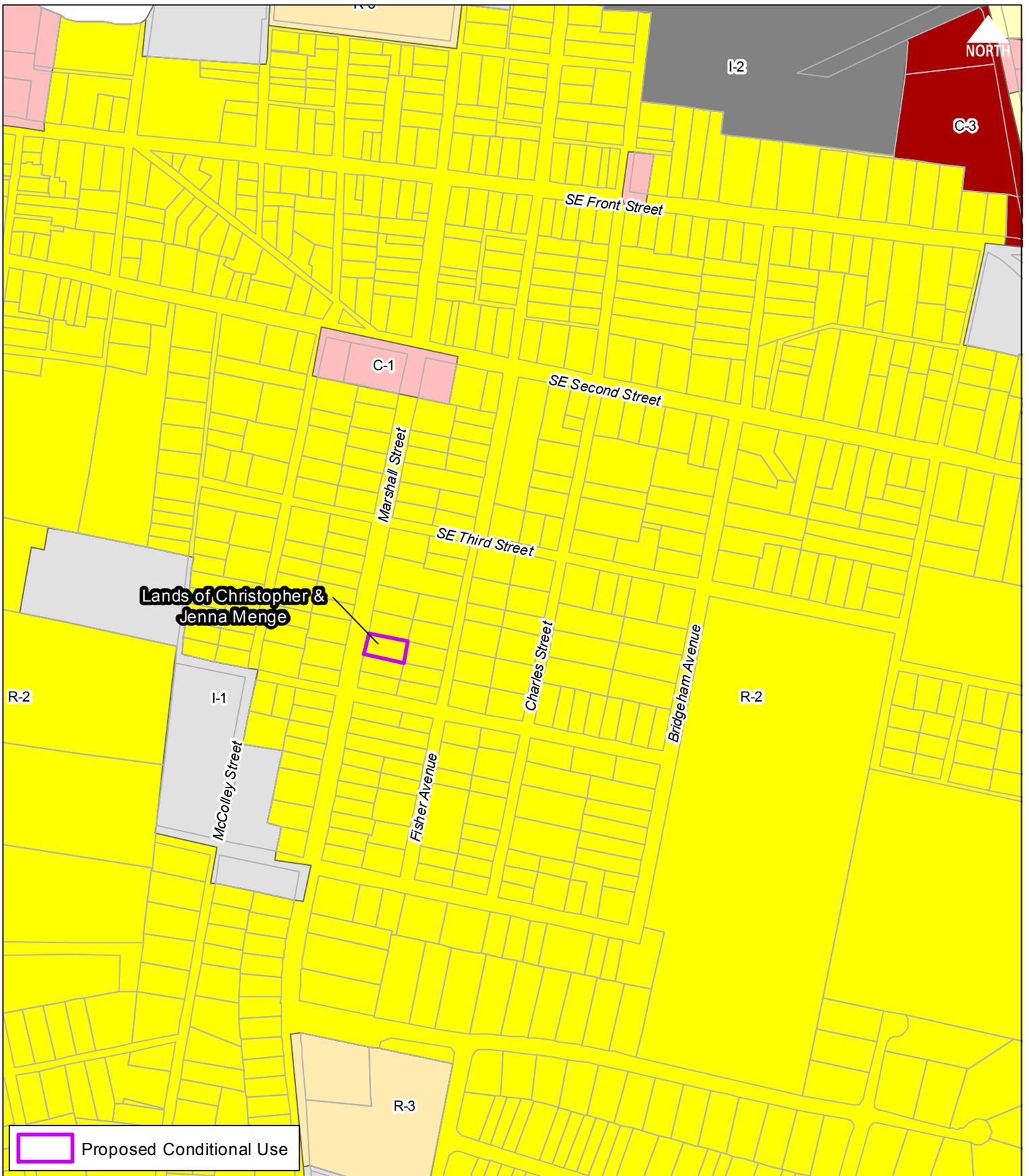
Staff Response: The applicant proposes to affix one non-illuminated sign to the accessory building, not exceeding the stated area requirement.

A maximum of two employees shall be permitted in the operation of the home occupation or studio.

Staff Response: The proposed business would consist of one employee outside the ownership who works four days a week.

III. AGENCY & DEPARTMENT COMMENTS:

No agency or department comments were solicited.



Drawn by: WRP Date: 06/20/16

Title:

Proposed Conditional Use
Lands of Christopher & Jenna Menge
 Location & Zoning Map

Filepath: ConditionalUse_Menge.mxd

22 June 2016

Proposal for Chris and Jenna Computers, LLC

Chris and Jenna Computers, LLC is proposing to have our current downtown business, located at 106NW Front Street relocated to our residence at 313 Marshall Street. Our plans are to close off half of our detached garage (which is currently used for random household storage) and replace one of the two overhead garage doors with a solid wall and entry door for customers use. This will give us a 10' by 20' useable work space. The garage sits to the rear of our property behind our home. There is plenty of room for two side by side parking spaces at the head of the driveway against the garage, and room for an additional parallel space next to the residence.

The business usage would be for our customers to be able to drop off and pick up their computers for repair. Our repair and services scope includes basic networking, virus removal and general computer maintenance, hardware diagnostic and replacement as well as software and operating system trouble shooting. We do a small amount of retail sales but only in direct relation to customer repairs (ex. if a customer's computer is not worth repair, we have a few systems on hand for replacement). We have one employee outside of the ownership who works for us four days a week. Our current hours are 9-5 Monday through Friday and Wednesdays from 9:30 to 2.

§ 230-9. - R-1 Single-Family Residential District.

In an R-1 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The intent of the R-1 Residential District is to preserve the spacious residential atmosphere and quality of living of existing low-density residential development, to provide for the orderly and appropriate development of new low-density housing and to allow related uses that would not be detrimental to the residential character of the district.
- B. Permitted uses. Permitted uses for the R-1 District shall be as follows:
 - (1) A single-family detached residential dwelling.
 - (2) Farming, agricultural activities and roadside stands for the sale of farm and nursery products produced on the property where offered for sale.
 - (3) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.
 - (4) Parks, playgrounds, athletic fields, recreation buildings, swimming pools and community centers operated on a noncommercial basis for recreation purposes.
 - (5) Customary accessory uses, such as private garages, swimming pools and storage sheds, subject to the following special requirements:
 - (a) The primary residence must exist or be under construction.
 - (b) Private residential garages shall not exceed 750 square feet.
 - (c) Residential storage sheds or related outbuildings shall not exceed 150 square feet.
 - (6) Home occupational/office (subject to the following special requirements):

[Added 4-9-1990]

- (a) All employees are to be of the immediate family.
- (b) The appearance of the dwelling shall not be inconsistent with the primary use of the structure.
- (c) The area used for the home occupation shall not exceed 30% of the total floor area of the dwelling, unless, as in the case of family day care, the state has final jurisdiction of the area requirements.
- (d) No storage of products or associated materials is allowed in accessory structures/buildings, and no products are to be stored where they are outwardly visible to the public view.
- (e) Family day care shall involve a maximum of six full-time and two after-school children, as specified by state regulations.
- (f) The occupation will not cause excessive vehicular traffic or noise.
- (g) The occupation will not involve animal boarding and/or care.
- (h) A maximum of one nonilluminated sign (size and setback specified in Article VI of this chapter) may be affixed to the building or placed within the front property line.

C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions in Article IX of this chapter:

- (1) Churches and other places of worship and cemeteries.
- (2) Public and private elementary, junior or senior high schools.
- (3) Day-care centers.
- (4) Conversion of a one-family dwelling into multiple dwelling units, if such dwelling is structurally sound but too large to be in demand for one-family use and if that conversion would not impair the character of the neighborhood, subject to conformance with the following requirements:
 - (a) There shall be a lot area of at least 2,000 square feet for each unit to be accommodated.
 - (b) There shall be a gross leasable floor area, computed as the sum of those areas enclosed by the outside faces of all exterior walls surrounding each story used for the residence, exclusive of any area for any accessory private garage, of at least 500 square feet per family to be accommodated.
 - (c) No dwelling shall be converted unless it complies with Chapter 145, Housing Standards, and Chapter 88, Building Construction, of this code.
 - (d) No addition shall extend within the front yard, side yards or rear yard required for the district within which it is located.
 - (e) Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building and shall not be located on any building wall facing a street.
 - (f) Two off-street parking spaces shall be provided for each additional dwelling unit created.
- (5) Professional occupation restricted to the owner/occupant, subject to conformance with the following requirements:
 - (a) There shall be three off-street parking spaces in addition to those otherwise required.
 - (b) No more than two persons shall be employed by the practitioner of the professional occupation to provide secretarial, clerical, technical or similar assistance.
 - (c) No storage of materials or products outside the dwelling shall be permitted unless completely housed.
 - (d) The area used for the practice of a professional occupation shall occupy no more than 50% of the total floor area, including garages or other accessory buildings.
 - (e) The professional use shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
 - (f) No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.
 - (g) No display of products shall be visible from outside the building.
 - (h) A maximum of one nonilluminated display sign affixed to the building not exceeding two square feet shall be permitted.
- (6) Customary home occupation or a studio for artists, designers, photographers, musicians, sculptors and other similar persons, subject to conformance with the following requirements:
 - (a) The area used for the practice of the home occupation or studio shall occupy no more than 50% of the total floor area of the dwelling unit in which it is located.
 - (b) No storage of materials or products outside the dwelling shall be permitted unless completely housed.

(c) The home occupation or studio shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.

(d) No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.

(e) No display of products shall be visible from outside the building.

(f) A maximum of one nonilluminated display sign affixed to the building not exceeding two square feet shall be permitted.

(g) A maximum of two employees shall be permitted in the operation of the home occupation or studio.

(7) Social club or fraternal, social service, union or civic organization.

(8) Cultural facilities, including a library, museum or art gallery.

(9) Country club, regulation golf course, including customary accessory uses, provided that all buildings have a minimum setback of 120 feet from all street and property lines.

(10) Planned unit residential development.

[Added 6-11-2001 by Ord. No. 4-2001]

(11) Planned Residential Neighborhood Development.

[Added 11-27-2006 by Ord. No. 2006-15]

(a) Planned Residential Neighborhood Development. In order to encourage superior residential environments through a unified planning process, the Planned Residential Neighborhood Development shall be permitted in the R-1 Single Family Residential District Zone as a conditional use subject to the provisions of this chapter and after a determination by the Planning Commission that the proposed planned neighborhood design presents a community design that would not be possible under the conventional zone and is in accordance with the goals and policies of the Comprehensive Plan. The minimum size required for a Planned Residential Neighborhood Development (PRND) shall be 10 acres.

(b) Review process. The planned neighborhood design option shall involve a three-step review and approval process. In the first step, the developer shall meet with the City Council and present a general sketch plan and a statement documenting the project's compliance with the goals of the Comprehensive Plan for review. The general sketch plan shall reflect the general layout of streets, open space, and housing areas and types. The City Council shall determine whether the proposed project is of such a design and type that it warrants further review by the Planning Commission. If the City Council determines that further review is warranted, the second step shall be the conditional use review process which involves the submission of a conceptual plan which conforms in content to the design standards and requirements specified in this section, as well as the plan submission requirements of this chapter and Subdivision Ordinance. If the conditional use/conceptual subdivision plan is approved, the plan would proceed to the third step which involves the submission of a site development plan and preliminary/final subdivision plans for review and approval by the Planning Commission and City Council.

(c) Maximum density. The gross residential density in a Planned Residential Neighborhood Development shall not exceed four dwelling units per acre, however the density could be increased to eight dwelling units per acre, provided the development provides the amenities listed under the density bonus section. In no case shall the development exceed eight dwellings units per gross acre.

- (d) Design standards. The design standards and dimensional requirements (bulk and parking regulations) shall be in accordance with this chapter.
- [1] Lot coverage. Based on the following type of residential construction, the following is the maximum lot coverage:
 - [a] Single-family detached dwelling: 35%.
 - [b] Single-family semidetached dwelling: 35%.
 - [c] Single-family attached dwelling: 40%.
 - [d] Garden apartments/condominiums: 30%.
 - [2] Minimum setback areas. New buildings shall observe a twenty-five-foot minimum front yard, ten-foot minimum side yards, and a twenty-five-foot minimum rear yard.
 - [3] Height of buildings. The height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
 - [4] Off-street parking. Off-street parking shall be provided for residents, visitors and employees of the facility. The applicant shall demonstrate to the satisfaction of the Planning Commission that, based on total potential occupancy load (resident, visitor and employee), a sufficient number of off-street parking spaces will be provided.
- (e) Design requirements.
- [1] Common open space.
 - [a] The area set aside and preserved for open space shall aggregate no less than 25 percent of the total site area. Common open space shall be provided in the PRND proposals. The common open space shall not include any wetlands, floodways or similar area not suitable for building as determined by the Planning Commission and City Council. Significant natural features shall be incorporated into common open space whenever possible.
 - [b] The common open space shall be designed as a contiguous area if possible, and shall be interspersed with residential areas so as to provide pedestrian access and visual amenity. The common open space shall be designed and maintained by the property owner/s or an HOA. Recreational areas shall be constructed and may be located within the 25% of open space set aside.
 - [2] Planned neighborhoods. The area set aside and preserved for open space shall aggregate no less than 25% of the total site area.
 - [3] Buffers. Buffers shall be required to provide transition between planned residential development and adjacent properties/rights-of-way or changes in land use. Buffers should consist of earth berms and a planting area. No building shall be constructed less than 40 feet from the perimeter property line of the development. This buffer may consist of either common open space, earth berms, planting areas or private yards or a combination of both; however, no more than 30% of the required buffer area may be counted toward the minimum common open area requirement.
 - [4] Disruption of natural environment. The planned neighborhood design development shall be designed and scheduled so as to minimize earthmoving, erosion, tree clearance and other disruption of the natural environment. Existing vegetation shall be preserved wherever possible. Where extensive natural tree cover and vegetation do not exist or cannot be preserved on the site, landscaping shall be undertaken in order to enhance the appearance of the development and screen streets and parking areas, and enhance privacy of private dwellings. Natural drainage systems shall be preserved wherever possible.

- [5] Privacy. Dwelling unit structures shall be located and arranged so as to promote privacy for residents within the development and maintain privacy for residents adjacent to the development. Recreational and nonresidential uses shall be located and designed so as not to interfere with nearby residential areas. All structures and activities located near the periphery of the site shall be designed so as to harmonize with neighboring areas.
- (f) Density bonus.
- [1] A density bonus may be granted if the developer furnishes improvements that significantly demonstrate to the Planning Commission that the improvements contribute to superior design and which exceed the standard requirements of the city ordinances in accordance with the following schedule:
- [a] Open space. For each increase of 10% in common open space over the minimum requirement of 25%, a density bonus of 10% shall be granted.
 - [b] Housing types. Neighborhood design which integrates a variety of housing types to provide architectural diversity and which avoids monotony and segregation by dwelling type in order that single housing type does not dominate the planned neighborhood or section thereof shall be awarded a density bonus of 10%. The term "housing type" refers to each of the following dwelling types: single-family detached houses, semidetached and duplex houses, multiplexes, townhouses, and garden apartments.
 - [c] Public buildings. The construction and leasing of a public building, including a firehouse, or a library, or a branch library which is necessitated, either wholly or partially, by the development, may increase the permitted density by 10%, if approved by the City, the Planning Commission and the agency to which the building is to be leased.
 - [d] School sites. The donation of a school site may increase the permitted density by 25%, if approved by the City, the Planning Commission and the local school board.
 - [e] Recreation facilities. Where the developer provides recreation facilities in accordance with recommendations from the City, the Planning Commission, and the Parks and Recreation Department where the facilities are in excess of those required by City ordinances, a density bonus of 5% shall be given. Such facilities may include, but are not limited to walking trails, bike paths, tennis courts, and boating access areas.
 - [f] Community gardens. The reservation of additional common land for the establishment of community gardening space for the raising of flowers, fruits and vegetables shall be awarded a 5% of density bonus.
 - [g] Community day-care facilities. The construction of a building to house a day-care center for use primarily by residents of the community shall be awarded a density bonus of 10%.
 - [h] Community buildings. The construction of a community building to serve as a meeting hall for various community functions, including, but not limited to, civic meetings, recreational purposes, receptions and special events, shall be awarded a density bonus of 10%.
 - [i] Conservation easements. The establishment of a permanent easement for the purpose of conserving and protecting a woodland area, a wetland area, and/or a stream corridor from removal of existing natural vegetation, and/or encroachment by future development shall be awarded a density bonus of 5%.
 - [j] Parking lot landscaping. The construction of landscaping in and around parking lots/areas shall be awarded a density bonus of 2%.

- [k] Low-level lighting. The construction of low level light within the development and in/around parking lots/areas shall be awarded a density bonus of 3%.
 - [l] School bus pull off/school bus shelter. The construction of school bus pull offs or school bus shelters within the development shall be awarded a density bonus of 5%.
 - [2] Note: City Council will have the final determination in determining the amount of the allowable density bonus.
- (g) Conditional use plan approval.
- [1] In addition to the minimum conditional use plan requirements listed in this chapter and the minimum conceptual subdivision plan requirements listed in the Land Subdivision Regulations, the following additional items shall be reflected on or shall accompany the conditional use plan:
 - [a] Architectural drawings illustrating exterior elevations of typical dwelling units and nonresidential structures to be constructed.
 - [b] Statements and illustrations of the materials to be used in construction and their compatibility with the City Building Code and other codes relating to construction.
 - [c] Total acreage of development, land uses in each area, total number of dwelling units, average gross residential density, average lot area and lot width by unit type, and gross residential density in each section.
 - [d] Building coverage lines accurately locating all types of dwelling units, and nonresidential structures, giving dimensions of the structures, distances between the structures, and distances to street rights-of-way and parking areas, with distances accurate to the nearest hundredth of a foot, and total amount and percentage of impervious area.
 - [e] Accurate dimensions of common open space areas specifically indicating those areas to be developed for active recreation. Where common space areas are to be developed, the exact location of the structures in common open space will be illustrated.
 - [f] Locations and dimensions of parking areas and pedestrian walkways.
 - [2] Each application for a conditional use plan approval shall be accompanied by a fee of \$700 (§ 230-57).
- (h) Site development preliminary subdivision plan review.
- [1] Application for site development plan approval shall be made to the Planning Commission in accordance with this chapter and the land subdivision regulations. Such application may be requested in stages. The following additional requirements shall be included for review along with the site development plan submission:
 - [a] A development phasing plan if proposed, which clearly defines the boundaries of each phase of the development and indicates the number of dwelling units to be constructed in each phase. Each phase shall be assigned a number which represents that phase's order in the construction sequence of the development.
 - [b] Architectural drawings illustrating exterior and interior designs of typical dwelling units of each type and nonresidential structures to be constructed.
 - [c] Statements and illustrations of the materials to be used in construction and their compatibility with the City Building Code and other codes relating to construction.
 - [d] All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These shall bear the certificate of approval of the City Solicitor as to their legal sufficiency.

- [e] Restrictions of all types which will run with the land and become covenants in this chapter or in the Land Subdivision Regulations.
- [f] In the case of a planned neighborhood design which is proposed to be developed over a period of years in specific phases, the site development/preliminary subdivision plan requirements as listed in this section shall apply to the phase or phases for which approval is being sought. The site development plan for each phase must demonstrate compliance with minimum plan requirements and shall provide phase specific information regarding proposed development density and dwelling types, locations of common open space, sanitary sewer and water distribution systems, and street systems consistent with the approved conditional use conceptual plan developed for the entire neighborhood.
- [2] Each application for a preliminary plan approval and final plan approval shall be accompanied by a fee of \$1,000 plus \$10 per dwelling unit (§ 230-57).
- (i) Site requirements.
 - [1] All structures shall be so located as to provide proper access to the building for fire-fighting equipment, trash collection and deliveries.
 - [2] All off-street parking shall be provided at the rate of 2.5 spaces for every dwelling unit.
 - [3] Outdoor light fixtures shall be provided at locations that will assure the safe and convenient use of walks, steps, parking areas, driveways, streets and other facilities.
 - [4] Facilities for temporary trash/refuse storage shall be provided in such manner that is adequate for the dwelling units they support.
- (j) Final subdivision plat approval.
 - [1] Final subdivision plat review and approval for planned neighborhood design projects involving subdivision of land shall follow the requirements pertaining to the review and recordation of final subdivision plats. In the case of projects for which a phasing plan has been approved, the final subdivision plat for each phase shall demonstrate compliance with minimum plan requirements and shall provide phase specific information regarding proposed development density and dwelling types, locations of common open space, sanitary sewer and water distribution systems, and street systems consistent with the approved conditional use conceptual plan developed for the entire neighborhood.
 - [2] Each application for a preliminary plan approval shall be accompanied by a fee of \$1,000 plus \$10 per dwelling unit (§ 230-57).
- (k) Signs. Signs shall be reviewed and approved by the Planning Commission and City Council to ensure they meet the requirements of this chapter.

(12) Bed-and-breakfast, subject to the following requirements:

[Added 9-8-2008 by Ord. No. 2008-13]

- (a) The bed-and-breakfast establishment does not adversely affect the residential character of the neighborhood and such use is carried on in an existing residential structure.
- (b) The building proposed for use as a bed-and-breakfast must have the owner of the bed-and-breakfast residing in the building as his/her principal residence.
- (c) The serving of meals shall be limited to breakfast and afternoon tea for overnight guests and customers.
- (d) Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.

- (e) No exterior alterations other than a sign and those required by law to ensure the safety of the structure shall be made.
- (f) The bed-and-breakfast operation shall not use more than 50% of the floor area of the principal residence. Common areas such as the kitchen, foyer, living room or dining room are not included in this calculation.
- (g) No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than 20 feet. Sidewalks shall not be illuminated by lighting fixtures higher than 15 feet. Exterior lighting shall be so shaded as to prevent illumination off-site. All external lighting, except for demonstrated security needs, shall be extinguished by 10:00 p.m.
- (h) All bed-and-breakfasts must be in compliance with the requirements of the Uniform Building Code and Uniform Fire Code as adapted and enforced by the state fire marshal. Requirements include smoke detectors centrally located on each floor with sleeping rooms and the basement stairway. They must have battery backup and be connected or have a sounding device to provide an alarm which can be heard in all sleeping areas. Every sleeping room must provide at least 50 square feet of floor area per guest and have an operable window of 5.7 square feet or more of clear opening or exterior door for emergency escape or rescue. The maximum distance to a fire extinguisher rated 2A and having a BC rating is 75 feet.
- (i) Safe food handling is the responsibility of the "host." He/She must properly train employees and other household members in safe food handling procedures and requirements and secure the proper state health permit if applicable.
- (j) Parking requirements: one space per guestroom plus two spaces for residence. Spaces shall be located to the side and rear of the building and shall be screened from adjacent properties by a five-foot-high wood or masonry fence or by sight-obscuring vegetation of the same height. The area of the parking lot, including driveways, shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the City Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining properties.
- (k) Signs. For each bed-and-breakfast, one small unlighted announcement sign not exceeding three square feet in area may be attached to and parallel with the front porch or wall of the building.

D. Area regulations.

- (1) Minimum lot area shall be 10,000 square feet. Minimum interior lot shall be 10,000 square feet. Minimum corner lot shall be 13,000 square feet.
- (2) Maximum lot coverage shall be 30%, exclusive of accessory buildings.
- (3) Minimum lot width shall be 80 feet.
- (4) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
- (5) Minimum front building setback line shall be 25 feet.

[Amended 11-27-2006 by Ord. No. 2006-15]

- (6) Minimum rear yard shall be 25 feet. For corner lots the rear yard may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (7) Side yards shall be provided as follows: each lot shall have two side yards with a minimum of 12 feet each.
- (8) Parking shall comply with the requirements provided in Article IV of this chapter.

- (9) Signs shall comply with the requirements provided in Article VI of this chapter.
- (10) Decks, subject to the following requirements:

[Added 11-27-2006 by Ord. No. 2006-15; amended 9-8-2008 by Ord. No. 2008-13]

- (a) The deck cannot be located in the front yard.
- (b) A minimum distance of 10 feet must be maintained from the deck to the rear property line.

§ 230-10. - R-2 Residential District.

[Amended 10-16-1989; 4-10-1991; 11-9-1992]

In an R-2 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the R-2 District is to permit housing at a greater density than in the R-1 District by providing for the orderly development of low- to medium-density residential housing into those areas where public services are available. This district also allows for professional home occupations. Finally, it protects existing developments of this nature and excludes noncompatible ones.
- B. Permitted uses: all uses permitted in the R-1 District.
- C. Conditional uses: all uses specified as conditional uses in the R-1 District, and the following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with Article IX of this chapter:
 - (1) Single-family semidetached dwelling.
 - (a) Ownership.
 - [1] Dwelling units and individual lots of a single-family semidetached dwelling may be owned separately if separate utility systems are provided and if separate lots for all dwelling units in a building are created at the same time in conformance with Chapter 200, Subdivision of Land, of this Code.
 - [2] Provisions satisfactory to the City Council shall be made to assure that areas of common use of the occupants, but not in individual ownership, shall be maintained in an acceptable manner without expense to the general public.
- D. Design requirements. No apartment/dwelling units shall be located within a cellar.
- E. Site requirements.
 - (1) The structure shall be so located as to provide proper access to the building for fire-fighting equipment, trash collection and deliveries.
 - (2) Off-street parking shall be provided at the rate of 2 1/2 spaces for every dwelling unit on each lot.
- F. Facilities.
 - (1) Outdoor light fixtures shall be provided at locations that will assure the safe and convenient use of walks, steps, parking areas, driveways, streets and other such facilities.
 - (2) Facilities for temporary trash/refuse storage shall be provided in such a manner that is adequate for the dwelling units they must support.
- G. Area regulations.
 - (1) For permitted uses and single-family semidetached dwellings not separately owned:

- (a) Minimum interior lot area shall be 8,000 square feet and minimum corner lot area shall be 13,000 square feet.
- (b) Maximum lot coverage shall be 30%.
- (c) Minimum lot width shall be 80 feet.
- (d) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
- (e) Minimum front building setback line shall be 30 feet.
- (f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.
- (g) Side yards shall be provided as follows: each lot shall have two side yards a minimum width of eight feet on each side.
- (h) Parking shall comply with the requirements provided in Article IV of this chapter.
- (i) Signs shall comply with the requirements in Article VI of this chapter.
- (j) Decks, subject to the following requirements:

[Added 9-8-2008 by Ord. No. 2008-13]

[1] The deck cannot be located in the front yard.

[2] A minimum distance of 10 feet must be maintained from the deck to the rear property line.

(2) For single-family semidetached dwellings separately owned:

- (a) Minimum interior lot area shall be 4,000 square feet and minimum corner lot area shall be 6,500 square feet.
- (b) Maximum lot coverage shall be 30%.
- (c) Minimum lot width shall be 40 feet.
- (d) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.
- (e) Minimum front building setback line shall be 30 feet.
- (f) Minimum rear yard setback shall be 15 feet. For lower lots the rear yard may be reduced 20% in depth to allow for the skewing of a residential dwelling on its lot.
- (g) Side yard shall be provided as follows: each lot shall have one side yard a minimum width of eight feet.
- (h) Parking shall comply with the requirements provided in Article IV of this chapter.
- (i) Signs shall comply with the requirements in Article VI of this chapter.

ARTICLE IX - Conditional Uses

§ 230-46. - Purpose.

- A. The intent of the conditional use is to maintain a measure of control over uses that have an impact on the entire community. Generally, conditional uses may be desirable in certain locations for the general convenience and welfare. They must use the property in a manner that assures neither an adverse

impact upon adjoining properties nor the creation of a public nuisance. In short, because of the nature of the use, it requires sound planning judgment on its location and site arrangement.

- B. Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this chapter, provided that the City Council shall find that the application is in accordance with the provisions of this chapter after duly advertised hearings held in accordance with the provisions of Article XII.

§ 230-47. - Application and approval procedures.

- A. The application for a conditional use shall first be made with the Code Official, who shall then forward the materials to the Planning Commission.
- B. The Planning Commission shall study such information and make recommendations to the City Council within 60 days of the Code Official's referral to the Commission after holding a public hearing.
- C. The Council shall then act within 60 days of the receipt of the Commission's recommendation to either approve with conditions or deny such use after holding a public hearing. The Council's decision shall be based on the determination that the location of the use is appropriate, it is not in conflict with the Comprehensive Plan and it is consistent with the purpose and intent of this chapter.

§ 230-48. - Criteria for evaluation.

The following criteria shall be used as a guide in evaluating a proposed conditional use:

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

§ 230-49. - Conditions for approval; expiration.

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 230-48 and that such use will continue to do so.
- B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
- C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. See fee schedule.

[Amended 5-11-1998 by Ord. No. 4-1998]

- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.
- F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits

may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.



 Proposed Conditional Use

Digital Aerial Solutions, L



Scale:  Feet

Drawn by: WRP Date: 07/05/16

Title:
**Proposed Conditional Use
Lands of Christopher & Jenna Menge
Site Plan**

Filepath: ConditionalUse_Menge_Site.mxd

NOTICE OF PUBLIC HEARINGS
PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 20, 2016
CITY COUNCIL PUBLIC HEARING: SEPTEMBER 26, 2016

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, September 20, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 26, 2016 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

Ordinance 2016-12

Christopher & Jenna Menge for a Conditional Use for a Home Occupation in an R2 (Residential) District on .20+/- acres. Property is located at 313 Marshall Street, Milford, Delaware. Present Use: Single Family Detached Dwelling;
Proposed Use: Same with Customary Home Occupation.
Tax Map 3-30-11.05-088.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on September 20, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on September 26, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a Customary Home Occupation as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, Christopher & Jenna Menge is hereby granted a Conditional Use Permit to allow a Customary Home Occupation, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

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

Section 3. Dates.

Planning Commission Review & Public Hearing: September 20, 2016

City Council Introduction: September 12, 2016

City Council Public Hearing: September 26, 2016

Adoption: September 26, 2016

Effective: October 6, 2016

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

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 08/31/16

NOTICE OF PUBLIC HEARINGS
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CITY COUNCIL PUBLIC HEARING: SEPTEMBER 26, 2016

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PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 20, 2016
CITY COUNCIL PUBLIC HEARING: SEPTEMBER 26, 2016

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A FINAL PUBLIC HEARING is scheduled on Monday, September 26, 2016 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

Ordinance 2016-16

Gator & Associates Inc on behalf of James Grant for a Conditional Use for Multiple Permitted Uses and Mixed Uses and a Business, Commercial or Industrial, in a C3 (Highway Commercial) District on 1.2+/- acres. Property is located at 586 Milford-Harrington Highway, Milford, Delaware. Present Use: Vacant Storage Warehouse; Proposed Use: Brew Pub with Distillery, Fitness Center and Warehouse.
Tax Map MD-16-173.00-01-12.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on September 20, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on September 26, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for Multiple Permitted Uses and Mixed Uses and a Business, Commercial or Industrial as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, Gator & Associates Inc on behalf of James Grant is hereby granted a Conditional Use Permit to allow a Brew Pub with Distillery, Fitness Center and Warehouse, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

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

Section 3. Dates.

Planning Commission Review & Public Hearing: September 20, 2016

City Council Introduction: September 12, 2016

City Council Public Hearing: September 26, 2016

Adoption: September 26, 2016

Effective: October 6, 2016

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

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 08/24/16



PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

DATA SHEET FOR GATOR AND ASSOCIATES, INC.

Development Advisory Committee: August 19, 2016

Planning Commission Meeting: September 20, 2016

Application Number / Name	:	16-008 / Gator and Associates, Inc.
Applicant	:	Gator & Associates, Inc. 1605 SW 13 th Street Wilmington, DE 19806
Owner	:	James Grant 1401 N. Clayton Street, Apartment D4 Wilmington, DE 19806
Application Type	:	Conditional Use & Preliminary Site Plan
Present Comprehensive Plan Map Designation	:	Highway Commercial
Present Zoning District	:	C-3 (Highway/Commercial District)
Present Use	:	Vacant Storage Warehouse
Proposed Use	:	Brew Pub w/distillery, Fitness Center and Warehouse
Size and Location	:	1.2 +/- acres located on the north side of Milford- Harrington Highway (Route 14) approximately 3,600 feet west of Route 113. Addressed as 586 Milford-Harrington Highway
Tax Map & Parcel	:	MD-16-173.00-01-12.00-000

ENC: Staff Recommendation Report
Exhibit A – Location & Zoning Map
Exhibit B – Preliminary Site Plan



PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

STAFF REPORT August 19, 2016

Application Number / Name	:	16-008 / Gator and Associates, Inc.
Present Comprehensive Plan Designation	:	Highway Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Vacant Warehouse
Proposed Use	:	Brew Pub w/Distillery, Fitness Center and Warehouse
Tax Map & Parcel	:	MD-16-173.00-01-12.00-000
Size and Location	:	1.2 +/- acres located on the north side of Milford-Harrington Highway (Route 14) approximately 3,600 feet west of Route 113. Addressed as 586 Milford-Harrington Highway

I. BACKGROUND INFORMATION:

- The applicant proposes to convert the existing 7,000 square foot vacant commercial building fronting Milford-Harrington Highway into a 3,500 square foot Brew Pub and Distillery and a 3,500 square foot fitness center. In addition, the applicant proposes to construct a new 1,800 square foot warehouse building towards the rear of the property which will be separated into four suites/units.
- Although several of the proposed uses are permitted uses within the C-3 Highway Commercial zoning designation, Chapter 230-45 states “in any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.”
- In addition, the proposed Distillery use within the brew pub is not typical of a restaurant/bar use and based on Chapter 230-14(C)(17) requires conditional use approval for “business, commercial or industrial uses that do not adversely affect neighboring properties.”

II. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request for the Conditional Use Preliminary Site Plan:

- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

A. The presence of adjoining similar uses.

The property is surrounded by industrial, residential and commercial uses. Residential uses are located on the opposite side of Milford-Harrington Highway and include strip-lot type parcels. The properties to the east and west are commercially zoned and include a contractor's office and a medical transport business. The property to the north and behind the subject parcel is zoned R-3 and is the location of a solar farm. Similar retail and restaurant uses are located along Milford-Harrington Highway.

B. An adjoining district in which the use is permitted.

The proposed uses, except for the distillery, are permitted within the C-3 Highway Commercial zoning district. However, multiple permitted uses on the same property require conditional use approval based on the City Code.

C. There is a need for the use in the area proposed as established by the Comprehensive Plan.

The Comprehensive Plan designates this area as Highway Commercial. The proposed uses are consistent with the land use plan for the Comprehensive Plan and address additional goals and objectives related to redeveloping vacant buildings and property.

D. There is sufficient area to screen the conditional use from adjacent different uses.

The site is located adjacent to similar commercially zoned property where screening is not necessary. The property to the rear of the subject parcel is the location of an existing solar farm located within the R-3 zoning category. Although screening is required between these two zoning districts, the existing use on the R-3 property will not be negatively impacted by the proposed uses on the subject parcel and a landscape screen is not necessary. The adjacent residential properties are located on the opposite side of Milford-Harrington Highway.

E. The use will not detract from permitted uses in the district.

The uses, except for the distillery, are permitted within the C-3 Highway Commercial zoning district. However, multiple permitted uses on the same property require conditional use approval based on the City Code.

F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

The site is located along an established minor arterial road as depicted on DelDOT's functional classification map. Applicant will be required to obtain DelDOT approval prior to final site plan approval for entrance and road improvements. The site plan meets or exceeds the parking and loading requirements set forth in Chapter 230 for the proposed uses. Landscape screening is not necessary based on the adjacent uses.

- Chapter 230-44 states the following are prohibited in all districts; “all establishments involving the sale of alcoholic beverages either on or off premises which are located within 1,000 feet of any public or private school, day-care or child care center or church, unless food is prepared and served for consumption on site or for takeout, or alcoholic beverages are produced in said location.” The proposed brew pub will produce alcohol onsite and intends to prepare and serve food.
- According to Chapter 157-4.F(1) of the City Code, “the unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system or other device for producing or reproducing sound between the hours of 10:00 pm and 7:00 am on weekdays and 10:00 pm and 10:00 am on weekends and holidays” is prohibited.
- A cross-access easement is proposed on the neighboring property to the east to allow for emergency vehicle access around the existing 7,000 square foot building. The applicant must provide a copy of the written agreement to the City prior to final approval.
- The following comments must be addressed prior to final site plan approval:
 - Final Site Plan approval will require approvals or no objection letters from DelDOT, State Fire Marshal’s Office and Kent Conservation District.
 - Applicant must obtain final approval of engineering plans from the Public Works Department.
 - Address additional department and agency comments outlined in Section III.

III. AGENCY COMMENTS:

- **Office of State Planning Coordination**
Contact: David Edgell – 302-739-3090

The project is not subject to PLUS review per the MOU between the City and OSPC.

- **DelDOT Planning, Development Coordination**
Contact: Jonathan Moore – 302-760-2145
See attached comments.
- **Delaware Health and Social Services – Division of Public Health**
Contact: William Milliken – 302-741-8646
See attached comments.
- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**
Contact: Bryan Ashby – 302-739-9946
No comments provided.
- **Kent Conservation District**
Contact: David Cahill – 302-741-2600
See attached comments.
- **Delaware State Fire Marshal’s Office**
Contact: Duane Fox – 302-856-5298

See attached comments.

- **Carlisle Fire Company**
No comments provided.
- **City Engineer**
Contact: Jason Loar, P.E. (Davis, Bowen & Friedel, Inc) – 302-424-1441
See attached comments.
- **City of Milford Public Works Department**
Contact: Mark Whitfield – 302-422-1110
See attached comments from DBF.
- **City of Milford Parks and Recreation Department**
No comments provided.
- **City of Milford Police Department**
No comments provided.
- **City of Milford Building Inspector**
No comments provided.
- **Milford School District**
No comments provided.

CITY OF MILFORD
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: AUGUST 19, 2016



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APPLICATION: Gator and Associates, Inc.

FILE#: 16-/ Gator and Associates, Inc.

REVIEWING AGENCY: DeIDOT

CONTACT PERSON: Jonathan T. Moore

PHONE#: 760-2145

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THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS :

DeIDOT has no comments regarding city & state code at this time.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES :

DeIDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT :

- This project had a pre-submittal meeting with DeIDOT on July 22, 2016. At this meeting we discussed the need for this project to enter into our formal review process. Please follow the directions as discussed in the pre-submittal meeting. If you need a synopsis of the meeting please contact the person listed above and one will be provided to you.
- The following are general items that you may expect prior and during the formal review process:
 1. The site access on Milford Harrington Highway must be designed in accordance with DeIDOT's Development Coordination Manual. A copy of the Manual is available at <http://www.deldot.gov/information/business/subdivisions/changes/index.shtml>
 2. Section P.5 of the manual addresses fees that are assessed for the review of the development proposals. DeIDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review.

3. In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing "Letter of No Objection" review:
 - a. Initial Stage Fee Calculation Form
Initial Stage Review Fee
Gate-Keeping Checklist – Site Plan
Design Checklist – Record Plan
Sight Distance Spreadsheet
Owners and Engineers' name and e-mail address
Record Plan
Conceptual Entrance Plan
Submission of the Area – Wide Study Fee (If applicable)
4. Referring to Section 3.4.2.1 of the Manual, the following items, among other things are required on the Record Plan:
 - a. A Traffic generation Diagram. See 3.4.2-a for the required format and content.
 - b. Depiction of all existing entrances within 600 feet of the proposed entrance.
 - c. Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
5. In accordance with Section 3.5.4.2.A.3 of the Manual, DelDOT will require construction of a sidewalk/ Shared Use Path along the property frontage of Milford Harrington Highway.
6. Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review:
 - Construction Stage Fee Calculation Form
 - Construction Review Fee
 - Gate-Keeping Checklist – Entrance Plan
 - Design Checklist – Entrance Plan
 - Auxiliary Lane Spreadsheet
 - Entrance Plan
 - Pipe/ Angle Spreadsheet (If Applicable)
 - SWM Report and Calculations (If Applicable)
7. In accordance with Section 5.2.5.6 of the Manual, Turning Movement Diagrams shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the Manual, the entrance shall be designed for the largest vehicle using the entrance.

8. In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrance and how long those lanes should be. The worksheet can be found at http://www.deldot.gov/information/business/subdivisions/auxiliary_lane_worksheet.xls.
9. In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/information/business/subdivisions/Intersection-Sight-Distance.xls>.
10. In accordance with Section 5.14 of the manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.
11. Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems open or closed, that fall outside the existing right-of-way or the drainage/ utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the planning department as soon as possible.



August 9, 2016

Ms. Christine R. Crouch, CMC
City of Milford Planning & Zoning Department
201 South Walnut Street
Milford, DE 19963

Re: August 19, 2016 Development Advisory Committee

Dear Ms. Crouch:

The Division of Public Health Office of Engineering is in receipt of the following application. Below are comments by the Office of Engineering regarding the proposed project for the September 20, 2016 Planning Commission Meeting

1. **Application:** *16- / Gator and Associates, Inc.*

The water will be supplied by the City of Milford. This project may require plan review and a Certificate to Construct by the Office of Engineering before construction is started if the proposed water main to the building is 2 inches or greater in diameter. In order to obtain a Certificate to Construct, plans and specifications must be prepared by a registered Delaware professional engineer. Plans for the system, including water mains or extensions thereto, storage facilities, treatment works, and all related appurtenances, must be approved by the Office of Engineering prior to construction.

A Certificate to Operate will be issued to the City of Milford after all applicable requirements are met. Please contact Bill Milliken or Doug Lodge, PE, at (302) 741-8640 for further information.

The preliminary plans indicate that a food establishment is proposed. All food establishments must go through plan review at the Office of Engineering. Please contact Susan Burr, Food Plan Review Office of Engineering at (302) 741-8647 for further information. Please do not hesitate to contact me at the Office of Engineering (302) 741-8646 with questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Milliken, Jr.", written over a horizontal line.

William J. Milliken, Jr.
Engineer III
Office of Engineering



**CITY OF Milford
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
2016**

APPLICATION: Gator & Associates, Inc.

FILE #: 16-/ Gator & Associates, Inc.

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *David C. Cahill*

PHONE #: *741-2600 ext.3*

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to conditional use site plan of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

1. Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and Stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place.

City of Milford, Delaware
Development Advisory Committee

Comment Sheet



DATE OF REVIEW: August 12, 2016

REVIEWING AGENCY: **Delaware State Fire Marshal's Office, Kent Office**

INDIVIDUAL REVIEWERS: **Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services**
John A. Reedy, CFI, Sr. Fire Protection Specialist

AGENCY PHONE NUMBERS: **302-739-4394, Fax: 302-739-3696**

RE: 16- / Gator and Associates, Inc.

The reasons and conditions applied to this project and their sources are itemized below:

❖ ***The DE State Fire Marshal's Office has no objection to the conditional use for the aforementioned project. Formal submittal is required for final site plan approval.***

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Storage)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 sqft aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Milford Harrington Hwy must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website:

www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE

CITY OF MILFORD PLAN REVIEW

DAVIS, BOWEN & FRIEDEL, INC. Project Review Comments	Submittal Phase:	<u>Preliminary</u>	Project No.:	_____
	Date Submitted:	<u>08-09-16</u>	Project Title:	<u>Gator & Associates, Inc.</u>
	Submittal No.:	<u>2</u>	Project A/E:	<u>Cotton Engineering, Inc.</u>
	DBF Job No.:	<u>052B028</u>		
	Date Returned:	<u>08-12-16</u>		

Distribution: P & Z _____ Town Mgr _____ DPW _____ Town Engineer Other _____

Name of Reviewer: Scott Adkisson Office: Milford, DE
302-424-1441

Documents Reviewed: Preliminary Site Construction Plans

DWG/PAGE NO.	COMMENT NO.	PROJECT REVIEW COMMENTS	APPLICANT RESPONSE
1	1	Provide the full tax parcel number and zoning for the subject and adjoining parcels.	
	2	Provide an abbreviated data column that includes the site area, zoning, use, area of the proposed building, and the owner's name.	
	3	Provide the source of the boundary, the horizontal boundary, and the vertical boundary.	
	4	Call out the two (2) existing water meter pits near the southeast corner of the site with a leader note.	
	5	Show where the existing water main ends and show the line from the end of the existing water main that feeds the two meter pits on this size. Provide the size of the line and the size of the existing water service line that feeds the existing building.	
	6	Correct the misalignment in the sewer where it crosses the west side of the property. Extend the existing sewer to the existing manholes northwest and southeast of the site. Provide the size of the existing	

DAVIS, BOWEN & FRIEDEL, INC. Project Review Comments	Submittal Phase: <u>Preliminary Site Construction Plans</u>	Submittal No.: <u>2</u>
	Reviewer: <u>Scott Adkisson</u>	Project Title: <u>Gator & Associates, Inc.</u>

		sewer main.	
	7	What is the "Paved Existing Millings"? The area is either paved or millings have been spread. Revise the description. The area where the millings have been spread needs to be defined and it should be hatched. The paved area should also be hatched with a different hatch type.	
	8	What is the polygon that is not the building setback but has the same linetype as the building setback? If this is to define the area where millings have been spread, change the line type of the perimeter and hatch the area.	
	9	Based on information from the City, the millings were spread recently. This will have a direct impact on the paving section that is being proposed. What exists below the millings? Was the top soil removed and any type of sub-base installed before the millings were spread? If the entire area where the millings were spread will be excavated to a stable sub-grade so that an adequate paving section (sub-base and asphalt) can be installed, this point is moot.	
	10	Remove the site benchmark text from the other text that is either on top of it or below it, near the southeast corner of the site.	
	11	There is an obvious error in the elevation provided for the invert of the existing sewer cleanout located near the northwest corner of the site. Correct the error. Indicate the size of the existing sewer lateral.	
P-1	1	Change the name of the location map that has a scale of 1" = 2,500 feet, to Vicinity Map.	
	2	The minimum required width of a lot zoned C-3 is 150 feet, as is noted in number 4 of the site data. The minimum width of this property is 121 feet. Proposing improvements to an existing building or the construction of a new building on a non-conforming lot is permissible, according to § 230-43, if the existing building was in place prior to the establishment of the current lot width requirement. Please provide the date of the completion of the existing building.	
	3	Remove the information provided in 9 through 22 and provide a rough estimate of the total anticipated EDUs; or, note that the total proposed EDUs will be provided on the final plans. On the final plans, itemize the EDUs that will result from each use, including the restaurant/pub/brewery as was done here for the warehouse and the exercise facility. The City will determine the EDU credit that will be applicable.	
	4	Please adjust the formatting of general construction plan notes 5 through 9 and number 13.	

	5	Differentiate between existing and proposed utilities on the plan. Call out the existing water meter pits with a leader note and call out the proposed meter pits.	
	6	The applicant must confirm with the Fire Marshal fire protection requirements will be for this site. The existing water main may need to be extended to, and onto the site.	
	7	All meters, including single meter pits or gang meter vaults shall be located as close as possible the front right-of-way line, in a non-traffic area. The City's responsibility for water services on this site will terminate at the meter pits and/or gang meter vault. An enlarged view of what is being proposed in terms of water meters/meter vault will be required on the final plans, if the conditional use and the preliminary plans are approved.	
	8	There appears to be a proposed concrete parking bumper shown on top of the existing water meter pits. This will not be permitted. Relocate the meter pits or make whatever adjustments may be necessary to ensure that the concrete bumper is not on any of the pits; and, you must include something that ensures that no vehicle tires will be in contact with any of the meter pits. The ideal solution is to remove the parking space and install diagonal striping in its place and concrete filled bollards to protect the meter pits.	
	9	Provide the size of the existing sewer main and lateral. Show the two existing manholes; and, on the final site construction plans, indicate the rim and invert elevations for each manhole. The City will require that a doghouse manhole be installed on the existing sewer main and that an 8-inch sewer lateral be installed to route sewer flow from the site to the sewer main. A cleanout will be required to be installed approximately 5 feet upstream of the doghouse manhole, just upstream of the grease trap connection, and just upstream of the point where the warehouse sewer lateral connection will be made. The City's responsibility for the sewer on this site shall terminate at the cleanout just upstream of the doghouse manhole. A note to this effect must be included on the final site construction plans.	
	10	The four (4) suites in the warehouse will discharge into a 6-inch lateral in front of the warehouse with a cleanout installed on it just upstream of the easterly-most suite lateral connection. Cleanouts will be installed within five feet of the building for each individual lateral connection.	
	11	According to the City's Sewer Ordinance, the minimum slope of all laterals (8 & 6-inch) shall be 2%, wherever possible. In the event a slope of 2% is not possible, a minimum slope of 1% shall be required.	

	12	All cleanouts located in traffic areas shall be traffic rated.	
	13	Provide a sewer lateral from the restaurant/pub/brewery to the 8-inch sewer lateral, in addition to the grease trap connection. Both uses require sanitary facilities and each shall have separate facilities located within their specific premises.	
	14	The drive aisle in front of the existing building currently connects to the drive aisles of the adjoining parcels on either side of the applicant's parcel. Are these interconnections to be preserved?	
	15	The only type of trash facility that will be able to be utilized in the south-most area currently being shown reserved for this purpose will be a hand driven trash can with rollers. Provide some explanation regarding what is being proposed in this regard. Whatever the intent, the gate on the southerly enclosure needs to be rotated so that it opens from the southwest.	
	16	Remove the 24 foot wide dimension shown in the drive aisle in front of the existing building. The narrowest point along this drive aisle is at the southeasterly-most parking space that abuts the building. The dimension is approximately 20 feet. Show the dimension on the plans. As was mentioned in the previous review, the commonly recognized minimum drive aisle width is 24 feet. The width of the drive aisle along the east side of the building is only 21 feet, as is indicated on the plan. In addition, this aisle provides no buffer between it and the side of the building. As was mentioned previously, if such a narrow width drive aisle is approved, elevation drawings will be required to be provided so the City can verify that no door openings or any type of equipment will be located on this side of the building. Although the City defers to the Fire Marshal with regard to drive aisle width, we do not feel that the drive aisle widths less than 24 feet should be permitted.	
	17	The grassed area on the east side of the warehouse building limits the paved width to 16 feet. Signage and painted directional arrows need to be indicated to limit this aisle to one-way traffic.	
General	1	Provide a letter of no objection from DelDOT. If the City approves the conditional use and the preliminary site construction plans without having received a letter of no objection form DelDOT, the applicant shall move forward at his own risk.	
	2	We strongly suggest that you have the preliminary plan reviewed by the Fire Marshal to find out if the limited aisle widths will be approved by their office, prior to investing in finalizing the design as shown. If the conditional use and the preliminary site construction plans are approved by the City, the applicant moves forward at his own risk.	

DAVIS, BOWEN & FRIEDEL, INC. Project Review Comments	Submittal Phase: <u>Preliminary Site Construction Plans</u>	Submittal No.: <u>2</u>
	Reviewer: <u>Scott Adkisson</u>	Project Title: <u>Gator & Associates, Inc.</u>

	3	If the City approves the conditional use and the preliminary site construction plans; and, the owner of the parcel to the west denies the request for an access easement at a later date, the applicant moves forward at his own risk.	
	4	Any work performed on City utilities will be required to be inspected by the City or by a representative assigned by the City to inspect the work. Submittals and/or shop drawings shall also be required to be submitted for anything that is to be installed on City utilities. Costs associated with the this construction and inspection review shall be the responsibility of the owner and he may be required to enter into a utility agreement attesting to this financial responsibility prior to approval of the final site construction plans.	
	5	Provide responses to these review comments with the submission of the revised plans.	

Reviewer Signature: 

Cotten Engineering, LLC

Mike Cotten, P.E.
10087 Concord Road
Seaford, De 19973
P. 302-628-9164
F. 302-628-9164

e-mail:

mcotten_eng@yahoo.com

Engineering

Surveying

*Management
Consultant*

August 18, 2016

Town of Milford
Planning & Zoning Department
201 S Walnut St
Milford, De 19963

Re: Gator & Associates, Inc
Preliminary CU Site Plan

Review # 3 - Response to City Engineer comments

Dear Mr. Pierce:

In response to your comments we offer the following:

**Comment #1:
Done**

**Comment #2
Done**

**Comment # 3
Done**

**Comment # 4
Done**

**Comment # 5
Done**

**Comment # 6
Done**

Comment#7

The area in the rear is millings and the Conservation District will not accept this area as existing paved for our stormwater calculations so it will be treated as future paved.

**Comment # 8
Done**

Comment # 9

The millings will be removed and then paved upon site work requirements.

Comment # 10

Done

Comment # 11

Done

P1

Comment # 1

Done

Comment # 2

Completion of the existing building is not known. Estimated to have been done in the 1970's

Comment # 3

A revised estimate has been provided.

Comment # 4

Done

Comment # 5

Done

Comment #6

Comment is acknowledged.

Comment#7

Comment is acknowledged.

Comment #8

Comment is acknowledged.

Comment #9

Comment is acknowledged.

Comment #10

Comment is acknowledged.

Comment #11

Comment is acknowledged.

Comment #12

Comment is acknowledged

Comment #13

Comment is acknowledged.

Comment #14

Yes, and additionally a cross access easement with the adjacent property will be provided prior to Final Plan approval.

Comment #15

The trash area has been re-aligned. The method of trash transportation from the facility to the dumpster will be at the discretion of the building occupant.

Comment #16

Comment is acknowledged. And the aisle width in the application is acceptable by the Fire Marshall.

Comment #17

Comment is acknowledged.

General

Comment #1

Comment is acknowledged.

Comment #2

Comment is acknowledged

Comment #3

Comment is acknowledged.

Comment #4

Comment is acknowledged.

Comment #5

Done.

Thank you,

Mike Cotten P.E.



PLANNING & ZONING DEPARTMENT
 P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
 MILFORD, DE 19963

www.cityofmilford.com

August 5, 2016

Michael Cotten, P.E.
 Cotten Engineering
 10087 Concord Road
 Seaford, DE 19973

RE: Gator and Associates, Inc. – Preliminary Conditional Use Site Plan – Review #3

Mr. Cotten,

The City of Milford Planning & Zoning Department and the City Engineer (Davis, Bowen & Friedel) have reviewed the above referenced Preliminary Conditional Use Site Plan and provide the following comments. These comments must be addressed prior to scheduling the application for Planning Commission and City Council meetings;

DWG/PAGE NO.	COMMENT NO.	PROJECT REVIEW COMMENTS
		Preliminary Site Plan
	9	<p>Data Column: Revise parking calculation. Please provide the rationale for each use based on Chapter 230, including the calculation for seating or square footage along with employees for each use. Provide a note for the total parking required at the bottom of the rationales. It is unclear on the number of employees for the fitness center and warehouse use as it is currently written. Please indicate which section of the code provides for 1 space per 300 square feet of area for the proposed warehouse. Keep in mind that if the owner obtains approval for a warehouse, retail and other uses will not be permitted without an amendment to the conditional use and site plan.</p> <p>In addition, the area used in the calculation for the proposed fitness center includes the entire square footage of the space dedicated on the plan view for the fitness center along with an additional 300 square feet of office space. I would eliminate the office space and bathroom reference and use the 1 per 200 square feet for the total floor area.</p> <p>Please confirm that the seating for the restaurant was reduced along with the number of employees. Please note that the number of seats provided on the drawing will be the number of seats permitted in the establishment. This includes outdoor seating.</p>
	10	Data Column: The estimated number of EDUs that will

		be generated by the proposed uses will be determined based on the fixture unit (FU) calculation, per the City's sewer ordinance. The number of fixtures will be determined by counting them on the architectural floor plan that will be required to be submitted. The estimated number of EDUs will be equivalent to 1 + (FUs/9).
	11	Adjust the City approval block to match the format of the other approval blocks. No text additions are required. I would recommend adjusting the heading to match the others, bold and underline.
	18	Please provide a drawing which shows the site in its current, existing state. Show and call out the two existing water meters and the existing cleanouts, if they are existing. And, on the proposed site, make it clear that the main building is the existing building with a note or in some other way. If any new utilities will be required, indicate this clearly on the plan and differentiate between the existing utilities and the proposed. Cleanout (existing or proposed) rim and invert elevations, sewer lateral lengths and invert elevations, and grease trap rim and invert elevations will be required to be provided on the final plan submission.
	19	The site plan contains several overlapping features and text that are difficult to read. This may be accomplished by addressing comment number 18 above. Adjust the overlapping text in the data column for parking requirements.
	20	Provide the parcel numbers and zoning districts for the adjacent parcels. The properties along Route 14 are C-3 while the property behind the subject parcel is R-3.
	21	Provide more detail to the proposed warehouse use. Does the owner anticipate breaking the building up into separate suites/units? Please be aware that if the warehouse is shown as is, additional approvals will be required to split into individual suites. In addition, the parking calculation states no employees, which will be taken into consideration if and when businesses attempt to occupy the warehouse.
	22	Milford-Harrington Highway is State Route 14. Please revise note 4 and the plan accordingly.
	24	Provide dimensions of each building.
	26	Make sure the references to square footages of the existing and proposed buildings and suites are accurate and consistent throughout the document. Under the "Anticipated Traffic Flow Distribution" there are conflicting building square footages. Please adjust. Also, the text mentions SR36, not SR14. In addition, provide the square footage for the restaurant use and provide accurate dimensions of the suites on the site plan.
	27	On the site plan, label proposed retail, restaurant and warehouse uses.
	28	Differentiate between existing and proposed pavement.

		This could be accomplished under comment number 18.
	29	The drive aisle in front of the existing building currently connects to the drive aisles of the adjoining parcels on either side of the applicant's parcel. Are these interconnections to be preserved?
	32	On the front row of parking spaces, the last space to the north encroaches onto the neighboring parcel, please adjust.
	37	The trash pads located between the existing building and the warehouse will not be able to be accessed by a trash truck if vehicles are parked in the two adjacent parking spaces. In addition, large trucks and emergency vehicles such as fire trucks will be required to back out of the three drive aisles located between the existing building and the stormwater management area, if vehicles are parked in the adjacent parking spaces. It appears that one of the trash pads has been rearranged to allow for easier access, please adjust second pad site.
	44	Provide water, sewer and electric service to the proposed warehouse.
		General
	45	Provide a letter of no objection from DelDOT
	46	The site will require approval from the State Fire Marshal's Office.
	47	The site will require approval from Kent Conservation District.
	48	Provide responses to these review comments with the submission of the revised conditional use site plan.
	49	Update your conditional use application summary and written narrative to reflect the revised conditions.

Please revise and resubmit for review. Feel free to contact me at 302-424-3712 ext. 311 should you have any questions regarding this letter.

Sincerely,



Rob Pierce
Coordinator of Planning &
Economic Development Activities

Cotten Engineering, LLC

Mike Cotten, P.E.
10087 Concord Road
Seaford, De 19973
P. 302-628-9164
F. 302-628-9164

e-mail:
mcotten_eng@yahoo.com

Engineering

Surveying

*Management
Consultant*

August 18, 2016

Town of Milford
Planning & Zoning Department
201 S Walnut St
Milford, De 19963

Re: Gator & Associates, Inc
Preliminary CU Site Plan

Review # 3 - Response to Comments

Dear Mr. Pierce:

In response to your comments we offer the following:

Comment #9:

The parking calculations and building information has been revised per your comment.

Comment #10

The EDUs have been revised and FU have been shown and calculated per your comment.

Comment # 11

The signature block has been revised per your comment.

Comment # 18

An existing Conditions plan is included in this submittal.

Comment # 19

We acknowledge your comment.

Comment # 20

The adjacent Parcel numbers and their respective info has been added to the plan.

Comment#21

The owner is planning on dividing the proposed warehouse into 4 units and may not need water or sanitary service.

Comment # 22

The Street name has been revised per your comment.

Comment # 24

The buildings have been dimensioned.

Comment # 26

The building areas are different as DelDOT calculations are based on gross square footage of the buildings and the Towns parking calculations, per your previous comment(s), are based upon usable patron area(s) and restaurant seating.

Comment # 27

The proposed building uses have been called out.

Comment # 28

We acknowledge your comment.

Comment # 29

The drive isle adjoining the parcels to the north and to the south will remain in service.

Comment # 32

The parking has been adjusted per your comment.

Comment # 37

The interior road has been revised, along with the parking to provide better flow through the site for emergency services and for the trash trucks.

Comment # 44

Proposed utilities have been added to the plan.

Comment #45

We have submitted to DEL-Dot and will submit approval when received.

Comment#46

We have prepared a submittal package for State Fire Marshal review.

Comment #47

We are in progress of designing the site stormwater management facility and expect to utilize quality treatment through grass swales and infiltration in the rear of the site.

Comment #49

Will be submitted under separate cover.



R-3
Solar Farm

Subject Parcel

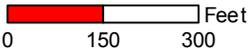
C-3

Milford-Harrington Highway

US Cold Storage
I-1

 Proposed Conditional Use Site Plan



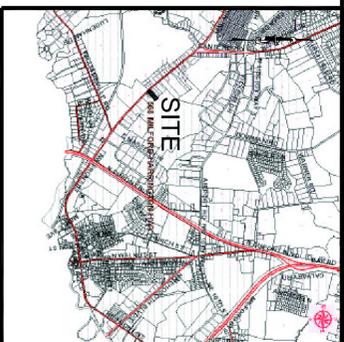
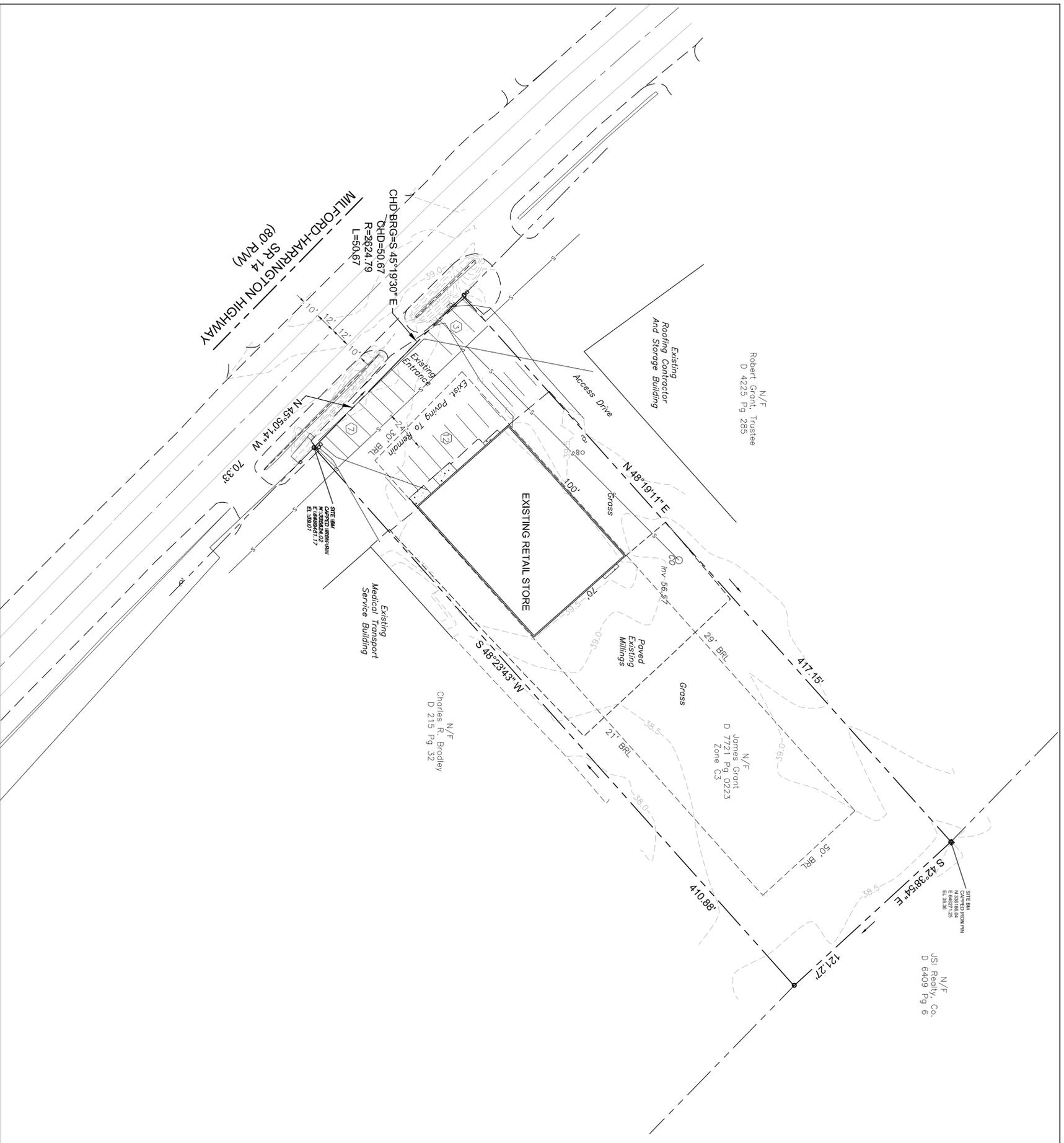
Scale:  Feet
0 150 300

Drawn by: WRP Date: 08/01/16

Title:

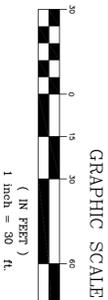
Conditional Use Site Plan
Gator & Associates, Inc.
Location & Zoning Map

Filepath: ConditionalUse_GatorAssociates.mxd



LEGEND

- == PROPERTY LINE
- == ADJACENT PROPERTY LINE
- == CENTER LINE OF ROAD
- == PROPOSED CONTOUR
- == EXISTING FENCE
- == PROPOSED FENCE
- == EXISTING SANITARY SEWER & MH AND MANHOLE
- == EXISTING WATER LINE
- == PROPOSED WATER LINE
- == EXISTING VALVE AND GATE VALVE
- == EXISTING FIRE HYDRANT
- == SOILS LINE
- == CENTURINE SWALE
- == BUILDING RESTRICTION LINE
- == EXISTING WOODS LINE
- == EXISTING POWER POLE
- == STORM DRAIN MANHOLE
- == EXISTING CATCH BASIN
- == EXISTING CONCRETE MONUMENT
- == EXISTING PIN FOUND
- == EXISTING SPOT GRADE x 24.31
- == PROPOSED SPOT GRADE
- == PROPOSED FIRE HYDRANT



SITE NOTES NOTES

1. THE SITE IS LOCATED ON THE NORTHEAST SIDE OF MILFORD-HARRINGTON HIGHWAY AND 3,600' NORTHWEST OF THE INTERSECTION OF MILFORD-HARRINGTON HIGHWAY AND DUPONT BOULEVARD AND IS WITHIN THE CITY OF MILFORD TOWN LIMITS, KENT COUNTY, DELAWARE.
2. BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 10050500371, DATED JANUARY 1, 2005, THE SITE IS LOCATED IN AN AREA DESIGNATED AS ZONE "X", WHICH IS IN AN AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN.
3. PRIOR TO ANY CONSTRUCTION ACTIVITIES, PERMITS AND/OR APPROVALS ARE REQUIRED FROM:
 - A) KENT CONSERVATION DISTRICT.....(302) 741-2600 X. 3
 - B) FIRE MARSHAL.....(302) 856-5298
 - C) DESS-DIVISION OF HEALTH.....(302) 739-7431
 - D) DESS-DIVISION OF HEALTH.....(302) 739-5931
 - E) OHIO SPUR DIVISION.....(302) 742-5712
 - F) CITY OF MILFORD.....(302) 742-5712
4. THE TOPOGRAPHY SHOWN ON THESE DOCUMENTS IS AT ONE-FOOT FOOT CONTOUR INTERVALS, FIELD TOPOGRAPHIC SURVEY WAS PERFORMED BY COTTEN ENGINEERING, LLC IN MAY 2016.
5. CLASS "URBAN" SURVEY.
6. NO TITLE SEARCH WAS PERFORMED OR PROVIDED IN PREPARATION OF THIS PLAN. TITLE REFERENCE TO DEED BOOK 7721 PAGE 223.
7. TITLE REFERENCED TO DB DEED BOOK 7721, PAGE 0223.
8. "SUBURBAN" SURVEY.
9. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, KENT COUNTY, DE AND/LOT BOOK 28, PAGE 160.
10. BUILDING SETBACKS: 30' FRONT, 20' MIN SIDE, 50' AGGREGATE, 50' REAR, CONFIRMED BY CITY OF MILFORD COUNTY PLANNING AND ZONING.
11. CURRENT ZONE C3 HIGHWAY COMMERCIAL DISTRICT.
12. 50,094.45SF OR 1.152 ACRES
13. EXISTING BUILDING ERCTED

BOUNDARY SURVEY

FOR THE LANDS N/F OF
 JAMES GRANT
 MILFORD HUNDRED
 TM# 5-16-17300-01-1200-00001
 KENT COUNTY
 MILFORD, DELAWARE

MICHAEL S. COTTEN, P.E.
 LICENSE# 12769

EXISTING FEATURES

COTTEN ENGINEERING LLC
 CIVIL ENGINEERING, SURVEYING, ENVIRONMENTAL PLANNING
 CONSULTANTS

10087 CONCORD RD SEAFORD DE. 19973 PH: (302) 628-9164 FAX: (302) 628-9164

#	
1.	
2.	
3.	
4.	
5.	
6.	

SCALE: 1"=50'

DESIGNED: CE

PLANNED: CE

DRAWN: MCHBK

APPROVED: MC

JOB: 16-104

SHEET NO. 1 OF 1

Conditional Use Application
For James Grant
586 Milford-Harrington Highway

As it currently stands, the site is a storage warehouse for the roofing contractor next door. Also known as the former Milford Glass. The plans for the site are to convert this warehouse into a Brew-pub style restaurant, with the eventual goal of a mixed-use site with a fitness/recreation center sharing the site/building with the brew pub. A new 1,800 sf warehouse for storage will also be erected in the rear of the site.

The existing structure will remain, with the exterior essentially remaining the same other than basic restoration and the interior being remodeled as per the Architectural plans in order to suit the new mixed use. Part of the brew pub portion of the building will also include an outdoor seating area as shown on the plan, which will be surrounded by a decorative fence. This is the extent of the landscaping being done other than that which is being done to provide parking. Other portions of the lot itself will be paved over in order to provide for 44 spaces (with 4 being ADA compliant, as per code). Parking will be available at the front and the rear portions of the building. The building's electric, sewer, and water are all currently serviced by Kent County / City of Milford and those lines are to remain in place except as required for service improvements. A new water service will be added for fire suppression requirements at the brew pub and a new water and sanitary services will be provided for the new warehouse units in the rear of the site.

The development of the parcel should have no impact on the adjacent parcels with the exception of a cross access easement will be provided with Grant roofing located to the west of this site. This project should not have any impact on the adjacent parcels' operation or potential for development.

Between the brew pub and the recreation center, there will be 10-12 full time job equivalences (employees) and estimated 6-8 part time positions created. Hours of operation for the brew pub will be 4:00 PM to 11:00 PM from Sunday to Wednesday and 4:00 PM to 1:00 PM from Thursday to Saturday. Typically, 2-3 employees will work in the distillery from 8:00 AM to 4:00 PM; at this time they will leave and 4-5 employees will work during the hours of operation.

The fitness center will have 1-2 employees during the day and evening hours seven days/week. The warehouse units will be available seven days/week. The sole potentially hazardous item on the facility site is the bulk alcohol generated at the brew pub. Any risks associated with this, will be minimized by storing it in the distillation room, which will have fire suppression sprinklers approved by the State Fire Marshall.

**LEGAL DESCRIPTION FOR
OF THE LANDS NOW OR FORMERLY OF
JAMES GRANT
586 MILFORD-HARRINGTON HIGHWAY
MILFORD, DE 19963
MILFORD HUNDRED
KENT COUNTY, DELAWARE
TM# 5-16-17300-01-1200-00001**

COMMENCING at an iron pin found, said pin having coordinates in the Delaware State Plane coordinate system of N: 335824.02 and E: 646046.17, said pin also being the point of **BEGINNING** and a corner for this lot and the southeasterly right of way line of Milford-Harrington Highway (KCR 036, 80' wide) and the lands now or formerly of Charles R. Bradley, thence with the right of way line of Milford-Harrington Highway, having the following two bearings and distances: thence having a bearing of North 45°50'14'' West for a distance of 70.33 feet, to a point, thence with a curve to the left having a chord with bearing North 45°19'30'' West and distance 50.67 feet, said curve having a radius of 2624.79 feet and an arc length of 50.67 feet, to a point 0.80 feet from an iron pin found, thence with the lands now or formerly of Robert Grant, Trustee, having a bearing of North 48°19'11'' East for a distance of 417.15 feet, to an iron pin found, thence with the lands now or formerly of JSI Realty Co., having a bearing of South 42°38'54'' East for a distance of 121.27 feet, to an iron pin found, thence with the lands now or formerly of Bradley, having a bearing of South 48°23'43'' West for a distance of 410.88 feet, to the point and place of **BEGINNING**.

CONTAINING 50,094± square feet or 1.150± acres more or less.



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

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

- A. Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.
- B. Permitted uses. Permitted uses for the C-3 District shall be as follows:
 - (1) Those uses permitted in the C-2 District.
 - (2) Warehouses.
 - (3) Large retail outlets.
 - (4) Indoor storage accessory building.
 - (5) Fast-food restaurants and drive-in restaurants.
 - (6) Supermarkets.
 - (7) Truck and trailer rentals.
 - (8) Roadside produce market.
 - (9) Memorial stone shop.
 - (10) Outdoor commercial recreational facilities, not motorized vehicles.
 - (11) Swimming club.
 - (12) Indoor facility for amusement or assembly.
 - (13) Bus station.
- C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:
 - (1) Motels or hotels with a minimum lot size of three acres.
 - (2) Commercial greenhouse.
 - (3) Wholesale establishment.
 - (4) Newspaper publishing or printing establishment.
 - (5) Contractors', craftsmen's or general service shops, including welding and similar shops.
 - (6) Laboratory, testing and research.
 - (7) Car repair shops.
 - (8) Used car lots.
 - (9) Telephone central office or television cable central office.
 - (10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:
 - (a) All facilities shall be located and all services shall be conducted on the lot.
 - (b) All repair work shall be conducted within an entirely enclosed building.
 - (c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.

- (d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.
 - (e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
 - (f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.
- (11) Shopping center, subject to site plan review and the following site requirements:
- (a) The total shall not be less than one acre.
 - (b) The site must be served by public water, sewer and electricity.
 - (c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.
 - (d) Traffic and parking.
 - [1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.
 - [2] Access to state highways shall be controlled by the State Department of Transportation.
 - [3] The minimum distance between accessways and a residential district shall be 50 feet.
 - [4] Spacing of accessway.
 - [a] From adjoining property: 50 feet.
 - [b] From minor intersections: 50 feet.
 - [c] From major intersections: 100 to 150 feet.
 - [5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.
 - [6] Parking lots shall be attractively landscaped as shown on the general site plan.
 - (e) Setback.
 - [1] From street right-of-way: 15 feet.
 - [2] From nonresidential districts: 15 feet.
 - [3] From residential districts: 100 feet.
 - (f) Buffering and landscaping.
 - [1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.
 - [2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.
- (12) Day-care centers, with site plan required.
- (13) Car wash, all types (staffed, automatic, self-service, etc.).
- (14) Convenience stores with gas pumps.
- (15) Community residential treatment program.
- (16) All dwellings other than single-family with a maximum density of 12 units per acre.
- (17) Business, commercial or industrial uses that do not adversely affect neighboring properties.**
- (18) Billboard, subject to the following:

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

D. Area regulations.

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

ARTICLE IV - Off-Street Parking and Loading

§ 230-20. - General provisions.

- A. Establishment of off-street parking area. The establishment of any off-street parking area having a capacity of four or more automobiles shall be subject to the approval of the Code Official and further subject to the following requirements. It shall:
 - (1) Have a buffer strip at least five feet wide between it and any adjacent residential lot.
 - (2) Be attractively landscaped and screened from neighboring residential lots.
 - (3) Not extend into any required front yard areas, except for the driveways.
 - (4) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.
- B. Parking space size. Parking space sizes shall be in accordance with § 230-21.
- C. Parking spaces in driveways. Driveways shall be considered as constituting off-street parking space for one-family detached, semidetached or townhouse dwellings in residential districts, provided that sufficient space is available in such driveways to meet the requirements of this section.
- D. Location of parking spaces. All parking spaces shall be set back 15 feet from any street line. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.
- E. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.
- F. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking areas for downtown shoppers. The location of the municipal parking lots are:

- (1) North Walnut Street and Northeast Front Street.
 - (2) Park Avenue and Northeast Front Street and Denney Row.
 - (3) Park Avenue and North Washington Street.
 - (4) Southeast Front Street between South Walnut Street and Church Street.
 - (5) Southeast Front Street and South Washington Street.
- G. Parking lot and garage maintenance. Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.
- H. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.
- I. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.
- J. Points of ingress and egress. When the parking garage buffer strip is adjacent to any public street upon which the lot has frontage, the fifteen-foot buffer strip which extends for the full frontage of the lot may be interrupted only at points of ingress and egress. Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than 25 feet and not more than 32 feet in width. No two accessways on the same lot shall be placed within 75 feet of each other.

§ 230-21. - Parking and loading standards.

A. Design standards (general).

- (1) Parking spaces and aisle ways shall be designed in accordance with the following dimensional standards:

Parking Angle	Stall Width (feet)	Aisle Way to Curb (feet)	Aisle Way Width
90°	9	18	As required by State Fire Marshal
60°	9	20	As required by State Fire Marshal
45°	9	18	As required by State Fire Marshal
Parallel	10	20	As required by State Fire Marshal

- (2) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).
- (3) All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.
- (4) Exceptions to the design standards shall be permitted as follows.

B. Use standards. All uses permitted in this chapter shall be subject to the following minimum off-street parking requirements in addition to any special requirements as indicated in each zoning district.

Types and Uses	Required Off-Street Parking Spaces
Retail stores and shops, all types, supermarkets, retail food stores and undertakers	1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees
New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions	4 per salesperson, plus 1 per per 2 employees during the period of greatest employment
Personal service establishments, laundromats and dry cleaning	1 per 200 square feet of gross floor area
Banks and other financial institutions	1 per 200 square feet of gross floor area, plus 1 for each employee
Business, governmental and professional offices	1 per 100 square feet of gross floor area
Medical and dental offices or clinics [Amended 7-14-1997]	From 1 per 100 square feet gross floor space for medical and dental offices or clinics to 1 per 150 square feet of gross floor area for medical and dental offices or clinics
Hospitals	1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment
Sanatorium or nursing home	1 for every 4 beds
Churches and other places of worship	1 per 5 seats
Indoor and commercial outdoor recreation	1 for each 150 square feet of gross floor, building or ground area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility

Restaurants, taverns and similar uses	1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment
Dwelling, one-family detached, semidetached or mobile home	2 1/2 per dwelling unit
Dwelling, townhouse, garden apartment or multifamily dwelling	2 1/2 per dwelling unit
Rooming and boarding house or converted unit	1 per rented unit
Museum, art gallery and similar use	1 per 4 seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 for each 2 employees on the shift of greatest employment
Public library	1 per 400 square feet of gross floor area for public use, plus 1 per 2 employees on the shift of greatest employment
Fire station	25
Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center	1 per 4 fixed seats in the largest assembly room area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 per 150 square feet of gross floor area, whichever is applicable to the facility
Social club and fraternal, social service, union and civic organization building	1 per adult attendant, plus 1 per 100 square feet gross floor area devoted to such uses
Public or private school	3 per room used for administrative offices, plus 1 per room used for class instruction, plus 1 for each 5 seats in the auditorium and other places of assembly or facility available to the public
Industrial, manufacturing or wholesaling establishment	1 per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales
Hotel and motel	1 for each guest room plus 1 for each 3 employees

- (1) Reduction in the required number of off street parking spaces in the case of developments such as shopping centers or other commercial developments required to provide more than 50 off-street parking space.

The developer must set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this Ordinance, but, upon the request of the developer, if agreed by the City of Milford, the developer may be permitted to set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this chapter but not be required to construct more than 80% of the required parking spaces. In the event the developer is permitted to construct fewer than the required parking spaces, the remainder of the parking area set aside must be kept free of all construction and be planted and maintained as a grassy area and designated as Future Parking Space. The City of Milford may require construction of the remaining parking spaces at any time by the then owner of the premises upon giving the owner not less than six months' advance written notice. In the event of the granting of the waiver herein described, the fact of the grant as well as the requirement that the owner maintain the space set aside as a level grass area and that the City of Milford has reserved the right to require construction of the remaining parking spaces upon six months' notice to the owner of the site must be reflected in a note appearing on the subdivision or site development plans recorded.

C. Loading spaces.

- (1) No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following requirements:
 - (a) For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on the gross floor area devoted to such use shall be as follows:
 - [1] Five thousand to 7,999 square feet of floor area: one berth.
 - [2] Eight thousand to 19,999 square feet of floor area: two berths.
 - [3] Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of floor area: one additional berth.
 - (b) For hotels and motels, the number of berths based on the gross floor area devoted to such uses shall be as follows:
 - [1] Eight thousand to 20,000 square feet of floor area: one berth.
 - [2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.
 - (c) Each manufacturing, office research and industrial establishment with a total of 3,500 square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.
- (2) Loading spaces shall not be allowed in any front yard of any property.

ARTICLE V - Landscape Screening

§ 230-22. - District requirements.

A. Residential districts.

- (1) In any R-1, R-2 or R-3 District a landscape screen and/or fence or wall a minimum of six feet in height shall be planted and/or erected to separate any permitted nonresidential use from any

existing residential use on a contiguous lot. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.

- (2) In any R-3 District, for any lot developed for garden apartments or townhouses, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any contiguous lot developed as a single-family detached or semidetached residential dwelling on any contiguous lot zoned R-1 or R-2. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.
- B. Commercial districts. In any C-1, C-2 or C-3 District a fifteen-foot buffer area shall be provided within which a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any permitted use from any contiguous lot zoned R-1, R-2 or R-3 or any contiguous lot developed or approved for development for any residential use. Such landscape screen may extend into the lot setback, side yard or rear yard.
- C. Institutional, Industrial and Office Building/Complex Districts: H-1, I-1, I-2, OB-1 and OC-1.⁴ [¶](#)
- (1) Each use established in these districts shall set aside at least 20 feet in width immediately adjacent to any street upon which the lot has frontage, and extending for the full frontage of the lot, for purposes of providing for proper site distance and buffering from the public road. Within such area, the owner shall establish and maintain a planting of grass and/or horticultural ground cover. Other landscape materials may be incorporated, provided that there is no obstruction to vision, other than a tree trunk, in the area between two and seven feet above ground level. No use shall be made of this buffer area other than for a single driveway to provide access to the use for each 100 feet of frontage upon a public road. Such driveway shall not exceed 32 feet in width.
 - (2) Parking areas may be located in any hard area but shall not be closer than 15 feet to any street line or property line.
- D. Limited Industrial District. At the boundary line between an I-1 District and any R-1, R-2 or R-3 District or any lot developed or approved for development for residential use, there shall be a fifty-foot buffer area which shall include a landscape screen and/or fence or wall a minimum of six feet in height. Such landscape screen may extend into the lot setback, side yard or rear yard.⁵ [¶](#)

§ 230-23. - Maintenance.

It shall be the responsibility of the property owner of record or his delegated representative(s) to properly maintain and care for any landscape plan planted or erected.

ARTICLE VIII - Miscellaneous Provisions

§ 230-45. - Multiple permitted uses and mixed uses.

In any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.

ARTICLE IX - Conditional Uses

§ 230-46. - Purpose.

- A. The intent of the conditional use is to maintain a measure of control over uses that have an impact on the entire community. Generally, conditional uses may be desirable in certain locations for the general convenience and welfare. They must use the property in a manner that assures neither an adverse impact upon adjoining properties nor the creation of a public nuisance. In short, because of the nature of the use, it requires sound planning judgment on its location and site arrangement.
- B. Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this chapter, provided that the City Council shall find that the application is in

accordance with the provisions of this chapter after duly advertised hearings held in accordance with the provisions of Article XII.

§ 230-47. - Application and approval procedures.

- A. The application for a conditional use shall first be made with the Code Official, who shall then forward the materials to the Planning Commission.
- B. The Planning Commission shall study such information and make recommendations to the City Council within 60 days of the Code Official's referral to the Commission after holding a public hearing.
- C. The Council shall then act within 60 days of the receipt of the Commission's recommendation to either approve with conditions or deny such use after holding a public hearing. The Council's decision shall be based on the determination that the location of the use is appropriate, it is not in conflict with the Comprehensive Plan and it is consistent with the purpose and intent of this chapter.

§ 230-48. - Criteria for evaluation.

The following criteria shall be used as a guide in evaluating a proposed conditional use:

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

§ 230-49. - Conditions for approval; expiration.

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 230-48 and that such use will continue to do so.
- B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
- C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. See fee schedule.
- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.
- F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

ARTICLE X - Site Plan Review

§ 230-50. - Purpose.

The site plan review has a twofold purpose. It is to assure that the large-scale developments are in accord with the Comprehensive Plan and that such developments comply with the regulations of this chapter. Site

plans are required to assure good arrangement and appearance of new development; ensure harmony with existing structures; assure consistency with the City's adopted building and design standards, the Comprehensive Plan, and the City's Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design; to provide an understanding of the impacts of proposed development on public facilities and services and ensure the availability and adequacy of the same; and to otherwise meet the purposes of this chapter.

§ 230-51. - Guidelines.

Guidelines for determining what site plans shall be reviewed by the Planning Commission shall be as follows:

- A. Automatic determination of review. Certain types of developments, due to the nature of their impact on the entire community, shall automatically have their site plans reviewed by the Planning Commission, including the following:
 - (1) Residential:
 - (a) Townhouses.
 - (b) Garden apartments.
 - (c) Planned unit developments.
 - (d) Mobile home parks.
 - (2) Commercial: shopping centers.
 - (3) Institutional: hospitals.
 - (4) Industrial: all industrial developments.
- B. Discretionary determination of a review. The Code Official shall have discretion in determining what proposed developments other than those enumerated above shall have their site plans reviewed by the Planning Commission. When making such a decision, the Code Official shall consider but not be limited to the following factors:
 - (1) If the traffic flow will be greatly altered. Flow includes:
 - (a) Pattern.
 - (b) Volume.
 - (c) Hazard involved.
 - (d) Time involved.
 - (2) If parking on a large scale is required.
 - (3) If public utilities or works must be expanded to accommodate the development.
 - (4) If there is a change in the existing land use pattern.
 - (5) If there are incompatible uses within the proposed development or in relation to the abutting districts.
 - (6) If there may be difficulty in meeting existing performance standards.

§ 230-52. - Review procedure.

- A. Preliminary approval.
 - (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the 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 shall approve the application with or without conditions, deny the application, or table the application.
 - (4) Preliminary approval from the Planning Commission shall be void after one year, unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.
- B. Final approval.
- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by 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. 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 consistent with the preliminary plan, if applicable, and 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 shall approve the application with or without conditions, deny the application, or table the application.
 - (4) Prior to receiving final site plan approval, the City Engineer shall provide a copy of the signed subdivision agreement to the City Planner.
 - (5) Within 90 days of final approval from Planning Commission, the applicant 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. Three sets will be returned to the applicant.
 - (6) Upon recordation of the plat, the applicant 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 plat within 90 days of Planning Commission approval will result in the approval being voided.
- C. The site plan review by the Planning Commission shall be limited to those proposed developments enumerated by this chapter and to those proposed developments that require a site plan review as determined by the City Planner. No other site plans shall be considered by the Planning Commission for review.

§ 230-52.1. - Site plan expiration.

If construction of approved buildings and improvements is not substantially undertaken within one year of final site plan approval, the site plan approval shall be void. The applicant may, however, request and the Planning Commission may grant a one-year extension for good cause.

NOTICE OF PUBLIC HEARINGS
PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 20, 2016
CITY COUNCIL PUBLIC HEARING: SEPTEMBER 26, 2016

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, September 20, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 26, 2016 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

Ordinance 2016-16

Gator & Associates Inc on behalf of James Grant for a Conditional Use for Multiple Permitted Uses and Mixed Uses and a Business, Commercial or Industrial, in a C3 (Highway Commercial) District on 1.2+/- acres. Property is located at 586 Milford-Harrington Highway, Milford, Delaware. Present Use: Vacant Storage Warehouse; Proposed Use: Brew Pub with Distillery, Fitness Center and Warehouse.

Tax Map MD-16-173.00-01-12.00

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on September 20, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on September 26, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for Multiple Permitted Uses and Mixed Uses and a Business, Commercial or Industrial as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, Gator & Associates Inc on behalf of James Grant is hereby granted a Conditional Use Permit to allow a Brew Pub with Distillery, Fitness Center and Warehouse, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

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

Section 3. Dates.

Planning Commission Review & Public Hearing: September 20, 2016

City Council Introduction: September 12, 2016

City Council Public Hearing: September 26, 2016

Adoption: September 26, 2016

Effective: October 6, 2016

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

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 08/24/16

City of Milford



PROCLAMATION 2016-12

RECOGNIZING PUBLIC POWER WEEK

WHEREAS, the City of Milford, Delaware places high value on local control over community services and therefore, has chosen to operate its locally controlled, not-for-profit electric utility;

WHEREAS, the City of Milford Electric Department provides homes, businesses, farms, social services and government agencies with reliable, efficient and cost-effective electricity employing sound business practices designed to ensure the best possible service;

WHEREAS, the City of Milford's Electrical Service is a valuable community asset that contributes to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development and safety awareness;

WHEREAS, the City of Milford's Electric operation is dependable and trustworthy thus proving the reliable, affordable, environmentally responsible electricity needed to build strong communities.

NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, do hereby proclaim October 2 - 8, 2016 as Public Power Week in the City of Milford.

BE IT FURTHER RESOLVED that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power, which is best for consumers, business, the community and the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 26th day of September 2016.

Mayor Bryan W. Shupe

Attest:

City Clerk



Sussex County Association of Towns

20 W Fourth Street, Blades, Delaware 19973

Town of Bethany Beach

Town of Bethel

Town of Blades

Town of Bridgeville

Town of Dagsboro

Town of Delmar

Town of Dewey Beach

Town of Ellendale

Town of Fenwick Island

Town of Frankford

Town of Georgetown

Town of Greenwood

Town of Henlopen Acres

Town of Laurel

City of Lewes

City of Milford

Town of Millsboro

Town of Millville

Town of Milton

Town of Ocean View

City of Rehoboth Beach

City of Seaford

Town of Selbyville

Town of Slaughter Beach

Town of South Bethany

Sussex County Council

S.C.A.T. Dinner for Wednesday, October 5th, 2016

- LOCATION: Seaford Fire Hall
302 E King Street
Seaford, DE 19973
- TIME: 6:00 pm - Social (cash bar)
6:30 pm - Dinner
- HOST: City of Seaford
- SPEAKER: Candidate's Night
- COST: \$20.00
- MENU: Roast Beef
Oven Fried Chicken
Red Skin Potatoes
Succotash

Assorted Desserts

For reservations, please contact Tracy Torbert at the City of Seaford 302-629-9173 or via email at ttorbert@seafordde.com no later than **FRIDAY, SEPTEMBER 23RD, 2016 BY 12 NOON.**

Please make checks payable to the City of Seaford
Attention: Tracy Torbert
City of Seaford
414 High Street
Seaford, DE 19973

Reminder: S.C.A.T. Steering Committee Breakfast

Friday, October 7th, 2016 at 9AM, ARENA's Delaware Coastal Airport
Cost \$10.50 (checks written to Arena's)
RSVP to vikkiprettyman@bladesde.com



Many Delaware families struggle to feed themselves.

You can help by hosting a food drive. Find out more on www.fbd.org - click *Donate Food!*

August 22, 2016

City of Milford
PO Box 159
Milford, DE 19963

Dear City of Milford,

Thank you for your support of the Food Bank of Delaware! Each year, along with our 575 Hunger Relief Program Partners, we receive over 916,000 visits from Delawareans seeking emergency food assistance. Your gift in the amount of \$250.00, received 8/4/2016 (check # 227104) to the Food Bank's 2017 Annual Campaign will support our mission to provide nutritious foods to Delawareans and provide long-term solutions to the problems of hunger and poverty through community education and advocacy. **(Retain this letter as a tax receipt.)**

Your generous donation helps the Food Bank provide vital food and services to those who need it the most. Last year, the Food Bank distributed 160,080 backpack kits for schoolchildren so they could have meals to eat when they were not in school. Our after school meal program for children served over 243,000 meals. We distributed over 5.6 million pounds of food with the help of our Program Partners. We started a new Produce Prescription Program to provide fruits and vegetables to children in need. Your donations make such a difference to families and individuals who are struggling to put food on the table.

The Food Bank has been hard at work this summer meeting the needs of the community. Our Summer Food Service Program is well under way, serving breakfasts, lunches, dinners, and snacks daily to children who might otherwise go hungry without access to school meals. We are also very excited about our upcoming relocation to a larger, more efficient facility in Newark which should help us reach more people in need and touch more lives.

Don't forget to mark your calendars, our Halloween Blue Jean Ball will be held on October 22nd this year!

Thank you for being a champion for those at risk of going hungry. Together we can solve hunger in the state of Delaware.

Sincerely,

Patricia D. Beebe
President and CEO

No goods or services were received in exchange for this donation. Your contribution is deductible to the extent allowed by law.
Please retain this letter as a tax receipt.



PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

TO: Mayor and City Council

FROM: Rob Pierce, Coordinator of Planning & Economic Development Activities

VIA: Eric Norenberg, City Manager

DATE: September 8, 2016

RE: **Delaware Bayshore Byway Participation**

Provided in your packet is a handout that outlines the Delaware Bayshore Byway Program that is managed by the State of Delaware, Department of Transportation. The existing byway meanders along Route 9 from the City of New Castle to the Route 1 and Route 9 interchange southeast of Dover.

The State is interested in expanding the byway program connecting Dover to Lewes. Included in the proposed extension are towns like Frederica, Milford and Milton, along with the several bayside communities. Potential advantages to participation in the byway program include;

- Recognition as a State designated byway.
- Representation on the Byway Partnership Team.
- Inclusion in an updated corridor management plan.
- Ability to form partnerships to market and develop new Discovery Zones.
- Inclusion in the branding initiative for the Bayshore Byway.
- Leveraged funding opportunities for projects.

If the City decides to participate, the State and City will work together to develop the exact location of the byway. Milford is perfectly situated along the byway to provide the commercial resources needed for those traveling and experiencing the byway and bayshore area. Inclusion in the program would provide additional awareness and positive marketing for the community and its businesses.

Based on the above information and the presentation provided by the State, staff recommends the following motion;

“Move to support and assist DeIDOT in planning efforts of a proposed byway route through the City of Milford and to become part of the State designated Delaware Bayshore Byway.”

www.cityofmilford.com

Delaware Bayshore Byway

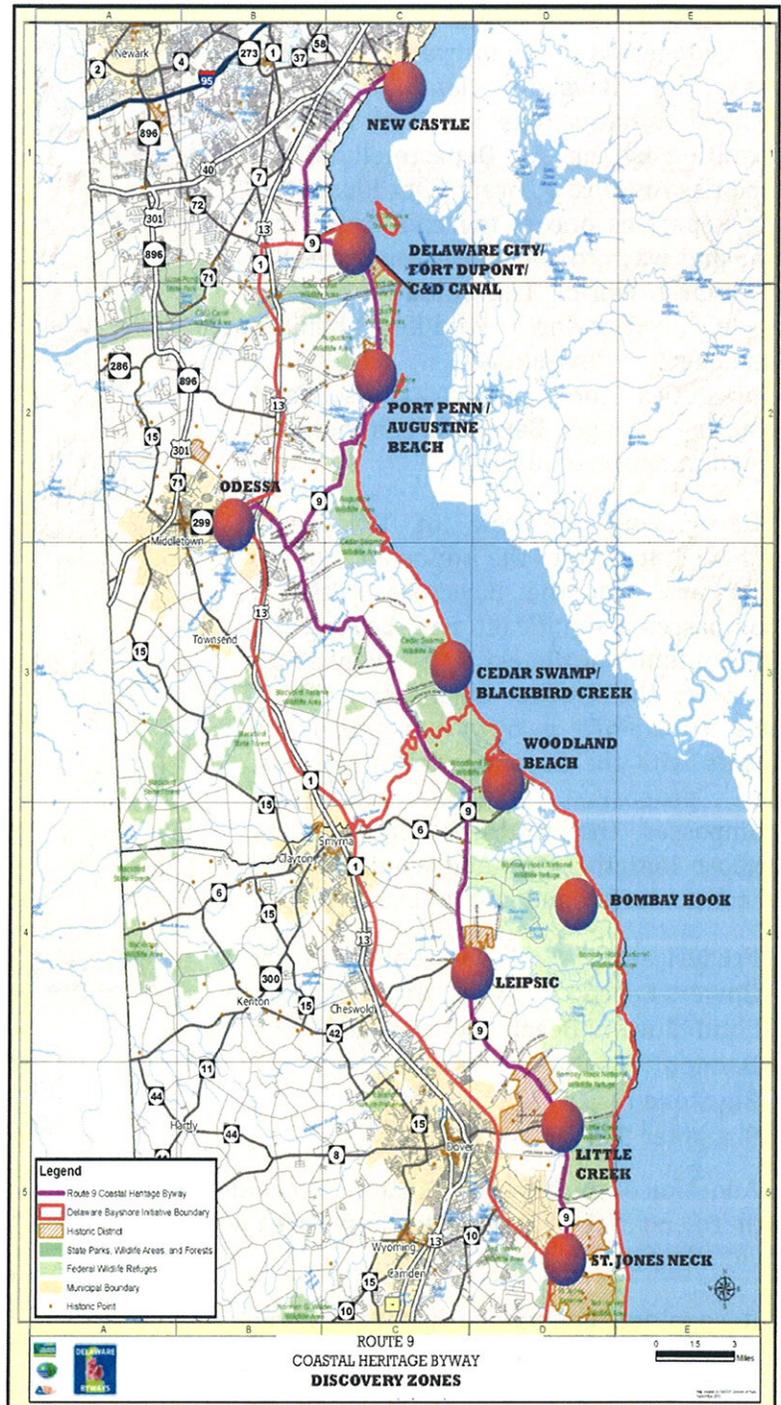
Delaware Bayshore Byway, nominated as a state byway in 2007, is a meandering road that connects major publicly owned natural areas, bucolic farms and nine coastal towns, providing many scenic water-based vistas that link all these features together. The byway currently extends for 52 miles, primarily along State Route 9, from the City of New Castle south to its junction with State Route 1 east of Dover. The story of the byway is about making a conscious decision to get off the crowded highways and letting your senses take in the majesty of Mother Nature in the wildlife and coastal communities of Delaware's Bayshore: *Welcome to Delaware's quieter and wilder side.* Leaving the bustling highways for the byway experience can be summed up as **"the road less traveled"**.

During the corridor management planning process, the concept of Discovery Zones was adopted. Discovery Zones (DZs) are destinations that embody activity areas where travelers can learn about the byway, engage in outdoor recreational activities on publicly accessible lands and participate in other byway pursuits and events. DZ can also provide information directing visitors to amenities in the area. Each DZ has existing or untapped assets that tell the byway story and engage byway travelers.

The DZs are, from north to south:

- New Castle
- Delaware City
- Port Penn / Augustine
- Odessa
- Cedar Swamp / Blackbird Creek
- Woodland Beach
- Bombay Hook
- Leipsic
- Little Creek
- St. Jones Neck

A "corridor management plan" was completed for the Bayshore Byway in November 2013. The plan can be viewed or downloaded here:



http://www.delawaregreenways.org/ScenicByway/ch_updates.html.

A Byway Partnership Team was then established to work cooperatively to implement recommendations in the corridor management plan. The team is composed of representatives of the communities and stakeholders along the Bayshore Byway.

Since the byway was first established in 2007, the *Delaware Bayshore Initiative* was established as a new effort to revive and rally cooperative conservation efforts across the Bayshore landscape. The Bayshore Initiative has received national recognition by the U.S. Department of the Interior's America's Great Outdoors 50-State Report as one of the country's most promising ways to reconnect Americans to the natural world. The initiative's goals include conserving wildlife habitat, enhancing low-impact recreation opportunities on public lands, and promoting stronger Bayshore communities by encouraging ecotourism.

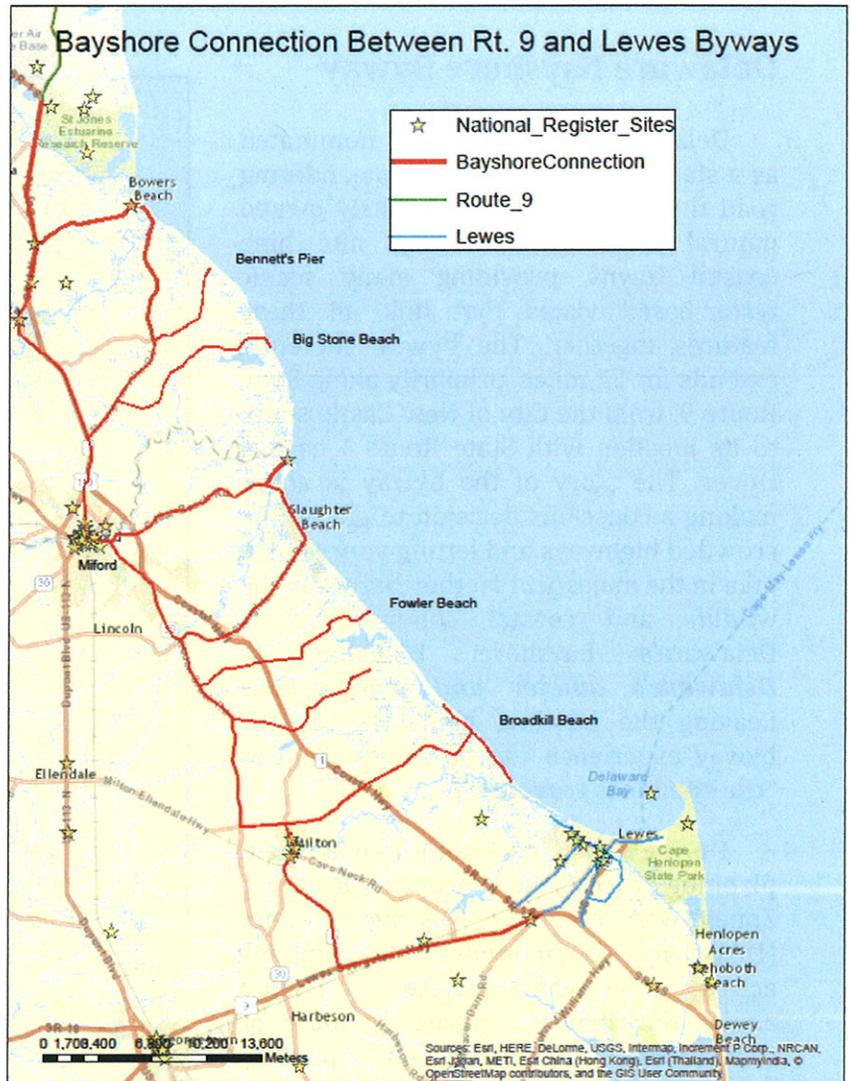
Recognizing the role of Delaware's Bayshore Initiative to the importance of the byway and that the Bayshore Initiative encompasses a significant area beyond the southern limits of the existing byway south to Lewes, the Byway Partnership Team voted to explore a byway extension to coincide with the Bayshore Initiative area. The proposed byway extension encompasses the southern end of the Bayshore Initiative area and would include the communities and areas listed below:

- Frederica
- Bowers Beach
- South Bowers Beach
- Bennett's Pier
- Big Stone Beach
- Slaughter Beach
- Fowler Beach
- Broadkill Beach
- Prime Hook
- Milford
- Milton

Adoption of the byway extension to include the southern end of the Bayshore Initiative area would provide the following advantages:

- Recognition as a state designated byway;
- Representation on the Byway Partnership Team;
- Inclusion in an updated corridor management plan;
- Ability to form partnerships to market and develop new Discovery Zones;
- Inclusion in the branding initiative for the Bayshore Byway; and
- Leveraged funding opportunities for projects.

More information about **Delaware Bayshore Byway** and the **Delaware Bayshore Initiative** can be found at these websites or by reaching out to the contacts provided here:



Delaware Bayshore Byway

http://deldot.gov/information/community_programs_and_services/byways/route9.shtml

http://delawaregreenways.org/portfolio_page/bayshore-byway/

Contact:

Mike Hahn, Byways Program Coordinator
 Email: MichaelC.Hahn@state.de.us
 Phone: 302-760-2131

Thomas (Chip) Kneavel, Bayshore Extension PM
 Email: Thomas.Kneavel@state.de.us
 Phone: 302-760-2527

Delaware Bayshore Initiative

<http://www.dnrec.delaware.gov/Pages/Delaware-Bayshore.aspx>

Contact:

Karen Bennett, Bayshore Initiative Coordinator
 Email: Karen.Bennett@state.de.us
 Phone: 302-739-9124



Delaware

BAYSHORE

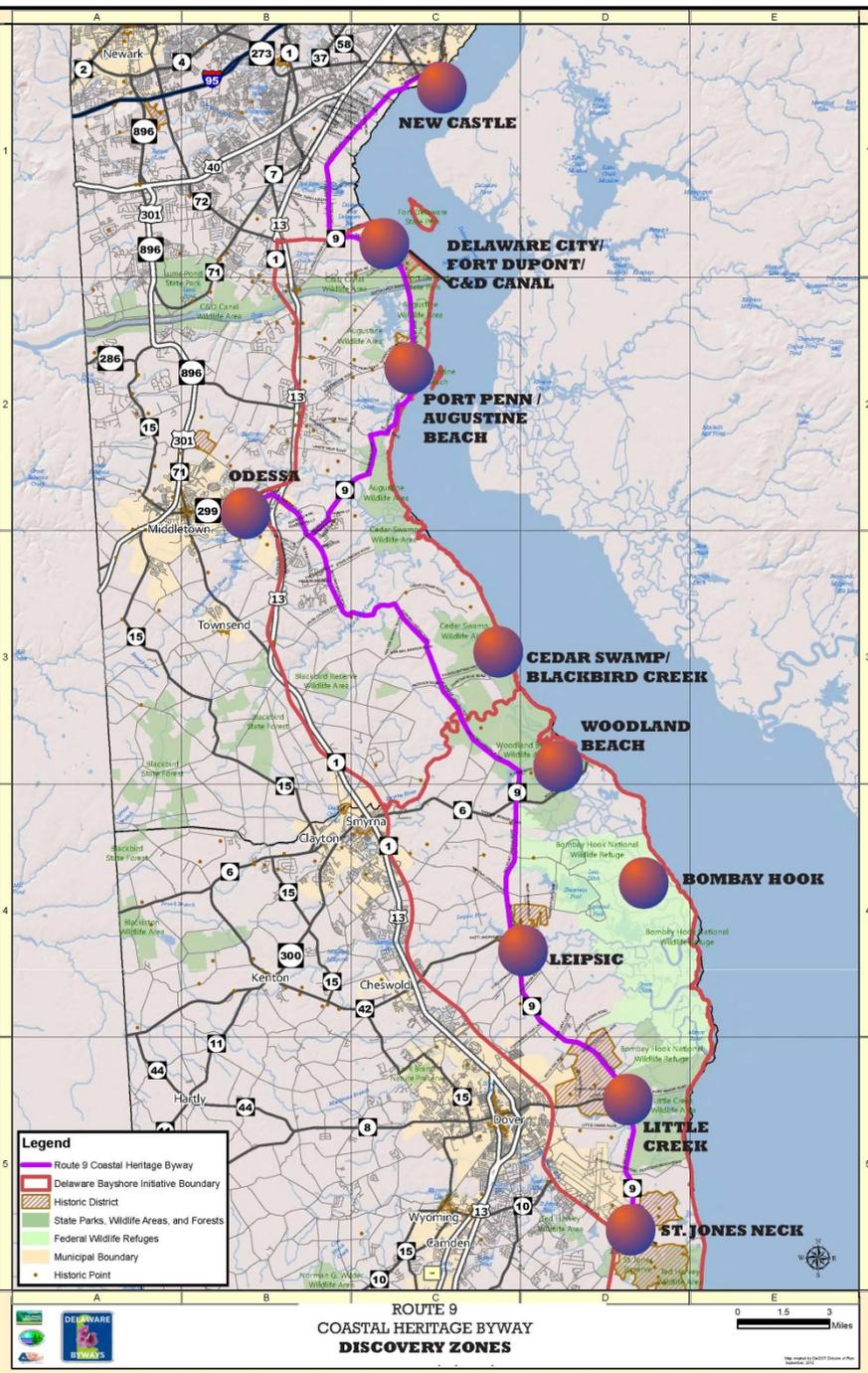
B Y W A Y

Chip Kneavel

Mike Hahn

Goals for Tonight

- 1) Explain the Delaware Byway program.
- 2) Describe the Bayshore byway and its benefits
- 3) Request the Town of Milford be part of the Delaware Bayshore Byway extension.



“A byway is a transportation route which is adjacent to or travels through an area that has particular intrinsic scenic, historic, natural, cultural, recreational or archeological qualities. It is a road corridor that offers an alternative travel to our major highways, while telling a story about Delaware's heritage, recreational activities or beauty. It is a route that is managed in order to protect its special intrinsic qualities and to encourage appreciation and/or development of tourism and recreational resources.”

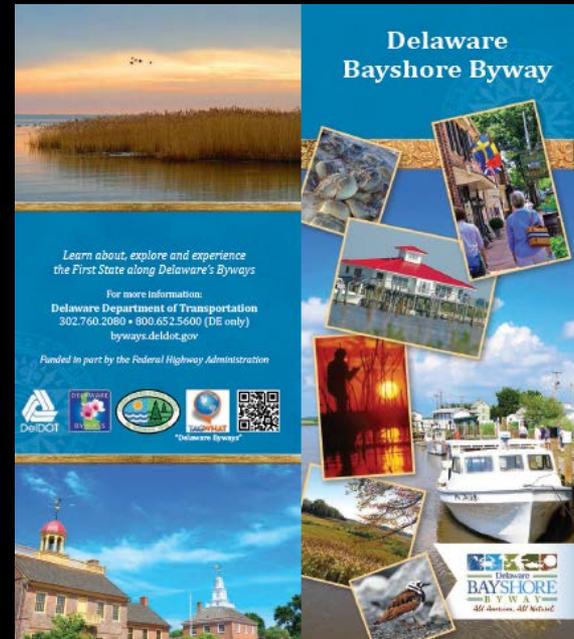
Delaware Byways Program

Legend

Byways routes

Name, direction

-  The Delaware Bayshore Byway Extension
-  Nanticoke Heritage Byway
-  Brandywine Valley National Scenic Byway
-  Harriet Tubman Underground Railroad Byway
-  Lewes Scenic and Historic Byway
-  Red Clay Valley Scenic Byway
-  The Delaware Bayshore Byway

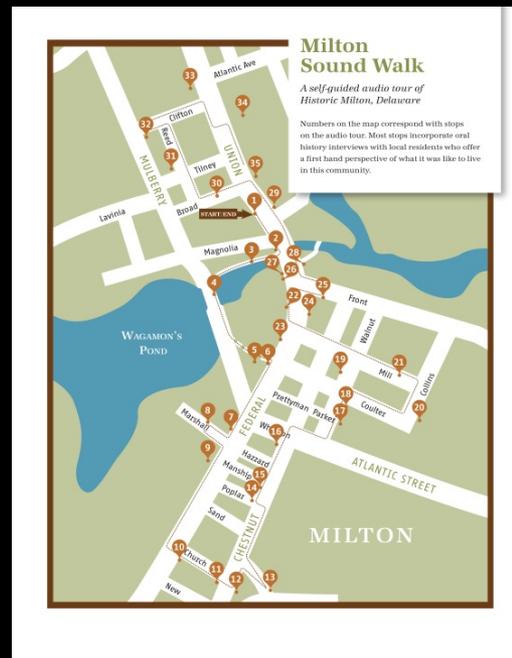
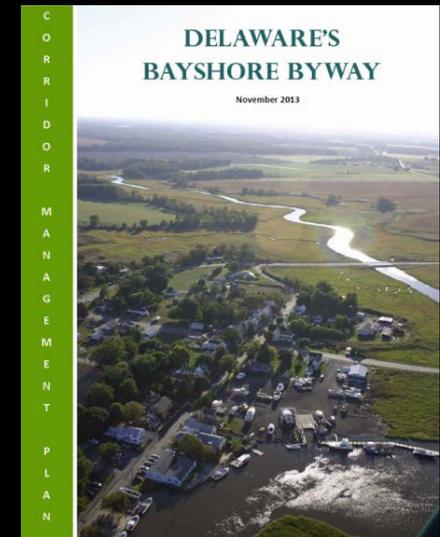


- Alternative route to major highways
- Tells a unique story about Delaware
- Protects and encourages appreciation of intrinsic qualities



Corridor Management Plans

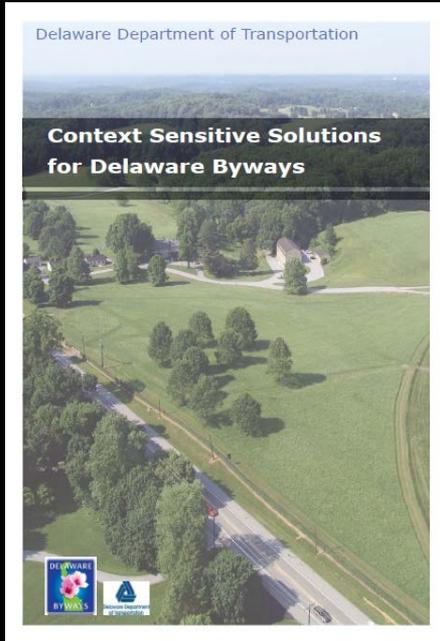
- **Management Strategies (Planning Tool)**
 - Preservation, Conservation, Enhancement
 - Telling the Story, Interpretation
 - Transportation and Safety
 - Marketing/Education/Tourism
 - Management
 - Smart Growth



Corridor Management Plans

Transportation and Safety

- Includes consideration of appropriate design guidelines and Context Sensitive Design (CSS).
- Encourages multi-modal designs (complete streets).



Since the Bayshore Byway was first established in 2007, the *Delaware Bayshore Initiative* was established as a new effort to revive and rally cooperative conservation efforts across the Bayshore landscape.

The Bayshore Initiative has received national recognition by the U.S. Department of the Interior's America's Great Outdoors 50-State Report as one of the country's most promising ways to reconnect Americans to the natural world.

The initiative's goals include conserving wildlife habitat, enhancing low-impact recreation opportunities on public lands, and promoting stronger Bayshore communities by encouraging ecotourism.

Delaware Bayshore Byway

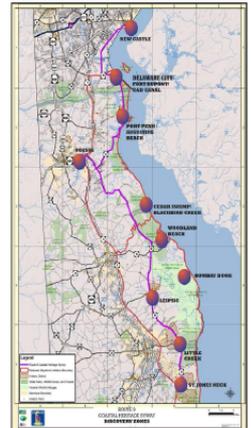
Delaware Bayshore Byway, nominated as a state byway in 2007, is a meandering road that connects major publicly owned natural areas, bucolic farms and nine coastal towns, providing many scenic water-based vistas that link all these features together. The byway currently extends for 52 miles, primarily along State Route 9, from the City of New Castle south to its junction with State Route 1 east of Dover. The story of the byway is about making a conscious decision to get off the crowded highways and letting your senses take in the majesty of Mother Nature in the wildlife and coastal communities of Delaware's Bayshore: *Welcome to Delaware's quieter and wilder side. Leaving the bustling highways for the byway experience can be summed up as "the road less traveled."*

During the corridor management planning process, the concept of Discovery Zones was adopted. Discovery Zones (DZs) are destinations that embody activity areas where travelers can learn about the byway, engage in outdoor recreational activities or publicly accessible lands and participate in other byway pursuits and events. DZ can also provide information directing visitors to amenities in the area. Each DZ has existing or untapped assets that tell the byway story and engage byway travelers.

The DZs are, from north to south:

- New Castle
- Delaware City
- Port Penn / Augustine
- Odessa
- Cedar Swamp / Blackbird Creek
- Woodland Beach
- Bombay Hook
- Leipsic
- Little Creek
- St. Jones Neck

A "corridor management plan" was completed for the Bayshore Byway in November 2013. The plan can be viewed or downloaded here:



<http://www.delawaregreenways.org/ScenicByway/12124.aspx>

A Byway Partnership Team was then established to work cooperatively to implement recommendations in the corridor management plan. The team is composed of representatives of the communities and stakeholders along the Bayshore Byway.

Center for Historic Architecture + Design

Feasibility Study of a Proposed Extension to the Coastal Heritage Scenic Byway from Route 9 to Lewes



Prepared by:

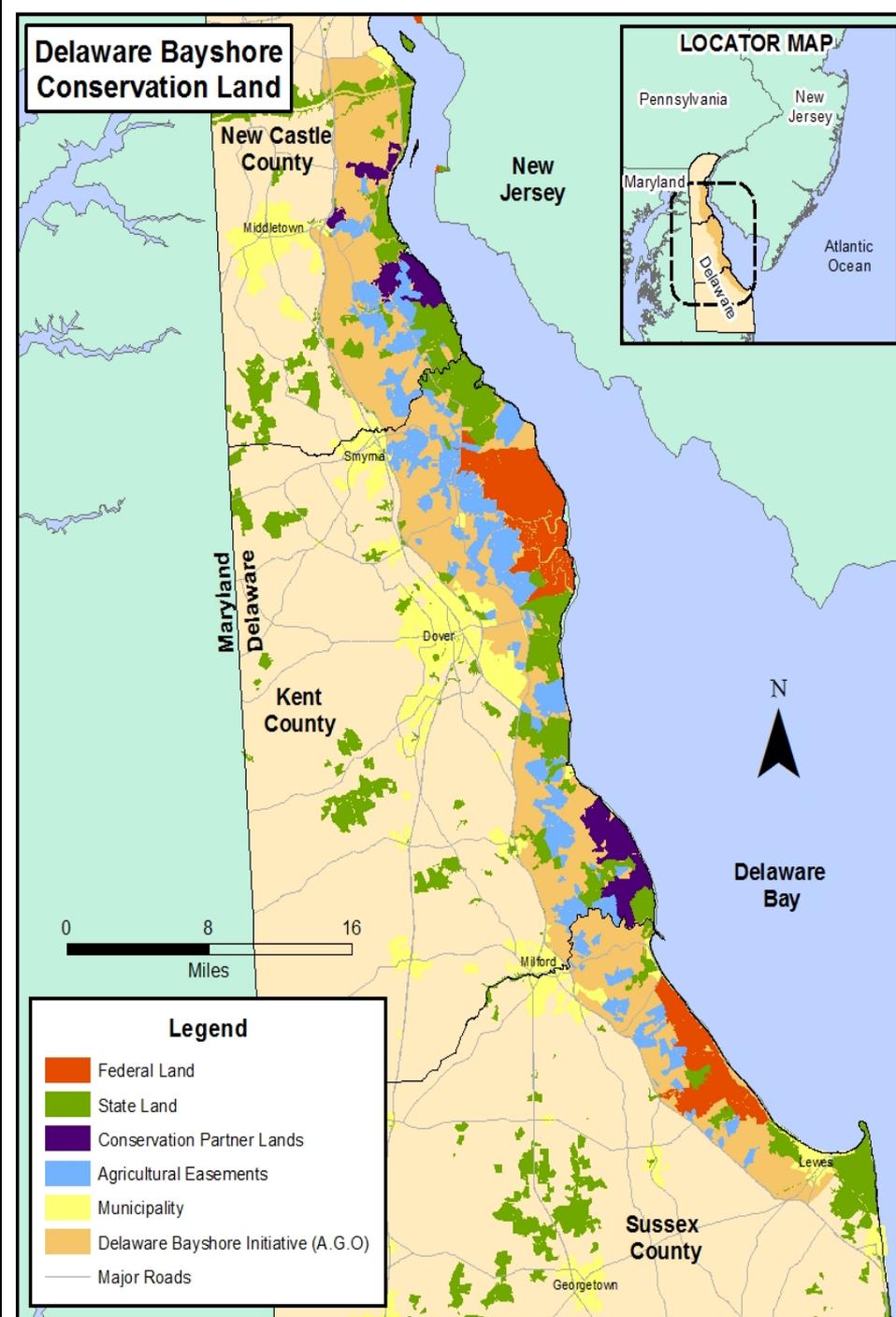
David Ames, Ph.D., PI Director, Center for Historic Architecture and Design
Professor of Urban Affairs and Geography

Jennifer Anderson, Tim Pouch, Allison Rice, Laura Proctor,
Gabrielle Visari and Candice Myrski, Graduate Research Assistants

February 20, 2013

Center for Historic Architecture and Design
015 Perkins Student Center
University of Delaware
Newark, DE 19716

Recognizing the important relationship between Delaware's Bayshore Initiative and the Bayshore Byway, coupled with the fact that the Initiative includes an area well beyond the southern limits of the existing byway, the Byway Partnership Team voted to explore a byway extension to coincide with the Bayshore Initiative area.





The proposed byway extension encompasses the southern end of the Bayshore Initiative area and would include the communities and areas of:

Fowler Beach*

Broadkill Beach**

Milford

Bennett's Pier*

Prime Hook WL**

Milton

South Bowers Beach**

Bowers Beach**

Frederica

Big Stone Beach*

Slaughter Beach**

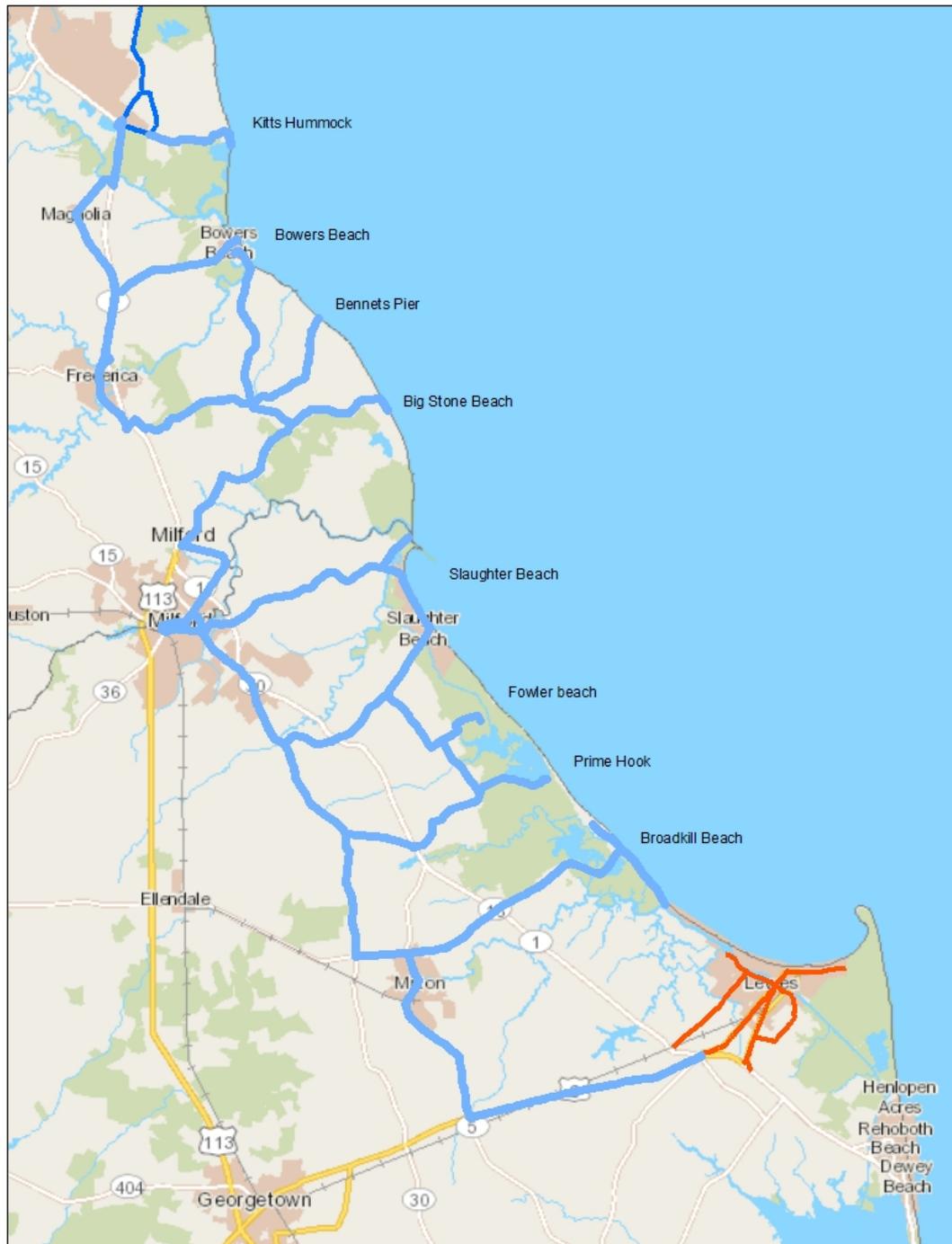
Magnolia

Adoption of the byway extension to include the southern end of the Bayshore Initiative area would provide the following advantages:

- Recognition as a state designated byway.
- Representation on the Byway Partnership Team.
- Inclusion in an updated corridor management plan.
- Ability to form partnerships to market and develop new Discovery Zones.
- Leveraged funding opportunities for projects.
- Inclusion in the branding initiative for the Delaware Bayshore Byway.

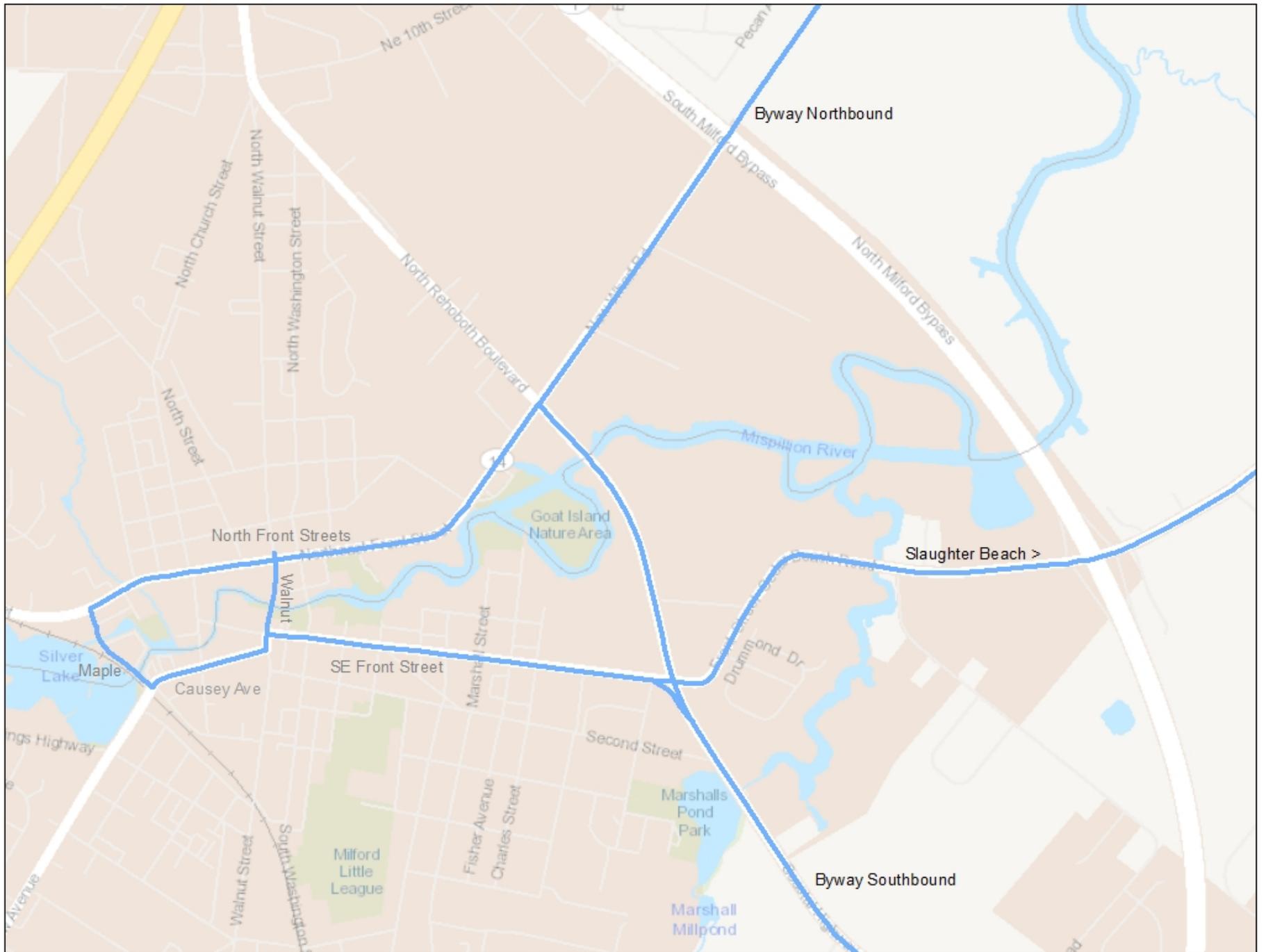






Intrinsic Resources Identified in Milford

- Historic/Cultural
 - North and South Milford Historic District
 - Parson Thorne Mansion
 - Causey Mansion
 - Milford Historical Society/ Milford Museum
- Recreational/ Cultural
 - Mispillion River Walk
 - Milford Art Stroll



Ne 10th Street

Pecan

Byway Northbound

South Milford Bypass

North Milford Bypass

North Church Street

North Walnut Street

North Washington Street

North Renoboth Boulevard

North Street

Millspillon River

Goat Island Nature Area

North Front Streets

Slaughter Beach >

Walnut

Silver Lake

Maple

Causey Ave

SE Front Street

Marshall Street

Drummond Dr

Highway

Second Street

Marshalls Pond Park

Milford Little League

Fisher Avenue

Charles Street

Byway Southbound

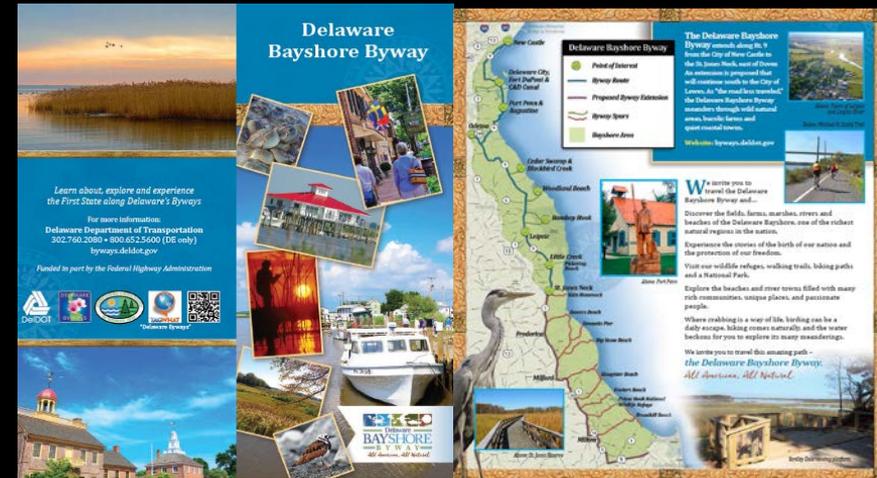
Marshall Millpond

Walnut Street

South Washington

What are some benefits of byways?

- Enhance quality of life.
- Improve local economies.
- Source of local pride.
- A chance for citizens/towns to showcase the beauty of their region.
- Provide communities with a “road map to the future” — a way for stakeholders to determine what they like and how to preserve these qualities while encouraging and guiding economic growth.



What about billboards & byways?

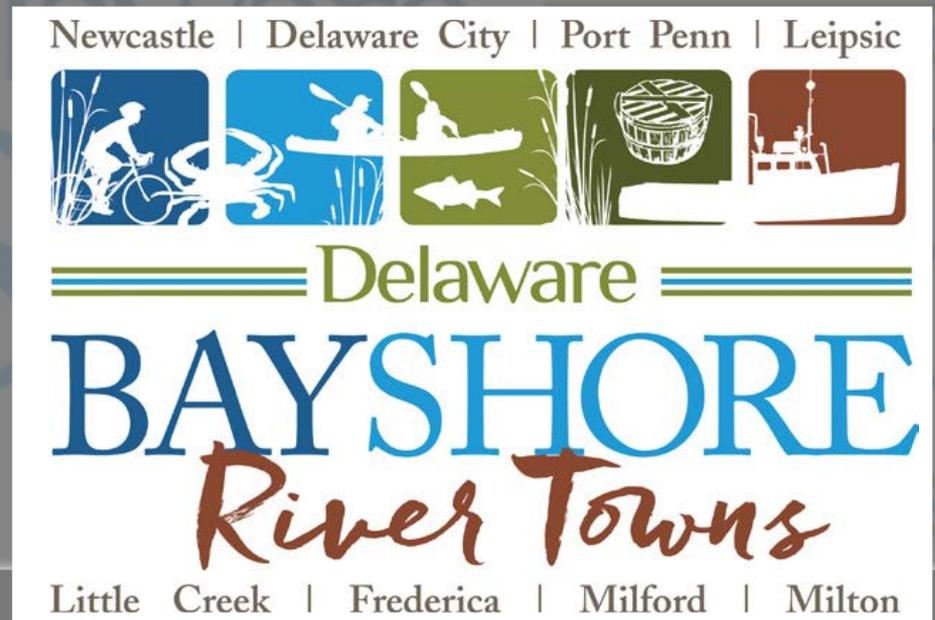
- Federal law prohibits new billboard construction and off premise advertising on national scenic byways that are part of the National Highway System or are federal primary-aid roads.



Benefits of Joining the Delaware Bayshore Byway?

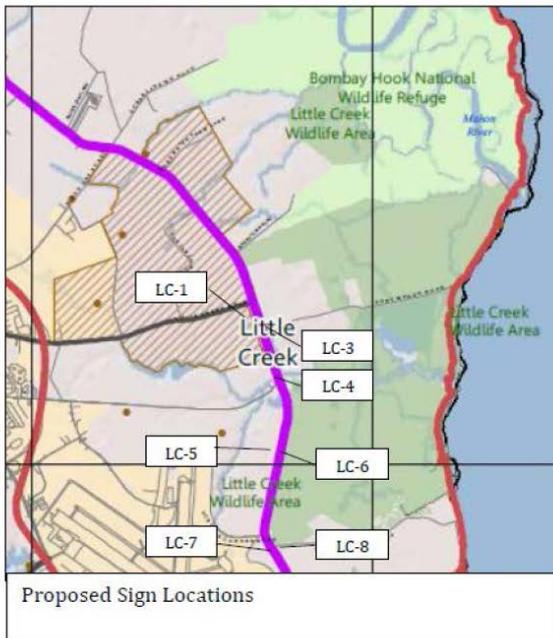
- Branding and Signage.
- Projects with State and National Recognition.
- Media and Press Coverage.
- Economic Development and Community Outreach.

Branding for Signage



Working with Delaware Greenways, DOT Traffic, DNREC, and towns/cities for trailblazing, directional, location assurance, and on-site venue signing.

Attractions



LC-5



LC-6



Figure 5-2: Examples of Recreational and Cultural Interest Signs.

Story maps

Browser address bar: <http://deldot.maps.arcgis.com/apps/MapTour/index.html?appid=bb7f7a>
Page title: Places of Interest along Delaware's Byways

Places of Interest along Delaware's Byways

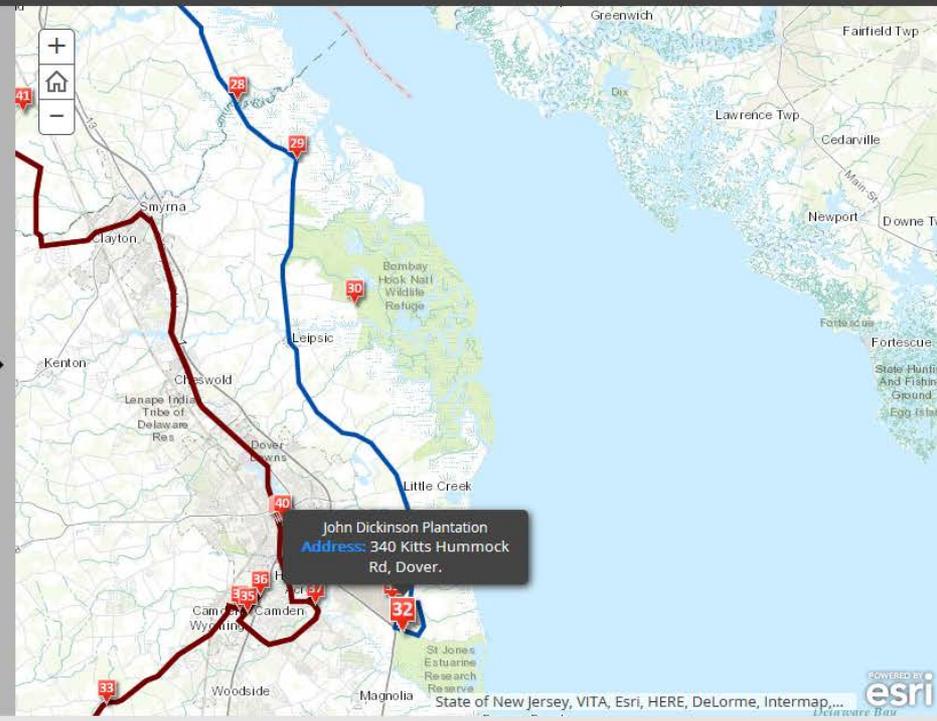
Visit [here](#) for detailed information on the Byway's themselves along with their management plans.
Visit [FirstMap's Transportation Folder](#) for GIS data on the Byways.

A story map [f](#) [t](#) [e](#)



John Dickinson Plantation
[Address:](#) 340 Kitts Hummock Rd, Dover.

This restored colonial plantation at the very end of the byway was the home of John Dickinson, a farmer and signer of the United States Constitution. Today, the plantation is open to the public where historical interpreters will guide visitors through the colonial plantation lifestyle and also demonstrate cooking, farming, and gardening techniques of the 18th century.
**Return to George Read II house (point 22) to begin the Delaware Bayshore Byway's suggested tour.



POWERED BY **esri**
Delaware Bay

- 26 Port Penn Interpretive Center
- 27 Historic Town of Odessa [Address:](#) 109 Main St.
- 28 Fleming's Landing [Address:](#) Located off
- 29 Woodland Beach Wildlife Area
- 30 Bombay Hood National Wildlife Refuge
- 31 Air Mobility Command Museum
- 32 John Dickinson Plantation [Address:](#) 340 Kitts
- 33 State Rt 10 Agricultural Landscape
- 34 Camden Friends Meeting House
- 35 Camden Historic District [Address:](#) Camden-

Windows taskbar showing various application icons and system tray with time 3:26 PM and date 9/13/2016.

Route 9 Scenic Overlooks: Byways Projects



Governor Jack Markell invites you to an event presenting

Delaware Bayshore Milestones

- ◆ Preserving a key Bayshore property
- ◆ Launching the Delaware Bayshore Byway
- ◆ Opening a new trail and scenic viewing platform
- ◆ Unveiling the Bayshore's new "Branding"

1:15 p.m. October 30, 2015
Ashton Tract at Thousand Acre Marsh
507 Thorntown Road, Middletown

Please RSVP to dnrecevents@state.de.us by October 28



Conclusion

- Defined the Delaware Byway Program
- Described the Delaware Bayshore Byway
- Discussed the extension areas
- Delved into some of the benefits of byway designation

Thank You



Delaware

BAYSHORE

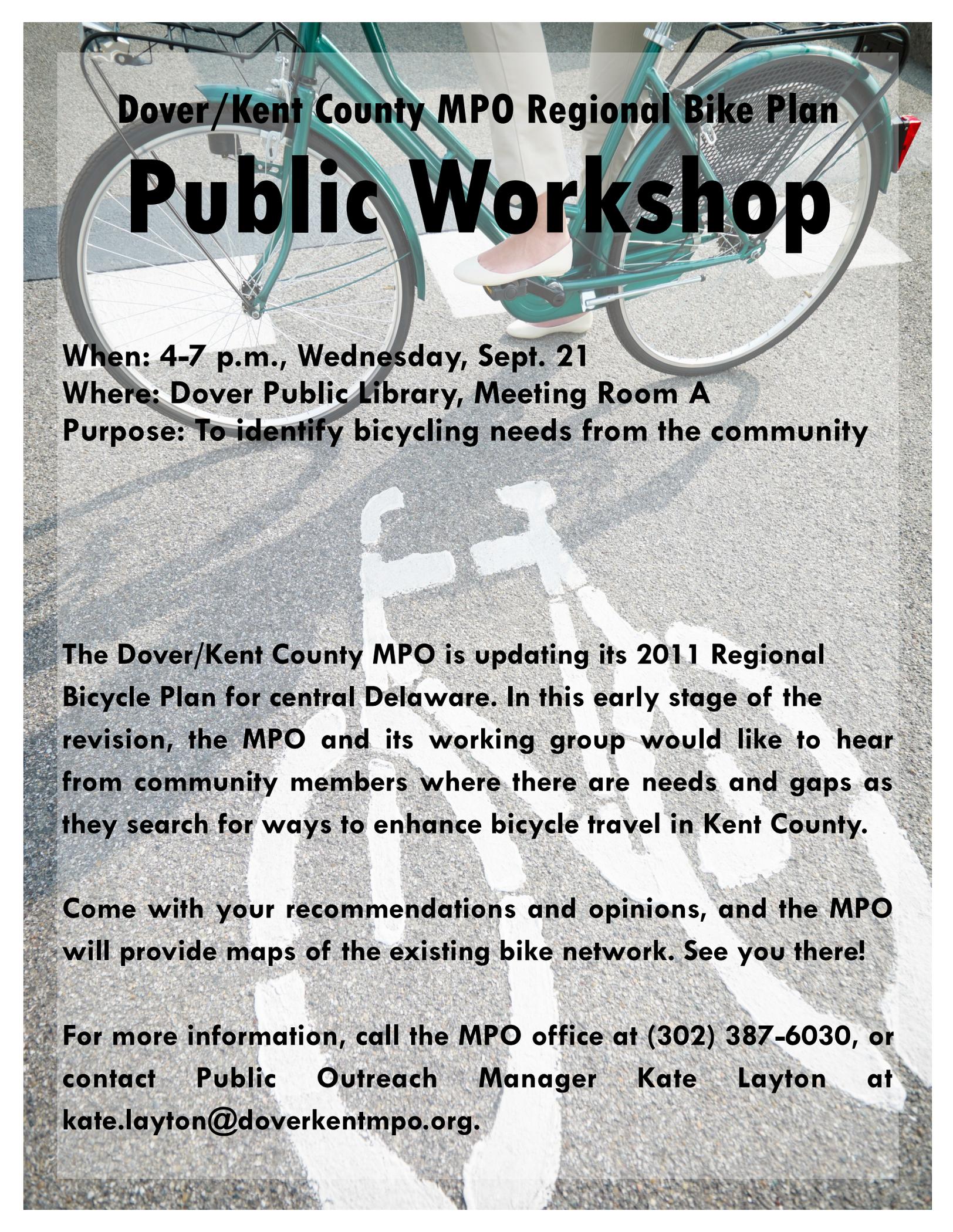
All American, All Natural

Thomas "Chip" Kneavel
DeIDOT State Wide Regional Planning
Thomas.Kneavel@state.de.us
302-760-2527

Mike Hahn, AICP
DeIDOT Planning and Byways Coordinator
MichaelC.Hahn@state.de.us
302-760-2131

Suggested motion

Support and assist DeIDOT in planning efforts with the mutual goal of developing a byway route through Milford to become part of the state designated Delaware Bayshore Byway.



Dover/Kent County MPO Regional Bike Plan

Public Workshop

When: 4-7 p.m., Wednesday, Sept. 21

Where: Dover Public Library, Meeting Room A

Purpose: To identify bicycling needs from the community

The Dover/Kent County MPO is updating its 2011 Regional Bicycle Plan for central Delaware. In this early stage of the revision, the MPO and its working group would like to hear from community members where there are needs and gaps as they search for ways to enhance bicycle travel in Kent County.

Come with your recommendations and opinions, and the MPO will provide maps of the existing bike network. See you there!

For more information, call the MPO office at (302) 387-6030, or contact Public Outreach Manager Kate Layton at kate.layton@doverkentmpo.org.

CITY OF MILFORD
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by Milford City Council:

Ordinance 2016-18
Chapter 19-Economic Development and Redevelopment
Downtown Development District Incentive Program

WHEREAS, on May 23, 2016, Milford City Council adopted a resolution supporting the application to the State of Delaware to become a Downtown Development District; and

WHEREAS, incentives were reviewed and recommended by the Economic Development Committee and presented to Milford City Council for their approval; and

WHEREAS, building on the state's efforts to redevelop Delaware's commercial business districts and drive private investment in towns and cities, Governor Markell on August 10, 2016 officially designated the City of Milford's Downtown Development District; and

WHEREAS, an amendment to the Economic Development and Redevelopment Ordinance, Chapter 19 is needed to incorporate the designation.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. §19-2 Definitions is hereby amended by adding the following:

OWNER OCCUPIED – refers to a residential property that is owned and occupied by the same persons.

TAX ABATEMENT – refers to the waiver or reduction of City of Milford property taxes.

Section 2. §19-2 Definitions is hereby amended by amending the definition of Eligible Project as follows: ELIGIBLE PROJECT-refers to a project of an Incentive Beneficiary that is approved ~~by the City Manager~~ to receive economic incentives under a Specific Economic Development Incentive Program offered under this chapter.

Section 3. §19-6 Incentive Options is hereby amended by adding the following:

B. Permit and Fee Waiver or Reduction: A SEDIP may offer qualifying Incentive Beneficiaries a waiver or reduction from any of the following permits or fees:

- (1) Building permit fee
- (2) Water service connection fee
- (3) Sewer inspection fee
- (4) Electric service connection fee
- (5) Fees associated with any preliminary or final site plan review
- (6) Other fees associated with professional services provided by the City as it pertains to planning, engineering and legal review.
- (7) *Business License*

E. Tax Abatements: A SEDIP may offer full or partial tax abatements on City of Milford property taxes for a specified period of time.

Section 4. §19-9 is hereby added as follows:

§19-9. – Downtown Development District Incentive Program

A. Eligibility

- (1) Eligible Projects shall include any new residential or commercial construction, redevelopment, or expansion within the Downtown Development District and meet the following criteria:
 - a) Is located within the target area; and*
 - b) The fair market value of the materials to be used and the labor to be performed on the project exceeds the sum of \$15,000; and*
 - c) Is for commercial, office, and/or residential use; and*
 - d) Conforms to the intent of this ordinance.**
- (2) In order for a residential use to be an eligible project, the object of the construction or renovation must be a dwelling unit as defined in the City of Milford zoning ordinance. Construction or renovation of an accessory building as defined in the City of Milford zoning ordinance shall not be eligible for development incentives.*

B. Target Area – Downtown Development District

The Downtown Development District refers to the area defined by Resolution/Ordinance of City Council. A copy of the district map shall be on file at City Hall, 201 S. Walnut Street, Milford, Delaware.

C. Development Incentives

(1) Impact Fee Waivers

- a) Incentive Beneficiaries shall qualify for a full waiver of impact fees.*

(2) Permit and Other Fee Waivers

- a) The City shall provide a one-time waiver of permits and fees identified under §19-6(b)(1), (5) and (6) for all eligible projects.*
- b) The City shall provide a waiver of the business license fee for new businesses for three (3) years.*
- c) The Incentive Beneficiary is responsible for obtaining all required local, State, County, and Federal permits and approvals as may be required to complete the project.*
- d) The Incentive Beneficiary shall be responsible for the Carlisle Enhancement Fee as outlined in the City of Milford Code.*

(3) Installment Land Contract

- a) The Incentive Beneficiary may apply to purchase City owned property through an installment land contract at a price and upon such terms and conditions as may be determined by the City Manager. The acceptance of the contract is subject to the express approval of City Council, which approval may be withheld in its complete discretion.*
- b) In the event the conditions outlined in the contract are not met, the City Manager may determine that the Incentive Beneficiary is in default and provide notice as required.*
- c) In the event the default is not cured, in addition to such other remedies as may be available, the Incentive Beneficiary shall be required to choose between the following two options;
 - i. Surrender all improvements and the property to the City; or**

ii. Pay the entire remaining principal balance to the City within 45 days following the date the default notice was issued.

(4) Abatement of Property Taxes

- a) Incentive Beneficiaries shall qualify to receive City of Milford property tax abatements for a period not to exceed ten (10) years. The abatement period shall commence from the date of final certificate of occupancy.*
- b) Rehabilitation Projects*
 - i. If the incentive beneficiary improves the assessed value, as determined by the City Tax Assessor, by more than 50% of the original assessed value, the incentive beneficiary shall receive a full abatement of City property taxes for ten (10) years.*
 - ii. If the incentive beneficiary improves the assessed value, as determined by the City tax assessor, by less than 50% of the original assessed value, the incentive beneficiary shall receive a partial abatement of City property taxes on the value of the improvements for ten (10) years.*
- c) New residential or commercial construction shall receive a full tax abatement for five (5) years.*
- d) Properties converted from rental units to owner occupied housing shall receive a full tax abatement for ten (10) years, subject to continued occupancy by the property owner.*

(5) Realty Transfer Tax Waiver

- a) There shall be no realty transfer tax imposed on those transfers where the buyer qualifies as a first-time homebuyer. See Chapter § 178-2(D).*

Section 5. Dates.

City Council Introduction: September 12, 2016

City Council Review: September 26, 2016

Adoption: September 26, 2016

Effective: October 6, 2016

For additional information, please contact Rob Pierce in the Planning Department as Milford City Hall either by email at RPierce@milford-de.gov or by calling 302.424.3712.

Advertised: Beacon 09/21/16

Planning Commission Resignations: :

William Lane Ward 1

Michael Yosifon Ward 4

City of Milford



NOTICE OF PUBLIC HEARING **RESOLUTION 2016-15**

WHEREAS, the City Council of the City of Milford, Delaware ("City Council") has been advised that the City of Milford can achieve present value debt service savings by refunding the City's outstanding General Obligation Bonds, Series A of 2011 (the "Refunding Program").

NOW, THEREFORE, BE IT RESOLVED, and it is resolved that the City Council of the City of Milford does hereby propose the borrowing of an amount of money not exceeding \$9,800,000 to be utilized for the Refunding Program described above, and to pay certain costs associated with the issuance of its General Obligation Bonds, Series of 2016 (the "2016 Bonds"). The average rate of interest on the 2016 Bonds shall not exceed 5.00%. The 2016 Bonds shall be secured by the full faith and credit of the City. The 2016 Bonds shall be paid or funded by available revenues of the City. The City is authorized to use a portion of the proceeds of the 2016 Bonds to pay costs associated with the issuance of the 2016 Bonds. A public hearing upon this resolution and final authorization for the borrowing is scheduled in the Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on October 24, 2016 at 7:00 p.m. with final authorization for the borrowing expected at the regular monthly meeting to follow on the same date.

IN WITNESS WHEREOF, I hereto set my hand and caused the Seal of the City of Milford to be affixed this 24th day of October 2016.

Mayor Bryan W. Shupe

Attest: _____
City Clerk Teresa K. Hudson

City Seal

Adoption Date: October 10, 2016

September 22, 2016

City of Milford
Public Works Facility
180 Vickers Drive
Milford, Delaware 19963

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

Attention: Mr. Mark Whitfield
Public Works Director

Re: Washington Street Water Treatment Facility
Contract D
City of Milford
Sussex/Kent County, Delaware
Change Order No. 1
DBF# 052A154-D

Dear Mr. Whitfield:

Kuhn Construction Company (Kuhn), the general contractor for the Washington Street Water Treatment Facility Contract D, has requested a sixty (60) day time extension. The time extension is being requested because Kuhn was delayed in completing their work related to Well #2. City Public Works did not want Kuhn to take Well #2 out of service until the S.E. Water Treatment Facility and Tank were fully operational.

Davis, Bowen & Friedel, Inc. (DBF) has reviewed the information provided by Kuhn and discussed in detail their reasoning for the time extension. Based on that review we recommend that Change Order No. 1 be approved providing Kuhn a sixty (60) day time extension. This would result in the final completion date per contract being December 10, 2016.

Should you have any questions, comments, concerns, or would like to discuss this further, please feel free to call at your convenience.

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.

Jason P. Loar, P.E.
Principal

JPL
P:\Duplechain Project Files\City of Milford\Washington Street Water Plant Rehab. Folder\Contract Admin\Change Orders\Change Order No. 1\Change Order No. 1.092216.jpl.docx

cc: Eric Norenburg, City Manager – City of Milford
Eugene Helmick, Water/Wastewater Supervisor – City of Milford

USDA-FmHA
FORM FmHA 1924-7
(Rev. 2/87)

CONTRACT CHANGE ORDER

FORM APPROVED
OMB NO. 0575-0042

CHANGE ORDER NO.	1
DATE	September 22, 2016
STATE	Delaware
COUNTY	Sussex

CONTRACT FOR Washington Street Water Treatment Facility Contract D			
OWNER City of Milford			
TO Kuhn Construction Company <i>(Contractor)</i>			
	Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE In Contract Price	INCREASE In Contract Price
1	Time Extension	\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
	TOTALS	\$ -	\$ -
	NET CHANGE IN CONTRACT PRICE	\$ -	\$ -
JUSTIFICATION: 1 Contractor's work on Well #2 was delayed until the S.E. Water Treatment Facility and Elevated Storage Tank were online.			

The amount of the Contract will be Increased By the Sum of: _____

Zero and 00/100 _____ Dollars (\$) 0.00

The Contract Total Including this and previous Change Orders Will Be: _____

Two Million Six Hundred Forty Eight Thousand Six Hundred Sixty Five and 00/100 Dollars (\$) 2,648,665.00

The Contract Period Provided for Completion Will be increased by 60 Days

This document will become a supplement to the contract and all provisions will apply hereto.

Requested _____ *(Owner)* _____ *(Date)*

Recommended _____ *(Owner's Architect/Engineer)* _____ **9.22.16** *(Date)*

Accepted _____ *(Contractor)* _____ *(Date)*

Approved by Funding _____ *(Name and Title)* _____ *(Date)*

This information will be used as a record of any changes to the original construction contract.

September 12, 2016

Davis, Bowen & Freidel, Inc.
Mr. Randy Duplechain, P.E.
20 North Walnut Street
Milford, DE 19963

Dear Mr. Duplechain,

We would like to request a two month extension of time for the Washington Street Water Treatment Facility project originally scheduled to be finished on October 11, 2016. Kuhn Construction Company was delayed in the demo and subsequent replacement of well #2 due to reasons beyond our control. We were unable to begin the work on this well since the SE Milford water facility was not placed on line as originally anticipated and scheduled. The required materials for well #2 could not be ordered until the well house was demolished and the appropriate measurements taken for the new material. We will continue to pursue the completion of this project with diligence and finish it as fast as possible.

Thank you for your consideration in this matter.

Sincerely,



William J. Kuhn
President