

MILFORD CITY COUNCIL
MINUTES OF MEETING
July 24, 2008

A Meeting of the Annexation Committee of Milford City Council was held in the Meeting Room of Delaware Rural Water Association at 210 Vickers Drive, Milford, Delaware on Thursday, July 24, 2008.

PRESIDING: Chair Clifford Crouch

IN ATTENDANCE: Committee Members Councilwoman Katrina Wilson, Councilman John Workman and Planning Commission Chairman Brendon Warfel

City Clerk/Recorder Terri Hudson

Chairman Crouch called the Annexation Committee Meeting to order at 7:04 p.m. He announced the purpose of the meeting is to review the annexation request of Karen and Lynn McColley for 22.367 acres, more or less, described as follows:

Annexation/Land of Lynn A. And Karen K. McColley

Tax Map MD-00-174.00-02-51.00-000 (10 +/-Acres) Requested Zoning: C-3

Tax Map MD-00-174.00-02-53.00-000 (1 +/- Acre) Requested Zoning C-3

Tax Map MD-00-174.00-02-49.01-000 (1 +/-Acre) Requested Zoning R-2

Tax Map MD-00-174.00-02-49.00-000 (14 +/- Acres) Requested Zoning R-2

Tax Map No. MD-00-174.00-02-49.01

Beginning at a point, said point being situated on the southerly right-of-way line of North East Tenth Street (30' Wide), being a corner of this parcel and other lands of McColley (D/464/039) (Tax Map No. MD-00-174.00-02-49.00), and being distant S 68°36'22" W, 712.35', from the center line of the Southbound lane of Delaware Route 1, thence with said right-of-way line N 68°36'22" E a distance of 210.00' to a found concrete monument at a corner of lands of Silicato-Wood Partnership, LLC (D/3212/210, D/3210/100, D/3210/134); thence with said Silicato-Wood Partnership, LLC, S 35°17'00" E, a distance of 239.43' to a point in line of other lands of McColley (Tax Map No. MD-00-174.00-02-49.00); thence with said McColley the following two courses and distances: 1) S 68°36'22" W a distance of 210.00' to a point, 2) N 35°17'00" W a distance of 239.43' to the point of beginning. Contained within these metes and bounds are 1.121 acres of land more or less.

Tax Map No. MD-00-174.00-02-49.00

Beginning at a point, said point being situated on the southerly right-of-way line of North East Tenth Street (30' Wide), being a corner of this parcel and other lands of McColley (D/464/039) and also being a point on the Milford City limits line and being distant S 68°36'22" W, 973.47' from the centerline of the Southbound lane of Delaware Route 1, thence with said right-of-way line N 68°36'22" E a distance of 261.12' to a corner of other lands of McColley(D/605/195) (Tax Map No. MD-00-174.00-02-49.01); thence with said McColley the following two courses and distances: 1) S 35°17'00" E a distance of 239.43' to a point, 2) N 68°36'22" E a distance of 210.00' to a point in line of lands of Silicato-Wood Partnership, LLC (D/3212/210, D/3210/100, D/3210/134), thence with said Silicato-Wood Partnership, LLC. S 35°17'00" E a distance of 1236.37' to a found concrete monument in line of lands of NKS Distributors Inc. (D/2788/271); thence with said NKS Distributors Inc. S 11°41'58" W a distance of 100.74' to a set iron pipe at a corner of other lands of McColley (D/631/171) (Tax Map No. MD-00-174.00-02-51.00) thence continuing with other lands of McColley S 11°41'58" W a distance of 238.10' to a point on the Milford City limits line and a corner of other lands of McColley (D/464/039) (Tax Map No. MD-00-174.19-01-01.00); thence with other lands of McColley and the Milford City limits line N 41°51'11" W a distance of 1832.08' to the point of beginning. Contained within these metes and bounds are 12.359 acres of land more or less.

Tax Map No. MD-00-174.00-02-51.00

Beginning at a found iron pipe situated on the Northerly right-of-way line of North East Front Street, said point being a

corner of these lands and lands of NKS Distributors Inc. (D/2788/271) and being distant S 41°07'48" W 440.24' from the centerline of the Southbound lane of Delaware Route 1 and distant 75' from the centerline of North East Front Street; thence with said right-of-way line S 41°07'48" W a distance of 420.23' to a found iron pipe at a corner of other lands of McColley (D/695/040) (Tax Map No. MD-00-174.00-02-53.00); thence with other lands of McColley the following two courses and distances: 1) N 57°03'08" W a distance of 157.45' to a found concrete monument, 2) N 56°40'23" W a distance of 83.64' to a point on the Milford City limits line at a corner of other lands of McColley (D/631/171) (Tax Map No. MD-00-174.19-01-02.00); thence with other lands of McColley and the Milford City limits line N 41°51'11" W a distance of 827.50' to a point at a corner of other lands of McColley (D/464/039) (Tax Map No. MD-00-174.00-02-49.00); thence with other lands of McColley N 11°41'58" E a distance of 238.10' to a set iron pipe at a corner of aforesaid NKS Distributors Inc.; thence with said NKS Distributors Inc. S 55°55'07" E a distance of 1185.98' to the point of beginning. Contained within these metes and bounds are 8.706 acres of land more or less.

Tax Map No. MD-00-174.00-02-53.00

Beginning at a found iron pipe situated on the Northerly right-of-way line of North East Front Street, said point being a corner of these lands and other lands of McColley (D/631/171)(Tax Map no. MD-00-174.00-02-51.00) and being distant S 41°07'48" W 860.47' from the centerline of the southbound lane of Delaware Route 1, and being distant 65' from the centerline of North East Front Street; thence with said right-of-way line S 30°35'26" W a distance of 65.74' to a point on the Milford City limits line and a corner of other lands of McColley (D/695/040)(Tax Map No. MD-00-174.19-01-03.00); thence N 41°51'11" W a distance of 252.63' to a point in lines of other lands of McColley (D/631/171) (Tax Map No. MD-00-174.00-02-51.00); thence with other lands of McColley the following two courses and distances: 1) S 56°40'23" E a distance of 83.64' to a found concrete monument, 2) S 57°03'08" E a distance of 157.45' to the point of beginning. Contained within these metes and bounds are 7873 square feet of land more or less.

Mr. Crouch advised the request is for two parcels to be zoned R-2 and two parcels at C-3. He advised the purpose of this meeting is to determine whether or not this land should be annexed into the city. There will be public hearings on the zoning request and this committee will not determine the zoning though a recommendation will be made.

Lynn and Karen McColley were present. Lynn McColley of 416 N.E. Tenth Street advised the committee the main reason for the request is the majority of their property, which includes Sunnybrae Mansion, is already within the incorporated area of Milford. In addition, the NKS property and Silicato properties, which are adjacent to this site, were recently annexed with a C-3 zone.

City Planner Gary Norris reported he has reviewed the comprehensive map for the growth area and determined this is a potential site for annexation. He noted the applicant property is almost completely surrounded by city lands. To prevent this from being an island or enclave, he strongly recommends this property be annexed.

Ms. Wilson stated she agrees with the city planner that the land should be annexed.

Mr. Workman agrees that considering the amount of city land surrounding this property, it only makes sense to make this part of the city. To prevent this from being an enclave, he feels it is advantageous to annex this property and is hopeful their future plans will benefit the city.

When asked about development plans, Lynn McColley advised there are no immediate plans.

Planning Chairman Warfel also agrees it should become part of the city.

Mr. Crouch agrees this land should be annexed. However, he has some concerns with the request for the C-3 zone. He stated that we are presently dealing with some development and traffic issues with the proposed development adjacent to this property. He feels that when those issues are resolved, the C-3 zoning could be an appropriate zone. Once the matters are resolved in relation to the interchange and crossover, he would not have a problem with it.

Mr. Crouch explained the committee will not make a final decision on the zoning but will make a recommendation.

Ms. Wilson respects Mr. Crouch's opinion and understands his concern, however, she does not believe the committee should restrict the C-3 to prevent them from proceeding with their plans. She feels that restricting the zone at this time will prevent some future possibilities for development.

Mr. Crouch disagreed and stated that he feels that in the future, it would be more appropriate to consider the C-3 zone. However, should the other land be developed, the city may not want additional C-3 zoning in this area depending on the impact of the commercial uses to this area.

Mr. Warfel said he is a firm believer in property rights and once a property receives a zoning classification, the owner or developer has the right to do what is allowed in that zoning. Should they come back in a year with a letter of no objection from DELDOT, and are then zoned C-3, they should be permitted to do whatever the C-3 allows.

Mr. Warfel agrees there are a lot of issues and controversy over the proposed Silicato development at this time. He believes this will eventually be developed as commercial, but understands that at the present time, we need to be careful because of the issues in relation to the adjacent properties. He also agrees the C-3 zone would be more appropriate in the future. He emphasized that if there are any doubts over the zoning, it needs to be addressed while the city still has some control. Once the zoning is assigned, the owner has the right to do whatever is allowed under the C-3 rules.

Mr. Crouch added that can be part of the recommendation.

Mr. Warfel recalled other properties that were approved for annexation with a C-3 zone. When it came time for the land to be developed, there were suddenly a number of problems. If it is addressed now, the city and the property owner will both be on the same page.

Ms. Wilson stated she believes this could enhance the area. She described the property as a prime and beautiful piece of property. The C-3 could enhance its current use by making this even more accessible and inviting.

Mr. Crouch said he may feel differently if the new school was already built. Then we would have some idea of the impact associated with the proposed development, or those issues had been resolved, he would also consider it. At this point, we do not know what is going to happen with the school nor what will happen with Royal Farms and the other proposed businesses. He will recommend this property be annexed but not recommend the C-3 until these other matters are resolved. In the future, the C-3 zone could be considered but not at this time.

Mr. Workman understands they are requesting C-3 because it is consistent with this new commercial development. However, he feels each annexation should be considered individually. He pointed out the concerns that have been discussed are associated with the Silicato development which is adjacent to the McColley land. He also stated that he does not particularly like the C-3 zone. However, it is important to be fair to anyone asking for annexation. As this continues through the process, it will be thoroughly reviewed by the planning commission and will eventually come back to city council for a final decision. Council will consider the recommendation of the planning commission at that time. He understands the concern with the new school and development but should also consider what else is in this area.

Mr. Norris said that in reviewing the existing zoning, the southeast side of Northeast Front Street coming off State Route 1 is currently zoned C-3 in addition to the Silicato and NKS properties. On the other side of this property, it is zoned residential which includes the Sunnybrae Mansion. They are requesting two parcels zoned C-3 and two zoned residential. Their proposal for the two C-3 parcels is consistent with both sides of the street being C-3. It is Mr. Norris' opinion that both sides of the street should be the same zone. That prevents one side of a street having single family homes and the opposite side of the street having a McDonalds or similar business with a 24-hour operation, for

example.

Mr. Crouch asked the McColleys if the C-3 zone was not approved, did they still wish to be annexed. They both responded yes.

Mr. Crouch said he also considers whether this would restrict the value of the property. He noted this piece has never been commercial nor does he see any restrictions on its value if council recommended it not be zoned C-3. They would still have the option of applying for C-3 in the future.

He reiterated there are problems with what is being proposed in this area at the current time. He does not know how that will turn out, though he hopes it will. He also hopes the traffic situation is properly addressed and everyone involved is happy. He agrees the property would be a great addition to the city but does not recommend the property be zoned C-3 at this point in time.

Mr. Workman understands the concern of Mr. Crouch but feels the McColleys are well aware of those problems. He also suggests that we make a recommendation for the annexation and express the committee's concern about the C-3 zone. He is confident our planning commission will thoroughly review it and that council will then consider their recommendation.

Mr. Workman moved to proceed with the McColley request for annexation with the R-2 zone noting there are some concerns regarding the C-3 zone at the present time, seconded by Mr. Warfel.

Ms. Wilson wants to be in accord with the annexation committee and definitely agrees the property should be annexed, but she does not have the same concerns about the C-3 zone.

Motion carried by a unanimous roll call vote.

Mr. Crouch explained he is not totally against the C-3 in this area, but feels the safety and traffic issues should be addressed first.

Mr. Crouch thanked everyone for attending. He adjourned the Annexation Committee Meeting at 7:29 p.m.

Respectfully submitted,



Terri K. Hudson, CMC
City Clerk/Recorder