

MILFORD CITY COUNCIL
MINUTES OF MEETING
May 8, 2017

A Meeting of the Annexation Committee of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, May 8, 2017.

PRESIDING: Chairperson Katrina Wilson

IN ATTENDANCE: Committee Members: Councilman Arthur Campbell, Councilman Douglas Morrow
and Planning Commission Chairman Marvin Sharp

City Clerk/Recorder Terri Hudson

City Planning Coordinator Rob Pierce was also in attendance.

Chairwoman Wilson called the Annexation Committee Meeting to order at 9:22 p.m. to consider the petitions submitted by the following property owners:

Annexation/Lands belonging to Patrick F. & Jacquelyn A. Gorman
7255 Cedar Creek Road, Lincoln, DE 19960
Tax Parcel No. 3-30-15.00-72.00
2.095 +/- Acres
Current Zone A-R/Proposed Zone C-3

Annexation/Lands belonging to Walter V. Jr. & Barbara Samuels
7237 Cedar Creek Road, Lincoln, DE 19960
Tax Parcel No. 3-30-1 1.00-6.04
1.005 +/- Acres
Current Zone AR-I/Proposed Zone C-3

Planner Pierce then reviewed the following petition submitted and signed by Patrick and Jacquelyn Gorman:

Site Address: 7255 Cedar Creek Rd., Lincoln, DE 19960

Tax Map Number: 3-30-15.00-72.00

Property Size: 2.095 Acres

Reason For Request: This property falls within the Milford Comprehensive Plan, (Figure 14B-Southeast) with Future Land Use described as "Proposed Highway/Commercial". Adjacent property on the east and south sides has been annexed by the City of Milford. Current owners of the subject property at 7255 Cedar Creek Rd., Patrick and Jacquelyn Gorman, request annexation and zoning reclassification to be consistent with the Comprehensive Plan.

General Location Description: Subject property is located approximately 870 +/- feet south of the intersection of Cedar Creek Road (Rt 30) and Wilkins Road along the east side of Cedar Creek Road, in Cedar Creek Hundred. The property has approximately 250 feet of frontage on Cedar Creek Road.

Mr. Pierce explained the property owners are requesting C-3 zoning which coincides with the commercial designation in the current City of Milford Comp Plan and is consistent with the adjacent Hall Property.

The Planning Coordinator referenced a strip of five parcels along Cedar Creek Road that presently contain four homes. He noted that this is the last home before the Route 1 on-ramp directly across from the new Bayhealth Hospital Campus.

The petition was submitted on March 9th. While some additional information was obtained, Mr. Pierce became aware of the second application and he felt it was beneficial to consider both applications at the same time.

There will be no streets dedicated to the City and the only access is off Cedar Creek Road, a state-maintained roadway. No anticipated drainage improvements are required though that would fall under the jurisdiction of DNREC and DeIDOT.

Mr. Pierce reported that sewer and water are not yet available to the properties. When the regional pumping station is installed and up and running, they will not have access. It is anticipated the home will remain on the well and private septic until such time those utilities are made available.

The property is currently served by Delaware Cooperative and the City has no ability to require them to change to the City of Milford electric. Should a redevelopment opportunity arise in which the house is removed and a commercial entity is constructed, we would require the new building to be served by City electric. Those changes would be at the expense of the owner as would be noted in the utility agreement required at the time of the subdivision or site plan approval.

It is expected this site will become a part of a larger conglomerate of commercial uses in the Bayhealth vicinity.

The City will acquire property taxes as a result of the annexation, as well as any future building permit fees associated with redevelopment.

The advantages to the City are as follows:

1. The property would be within the planning area of the City of Milford.
2. The City would receive revenues (property tax, building permits, etc.) for activity on the property.
3. Potential for additional water, sewer and electric customers.
4. Identified within the annexation as shown on the SE Master Plan and 2008 Comprehensive Plan.
5. Consistent with the Comprehensive Plan Future Land Use exhibits.

Mr. Pierce can find no disadvantages in relation to the request

The next step would be to submit the Committee Report to the Office of State Planning, along with the Plan of Services. After approval is received, a Public Hearing will be scheduled before the Planning Commission and City Council.

Chairwoman Wilson expressed concern about the Duffy property, which is one of the homes on the strip of land along Route 30 that Mr. Pierce referred to earlier. She shared that the home is their retirement home and wondered how this would impact them.

Mr. Pierce informed her that the Gormans were the first one to request annexation. The Samuels discussed it with the Gormans who then expressed their interest. He believes that Mr. Duffy has talked with the Samuels and noted that the last house to the north has a 'for sale' sign in their front yard. As a result, he contacted the real estate agent to inform them of the activity that was occurring among the neighbors. That property owner contacted Mr. Pierce the following morning though he has not yet spoken with Mr. and Mrs. Duffy.

Chairwoman Wilson asked if it is the intent of the two petitioners to sell their properties; the City Planning Coordinator confirmed that is their intention. He also contacted DeIDOT about the City annexing the land owned by the State of Delaware after DeIDOT purchased and demolished the four homes on those sites prior to the construction of the overpass.

A discussion followed about the need to address the roadway in order to clearly define the City and County boundaries on Route 30 which have caused a great deal of confusion between the two police agencies when incidents occur.

Planning Commission Chairman Sharp stated that as a member of Carlisle Fire Company, one more road over from this area is within the Ellendale Fire Company territory. It was noted that the proposed Charter amendment currently under review by the Delaware Legislators adds a provision that any annexed lands by the City of Milford will automatically become part of the Carlisle Fire District.

It was also noted that the houses being annexed in this area also have Lincoln addresses. Mr. Pierce said he is meeting with the postal service to work out the zip code issue after eighteen months of attempting to resolve the issue.

Councilman Morrow then moved to proceed with the following annexation request as submitted:

Annexation/Lands belonging to Patrick F. & Jacquelyn A. Gorman
7255 Cedar Creek Road, Lincoln, DE 19960
Tax Parcel No. 3-30-15.00-72.00
2.095 +/- Acres
Current Zone A-R/Proposed Zone C-3

Motion seconded by Councilman Campbell and carried.

Planner Pierce then reviewed the second petition that was submitted and signed by Walter and Barbara Samuels:

Site Address: 7237 Cedar Creek Rd., Lincoln, DE 19963

Tax Map Number: 3-30-11.00-6.04

Property Size: 1.005 Acres

Reason For Request: This property falls within the Milford comprehensive Plan, (Figure 14B-Southeast) with Future Land Use described as "Proposed Highway/Commercial". Adjacent property on the East and South sides has been annexed by the City of Milford. Current owners of the subject property reside at 7237 Cedar Creed Road, Lincoln, Delaware. Walter and Barbara Samuels are requesting annexation and zoning reclassification to be consistent with the Comprehensive Plan.

General Location Description: subject property is located approximately 720 +/- feet south of the intersection of Cedar Creek Road (SR 30) and Wilkins Road along the east side of Cedar Creek Road in Cedar Creek Hundred. The property has approximately 151 feet of frontage on Cedar Creek Road.

He reported the petition submitted on April 25, 2017 involved a 1.005 +/- acres. The property is located along Cedar Creek Road in Ward I, south of the Wilkins Road intersection. The property is currently improved with a single-family detached dwelling unit.

The property currently has an entrance along Cedar Creek Road. Any commercial development would gain access from Cedar Creek Road or via the Hall property to the east. Internal drive aisles and parking areas associated with a commercial site plan would not be maintained by the City and would be private.

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

The area proposed to be annexed is currently zoned AR-1 in Sussex County and the applicant is requesting a change to C-3 (Highway/Commercial District).

Mr. Pierce said the same scenario as the Gorman petition applies with regard to water, sewer and electric. The property is currently served by an individual septic system. The owner will be allowed to continue the use of this onsite system until such time that sewer becomes available. Any residential or commercial redevelopment will require the connection to the City sewer at the expense of the property owner/developer. The property would be served by the planned Southeast Regional Pumping Station.

Additional fees, including County and City impact fees, will be required at the time of development.

The property is currently provided electric service by Delaware Electric Cooperative. The owner will continue to use those services until such time the property is redeveloped for residential or commercial purposes. Costs of the improvements to provide electric service to the property shall be the responsibility of the owner. Additional fees, including City impact fees, will be required through the building permitting and site plan process.

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

Any development of these parcels will be subject to DelDOT approval for access along Cedar Creek Road.

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel.

The parcel is bound on the north by residential properties that are currently in the unincorporated area of Sussex County. The property to the south and west is C-3 undeveloped land within City limits. The property to the west, across Cedar Creek Road, is zoned IS (Institutional Service District) that is currently being developed by Bayhealth.

Carlisle Fire Company will provide fire and EMS coverage to this area; the City will provide police service. However, there is a need to review the road situation as far as police jurisdiction.

The annexation is consistent with the amended 2008 Comprehensive Plan and Southeast Master Plan Future Land.

Property taxes will be assessed and revenues received from building permits. Construction costs as well as user service fees cannot be determined until such time the applicant presents a project.

Mr. Pierce reported the same advantages apply to this petition and there are no disadvantages:

1. The property would be within the planning area of the City of Milford.
2. The City would receive revenues (property tax, building permits, etc.) for activity on the property.
3. Potential for additional water, sewer and electric customers.
4. Identified within the annexation as shown on the SE Master Plan and 2008 Comprehensive Plan.
5. Consistent with the Comprehensive Plan Future Land Use exhibits.

Councilman Campbell moved to proceed with the following annexation request as submitted:

Annexation/Lands belonging to Walter V. Jr. & Barbara L. Samuels
7237 Cedar Creek Road, Lincoln, DE 19960
Tax Parcel No. 3-30-1 1.00-6.04
1.005 +/- Acres
Current Zone AR-1/Proposed Zone C-3

Motion seconded by Councilman Morrow. Motion carried.

There being no further business, Chairwoman Wilson adjourned the Annexation Committee Meeting at 9:41 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder