

# City of Milford



## City Council Committee Agenda Monday, September 24, 2018

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

### Annexation Committee Meeting (Following Council Meeting)

Call to Order - Chairman Owen Brooks Jr.

Annexation/Lands belonging to Gilbert C. & Irene D. Simpson  
Applicant Windward Communities LLC  
5919 South Rehoboth Boulevard, Milford  
Tax Map 3-30-11.00-43.00  
1.940 +/- Acres  
Current Zone AR-1/Proposed Zone C-1

Recommendation

Annexation/Lands belonging to Derek R. Parker & Shawn L. Bernhard  
Applicant Bright Nest LLC  
7195 Cedar Creek Road  
Tax Map 3-30-11.00-6.15  
1.01 +/- Acres  
Current Zone AR-1/Proposed Zone C-3

Recommendation

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.**

City of Milford  
RESOLUTION 2018-16

Annexation/Lands belonging to Gilbert C. & Irene D. Simpson  
Tax Map 3-30-11.00-43.00  
1.940 +/- Acres  
Current Zone AR-1/Proposed Zone C-1

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by the legal property owners and duly witnessed, requesting annexation into the City of Milford, all that piece or parcel of land, hereinafter described, situate, lying and being on the northeasterly side of Business Route 1 and located in the City of Milford, Cedar Creek Hundred, Sussex County, Delaware; said piece or parcel of land being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northeasterly right-of-way line of said Business Route 1 with the northwesterly line of the lands of, now or formerly, Jesse C. Webb, Sr. and Joyce L. Webb, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 3349, Page 256; said beginning point being coordinated on the Delaware State Grid as North 330,144.801 feet, East 657,801.748; thence,

1) leaving said Webb lands and running by and with said Business Route 1, North 32 degrees 55 minutes 23 seconds West 211.06 feet to a point on the southeasterly line of the lands of, now or formerly, Janet R. Swain, as recorded in said Office of the Recorder of Deeds in Deed Book 2635, Page 47, thence,

2) leaving said Business Route 1 and running by and with said Swain lands, North 58 degrees 33 minutes 27 seconds East 400.53 feet to a point on the southwesterly line of other lands of, now or formerly, Janet R. Swain, identified as Tax Parcel 3-30-11.00-264.00, thence,

3) leaving said Swain lands and running by and with said other Swain lands, South 32 degrees 56 minutes 20 seconds East 211.09 feet to a point on said northwesterly line of Webb lands, thence,

4) leaving said other Swain lands and running by and with said Webb lands, South 58 degrees 33 minutes 43 seconds West 400.59 feet to the point and place of beginning;

CONTAINING 1.940 acres of land, more or less.

has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chair Owen Brooks, Councilmembers Christopher Mergner and James Starling Sr. along with Planning Commission Chairman Marvin Sharp.

Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committees' recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

---

City Clerk Teresa K. Hudson

Adopted: September 10, 2018



# Land Use Application Cover Sheet

File Name: \_\_\_\_\_

Date Stamp

File Number: \_\_\_\_\_

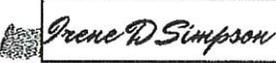
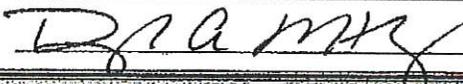
**Instructions for Applicants:**

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted/processed if violations exist or if any fees are owed to the City.

**Specify Type of Land Use Application to be submitted (check all that apply):**

- Preliminary Site Plan
- Preliminary Major Subdivision
- Final Minor Subdivision
- Final Site Plan
- Final Major Subdivision
- Variance/Appeal
- Change of Zone
- Conditional Use
- Annexation

**Please Type or Print Legibly**

<b>Property Owner(s):</b> Gilbert C. and Irene D. Simpson			<b>Phone:</b>
<b>Address:</b> 19145 Duck Lake Trail			<b>Cell:</b>
<b>City:</b> Eden Prarle	<b>State:</b> MN	<b>Zip:</b> 55346	<b>Fax:</b>
<b>E-Mail:</b>			
<b>Applicant Name and Company:</b> Windward Communities LLC			<b>Phone:</b> 302-226-6631
<b>Address:</b> 246 Rehoboth Avenue			<b>Cell:</b>
<b>City:</b> Rehoboth Beach	<b>State:</b> DE	<b>Zip:</b> 19971	<b>Fax:</b> 302-226-6408
<b>E-Mail:</b> nhammonds@jackllngo.com			
<b>Surveyor or Engineer:</b> Ashton McLaughlin - Davis, Bowen & Friedel, Inc.			<b>Phone:</b> 302-424-1441
<b>Address:</b> 1 Park Avenue			<b>Cell:</b>
<b>City:</b> Milford	<b>State:</b> DE	<b>Zip:</b> 19963	<b>Fax:</b> 302-424-0430
<b>E-Mail:</b> anm@dbfinc.com			
<b>Site Address:</b> 5919 South Rehoboth Blvd Milford, DE			<b>Zoning:</b> AR-1
<b>Tax Map &amp; Parcel Number(s):</b> 330-11.00-43.00			<b>Acreage:</b> 1.90
I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.			
<b>Signature of Property Owner(s):</b>			<b>Date:</b>
<b>Signature of Applicant(s):</b>			<b>Date:</b> 6/1/18
<b>Office Use Only:</b>			
<input type="checkbox"/> Current on Utilities	<input type="checkbox"/> Current on Taxes	<input type="checkbox"/> No Outstanding Violations	

REVISED: 05.2016



# Annexation Application

File Name: \_\_\_\_\_

Date Stamp

File Number: \_\_\_\_\_

A Land Use Application for Annexation is deemed complete when it is accompanied by the required items identified below. Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing.

Current County Zoning: \_\_\_\_\_ Requested Zoning: \_\_\_\_\_ Comprehensive Plan Designation: \_\_\_\_\_

REQUIRED ITEMS		For Staff Use ONLY	
		Verified	Waived
<input type="checkbox"/>	1. Land Use Application Cover Sheet.		
<input type="checkbox"/>	2. Petition for annexation, signed by ALL property owners with signature of each petitioner duly witnessed; petition must contain:		
	A. Site address;		
	B. Tax map number (s);		
	C. Size of property in acres;		
	D. Reasons for request;		
	E. General location description (proximity to closest roadways, streets and intersections).		
<input type="checkbox"/>	3. A full legal description of the property in Word format.		
<input type="checkbox"/>	4. Current recorded deed showing legal description and ownership.		
<input type="checkbox"/>	5. Current sealed survey (no larger than 11" x 17"), drawn to scale, showing:		
	A. Property identified for annexation which clearly shows the parcel(s) and demonstrates contiguity to the City;		
	B. Date, scale and north arrow;		
	C. Existing right-of-ways and improvements;		
	D. Existing utilities;		
	E. Existing natural features;		
	F. Existing structures and other improvements;		
	G. All structures, natural features and other improvements on abutting property.		
<input type="checkbox"/>	6. Application fee (see page 2).		

I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner:

*Irene D Simpson*

dotloop verified  
06/05/18 11:28AM  
EDT  
FTQ1-QINZ-SJCF-EH21

Date:

Signature of Applicant:

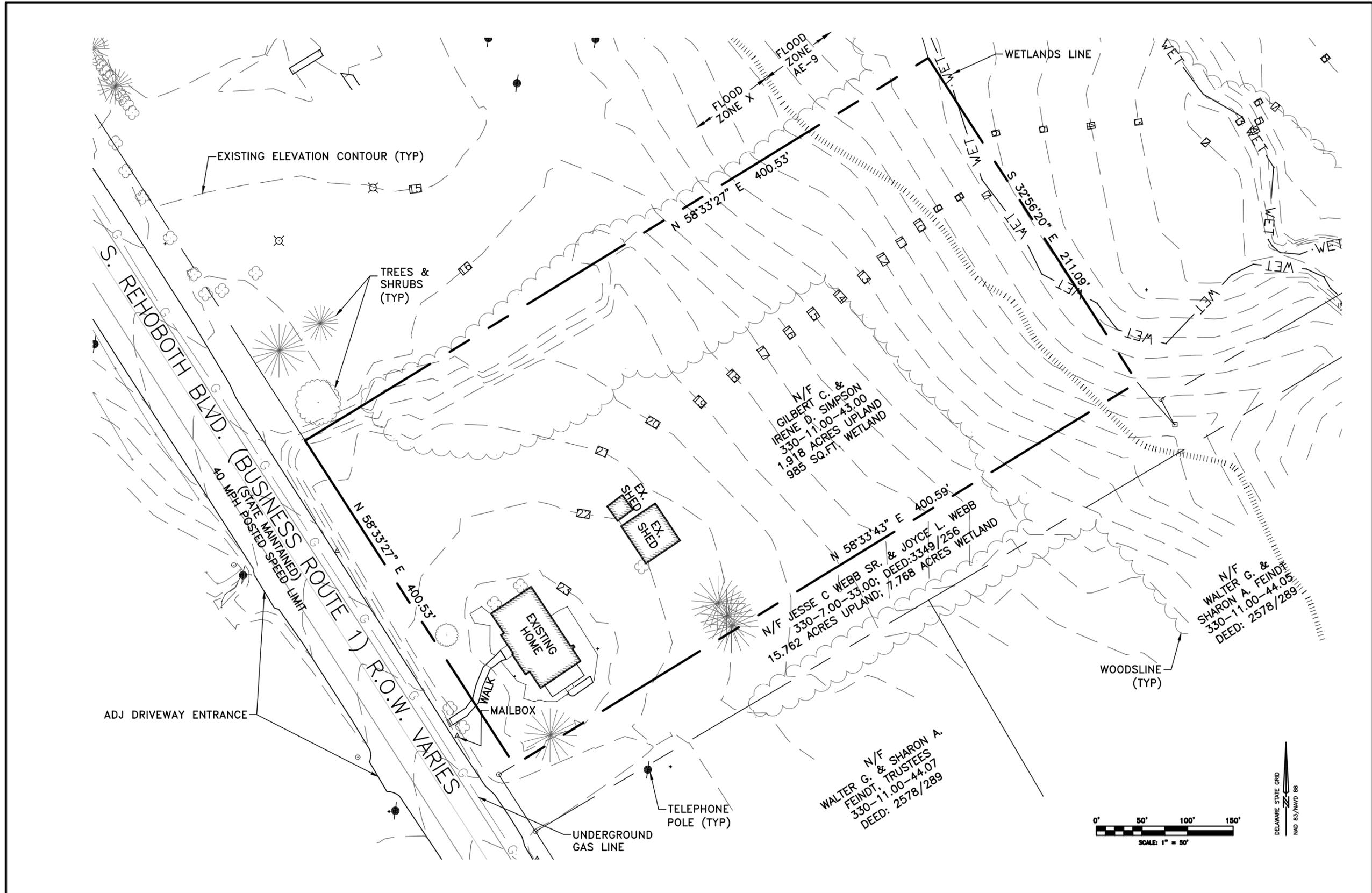
*D. Ramsey*

Date:

6/1/18

FOR STAFF USE ONLY			
City Council	Annexation Committee	Planning Commission	City Council
Applicant			
Owner			

REVISED: 01.2014



THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC., AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. © 2008

DAVIS, BOWEN & FRIEDEL, INC.  
ARCHITECTS, ENGINEERS & SURVEYORS  
SALESBURY, MARYLAND (410) 543-9091  
MILFORD, DELAWARE (302) 424-1441

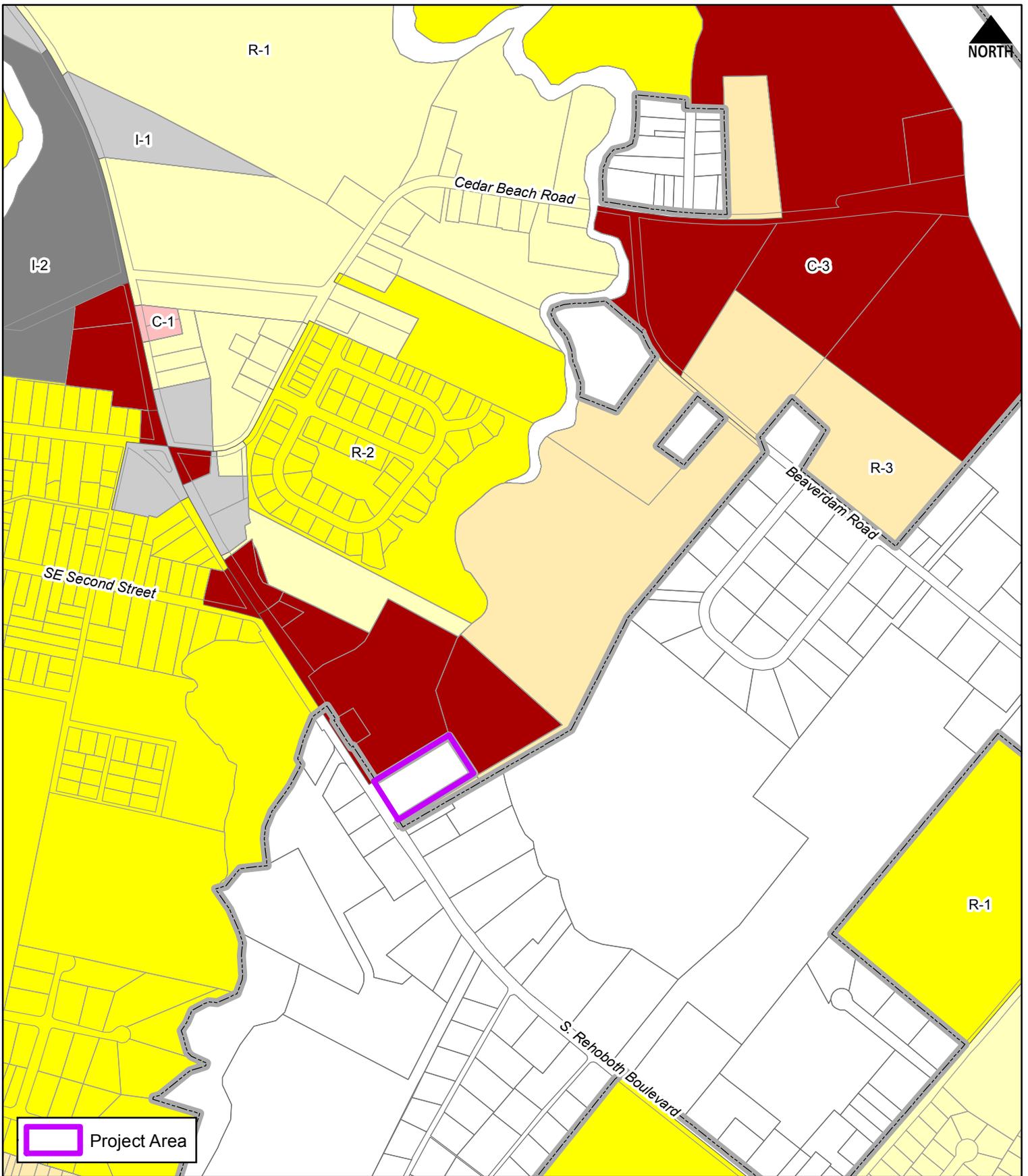


BOUNDARY PLAN

**SIMPSON PROPERTY ANNEXATION  
CITY OF MILFORD  
SUSSEX COUNTY, DELAWARE**

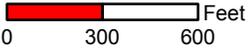
Date: JUNE 2018  
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Dwn.By: YWW  
Proj.No.: 2381.011  
Dep.No.:

**B-01**



 Project Area



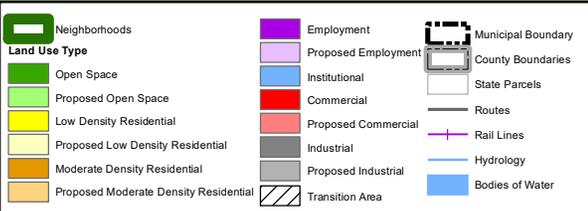
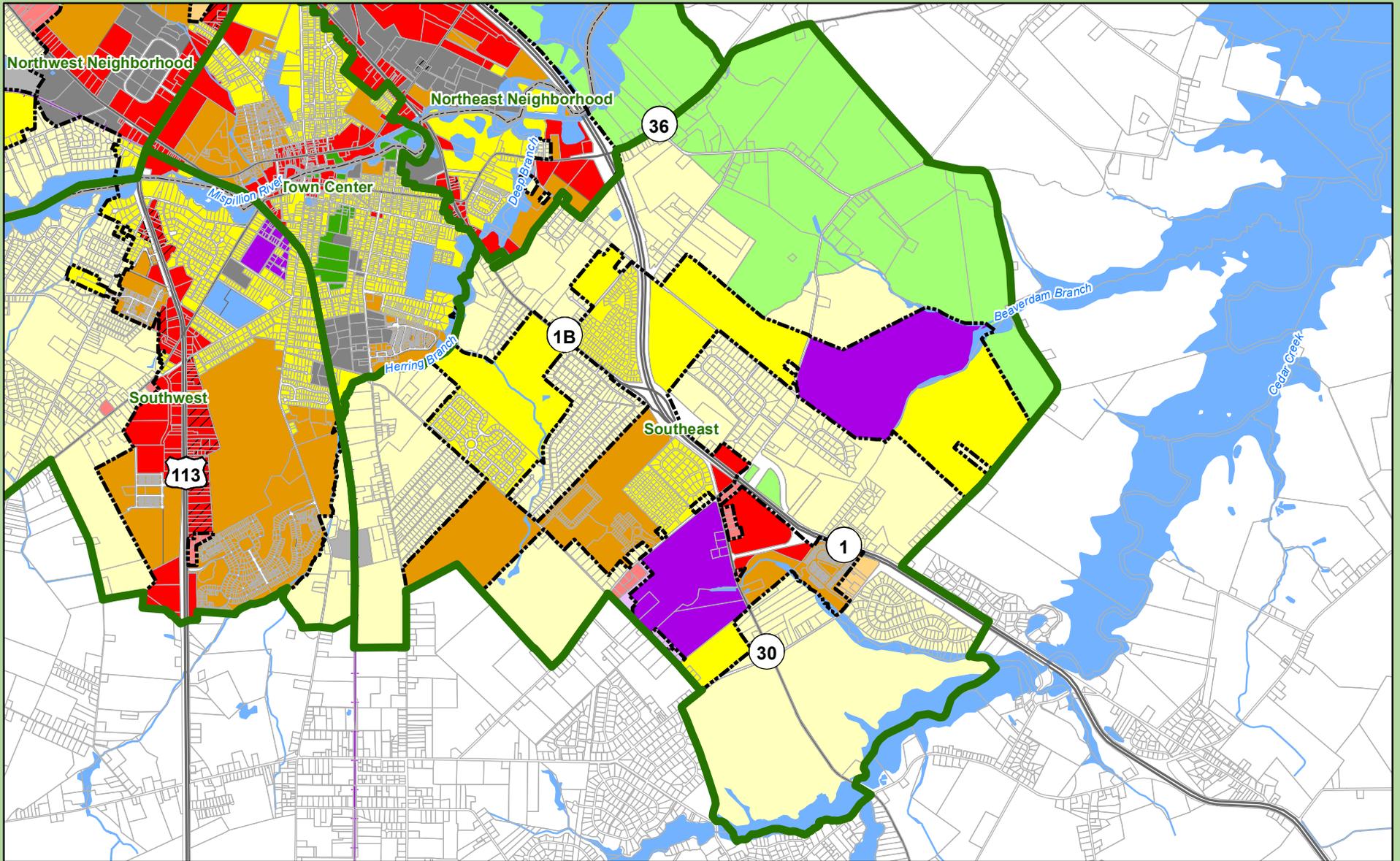
Scale:  Feet  
0 300 600

Drawn by: WRP Date: 08/10/18

Title:

Annexation  
Lands of Gilbert & Irene Simpson  
Location & Zoning Map

Filepath: Annexation\_GilbertSimpson.mxd

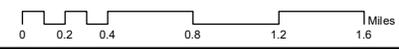


## City of Milford, Delaware

### Future Land Use

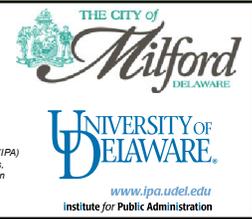
#### Southeast

Adopted Jan. 22, 2018, Certified TBD



**Sources:**  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.  
 DRAFT Future Landuse - City of Milford, Delaware 01/18.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.  
 Hydrology - USGS and EPA, FirstMap 01/18.

Note: This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.



**Irene D. Simpson**  
6623 Street Route AP  
West Plains, MO 65775

August 31, 2018

City of Milford  
City Council  
201 South Walnut Street  
Milford, Delaware 19963

Re: Annexation Request  
Sussex County Tax Map No. 3-30-11.00-43.00  
Property Address: 5919 South Rehoboth Blvd Milford, DE 19963

Dear Mayor and City Council,

Please accept this letter to revise my previous request for annexation of the above referenced parcel into the City of Milford. The land is currently zoned as Agricultural Residential (AR-1) and the current Land Use is Single-Family Dwellings. As per the City's 2018 Comprehensive Plan the parcel is located in proposed low density residential area. Based on this, we are requesting Community (Neighborhood) Commercial (C-1) zoning for this parcel, which contains 1.90 +/- acres. The purpose of this request is to utilize all the services and resources that the City has to offer as well as provide access to adjacent parcels currently located within City limits.

If you should have any questions, please contact us via Windward Communities LLC at 302-226-6631.

Sincerely,

*Irene D Simpson*  
dotloop verified  
09/06/18 12:40PM EDT  
SVQL-IKSS-WWUM-KRGT

Irene D. Simpson

\_\_\_\_\_  
Witness

LEGAL DESCRIPTION

GILBERT C. SIMPSON

IRENE D. SIMPSON

TAX PARCELS 3-30-11.00-43.00

May 29, 2018

All that piece or parcel of land, hereinafter described, situate, lying and being on the northeasterly side of Business Route 1 and located in the City of Milford, Cedar Creek Hundred, Sussex County, Delaware; said piece or parcel of land being more particularly described as follows:

**BEGINNING** at a point formed by the intersection of the northeasterly right-of-way line of said Business Route 1 with the northwesterly line of the lands of, now or formerly, Jesse C. Webb, Sr. and Joyce L. Webb, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 3349, Page 256; said beginning point being coordinated on the Delaware State Grid as North 330,144.801 feet, East 657,801.748; thence,

1) leaving said Webb lands and running by and with said Business Route 1, North 32 degrees 55 minutes 23 seconds West 211.06 feet to a point on the southeasterly line of the lands of, now or formerly, Janet R. Swain, as recorded in said Office of the Recorder of Deeds in Deed Book 2635, Page 47, thence,

2) leaving said Business Route 1 and running by and with said Swain lands, North 58 degrees 33 minutes 27 seconds East 400.53 feet to a point on the southwesterly line of other lands of, now or formerly, Janet R. Swain, identified as Tax Parcel 3-30-11.00-264.00, thence,

3) leaving said Swain lands and running by and with said other Swain lands, South 32 degrees 56 minutes 20 seconds East 211.09 feet to a point on said northwesterly line of Webb lands, thence,

4) leaving said other Swain lands and running by and with said Webb lands, South 58 degrees 33 minutes 43 seconds West 400.59 feet to the point and place of beginning;

**CONTAINING** 1.940 acres of land, more or less.

NO LIEN OR TITLE SEARCH WAS DONE AS NONE WAS REQUESTED.

BOOK 1405 PAGE 139

5659

MORRIS, NICHOLS, ARSHT & TUNNELL  
ATTORNEYS AT LAW  
GEORGETOWN, DELAWARE 1967

**This Deed**, made this *4<sup>th</sup>* day of *April* 1986, by

and between: GILBERT C. SIMPSON and IRENE D. SIMPSON, his wife,  
of R.D. 1, Box 69, Milford, DE, 19963, and LOLA S. JOHNSON, of  
916 S.E. Second Street, Milford, DE, 19963,

parties of the first part,

- AND -

GILBERT C. SIMPSON and IRENE D. SIMPSON, his wife, of  
R.D. 1, Box 69, Milford, DE, 19963,

parties of the second part:

**Witnesseth**, that the said parties of the first part, for and in  
consideration of the sum of ONE DOLLAR (\$1.00)-----

-----, current lawful money of the  
United States of America, the receipt whereof is hereby acknow-  
ledged, hereby grant and convey unto the said parties of the  
second part, their heirs and assigns,

ALL that certain tract, piece and parcel of land  
situate, lying and being in Cedar Creek Hundred, Sussex  
County, State of Delaware, being on the eastern side of the  
Rehoboth State Highway south of Marshall's Old Mill Pond,  
bounded on the south by lands of Carl A. Colell, on the east  
by lands of Roland Wilson, on the west by lands of the  
aforesaid Rehoboth State Highway, on the north by other  
lands now or formerly of Samuel Carl Simpson, having a  
frontage of two hundred eleven (211) feet on said Highway  
and extending back between parallel lines easterly  
approximately four hundred and eight (408) feet to lands of  
the said Roland Wilson, containing one and nine-tenths (1.9)  
acres of land, be the same more or less.

BEING a part of the same lands conveyed to Gertrude M.  
Simpson by Deed of Lola E. Johnson, Gilbert C. Simpson and  
Irene L. Simpson dated November 9, 1962 and filed for record  
in the Office of the Recorder of Deeds in and for Sussex  
County at Georgetown, Delaware, at Deed Book 554, Page 142.  
Gertrude M. Simpson departed this life testate leaving the  
property to Gilbert C. Simpson and Lola E. Johnson as the  
same may more fully and at large appear by reference to her  
Will dated February 18, 1963 and filed for record in the  
Office of the Register of Wills in and for Sussex County at  
Georgetown, Delaware, at Will Book 80, Page 352.

MI 7  
APR 11 1986  
State of Delaware  
STATE TAX DEPT  
REALETY  
TRANSFER  
TAX  
123.00

TO: Mayor Campbell & City of Milford Council Members  
FROM: Annexation Committee  
DATE: September 24, 2018  
RE: Annexation Committee Report

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A public meeting was held in Council Chambers on September 24, 2018 to consider the annexation request for lands described as:

Property Owner:	Irene Simpson
Location:	5919 S. Rehoboth Boulevard
Size:	1.90 +/- acres
Existing Zoning:	AR-1 – Agricultural Residential (Sussex County)
Proposed Zoning:	C-1 (Community Commercial District)
Tax Map and Parcel Number:	3-30-11.00-043.00

#### **APPLICANT**

The property owner requests the 1.9 +/- acres of land containing a single-family detached dwelling located at 5919 S. Rehoboth Boulevard be annexed into the corporate limits of the City of Milford.

#### **LOCATION**

The property is identified as Sussex County tax parcels 3-30-11.00-043.00 and would be located in the 1st Ward of the City of Milford. The property is located along the east side of S. Rehoboth Boulevard, approximately 950 feet south of the SE Second Street intersection. The property is currently improved with a single-family detached dwelling unit and it is anticipated that the subject parcel will be incorporated into a larger commercial development with adjacent lands to the north.

#### **STREETS**

The owner/developer intends to incorporate the subject parcel into a larger commercial and residential project to the north and east. The proposed site entrance for these projects would be located on or near the subject parcel. Any entrance improvements along S. Rehoboth Boulevard will require approval from DelDOT. It is anticipated that any internal streets to the proposed commercial and residential development will be privately owned and maintained.

#### **DRAINAGE**

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

## **ZONING**

The area proposed to be annexed is currently zoned AR-1 in Sussex County under the Sussex County Zoning Ordinance. The applicant requests the property be zoned C-1 (Community Commercial District) under the City of Milford's Zoning Ordinance.

## **SEWER**

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 technically available. Any residential or commercial development of the property will require the connection to City sewer at the expense of the property owner/developer. The property would be served by a new sewage pumping station to be located along S. Rehoboth Boulevard. Additional fees, including County and City impact fees, will be required at the time of development.

## **WATER**

The property is currently served by an onsite well. The owner will be allowed to continue the use of the onsite well until such time that central water becomes technically available. Any resident or commercial development of the property will require the connection to City water at the expense of the property owner/developer. The area will be served with a water main extension from existing infrastructure along S. Rehoboth Boulevard and Beaverdam Road. Additional fees, including City impact fees, will be required at the time of development.

## **ELECTRIC**

The property is currently served by City electric. Any residential or commercial development of the property that requires additional electric infrastructure or capacity will be done at the expense of the owner/developer. Additional fees, including impact fees, will be required at the time of development.

## **UTILITY AGREEMENT**

A utility agreement outlining all infrastructure costs may be required as part of a major subdivision or site plan application.

## **TRAFFIC**

Any development of the parcel will be subject to DelDOT approval for access along S. Rehoboth Boulevard.

## **ENVIRONMENTAL ISSUES**

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

## **AREA LAND USES**

The parcel is bound on the north and east by properties zoned C-3 (Highway Commercial) within the City of Milford. These parcels were formerly used for outdoor recreation (bathing cages, mini-golf). The property immediately to the south is zoned R-3 (Garden Apartment and Townhouse District) within the City of Milford and extends east to Beaverdam Road. This property is part of the proposed multi-family housing project named "Windward on the River." The properties to the south and west located along S. Rehoboth Boulevard are larger residential lots containing single-family detached dwellings and are located within the unincorporated areas of Sussex County.

### **FIRE AND POLICE**

The Carlisle Fire Dept. will provide fire protection services to this parcel. The City will provide police service.

### **COMPREHENSIVE LAND USE PLAN**

The annexation is consistent with the 2018 Comprehensive Plan Future Land Use Plan and the SE Master Plan and is designated as Low Density Residential, which allows the designation of areas for community commercial under the C-1 zoning district.

### **PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS**

The subject parcel would be incorporated into the proposed shopping center to the north and would include the entrance to the shopping center and some areas of parking for one of the retail buildings. The redevelopment of the subject parcel and the adjacent commercial lands would provide an increase in property tax revenue for the City.

### **ADVANTAGES TO THE CITY**

1. The property would be within the planning area of the City of Milford and is identified within the Urban Growth Boundary Area of the 2018 Comprehensive Plan.
2. The proposed zoning is consistent with the 2018 Comprehensive Plan Future Land Use Map.
3. Potential for additional water and sewer customers. Expansion of electric usage on the sites.
4. The City would receive revenues (property tax, building permits, etc) associated with activity on this parcel and adjacent lands.

### **DISADVANTAGES TO THE CITY**

1. None.

City of Milford  
RESOLUTION 2018-17

Annexation/Lands belonging to Derek R. Parker & Shawn L. Bernhard

Tax Map 3-30-11.00-6.15

1.01 +/- Acres

Current Zone AR-1/Proposed Zone C-3

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by the legal property owners and duly witnessed, requesting annexation into the City of Milford, all that piece or parcel of land, hereinafter described, situate, lying and being on the northeasterly side of Business Route 1 and located in the City of Milford, Cedar Creek Hundred, Sussex County, Delaware; said piece or parcel of land being more particularly described as follows:

DEREK R. PARKER & SHAWN L. BERNHARD  
7195 Cedar Creek Road, Lincoln, DE 19960  
TAX PARCEL 3-30-11.00-6.15

BEING all that piece or parcel of land, hereinafter described, situate, lying and being located in Cedar Creek Hundred, Sussex County, Delaware; as shown on a plot entitled, "Boundary Survey of lands of Derek R. Parker & Shawn L. Bernhard" prepared by Davis, Bowen & Friedel, Inc., dated August 2018, said piece or parcel of land being more particularly described as follows:

BEGINNING at an iron rod with cap found at a point on the easterly right-of-way line of Cedar Creek Road, said beginning point being formed by the intersection of the southerly line of lands of, now or formerly, Bayhealth Medical Center, Inc., as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 4890, Page 125, with the easterly right-of-way line of Cedar Creek Road; thence,

1) leaving said right-of-way line of Cedar Creek Road and running by and with said Bayhealth lands, the following 2 courses and distances, North 75 degrees 14 minutes 26 seconds East 290.00 feet to a point; thence,

2) South 13 degrees 31 minutes 22 seconds East 153.24 feet to a point on the northerly line of lands of, now or formerly, Albert T. & Beverly J Coverdale, Trustee, as recorded in said Office of the Recorder of Deeds in Deed Book 2421, Page 89; thence,

3) leaving said Bayhealth lands and running by and with said Coverdale lands, South 75 degrees 51 minutes 31 seconds West 287.52 feet to a point on the aforementioned right-of-way line of Cedar Creek Road; thence,

4) leaving said Coverdale lands and running by and with said right-of-way line of Cedar Creek Road, along a curve to the left, having a radius of 13917.52 feet, an arc length of 150.11 feet and a chord bearing and distance of North 14 degrees 27 minutes 00 seconds West 150.11 feet to the point and place of beginning;

CONTAINING 1.01 acres of land, more or less.

has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chair Owen Brooks, Councilmembers Christopher Mergner and James Starling Sr. along with Planning Commission Chairman Marvin Sharp.

Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committees' recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

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City Clerk Teresa K. Hudson

Adopted: September 24, 2018



# Land Use Application Cover Sheet

File Name: Bright Nest, LLC

Date Stamp

File Number: 18-020

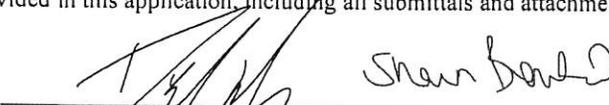
**Instructions for Applicants:**

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted/processed if violations exist or if any fees are owed to the City.

**Specify Type of Land Use Application to be submitted (check all that apply):**

- Preliminary Site Plan
- Preliminary Major Subdivision
- Final Minor Subdivision
- Final Site Plan
- Final Major Subdivision
- Variance/Appeal
- Change of Zone
- Conditional Use
- Annexation

**Please Type or Print Legibly**

<b>Property Owner(s):</b> Derek R. Parker and Shawn L. Bernhard			Phone:
Address: 7195 Cedar Neck Road			Cell:
City: Milford	State: DE	Zip: 19963	Fax:
E-Mail:			
<b>Applicant Name and Company:</b> Bright Nest, LLC			Phone: 540-604-3872
Address: 15 Lake Crest Drive			Cell: 540-604-3872
City: Milford	State: DE	Zip: 19963	Fax:
E-Mail: nmanupol@comcast.net			
<b>Surveyor or Engineer:</b> Ring W. Lardner - Davis, Bowen & Friedel, Inc.			Phone: 302-424-1441
Address: 1 Park Avenue			Cell:
City: Milford	State: DE	Zip: 19963	Fax: 302-424-0430
E-Mail: rwl@dbfinc.com			
Site Address: 7195 Cedar Neck Road Milford, DE			Zoning: AR-1
Tax Map & Parcel Number(s): 330-11.00-6.15			Acreage: 1.04
I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.			
Signature of Property Owner(s):			Date: 8/4/2018
Signature of Applicant(s):			Date: 8/12/2018
<b>Office Use Only:</b>			
<input type="checkbox"/> Current on Utilities <input type="checkbox"/> Current on Taxes <input type="checkbox"/> No Outstanding Violations			

REVISED: 05.2016



# Annexation Application

File Name: Bright Nest, LLC

Date Stamp

File Number: 18-020

A Land Use Application for Annexation is deemed complete when it is accompanied by the required items identified below. Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing.

Current County Zoning: AR-1

Requested Zoning: C-3

Comprehensive Plan Designation: Proposed Commercial

REQUIRED ITEMS		For Staff Use ONLY	
		Verified	Waived
<input type="checkbox"/>	1. Land Use Application Cover Sheet.	✓	
<input type="checkbox"/>	2. Petition for annexation, signed by ALL property owners with signature of each petitioner duly witnessed; petition must contain:		
	A. Site address;		
	B. Tax map number (s);		
	C. Size of property in acres;		
	D. Reasons for request;		
	E. General location description (proximity to closest roadways, streets and intersections).		
<input type="checkbox"/>	3. A full legal description of the property in Word format.		
<input type="checkbox"/>	4. Current recorded deed showing legal description and ownership.	✓	
<input type="checkbox"/>	5. Current sealed survey (no larger than 11" x 17"), drawn to scale, showing:	✓	
	A. Property identified for annexation which clearly shows the parcel(s) and demonstrates contiguity to the City;	✓	
	B. Date, scale and north arrow;	✓	
	C. Existing right-of-ways and improvements;	✓	
	D. Existing utilities;	✓	
	E. Existing natural features;	✓	
	F. Existing structures and other improvements;	✓	
	G. All structures, natural features and other improvements on abutting property.	✓	
<input type="checkbox"/>	6. Application fee (see page 2).	✓	

I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner:

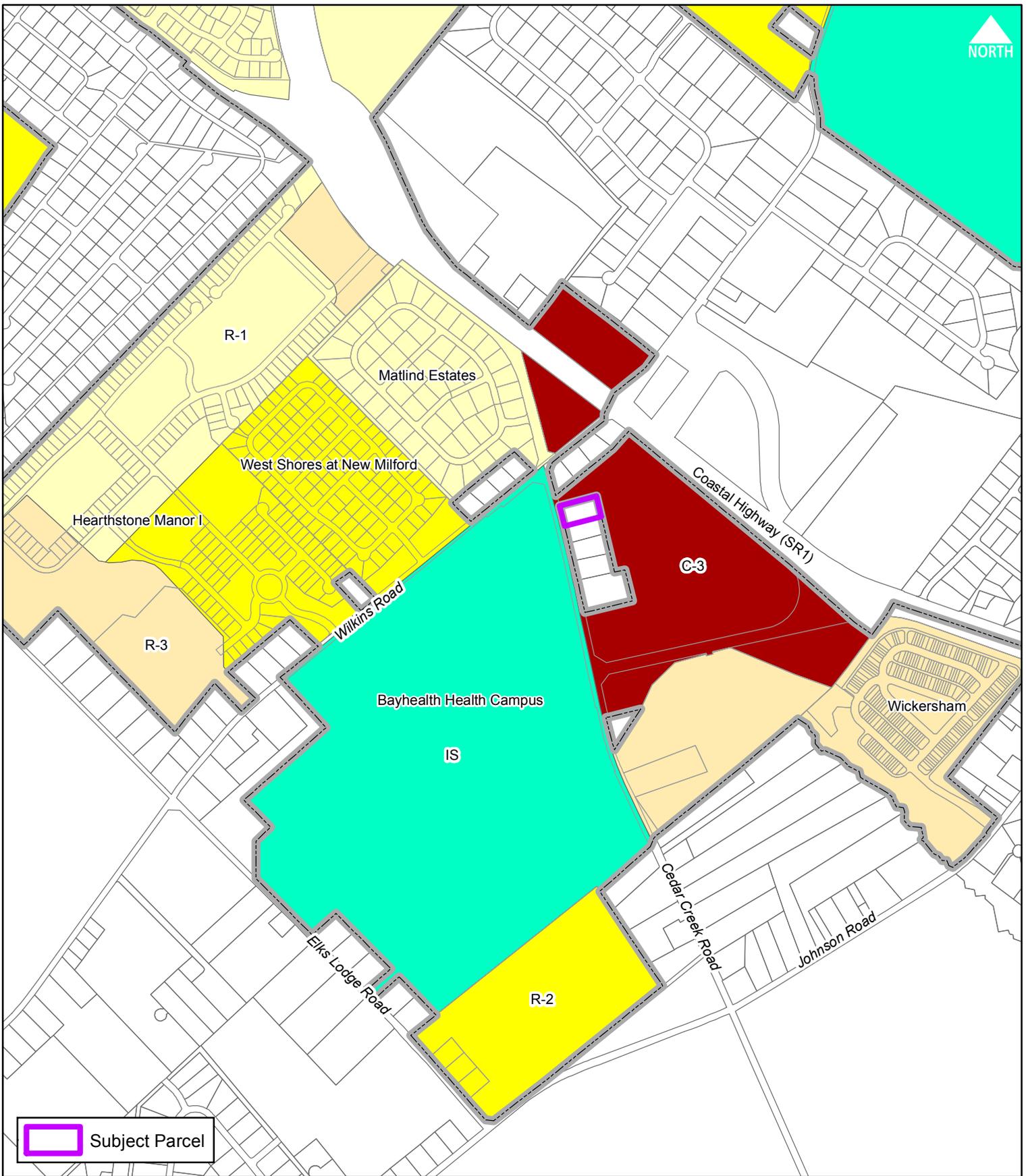
*Shawn Dwyer*  
Date: 8/4/2018

Signature of Applicant:

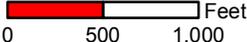
*[Signature]*  
Date: 8/2/2018

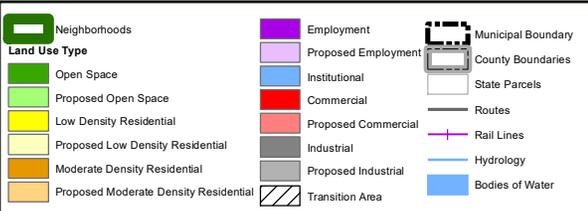
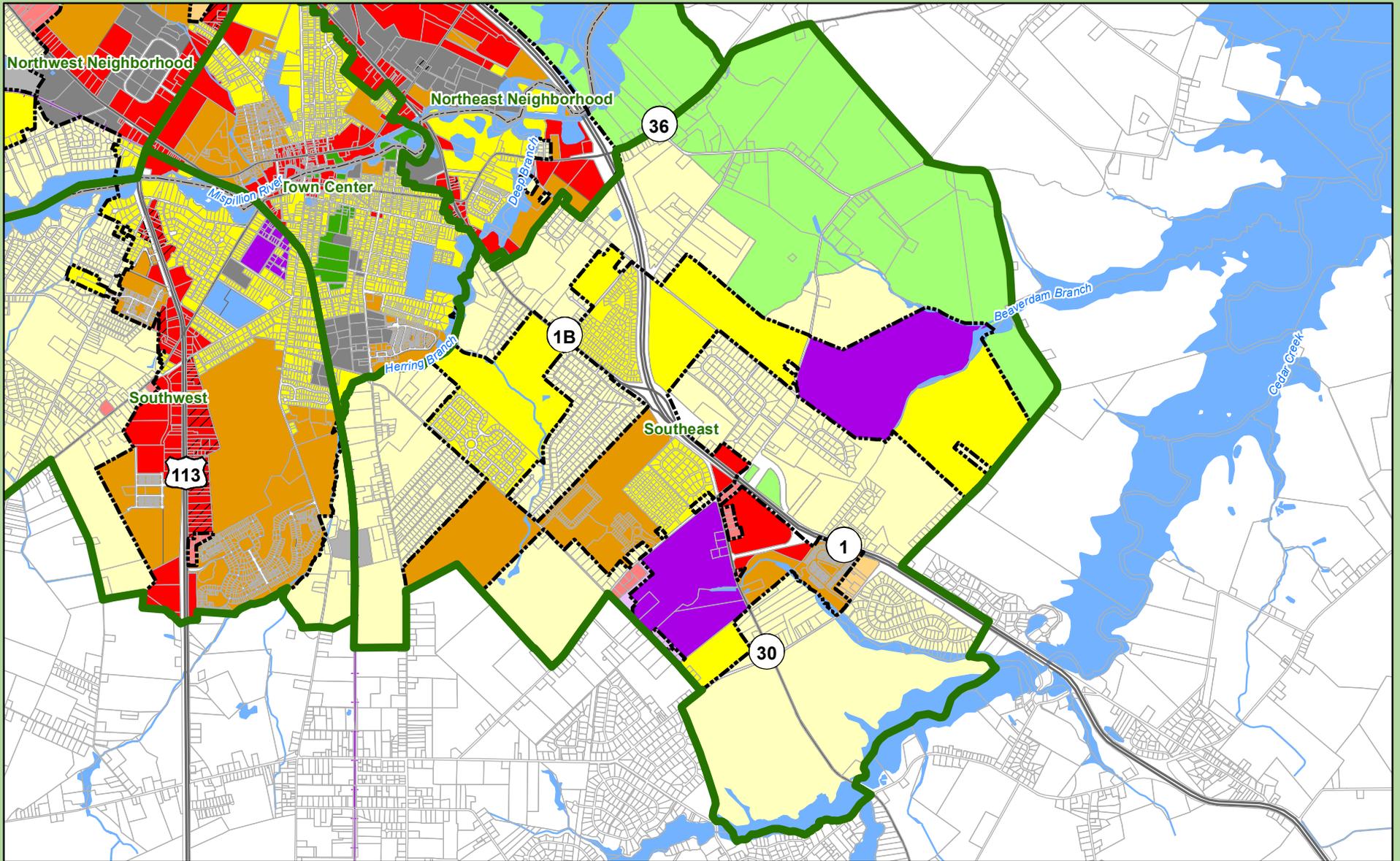
FOR STAFF USE ONLY			
City Council	Annexation Committee	Planning Commission	City Council
Applicant			
Owner			

REVISED: 01.2014



 Subject Parcel

	Scale:  Feet 0 500 1,000	Title:  <p style="text-align: center;"><b>Annexation Bright Nest, LLC Location &amp; Zoning Map</b></p>
	Drawn by: WRP      Date: 09/10/18	
Filepath: Annexation_BrightNest.mxd		

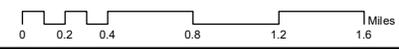


## City of Milford, Delaware

### Future Land Use

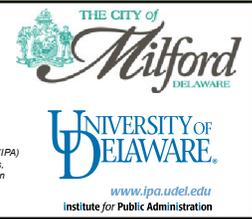
#### Southeast

Adopted Jan. 22, 2018, Certified TBD

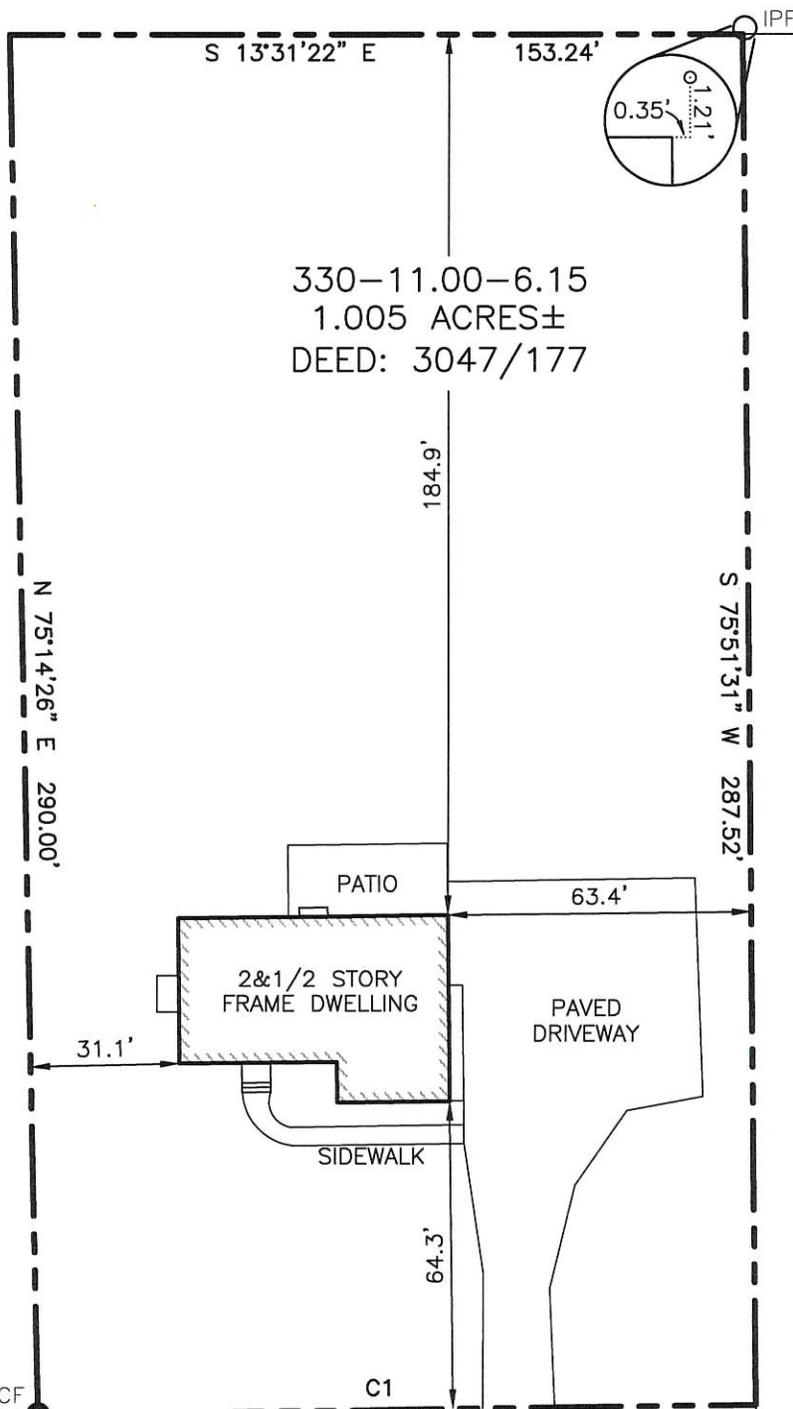


**Sources:**  
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.  
 DRAFT Future Landuse - City of Milford, Delaware 01/18.  
 Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.  
 Hydrology - USGS and EPA, FirstMap 01/18.

Note: This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.



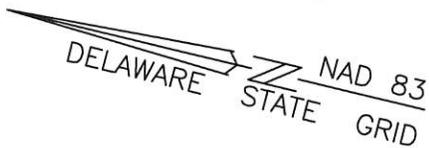
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA
C1	13917.52	150.11	150.11	N 14°27'00" W	0°37'05"



N/F  
BAYHEALTH MEDICAL  
CENTER INC.  
330-11.00-6.00  
DEED: 4890/125

N/F  
ALBERT T. COVERDALE  
TRUSTEE  
330-11.00-6.14  
DEED: 2421/89

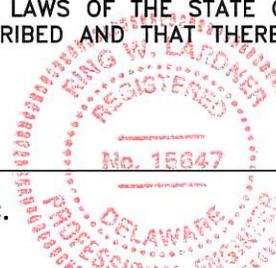
CEDAR CREEK ROAD  
(DE-30 R.O.W. VARIES)



### ENGINEER'S STATEMENT

I, RING W. LARDNER, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE; THAT THE PARCELS CLOSE AS DESCRIBED AND THAT THERE ARE NO OVERLAPS OR GAPS.

RING W. LARDNER, P.E.  
DAVIS, BOWEN & FRIEDEL, INC.  
1 PARK AVENUE  
MILFORD, DELAWARE, 19963



9/6/2018  
DATE



SALISBURY, MARYLAND (410) 543-9091  
MILFORD, DELAWARE (302) 424-1441  
EASTON, MARYLAND (410) 770-4744

**BOUNDARY SURVEY PLAN**  
of the Lands of  
**DEREK R. PARKER & SHAWN L. BERNHARD**

CEDAR CREEK HUNDRED  
SUSSEX COUNTY, DELAWARE

Date: 9/5/18 Scale: 1"=40' Proj.No.: 3027A002

**Derek R. Parker**  
**Shawn L. Bernhard**  
7195 Cedar Creek Road  
Milford, DE 19963

August 3, 2018

City of Milford  
City Council  
201 South Walnut Street  
Milford, Delaware 19963

Re: Annexation Request  
Sussex County Tax Map No. 3-30-11.00-6.15  
Property Address: 7195 Cedar Creek Road Milford, DE 19963

Dear Mayor and City Council,

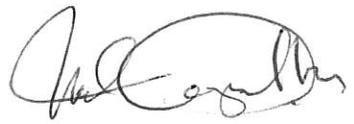
Please accept this letter as our formal request for annexation of the above referenced parcel into the City of Milford. The land is currently zoned as Agricultural Residential (AR-1) and the Land Use is Single-Family Dwellings. As per the City's 2018 Comprehensive Plan the parcel is located in proposed commercial area. Based on this, we are requesting Highway Commercial District (C-3) zoning for this parcel, which contains 1.01 +/- acres. The purpose of this request is to utilize all the services and resources that the City has to offer as well as provide support to the adjacent hospital currently under construction.

If you should have any questions, please contact us via Davis, Bowen & Friedel, Inc. at 302-424-1441.

Sincerely,

  
\_\_\_\_\_  
Derek R. Parker

  
\_\_\_\_\_  
Shawn L. Bernhard

  
\_\_\_\_\_  
WITNESS

LEGAL DESCRIPTION

LANDS OF

DEREK R. PARKER & SHAWN L. BERNHARD

TAX PARCEL 3-30-11.00-6.15

August 10, 2018

**BEING** all that piece or parcel of land, hereinafter described, situate, lying and being located in Cedar Creek Hundred, Sussex County, Delaware; as shown on a plot entitled, "Boundary Survey of lands of Derek R. Parker & Shawn L. Bernhard" prepared by Davis, Bowen & Friedel, Inc., dated August 2018, said piece or parcel of land being more particularly described as follows:

**BEGINNING** at an iron rod with cap found at a point on the easterly right-of-way line of Cedar Creek Road, said beginning point being formed by the intersection of the southerly line of lands of, now or formerly, Bayhealth Medical Center, Inc., as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 4890, Page 125, with the easterly right-of-way line of Cedar Creek Road; thence,

1) leaving said right-of-way line of Cedar Creek Road and running by and with said Bayhealth lands, the following 2 courses and distances, North 75 degrees 14 minutes 26 seconds East 290.00 feet to a point; thence,

2) South 13 degrees 31 minutes 22 seconds East 153.24 feet to a point on the northerly line of lands of, now or formerly, Albert T. & Beverly J Coverdale, Trustee, as recorded in said Office of the Recorder of Deeds in Deed Book 2421, Page 89; thence,

3) leaving said Bayhealth lands and running by and with said Coverdale lands, South 75 degrees 51 minutes 31 seconds West 287.52 feet to a point on the aforementioned right-of-way line of Cedar Creek Road; thence,

4) leaving said Coverdale lands and running by and with said right-of-way line of Cedar Creek Road, along a curve to the left, having a radius of 13917.52 feet, an arc length of 150.11 feet and a chord bearing and distance of North 14 degrees 27 minutes 00 seconds West 150.11 feet to the point and place of beginning; **CONTAINING** 43,773 square feet of land, more or less.

TO: Mayor Campbell & City of Milford Council Members  
FROM: Annexation Committee  
DATE: **September 24, 2018**  
RE: Annexation Committee Report

A public meeting was held in Council Chambers on **September 24, 2018** to consider the annexation request for lands described as:

Property Owner:	Derek R. Parker and Shawn L. Bernhard
Location:	7195 Cedar Creek Road
Size:	1.01 +/- acres
Existing Zoning:	AR-1 – Agricultural Residential (Sussex County)
Proposed Zoning:	C-3 (Highway Commercial District)
Tax Map and Parcel Number:	3-30-11.00-006.15

#### **APPLICANT**

The property owner requests the 1.01 +/- acres of land containing a single-family detached dwelling located at 7195 Cedar Creek Road be annexed into the corporate limits of the City of Milford.

#### **LOCATION**

The property is identified as Sussex County tax parcels 3-30-11.00-006.15 and would be located in the 1st Ward of the City of Milford. The property is located along the east side of Cedar Creek Road approximately 325 feet south of the Wilkins Road intersection. The property is currently improved with a single-family detached dwelling unit and it is anticipated that the structure would be converted into a medical office.

#### **STREETS**

The single family detached dwelling currently has an entrance along Cedar Creek Road. Any commercial development or redevelopment of the property would gain access from Cedar Creek Road or through the Hall property to the north and east. Any entrance improvements or modifications along Cedar Creek Road will require approval from DelDOT. It is anticipated that any internal streets to the proposed use will be privately owned and maintained.

#### **DRAINAGE**

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

#### **ZONING**

The area proposed to be annexed is currently zoned AR-1 in Sussex County under the Sussex County Zoning Ordinance. The applicant requests the property be zoned C-3 (Highway Commercial District) under the City of Milford's Zoning Ordinance.

## **SEWER**

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 technically available. Any residential or commercial development of the property will require the connection to City sewer at the expense of the property owner/developer. The property would be served by the planned southeast regional pumping station and/or associated infrastructure. Additional fees, including County and City impact fees, will be required at the time of development.

## **WATER**

The property is currently served by an onsite well. The owner will be allowed to continue the use of the onsite well until such time that central water becomes technically available. Any resident or commercial development of the property will require the connection to City water at the expense of the property owner/developer. The area will be served with a water main extension from existing infrastructure in the southeast neighborhood. Additional fees, including City impact fees, will be required at the time of development.

## **ELECTRIC**

The property is currently provided electric service by Delmarva Power. The owner will continue to use the services of Delmarva Power until such time the property is redeveloped for residential or commercial purposes associated with any adjacent lands. Costs of the improvements needed to provide electric service to the property shall be the responsibility of the owner/developer. Additional fees, including impact fees, will be required at the time of development.

## **UTILITY AGREEMENT**

A utility agreement outlining all infrastructure costs may be required as part of a major subdivision or site plan application.

## **TRAFFIC**

Any development of the parcel will be subject to DelDOT approval for access along S. Rehoboth Boulevard.

## **ENVIRONMENTAL ISSUES**

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

## **AREA LAND USES**

The parcel is bound on the north and east by undeveloped agricultural land within the City of Milford that is zoned C-3 (Highway Commercial). The properties to the south are zoned AR-1 and contain similar single-family detached dwellings are larger residential lots. The property to the west, across Cedar Creek Road, is zoned IS (Institutional Service District) and is currently being developed as a regional health campus by Bayhealth.

## **FIRE AND POLICE**

The Carlisle Fire Dept. will provide fire protection services to this parcel. The City will provide police service.

### **COMPREHENSIVE LAND USE PLAN**

The annexation is consistent with the 2018 Comprehensive Plan Future Land Use Plan and the SE Master Plan and is designated as Commercial, which allows the designation of areas for highway commercial uses under the C-3 zoning district.

### **PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS**

It is anticipated that the property taxes will increase on this property after redevelopment and the City would benefit from the revenues associated with building permits. Construction costs as well as user fees cannot be determined at this time.

### **ADVANTAGES TO THE CITY**

1. The property would be within the planning area of the City of Milford and is identified within the Urban Growth Boundary Area of the 2018 Comprehensive Plan.
2. The proposed zoning is consistent with the 2018 Comprehensive Plan Future Land Use Map.
3. Potential for additional water and sewer customers.
4. The City would receive revenues (property tax, building permits, etc) associated with activity on this parcel and adjacent lands.

### **DISADVANTAGES TO THE CITY**

1. None.