

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 24, 2018

A Meeting of the City of Milford Annexation Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, September 24, 2018.

PRESIDING: Chairman Owen Brooks Jr.

IN ATTENDANCE: Committee Members: Councilman Christopher Mergner and James Starling Sr.

Mayor Arthur Campbell

Councilmember Mike Boyle and Todd Culotta

STAFF: City Planner/Acting City Manager Rob Pierce and City Clerk Terri Hudson

Chairman Brooks called the Committee Meeting to order at 7:43 p.m. for a review of the following requests:

*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*

Mr. Pierce referenced the survey showing the existing property that contains a single-family detached dwelling and accessory buildings in the First Ward. Three of the adjacent properties are in City limits so this will help square the boundary line off.

The parcel is directly south of the previous Putt-a-Rosa site on South Rehoboth Boulevard or 950 feet south of the Southeast Second Street intersection.

The plan is 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 this parcel. The proposed use would be a small shopping center on the commercial property. It is tied into a thru-entrance with a multi-family project on the eastern portion that would extend to Beaver Dam Road.

All streets are anticipated to be privately owned. Any entrance off South Rehoboth Boulevard will require DelDOT approval.

As with any development, the parcel will be subject to DNREC storm-water regulations and the developer is required to obtain permits from the Sussex Conservation District and the State of Delaware.

The applicant is requesting a C1 (Community Commercial District) designation that is consistent with the City's Comprehensive Plan Land Use and Zoning Maps.

The site is currently served by an on-site septic system and well. Those utilities will remain in place until the property is redeveloped or utilities become technically available. Any connection would be at the expense of the property owner/developer. It is anticipated that this area, including the shopping center project, would be served with a new sewage pumping station located on South Rehoboth Boulevard.

The area would be served with a water main extension from the existing infrastructure along South Rehoboth Boulevard to Beaver Dam Road.

The property is currently served by City electric and any upgrades would be at the expense of the owner/developer.

A utility and annexation agreement outlining all infrastructure costs and other items previously mentioned will be required.

The parcel is bound on the north and east by properties zoned C3, which were formerly outdoor recreational uses. To the south is a small strip of R3 zoning, when then becomes AR1 within the unincorporated area of Sussex County. To the east, is the proposed multi-family housing project also previously discussed.

Other properties within Sussex County along this road, are similar to what exists as a single family-detached product.

Carlisle Fire Department will continue to provide fire protection services to this parcel and the City will provide police service.

The property is within the planning area of the City of Milford and identified within the Urban Growth Boundary Area of the 2018 Comprehensive Plan. The proposed zoning is consistent with the 2018 Comprehensive Plan Future Land Use Map. It also provides for additional water and sewer customers with the expansion costs incurred by the property owner/developer.

In addition, the City would receive revenues from any redevelopment of the property, including property tax, building permits, etc.

Mr. Pierce reported that if in agreement, the Committee would sign the report to be submitted to Council at their October 8, 2018 meeting.

He also noted that the applicant's representative is in attendance.

When asked if the area property owners had been notified by mail, Mr. Pierce explained that once the Annexation Committee agrees to proceed with the request, letters will be sent with the date and time of the public hearing.

If the Committee concurs, Mr. Pierce will prepare the Plan of Services to be forwarded to the State of Delaware Planning Office. An annexation agreement will also be prepared. As mentioned, a public hearing will be required at which time public comments will be accepted. Notices will be mailed to land owners within 200 feet of the property.

The Planning Director reported that the Board of Adjustment recently heard and approved the following variance requests:

Relief from Part II-General Legislation, Chapter 230-Zoning, Article III-Use and Area Regulations, Section 14C(11)(f)[1] which states for conditional use approvals, "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." A variance to allow no buffer on all property lines was also authorized.

As a result, public notices were sent out in connection to the future development, but unrelated to the annexation request.

Mr. Pierce reviewed the surrounding zoning districts that are designated C3, C3 and R3. The applicant will request C1 though an additional conditional use process is necessary for the shopping center.

When Councilman Mergner asked for clarification of the Comprehensive Plan, the Planning Director stated that this is appropriate for its commercial designation.

Councilman Brooks asked the plans for the old batting cages and garage. PE Ring Lardner of Davis, Bowen and Friedel, who was representing the applicant, explained the plan is to redevelop the old Putt a Rosa as a shopping center. That requires a conditional use in accordance with the C3 zoning category. The plan for the parcel being annexed was always for an entrance into this project. The intent is to keep the buildings and parking away from the creek. The area for the main entrance/boulevard will be going to the parcel, which is not in City limits and the reason for the annexation request. Given that it is more of a commercial entrance, the C1 is more appropriate than a residential classification.

The shopping center area will be to the north.

This parcel will become the entrance that will serve both the apartment project in the rear and the commercial development that will be later presented to City Council if approval of the annexation is granted.

Mr. Lardner confirmed that all the apartments will be in the rear, which is east of this parcel.

He also explained that a variance was approved for the buffer. Referencing the map, he noted the number of wetlands that will provide a natural buffer between the shopping center and the residential area. A landscaped screen will be provided though there is already a natural wooded area.

Mr. Lardner pointed out the creek on the rear of the property which is also partially wooded. The road frontage will not be buffered because of the commercial use needing visibility from the roadway. The main reason for the request to remove the buffer is because of the natural features that already exist.

Mr. Pierce again reviewed the request, noting that the C1 would still accommodate and allow a small shopping center with an entrance and connector to the apartment complex which would have its own entrance off Beaver Dam Road.

The Committee Members agreed to proceed with the annexation.

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

Mr. Pierce reviewed the application stating that its Comprehensive Plan designation is future highway commercial and the request is for a C3 zoning designation. The applicant plans to purchase the property and turn it into a medical office. The goal is to save as much of the existing home as possible.

The property is adjacent to the new Bayhealth Campus on Route 30.

Mr. Pierce recalled that two of the homeowners on this strip of Route 30 had originally requested annexation during the summer of 2017, but both withdrew their applications.

As with the previous property, the home is on an individual septic system. The annexation agreement will have provisions that it can continue to be used until such time sewer becomes technically available. Any residential or commercial development of the property will require a 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.

The home currently has a well and similar provisions will apply.

The single family home 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.

The future land use map shows this area to be converted to commercial at some point. 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.

Members of the Committee confirmed that they are all in agreement to proceed with the annexation.

Mr. Pierce thanked the Committee Members, adding that Council can expect to see the public hearings within the next couple of months.

Councilmember Mergner asked that during future reviews, an aerial be provided for a better visual.

Mr. Pierce agreed to finalize the annexation report in preparation of the signatures of the Committee.

There being no further business, Councilmember Mergner moved to adjourn the Committee Meeting, seconded by Councilmember Starling. Motion carried.

The Committee Meeting was adjourned by Chairman Brooks at 7:55 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terri K. Hudson".

Terri K. Hudson, MMC
City Clerk/Recorder