

**Preliminary Land Use Service (PLUS) Application  
Pre-Update Review Request  
Municipal Comprehensive Plans  
Comprehensive Plan Amendments  
Municipal Ordinances  
Delaware Office of State Planning Coordination**

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**All sections related to your project must be completed.** Incomplete applications could lead to delays in scheduling your review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

**REQUESTED REVIEW: Check one**

- |   |                                     |
|---|-------------------------------------|
| Comprehensive Plan Pre-Update Review<br><b>Complete Sections 1 and 3 only</b> | <input type="checkbox"/>            |
| Comprehensive Plan or Update<br><b>Complete Sections 1 and 3 only</b>         | <input type="checkbox"/>            |
| Comprehensive Plan Amendment<br><b>Complete Sections 1 and 2 only</b>         | <input checked="" type="checkbox"/> |
| Municipal Ordinance Review<br><b>Complete Sections 1 and 2 only</b>           | <input type="checkbox"/>            |

**Date of most recently certified comprehensive plan:**

1/22/18

**Link to most recently certified comprehensive plan, if available:**

If a link to the plan is not available, you must submit a copy of your plan with this application for a Pre-Update Review or a Comprehensive Plan Amendment.

<http://cityofmilford.com/81/Comprehensive-Plan>

**Preliminary Land Use Service (PLUS) Application  
 Pre-Update Review Request  
 Municipal Comprehensive Plans  
 Comprehensive Plan Amendments  
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 Delaware Office of State Planning Coordination**

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**SECTION 1: MUNICIPAL INFORMATION**

<b>Name of Municipality:</b> City of Milford	
<b>Address:</b> 180 Vickers Drive Milford, DE 19963	<b>Contact Person:</b> Rob Pierce, Planning & Development Director
	<b>Phone Number:</b> 302-424-8396
	<b>Fax Number:</b> 302-424-8559
	<b>E-mail Address:</b> rpierce@milford-de.gov

<b>Application prepared by:</b> Same as above	
<b>Address:</b>	<b>Contact Person:</b>
	<b>Phone Number:</b>
	<b>Fax Number:</b>
	<b>E-mail Address:</b>

**Preliminary Land Use Service (PLUS) Application  
Pre-Update Review Request  
Municipal Comprehensive Plans  
Comprehensive Plan Amendments  
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**SECTION 2. COMPREHENSIVE PLAN AMENDMENT OR MUNICIPAL  
ORDINANCE DESCRIPTION**

**Please describe the submission.**

See attached narrative.

Amendment Request #1 – SE Master Plan

In the process of developing a draft ordinance to establish a Transfer of Development Rights Program as outlined in the SE Master Plan, the City of Milford has determined that it would be beneficial to move Receiving Area #4 further south to encompass two tax parcels under single ownership that are located on both sides of Cedar Creek Road. The previously designated area included several developed strip lots along Johnson Road and Cedar Creek Road which may be more difficult or impractical to redevelop for large-scale residential use. The City feels that shifting this area further to the south would benefit the TDR program.

Additionally, Receiving Area #2 has been reshaped to encompass a single tract of land located along the east side of Bucks Road for similar reasons. The City feels that minimizing the number of properties involved in the receiving areas will lead to better program success.

The acreage for the receiving areas was increased to 290 acres, increasing the number of Transfer Credits available to 1,450, which is closer to the numbers provided in the sending area analysis.

The below table replaces Table 4.2 found on page 25 of the SE Master Plan in its entirety. The updated table provides a breakdown for each of the four areas involved and corrects a calculation error in the “8 dwelling unit per acre” column.

Table 4.2. TDR Receiving Area Analysis

Milford TDR Receiving Areas					
ID	Tax Parcel Number	Receiving Area Acreage	Base Zoning at 3 DU/Acre	TDR Zoning at 8 DU/Acre	Total Transfer Credits Allowed
1	3-30-11.00-056.00	55	165	440	275
2	3-30-11.00-068.00	55	165	440	275
3	3-30-15.00-024.00	60	180	480	300
4	3-30-16.00-016.00 & 3-30-15.00-071.00	120	360	960	600
		290		2,320	1,450

The City has updated Map #1, #2, #3, #5 and #6 to show the above referenced changes to the TDR Receiving Areas and provides identification numbers for the four parcels involved.

Amendment Request #2 – Marina-Del Project

The City has received a request from the owner/developer of tax parcels 3-30-7.00-035.00, 036.00 & 037.00 located along the south side of Cedar Beach Road (State Route 36) just west of SR1 to develop the site into highway commercial and residential uses. The adopted Future Land Use exhibit shows Commercial along Route 36 with limited Moderate Density Residential along two of the parcels off of Beaver Dam Road. The developer has requested more Moderate Density Residential as shown on attached Exhibit B.

Amendment Request #3 – S. Rehoboth Boulevard Corridor

Three of the properties identified in the 2018 Comprehensive Plan update as Commercial Future Land Use have requested to keep their I-1 Limited Industrial zoning designation. As such, the City requests permission to amend the Future Land Use maps by changing these to Industrial Future Land Use. These include tax parcel numbers 3-30-7.18-022.00, 023.00 and 025.02. The proposed map amendments are shown on attached Exhibit C.

Amendment Request #4 – Windward on the River – Commercial and Residential Site Plan

The City of Milford recently processed land use applications for the Windward on the River Multi-Family and Commercial site plans. The proposed Future Land Use map amendment would clean up the boundary between the residential and commercial portions of the project by changing portions of tax parcel 3-30-7.00-033.00 from Moderate Density Residential to Commercial, changing 3-30-11.00-261.00 from Commercial to Moderate Density Residential and changing tax parcel number 3-30-11.00-043.00 from Low Density Residential to Commercial. The proposed map amendments are shown on attached Exhibit D.

Amendment Request #5 – Kaplan Property – 302 Polk Avenue – Employment to Low Density Residential

The owner of parcel 1-30-3.08-067.00 has requested a rezoning from H-1 Institutional Development to OB-1 Office Building in order to allow different types of professional offices to occupy the existing structure. The property contains a residential structure that had been previously converted into a medical office. The existing and future use of the building would be better suited for the OB-1 zoning instead of the H-1 zoning. The owner has requested the land use of the property be changed from Employment to Low Density Residential to allow the rezoning request to move forward as shown on attached Exhibit E.

CITY OF MILFORD  
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, July 16, 2019 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, July 22, 2019 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2019-25**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
SE MASTER PLAN/TDR RECEIVING AREAS

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017-24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the first amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment will amend the SE Master Plan by relocating Transfer of Development Rights Receiving Areas #2 and #4; and

WHEREAS, Receiving Area #2 has been reshaped to encompass a single track of land versus four parcels; and

WHEREAS, Receiving Area #4 has been shifted further south to encompass two tracks of land versus twenty-five parcels; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the first amendment of the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the first amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1<sup>st</sup> day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019

City Council Introduction: July 8, 2019

City Council Review & Public Hearing: July 22, 2019

Adoption: July 22, 2019

Effective: August 1, 2019

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

**SYNOPSIS:**

	<b>Node ID / Receiving Area ID</b>	<b>Receiving Area Acres</b>	<b>Base Zoning at 3 DU/Ac</b>	<b>TDR Zoning at 8 DU/Ac</b>	<b>Additional DUs Through TDR Use</b>
Current	1	58	174	464	290
Proposed Amendment	3	60	180	480	300
Current	2	118	354	944	590
Proposed Amendment	4	120	360	960	600
Current	3	107	321	856	535
Proposed Amendment	1 & 2	110	330	880	550
<b><i>TOTAL</i></b>					
<b><i>Current</i></b>		<b>283</b>	<b>849</b>	<b>2264</b>	<b>1415</b>
<b><i>Proposed Amendment</i></b>		<b>290</b>	<b>870</b>	<b>2320</b>	<b>1450</b>

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.3986 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

*Published: Beacon 07/04/19*

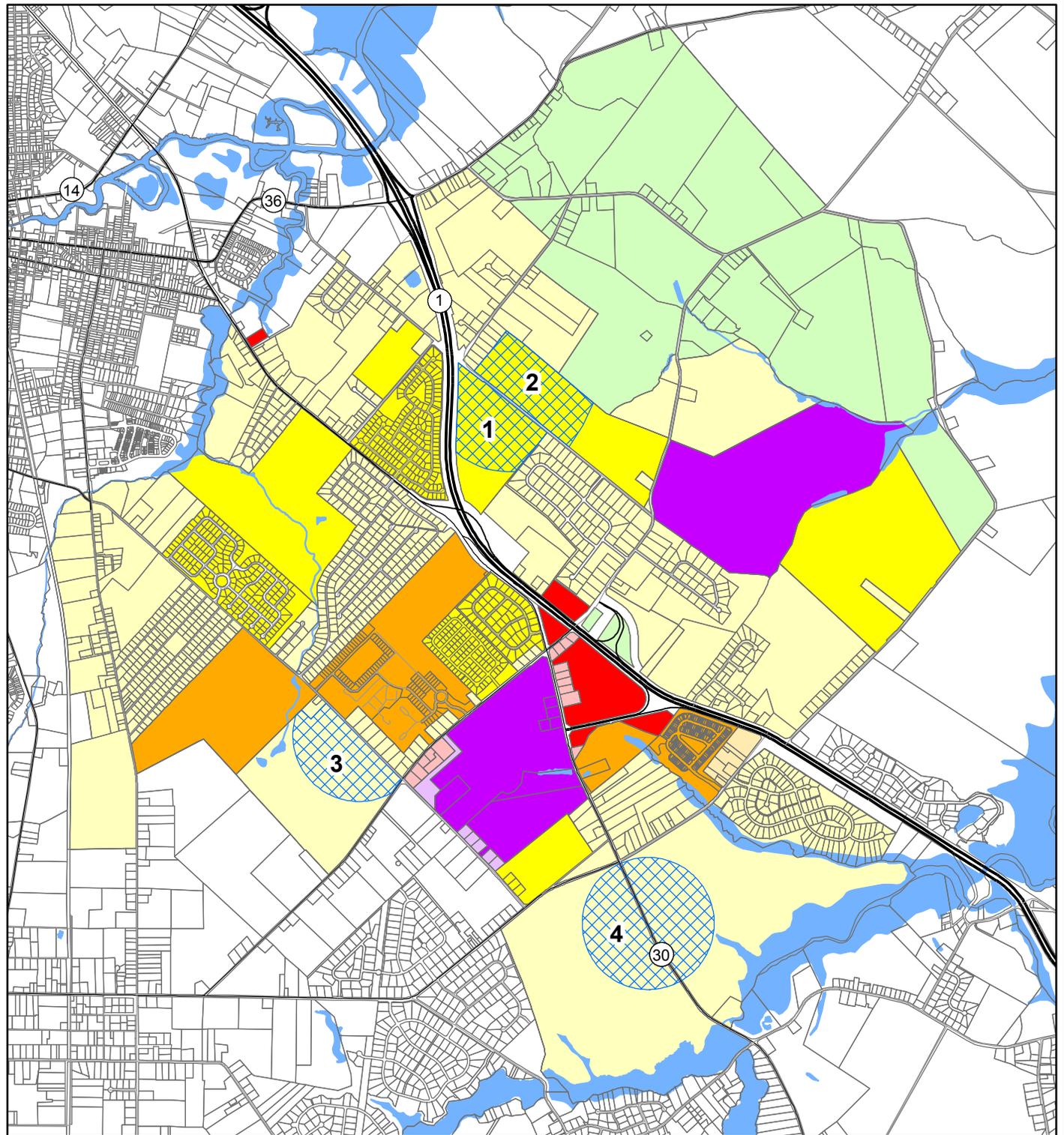
# Milford South East Neighborhood Master Plan

## Map #1 Land Use

Revised March 2019

### Legend

-  TDR Receiving Areas
-  Commercial
-  Employment Center
-  Residential - Low Density
-  Residential - High Density
-  Open Space Agriculture
-  Proposed Commercial
-  Proposed Employment
-  Proposed Residential - Low Density
-  Proposed Residential - High Density
-  Proposed Open Space Agriculture



# Milford South East Neighborhood Master Plan

## Map #2 Land Use & Agriculture

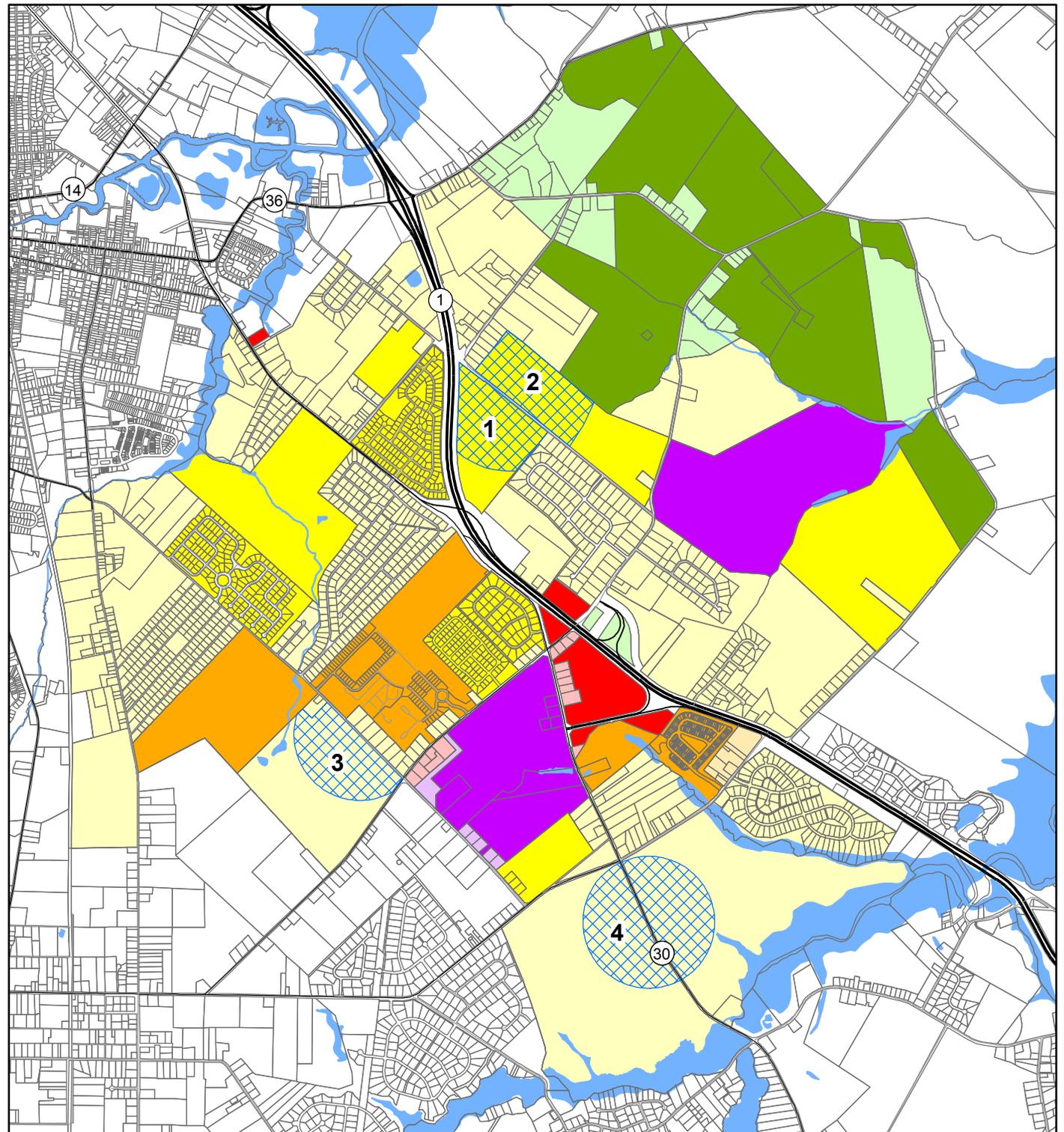
Revised March 2019

### Legend

-  TDR Receiving Areas
-  TDR Sending Areas
-  Commercial
-  Employment Center
-  Residential - Low Density
-  Residential - High Density
-  Open Space Agriculture
-  Proposed Commercial
-  Proposed Employment
-  Proposed Residential - Low Density
-  Proposed Residential - High Density
-  Proposed Open Space Agriculture



0 0.25 0.5 1 Miles



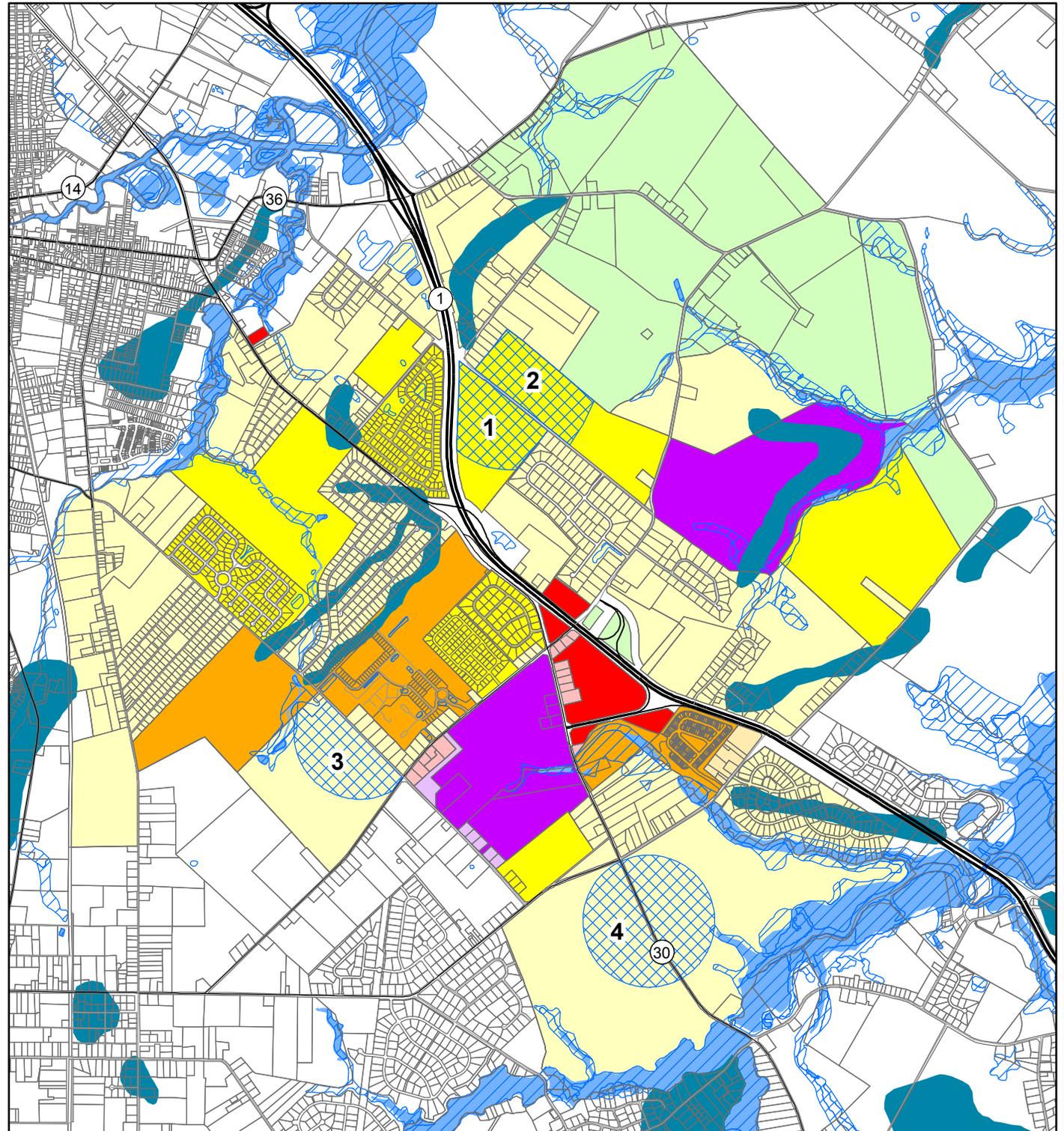
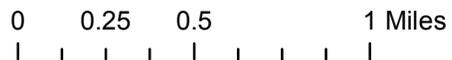
# Milford South East Neighborhood Master Plan

## Map #3 Land Use & Environment

Revised March 2019

### Legend

-  TDR Receiving Areas
-  Excellent Recharge Area
-  Wetlands
-  Commercial
-  Employment Center
-  Residential - Low Density
-  Residential - High Density
-  Open Space Agriculture
-  Proposed Commercial
-  Proposed Employment
-  Proposed Residential - Low Density
-  Proposed Residential - High Density
-  Proposed Open Space Agriculture



# Milford South East Neighborhood Master Plan

## Map #5 Land Use & Water

Revised March 2019

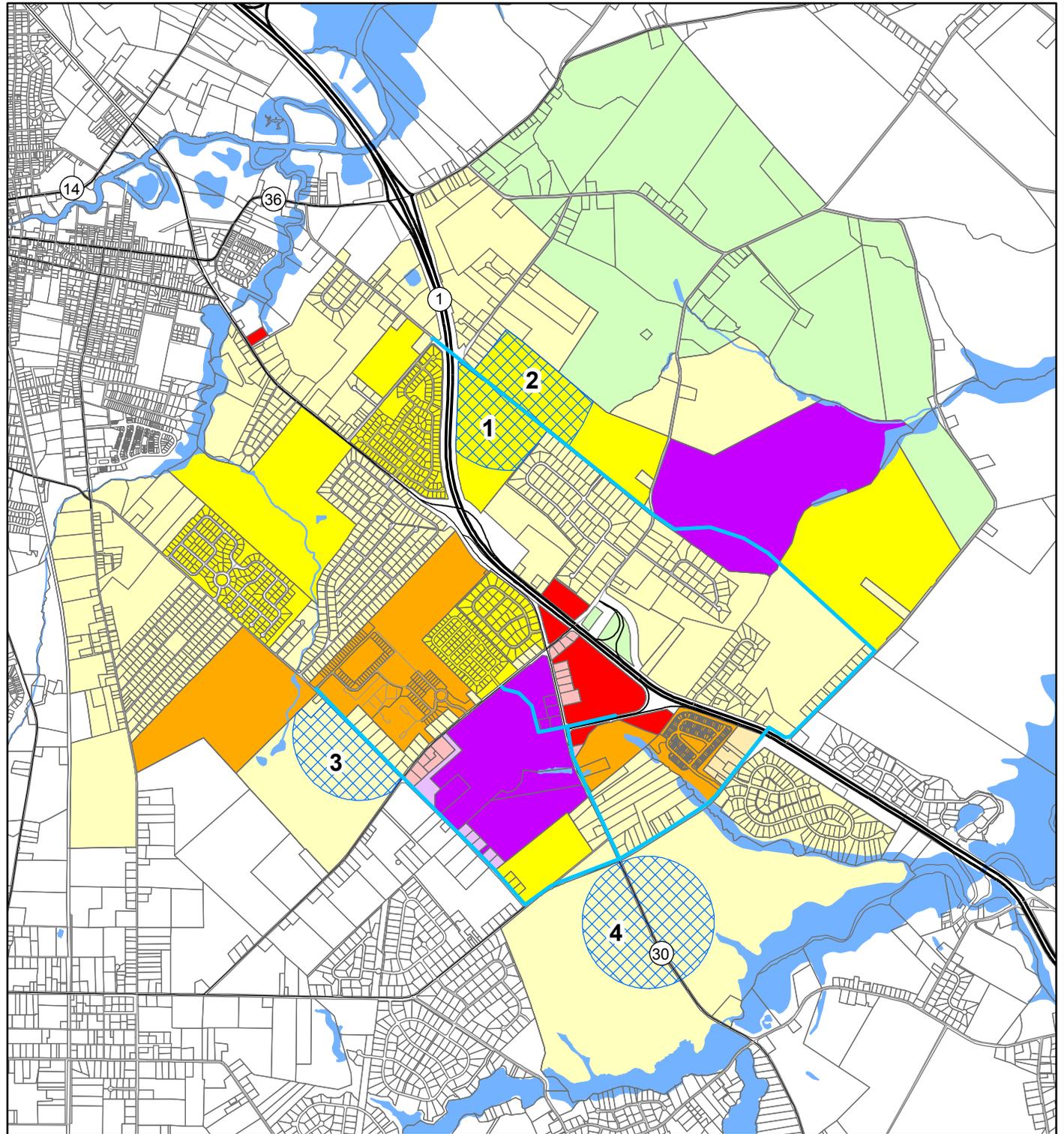
### Legend

- Proposed Water System
- Existing Water System
- TDR Receiving Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

\*Conceptual alignment subject to change



0 0.25 0.5 1 Miles



# Milford South East Neighborhood Master Plan

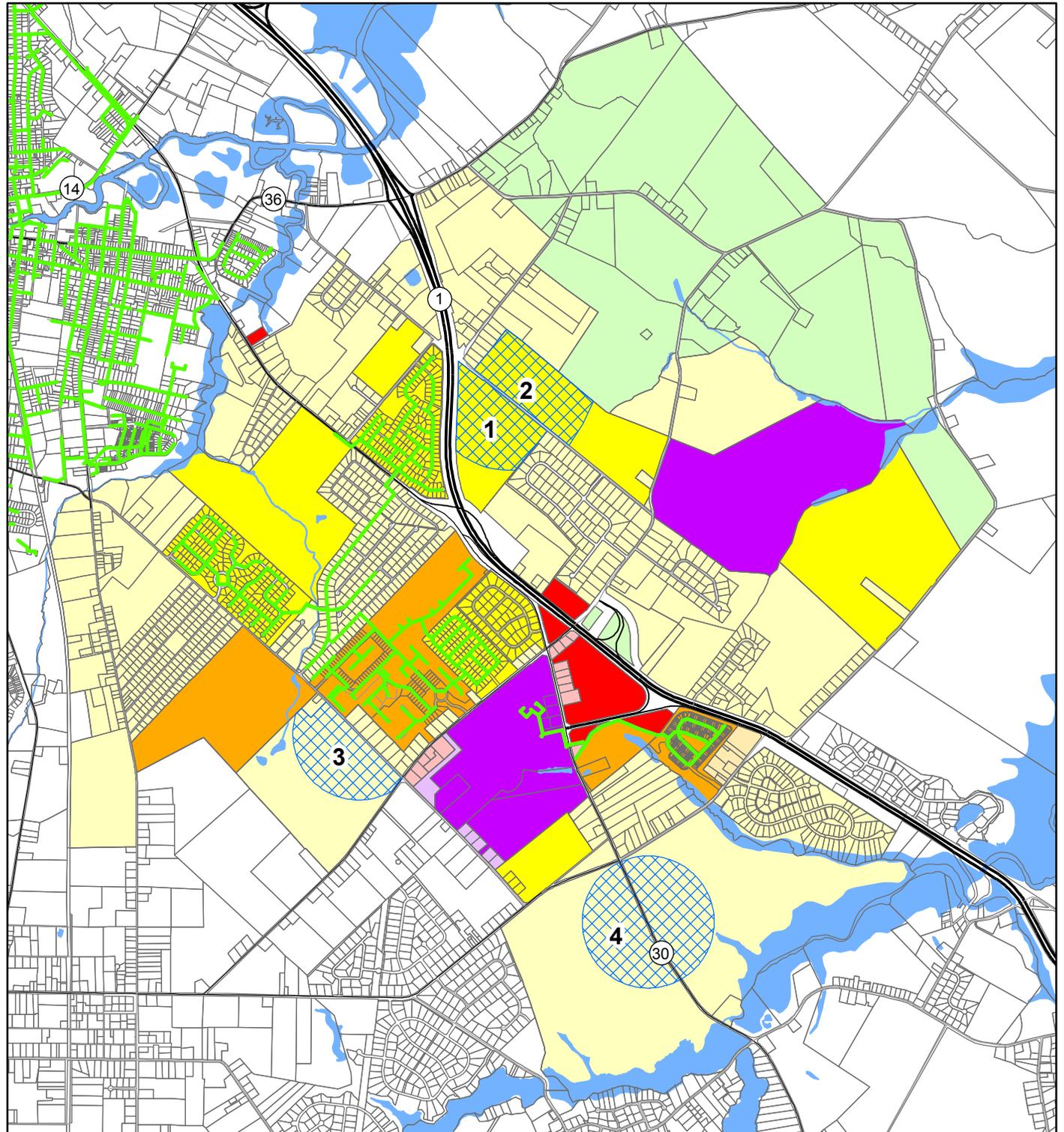
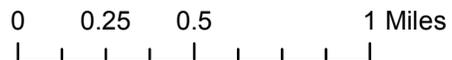
## Map #6 Land Use & Wastewater

Revised March 2019

### Legend

-  Proposed PS
-  Proposed FM
-  Existing Gravity Sewer
-  TDR Receiving Areas
-  Commercial
-  Employment Center
-  Residential - Low Density
-  Residential - High Density
-  Open Space Agriculture
-  Proposed Commercial
-  Proposed Employment
-  Proposed Residential - Low Density
-  Proposed Residential - High Density
-  Proposed Open Space Agriculture

\*Conceptual alignment subject to change



CURRENT RECEIVING AREA LAYOUT FOR REFERENCE ONLY

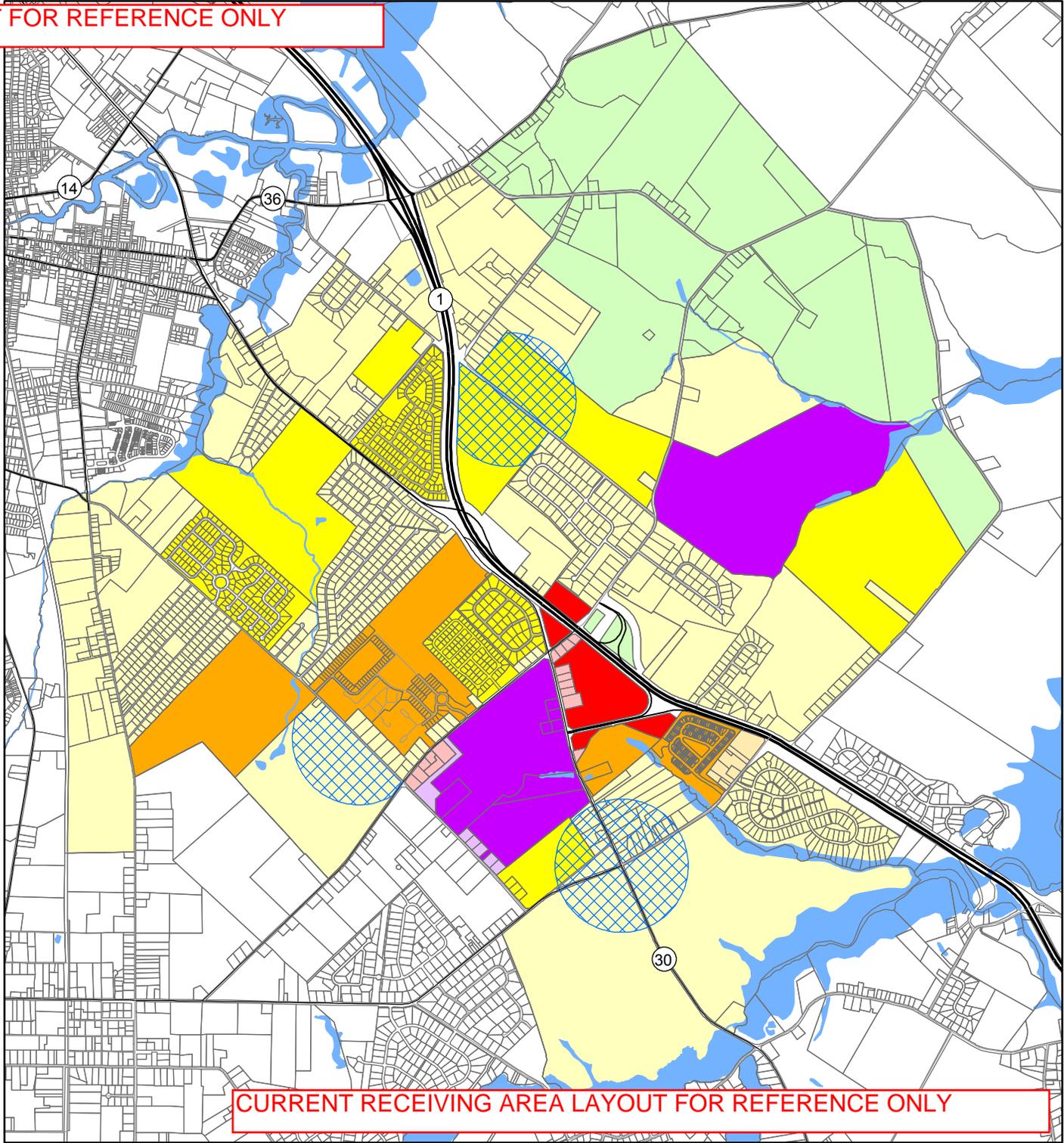
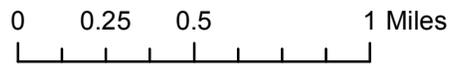
# MILFORD South East Neighborhood Master Plan

## Map #1 Land Use

Revised March 2017

**Legend**

-  TDR Receiving Areas
-  Employment Center
-  Commercial
-  Residential - Low Density
-  Residential - High Density
-  Open Space Agriculture
-  Proposed Employment
-  Proposed Commercial
-  Proposed Residential - Low Density
-  Proposed Residential - High Density
-  Proposed Open Space Agriculture



CURRENT RECEIVING AREA LAYOUT FOR REFERENCE ONLY

CITY OF MILFORD  
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, July 16, 2019 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, July 22, 2019 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2019-26**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
MILFORD MARINA ENTERPRISES LLC  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017-24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the second amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the SE Master Plan, which will permit the future land use designation of three properties to alternate future land use designations; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the second 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the amendment of the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the second amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1<sup>st</sup> day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019

City Council Introduction: July 8, 2019

City Council Review & Public Hearing: July 22, 2019

Adoption: July 22, 2019

Effective: August 1, 2019

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

**SYNOPSIS:**

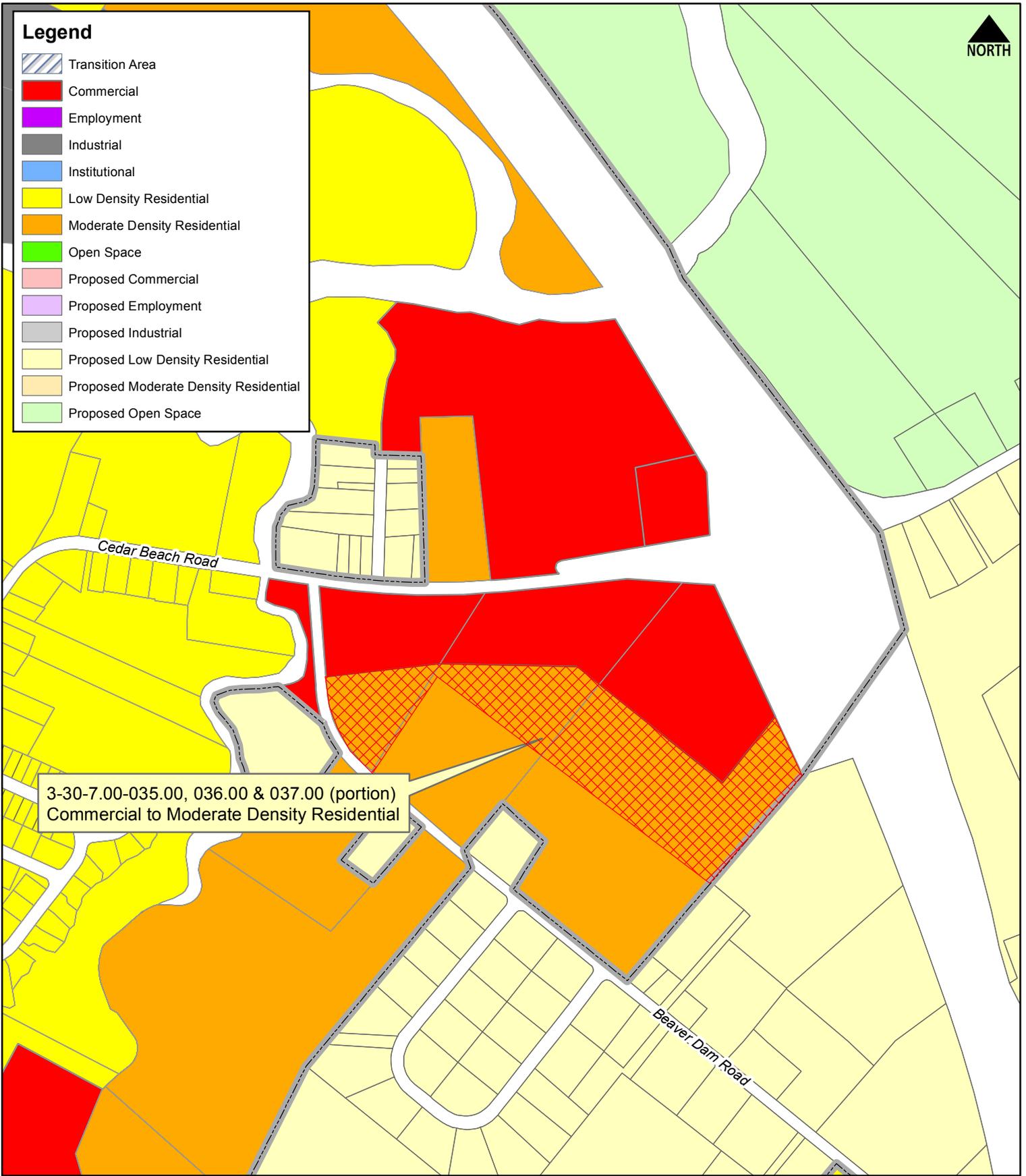
1. Milford Marina Enterprises LLC, Cedar Beach Road (3-30-7.00-035.00, 3-30-7.00-036.00, 3-30-7.00-037.00; change in future land use designation from commercial to moderate density residential)

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.3986 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

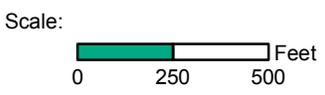
*Published: Beacon 07/04/19*

**Legend**

-  Transition Area
-  Commercial
-  Employment
-  Industrial
-  Institutional
-  Low Density Residential
-  Moderate Density Residential
-  Open Space
-  Proposed Commercial
-  Proposed Employment
-  Proposed Industrial
-  Proposed Low Density Residential
-  Proposed Moderate Density Residential
-  Proposed Open Space



3-30-7.00-035.00, 036.00 & 037.00 (portion)  
Commercial to Moderate Density Residential



Drawn by: WRP      Date: 03/26/19

Title:

**Exhibit B**  
**2019 Comprehensive Plan Amendment**  
**Future Land Use Map**

Filepath:      Exhibit\_B\_032619.mxd

CITY OF MILFORD  
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, July 16, 2019 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, July 22, 2019 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2019-27**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
MALONEY, MITCHELL RENTALS LLC  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017-24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the third amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the SE Master Plan, which will permit the future land use designation of three properties to alternate future land use designations; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the third 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the amendment of the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the third amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1<sup>st</sup> day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019

City Council Introduction: July 8, 2019

City Council Review & Public Hearing: July 22, 2019

Adoption: July 22, 2019

Effective: August 1, 2019

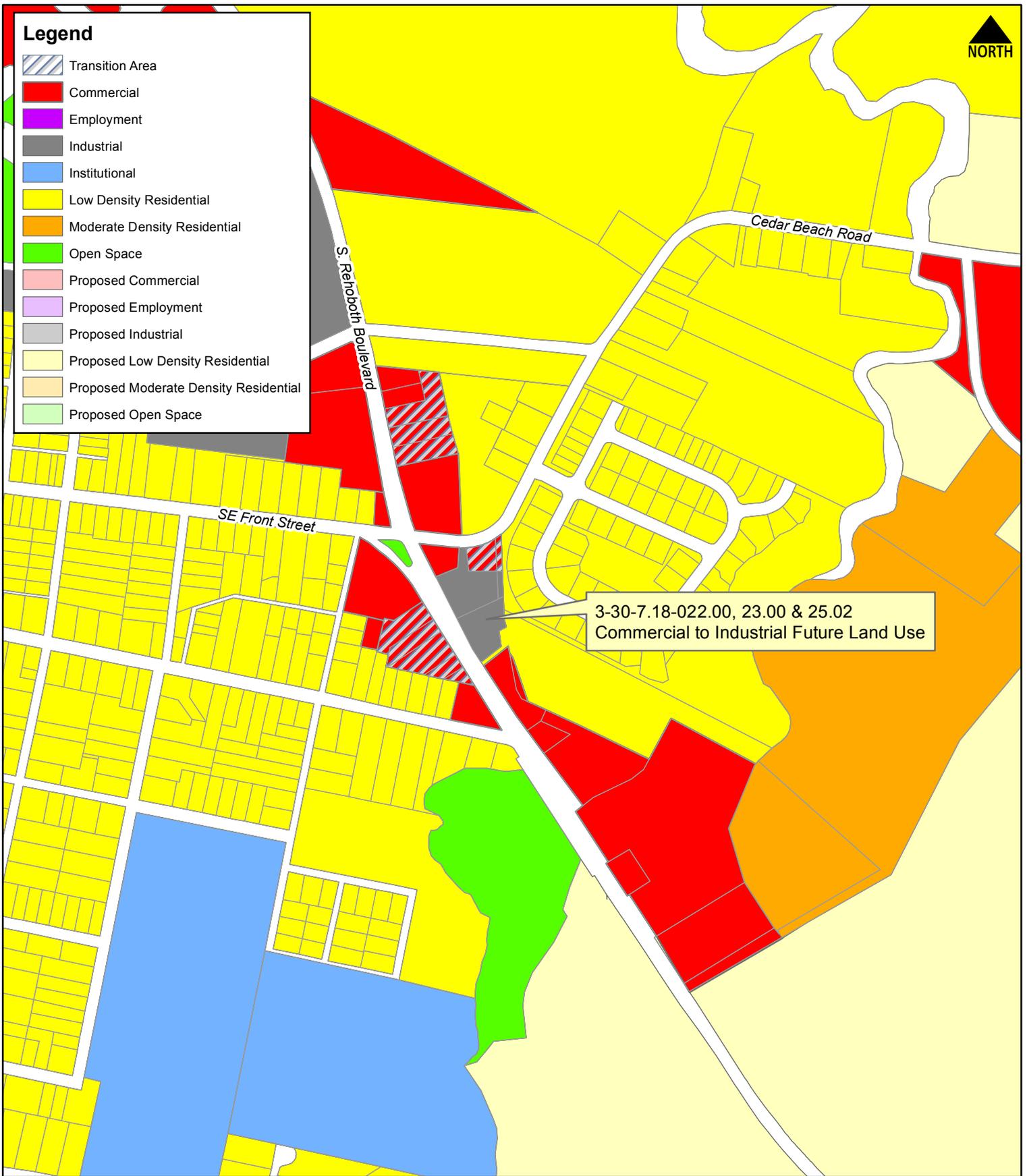
This ordinance shall take effect and be in force ten days after its adoption.

**SYNOPSIS:**

Joan Maloney, and Mitchell Rentals LLC, South Rehoboth Boulevard (3-30-7.18-022.00, 3-30-7.18-023.00, 3-30-7.18-025.02; change in future land use designation from commercial to industrial)

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.3986 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

*Published: Beacon 07/04/19*



	Scale:  Feet 0      250      500	Title: <b>Exhibit C</b> <b>2019 Comprehensive Plan Amendment</b> <b>Future Land Use Map</b>
	Drawn by: WRP      Date: 03/26/19	
Filepath: Exhibit_C_032619.mxd		

CITY OF MILFORD  
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, July 16, 2019 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, July 22, 2019 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2019-28**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
WEBB, SWAIN, SIMPSON  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017-24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the fourth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the SE Master Plan, which will permit the future land use designation of three properties to alternate future land use designations; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the fourth 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the amendment of the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the fourth amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1<sup>st</sup> day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019

City Council Introduction: July 8, 2019

City Council Review & Public Hearing: July 22, 2019

Adoption: July 22, 2019

Effective: August 1, 2019

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

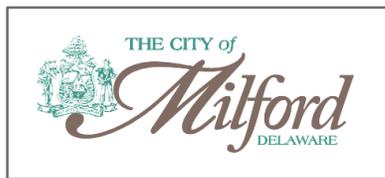
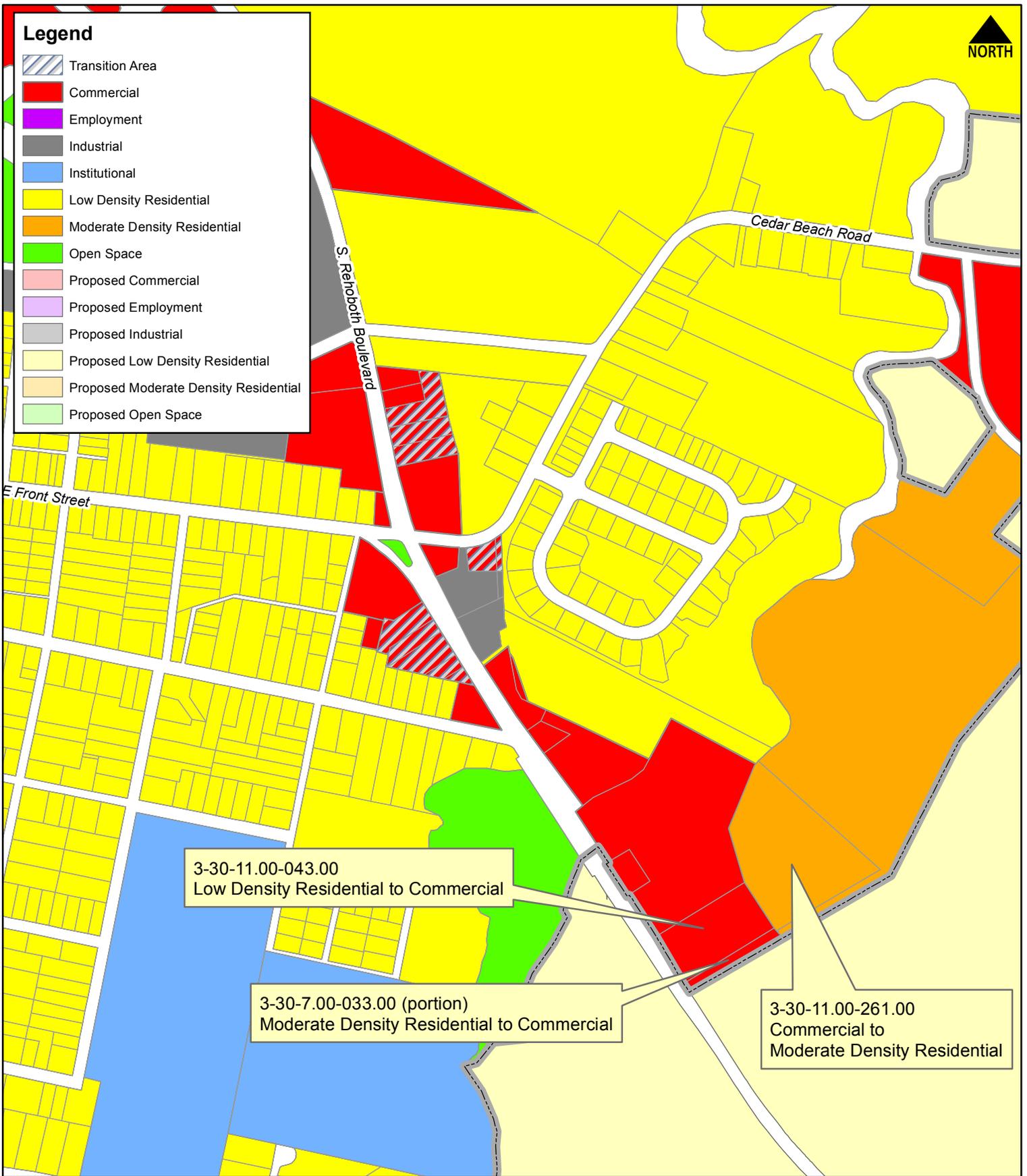
**SYNOPSIS:**

Jesse C. & Joyce L. Webb, G. Walter & Janet R. Swain, and Gilbert C. & Irene D. Simpson, South Rehoboth Boulevard (3-30-7.00-033.00 (portion of)); change in future land use designation from moderate density

residential to commercial) (3-30-11.00-261.00; change in future land use designation from commercial to moderate density residential) (3-30-11.00-043.00; change in future land use designation from low density residential to commercial)

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.3986 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

*Published: Beacon 07/04/19*



Scale: 0 250 500 Feet

Drawn by: WRP Date: 03/26/19

Title: **Exhibit D**  
**2019 Comprehensive Plan Amendment**  
**Future Land Use Map**

Filepath: Exhibit\_D\_032619.mxd

CITY OF MILFORD  
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, July 16, 2019 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, July 22, 2019 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

**ORDINANCE 2019-29**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
K&G ASSOC LLC  
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017-24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the fifth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the SE Master Plan, which will permit the future land use designation of one property to an alternate future land use designation; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the fifth 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the amendment of the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the fifth amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1<sup>st</sup> day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019

City Council Introduction: July 8, 2019

City Council Review & Public Hearing: July 22, 2019

Adoption: July 22, 2019

Effective: August 1, 2019

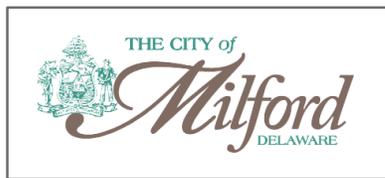
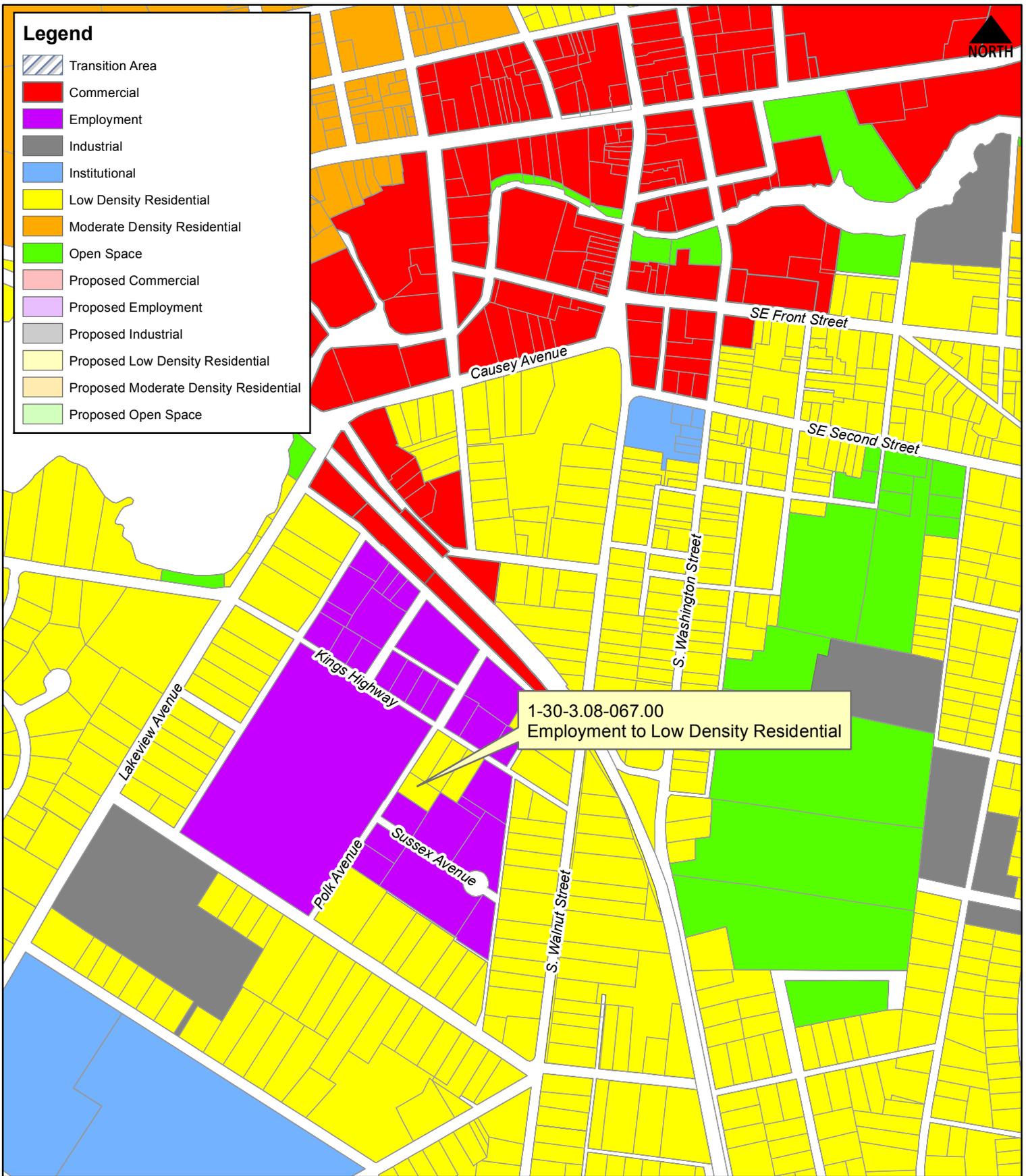
This ordinance shall take effect and be in force ten days after its adoption.

**SYNOPSIS:**

K&G Assoc LLC, Polk Avenue (1-30-3.08-067.00; change in future land use designation from employment to low density residential)

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.3986 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

*Published: Beacon 07/04/19*



Scale: 0 250 500 Feet

Drawn by: WRP Date: 04/02/19

Title: Exhibit E  
2019 Comprehensive Plan Amendment  
Future Land Use Map

Filepath: Exhibit\_E\_040219.mxd



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

June 19, 2019

Rob Pierce  
Planning & Development Director  
City of Milford  
180 Vickers Drive  
Milford, DE 19963

RE: PLUS review 2019-05-01; Milford Comprehensive Plan Amendment

Dear Rob,

Thank you for meeting with State agency planners on May 22, 2019 to discuss the proposed comprehensive Plan Amendments for the City of Milford. There are several amendments proposed as follows:

- Amendment #1: revisions and refinements to the transfer of development rights (TDR) receiving areas in the South East Master Plan.
- Amendment #2: adjustment of the Future Land Use map on a parcel on the south side of Cedar Beach Road to include more moderate density residential land use associated with a development plan known as Marina-Del (reviewed as PLUS 2019-03-10)
- Amendment #3: change the future land use map to two parcels along S. Rehoboth Blvd from commercial to industrial at the request of the property owners.
- Amendment #4: adjustment of the future land use map for several parcels associated with the Windward [aka Windmill] on the River development (reviewed as PLUS 2018-04-04) so that the commercial land use designation matches the development plan.
- Amendment #5: change on parcel along Polk Avenue from employment to low density residential use to reflect the use as a small scale office, which is permitted in the new land use category.

Please note that changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

This office has received the following comments from State agencies:

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

- The Office of State Planning Coordination appreciates the City of Milford’s effort to package the five proposed plan amendments as one application. This allows for a more holistic review of the proposed amendments, and improves the efficiency of the review process.
- The OSPC supports Amendment #1, which adjusts the receiving areas and some parameters for the Transfer of Development Rights (TDR) program in the SE Neighborhood Master Plan. The TDR program was envisioned as a way to implement the land preservation goals in the SE Neighborhood when the master plan was developed. Our office is very pleased to see that Milford and the Delaware Department of Agriculture are working together to implement this master plan recommendation through an ordinance to be reviewed shortly by Milford City Council.
- OSPC has no objections to Amendments #2 – 4.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- In Amendment Request #1, the City proposes moving Development Rights Receiving Area #4 “further south to encompass a single tax parcel that is located on both sides of Cedar Creek Road.” DelDOT does not object to this change but believes there are two tax parcels, albeit under the same ownership. The land east of Cedar Creek Road is Tax Parcel No. 330-16.00-16.00, consistent with Table 4.2 in the PLUS application, but the land west of Cedar Creek Road is Tax Parcel No. 330-15.00-71.00.

**Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352**

**Amendment Request #1 – SE Master Plan TDR Receiving Areas**

- Receiving Area #3- The parcel contains forested wetlands
- Receiving Area #4- Both of these parcels contain significant mapped forested wetlands which are a concern for habitat and water quality protections. The parcel on the east side of Cedar Creek Road also has mapped floodplain and sea level rise inundation that pose existing and future potential flood hazards for development.

Recommendation: Consider avoiding and protecting these natural resources within the TDR receiving areas. A wetland buffer of 100 feet should be employed to protect habitat and water quality. Development within the mapped floodplain should also be avoided.

**Amendment Request #2 – Marina-Del Project**

The adopted Future Land Use exhibit shows Commercial along Route 36 with limited Moderate Density Residential along two of the parcels off of Beaver Dam Road. The

developer has requested more Moderate Density Residential (highway commercial and residential uses).

- The eastern edge of parcel #330-7.00-35.00 has mapped floodplain and sea level rise inundation that pose existing and future potential flood hazards for development.

Recommendation: Development within the mapped floodplain should be avoided.

**Amendment Request #3 – S. Rehoboth Boulevard Corridor**

Properties identified in the 2018 Comprehensive Plan update as Commercial Future Land Use have requested to keep their I-1 Limited Industrial zoning designation.

- There is a mapped Leaking Underground Storage Tank (LUST) on parcel #330-7.18-22.00 and another on the adjacent parcel to the north.

Recommendation: Any ground disturbance or LUST removal should be appropriately managed.

**Amendment Request #4 – Windward on the River – Commercial and Residential Site Plan**

The proposed Future Land Use map amendment would clean up the boundary between the residential and commercial portions of the project by changing portions of tax parcel 330-7.00-33.00 from Moderate Density Residential to Commercial, changing 330-11.00-264.00 from Commercial to Moderate Density Residential and changing tax parcel number 330-11.00-43.00 from Low Density Residential to Commercial.

- The parcels contain significant mapped forested wetlands which are a concern for habitat and water quality protections. Parcel #330-11.00-264.00 also has a large area of mapped floodplain and sea level rise inundation that pose existing and future potential flood hazards for development.

Recommendation: Consider avoiding and protecting these natural resources. A wetland buffer of 100 feet should be employed to protect habitat and water quality. Development within the mapped floodplain should also be avoided.

**Amendment Request #5 – Kaplan Property – 302 Polk Avenue – Employment to Low Density Residential**

Rezoning parcel #130-3.08-67.00 from H-1 Institutional Development to OB1 Office Building in order to allow different types of professional offices to occupy the existing structure.

- There are no mapped environmental concerns identified.

**State Historic Preservation Office – Contact Carlton Hall 736-7404**

**Amendment Request #1 – SE Master Plan**

- The Delaware SHPO is concerned with the TDR Area 2. There is an existing farmstead (S03742); this was the E.M. Daniel House on Beers Atlas. There is a grave on the property for Elias M. Daniel, (died 1887).

There was also another late 19<sup>th</sup> century farmstead on the parcel, which was demolished about 1970. In addition, the Titus School (S03748), which also shows on the Beers Atlas, is located at the NW corner of Bucks Road and Cedar Neck Road, just outside of this parcel.

**Amendment Request #2 – Marina-Del Project**

- There is a known dwelling (S10406) and outbuilding on the parcel that may be eligible for NR listing. Our office is currently in the process of locating Cultural Resource forms in our files. The Delaware SHPO recommends that the owner consider retaining the dwelling or incorporating it with the planned development. There is also a dwelling known as the Old Powder Mill Place (S03728) on the western neighboring parcel. The area along the river has potential for prehistoric archaeological resources and there's potential for 19<sup>th</sup> century archaeological resources. Therefore, the Delaware SHPO recommends an archaeological survey of the project area.

If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54). Prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, to avoid those sites or areas.

If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

**Amendment Request #3 – S. Rehoboth Boulevard Corridor**

- The Delaware SHPO has no comment.

**Amendment Request #4 – Windward on the River – Commercial and Residential Site Plan**

- There is a known dwelling (S10404) located on the southwestern part of the parcel and archaeological site (S00465) located on the southeastern part of the parcel in the project area. Therefore the Delaware SHPO is recommending an archaeological survey of the project area.

If any project or development proceeds, the developer should be aware of the Unmarked

Human Burials and Human Skeletal Remains Law. (Del. C. Title 7, Ch. 54). Prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, to avoid those sites or areas.

If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

**Amendment Request #5 – Kaplan Property – 302 Polk Avenue**

- Our office has no comment.

**Delaware Department of Agriculture – Contact Scott Blaier 698-4532**

- The Department of Agriculture continues to assist the Town of Milford on implementing their TDR program, and to that end, supports comprehensive plan amendment #1.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan.

Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,



Constance C. Holland, AICP

Director, Office of State Planning Coordination