

**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  
**Complete Sections 1 and 3 only**

Comprehensive Plan or Update  
**Complete Sections 1 and 3 only**

Comprehensive Plan Amendment  
**Complete Sections 1 and 2 only**

Municipal Ordinance Review  
**Complete Sections 1 and 2 only**

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

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**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.

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

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**SECTION 1: MUNICIPAL INFORMATION**

<b>Name of Municipality:</b>	
<b>Address:</b>	<b>Contact Person:</b>
	<b>Phone Number:</b>
	<b>Fax Number:</b>
	<b>E-mail Address:</b>

<b>Application prepared by:</b>	
<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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Delaware Office of State Planning Coordination**

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**SECTION 2. COMPREHENSIVE PLAN AMENDMENT OR MUNICIPAL  
ORDINANCE DESCRIPTION**

**Please describe the submission.**

## General Overview

The first three amendment requests involve the expansion of areas for potential industrial and business park uses in the City of Milford along the western limits of the City near existing business park and industrial users and rail. The fourth amendment request was made by a private developer for a potential low density residential development east of Route 1.

### Amendment Request #1 – R&C Fry Farm - Exhibit A

The City is seeking a change in the future land use classification of parcel MD-16-173.00-01-01.00 from Moderate Density Residential/Commercial to Industrial/Commercial as shown on the attached Exhibit A. The intent would be to develop this property as an industrial/business park, with business park and commercial type uses located along the frontage of Route 14 and Route 15. The amendment would also change the Proposed Future Land Use for parcel MD-00-173.00-01-49.00 from Moderate Density Residential to Commercial.

### Amendment Request #2 – Exhibit B

The adopted 2018 Comprehensive Plan Future Land use maps show a portion of parcel MD-00-173.00-02-83.00 as Proposed Industrial Land Use that abuts the existing rail road easement. The City is requesting to change the entire property to Proposed Industrial Land Use to increase the amount of potentially available industrial land adjacent to the existing rail road easement.

### Amendment Request #3 – Exhibit C

The City is seeking a change in the future land use classification for two properties abutting the Greater Milford Business Park to the south from Proposed Low Density Residential to Proposed Commercial. The parcels are MD-00-173.00-02-32.00 & MD-00-173.00-02-32.04. The change in land use would allow for the potential future expansion of the Greater Milford Business Park.

### Amendment Request #4 – Exhibit D

The City received a request from a potential purchaser of Kent County parcel number MD-00-174.00-02-64.01 to change the future land use classification from Open Space to Low Density Residential as shown on the attached Exhibit D. The applicant intends to subdivide the property into low density residential lots if the amendment is approved by the City Council.

CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS  
Planning Commission Hearing: Tuesday, September 21, 2021 @ 7:00 PM  
City Council Hearing: Monday, September 27, 2021 @ 7:00 PM

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, September 21, 2021 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, September 27, 2021 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 2021-22**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
Amendment #6  
R&C FRY FARM – MILFORD-HARRINGTON HIGHWAY & CANTERBURY ROAD  
MD-16-173.00-01-01.00 & MD-00-173.00-01-49.00  
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, during a PLUS review on June 23, 2021, the Planning Director prepared and consulted with the Office of State Planning the sixth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use, 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 sixth 2018 Comprehensive Plan amendment on September 21, 2021 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the sixth amendment of the 2018 Comprehensive Plan on September 27, 2021 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 September 27, 2021 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on October 7, 2021.

Planning Commission Review & Public Hearing: September 21, 2021  
City Council Introduction: September 13, 2021  
City Council Review & Public Hearing: September 27, 2021  
Adoption: September 27, 2021  
Effective: October 7, 2021

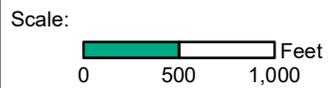
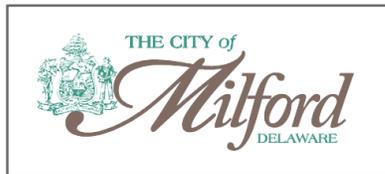
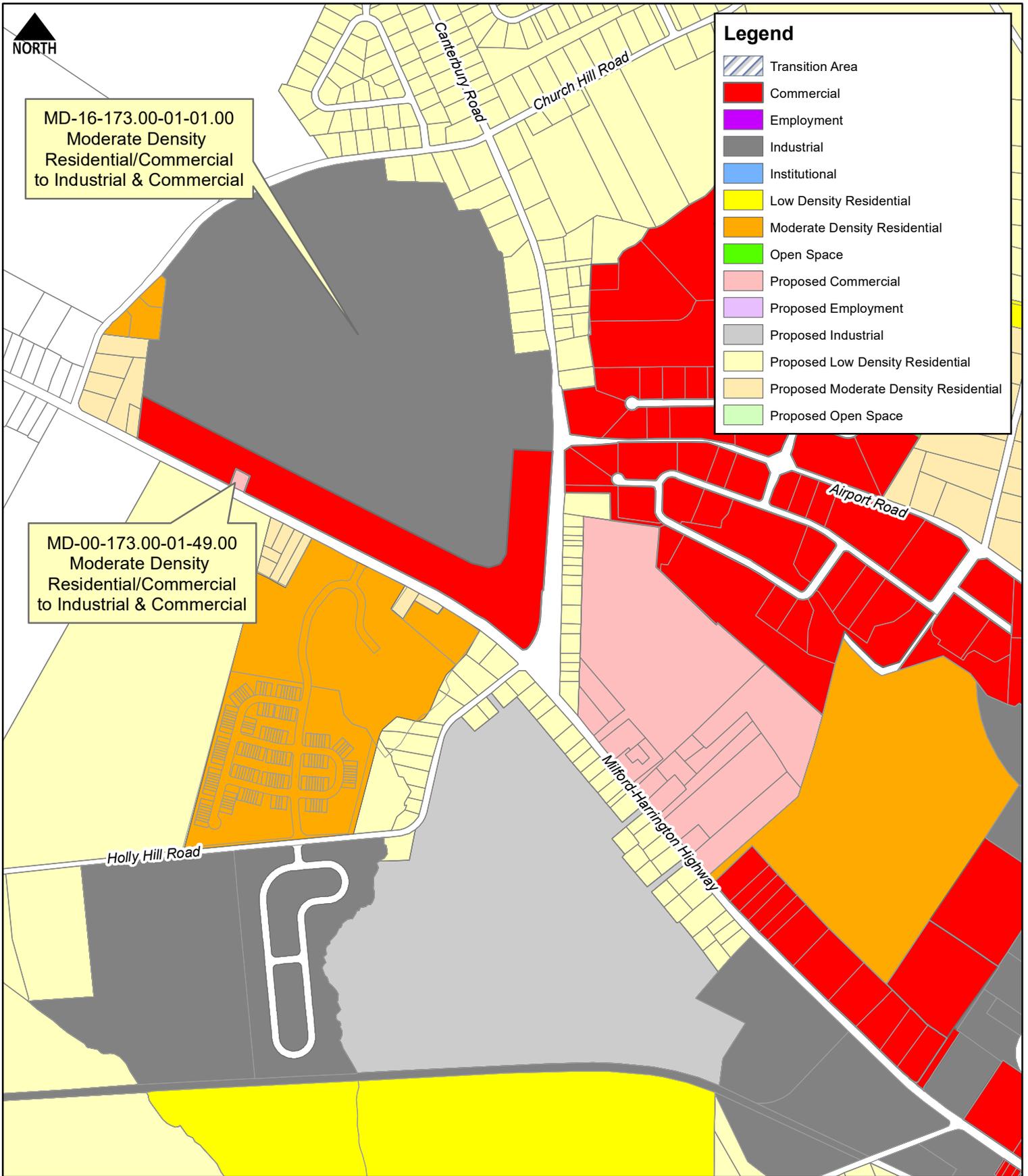
**SYNOPSIS:**

R&C Fry Farm, Milford-Harrington Highway, Tax Parcel MD-16-173.00-01-01.00 & MD-00-173.00-01-49.00; change in future land use designation from moderate density residential & commercial to industrial & commercial)

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

082021

*Published: Beacon 08/25/21*

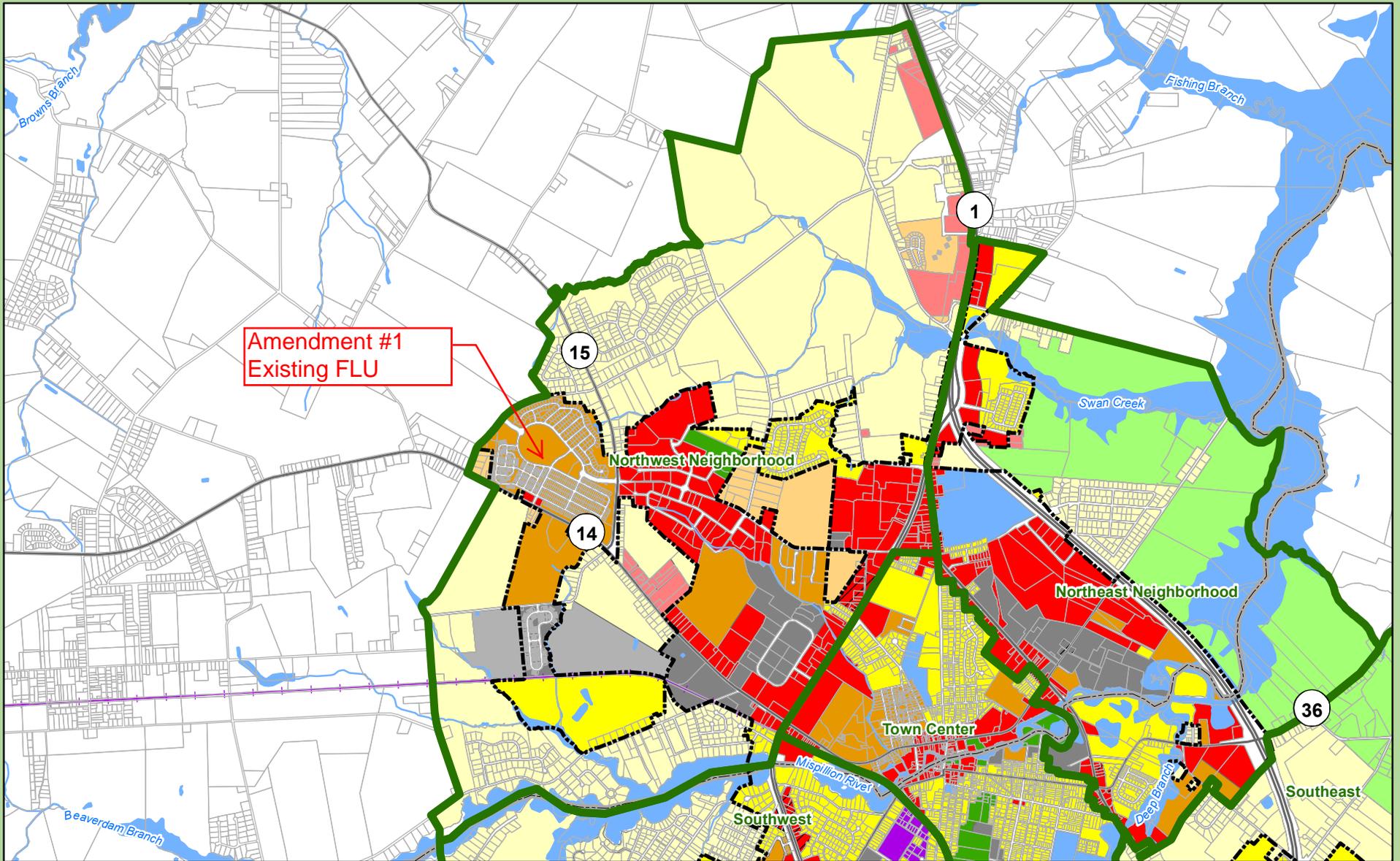


Drawn by: WRP      Date: 05/12/21

Title:

**Exhibit A**  
**2021 Comprehensive Plan Amendment**  
**Future Land Use Map**

Filepath: 2021\_CompPlanAmendment\_ExhibitA



Amendment #1  
Existing FLU

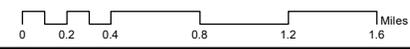
Neighborhoods	Employment	Municipal Boundary
<b>Land Use Type</b>	Proposed Employment	County Boundaries
Open Space	Institutional	State Parcels
Proposed Open Space	Commercial	Routes
Low Density Residential	Proposed Commercial	Rail Lines
Proposed Low Density Residential	Industrial	Hydrology
Moderate Density Residential	Proposed Industrial	Bodies of Water
Proposed Moderate Density Residential	Transition Area	

## City of Milford, Delaware

### Future Land Use

#### Northwest Neighborhood

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.

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**ORDINANCE 2021-20**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
Amendment #7  
JOEL F. BLESSING – HOLLY HILL ROAD  
MD-00-173.00-02-83.00  
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, during a PLUS review on June 23, 2021, the Planning Director prepared and consulted with the Office of State Planning the seventh amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use, 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 seventh 2018 Comprehensive Plan amendment on September 21, 2021 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the seventh amendment of the 2018 Comprehensive Plan on September 27, 2021 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 September 27, 2021 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on October 7, 2021.

Planning Commission Review & Public Hearing: September 21, 2021  
City Council Introduction: September 13, 2021  
City Council Review & Public Hearing: September 27, 2021  
Adoption: September 27, 2021  
Effective: October 7, 2021

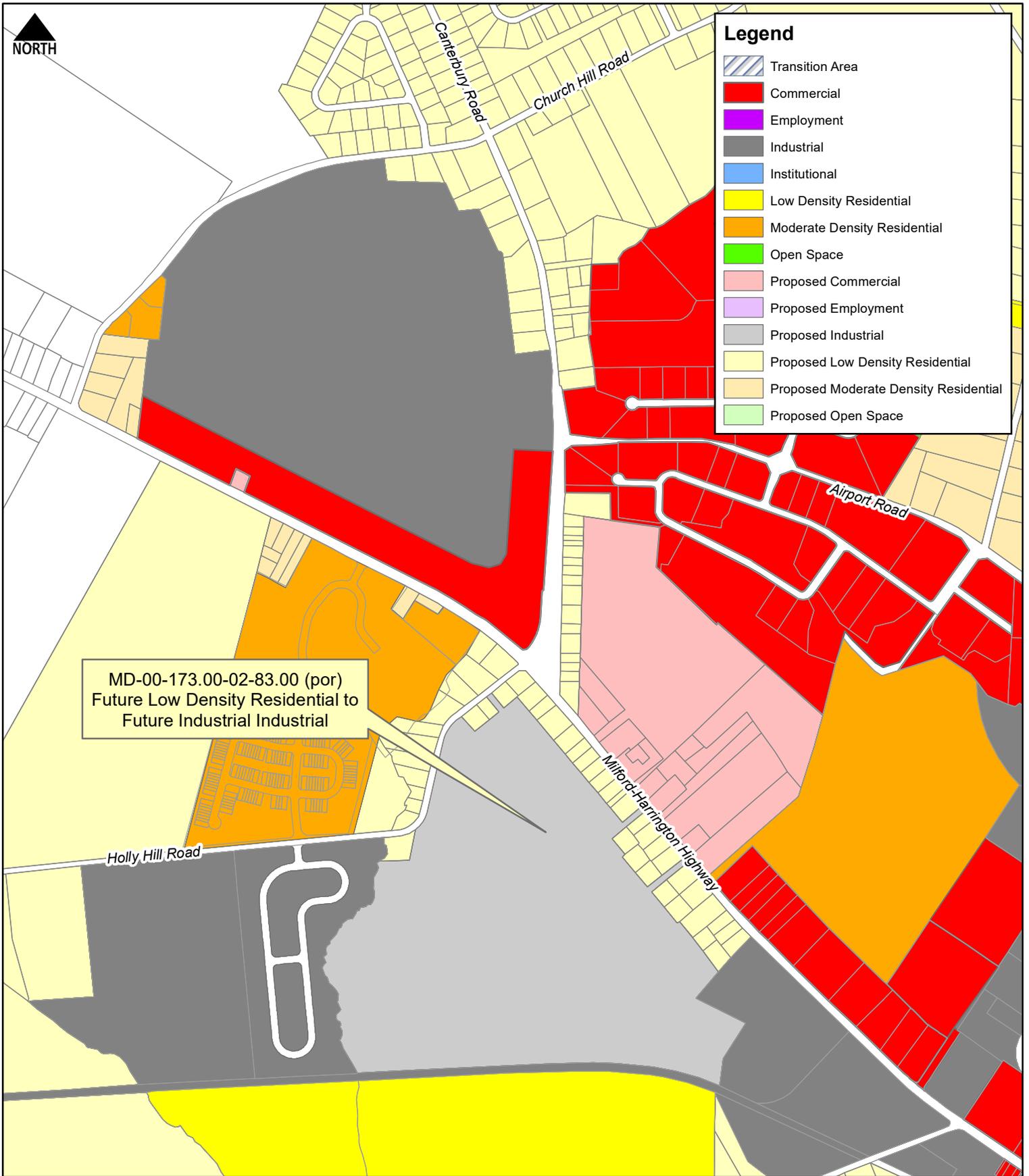
**SYNOPSIS:**

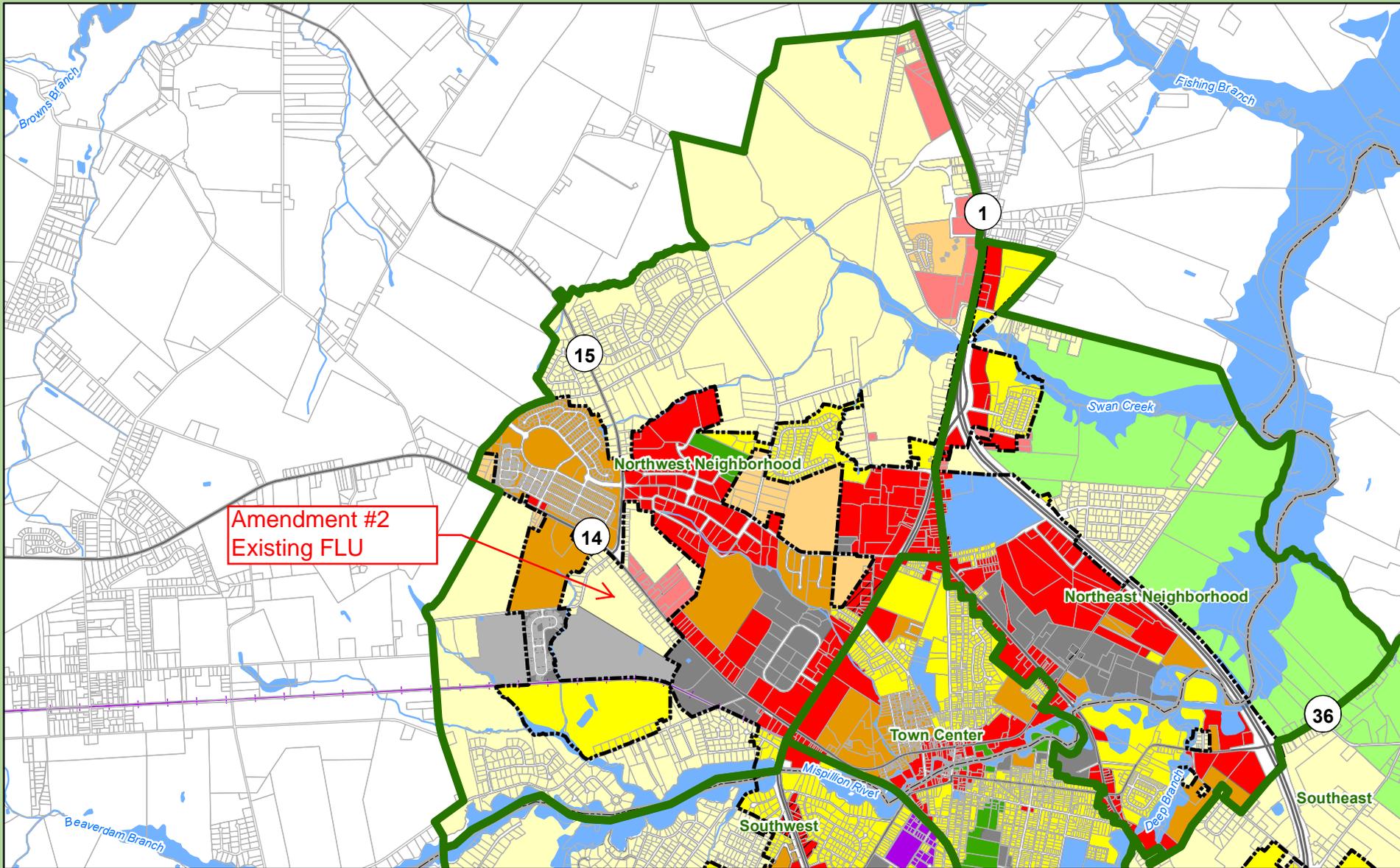
Joel F. Blessing, Holly Hill Road, Tax Parcel MD-00-173.00-02-83.00 portion of; change in future land use designation from low density residential to industrial.

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.3896 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

082021

*Published: Beacon 08/25/21*





**Amendment #2  
Existing FLU**

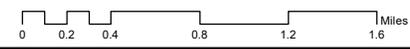
Neighborhoods	Employment	Municipal Boundary
<b>Land Use Type</b>	Proposed Employment	County Boundaries
Open Space	Institutional	State Parcels
Proposed Open Space	Commercial	Routes
Low Density Residential	Proposed Commercial	Rail Lines
Proposed Low Density Residential	Industrial	Hydrology
Moderate Density Residential	Proposed Industrial	Bodies of Water
Proposed Moderate Density Residential	Transition Area	

## City of Milford, Delaware

### Future Land Use

#### Northwest Neighborhood

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.

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CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS

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A FINAL PUBLIC HEARING is scheduled on Monday, September 27, 2021 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 2021-21**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
Amendment #8  
BLESSING/PRISCO – MILFORD-HARRINGTON HIGHWAY  
MD-00-173.00-02-32.00 & MD-00-173.00-02-32.04  
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, during a PLUS review on June 23, 2021, the Planning Director prepared and consulted with the Office of State Planning the eighth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use, 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 eighth 2018 Comprehensive Plan amendment on September 21, 2021 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the eighth amendment of the 2018 Comprehensive Plan on September 27, 2021 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 September 27, 2021 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on October 7, 2021.

Planning Commission Review & Public Hearing: September 21, 2021

City Council Introduction: September 13, 2021

City Council Review & Public Hearing: September 27, 2021

Adoption: September 27, 2021

Effective: October 7, 2021

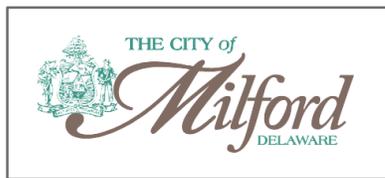
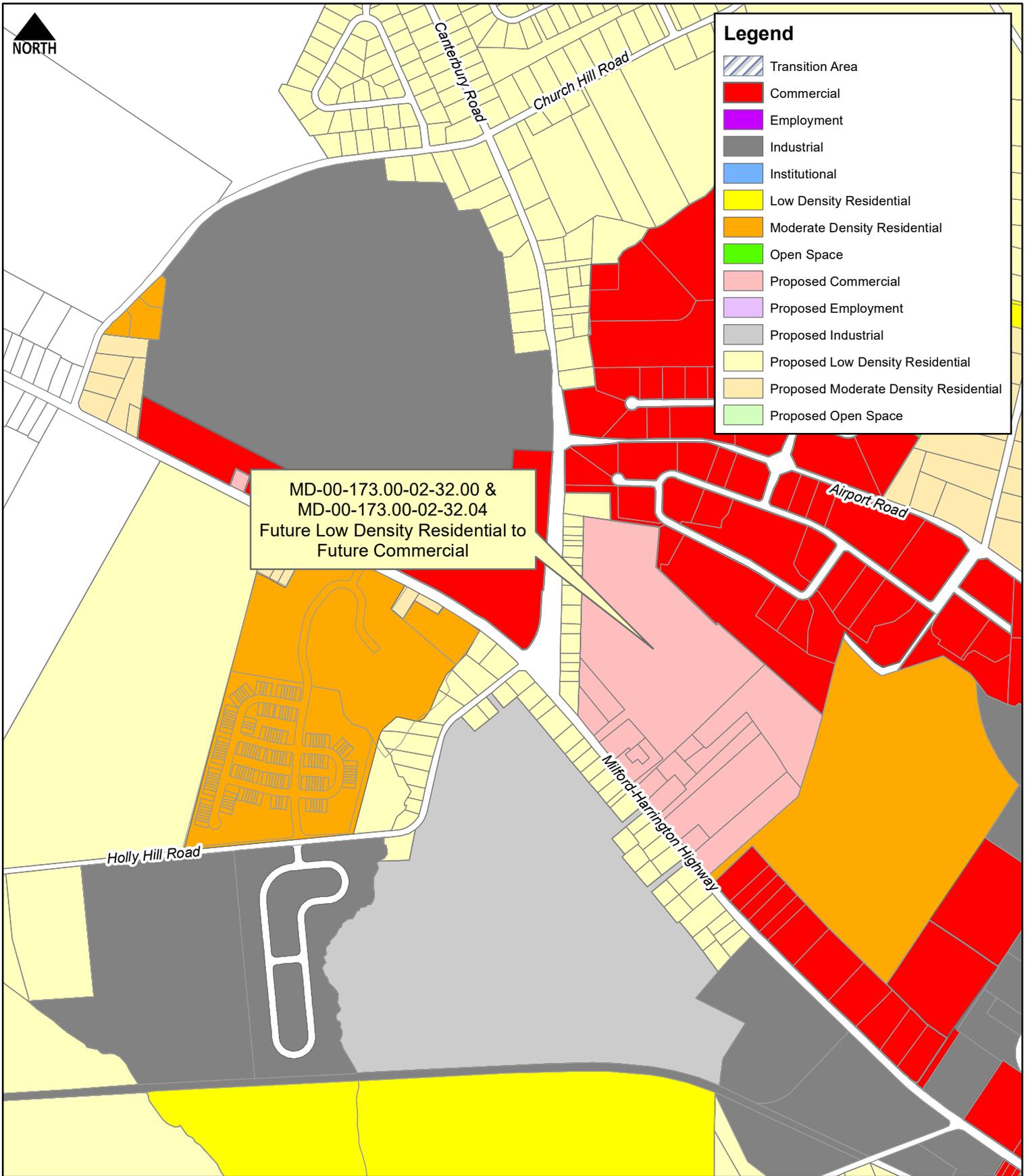
**SYNOPSIS:**

Joel F. Blessing & Ronald J. Prisco, Milford-Harrington Highway, Tax Parcel MD-00-173.00-02-32.00 & MD-00-173.00-02-32.04; 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 302.424.8396 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

082021

*Published: Beacon 08/25/2021*

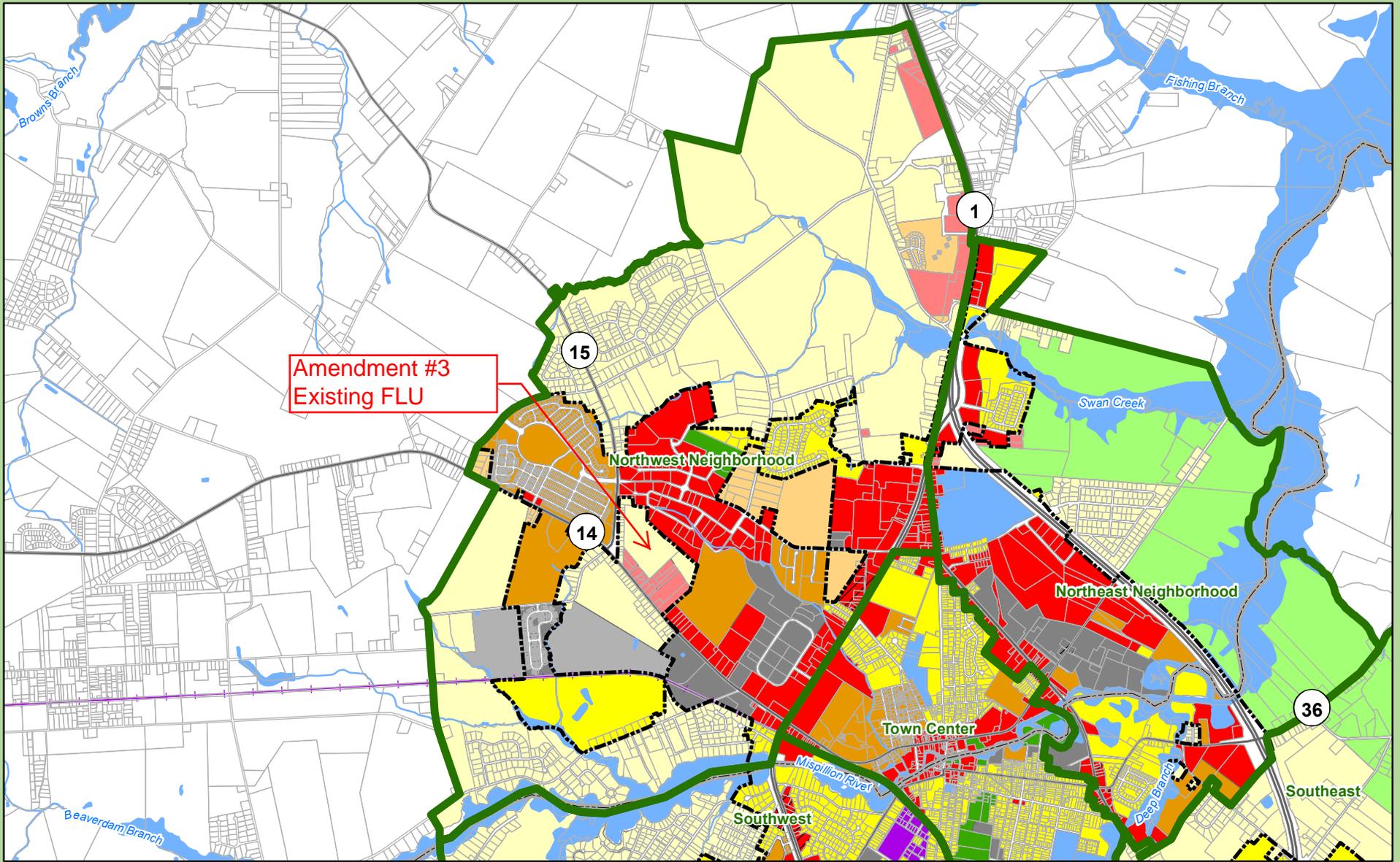


Scale: Feet  
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Drawn by: WRP      Date: 05/05/21

Title: **Exhibit C**  
**2021 Comprehensive Plan Amendment**  
**Future Land Use Map**

Filepath: 2021\_CompPlanAmendment\_ExhibitC



**Amendment #3  
Existing FLU**

Neighborhoods	Employment	Municipal Boundary
<b>Land Use Type</b>	Proposed Employment	County Boundaries
Open Space	Institutional	State Parcels
Proposed Open Space	Commercial	Routes
Low Density Residential	Proposed Commercial	Rail Lines
Proposed Low Density Residential	Industrial	Hydrology
Moderate Density Residential	Proposed Industrial	Bodies of Water
Proposed Moderate Density Residential	Transition Area	

## City of Milford, Delaware

Future Land Use

Northwest Neighborhood

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.

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NOTICE OF PUBLIC HEARINGS**

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**ORDINANCE 2021-19**  
AMENDING AND ADOPTING BY ORDINANCE  
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN  
Amendment #9  
JOHN R. LYNCH - NEW WHARF ROAD  
MD-00-174.00-02-64.01  
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, during a PLUS review on June 23, 2021, the Planning Director prepared and consulted with the Office of State Planning the ninth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use, 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 ninth 2018 Comprehensive Plan amendment on September 21, 2021 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the ninth amendment of the 2018 Comprehensive Plan on September 27, 2021 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 September 27, 2021 and the amended 2018 Comprehensive Plan for the City of Milford becomes effective on October 7, 2021.

Planning Commission Review & Public Hearing: September 21, 2021

City Council Introduction: September 13, 2021

City Council Review & Public Hearing: September 27, 2021

Adoption: September 27, 2021

Effective: October 7, 2021

**SYNOPSIS:**

John R. Lynch, New Wharf Road, Tax Parcel MD-00-174.00-02-64.01; change in future land use designation from open space to low density residential.

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or [RPierce@milford-de.gov](mailto:RPierce@milford-de.gov).

082021

*Published: Beacon 08/25/21*



ARCHITECTURE  
ENGINEERING

PLANNING OUR  
CLIENTS' SUCCESS

May 18, 2021

Mr. Rob Pierce  
Planning Director  
City of Milford  
180 Vickers Drive  
Milford, DE 19963

RE: **Comprehensive Plan Amendment Request**  
**NEW WHARF ROAD PROPERTY**  
Milford, Delaware  
BMG Project No.: 2016256.00

Dear Mr. Pierce:

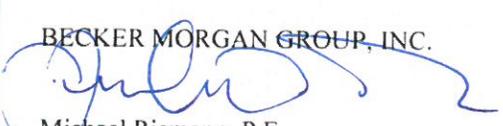
Becker Morgan Group, Inc. is hereby submitting a Comprehensive Plan Amendment request for the above referenced property on behalf of our client into the City of Milford. The property is currently zoned AR in unincorporated Kent County and is approximately 79.4 acres +/- and is further identified as tax parcel #5-00-17400-02-6401-00001. We request that the Comprehensive Plan be modified to include the area as 79.4 acres +/- of low density residential lands within the City of Milford as part of a Comprehensive Plan update. The property is located on New Wharf Road just east of the Route 1 interchange.

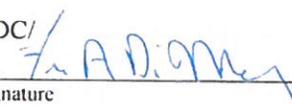
This parcel was considered for annexation in 2013. Since that original consideration, a grade separated interchange has been constructed, providing appropriate transportation infrastructure for the proposed property. Unlike the previous plan where the property was proposed to be highway commercial, the new plan would be to consider the property as low density residential into the City of Milford comprehensive plan. Due to the recently completed interchange, as well as the change of use we feel that inclusion of the property within the City of Milford comprehensive plan would be beneficial to both the property owner and the city alike.

If you have any questions or need any additional information, please do not hesitate to contact me at your earliest convenience.

Sincerely,

BECKER MORGAN GROUP, INC.

  
Michael Riemann, P.E.  
Vice President

CDC/  
  
Signature \_\_\_\_\_

Date

5/18/21

Signature \_\_\_\_\_

Date

Signature \_\_\_\_\_

Date

Cc:  
p2021325ad-ltr-annex.doc

BECKER MORGAN GROUP, INC.

ARCHITECTURE & ENGINEERING

309 SOUTH GOVERNORS AVENUE  
DOVER, DELAWARE 19904  
302.734.7950  
FAX 302.734.7965

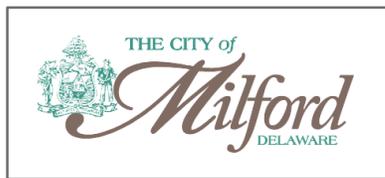
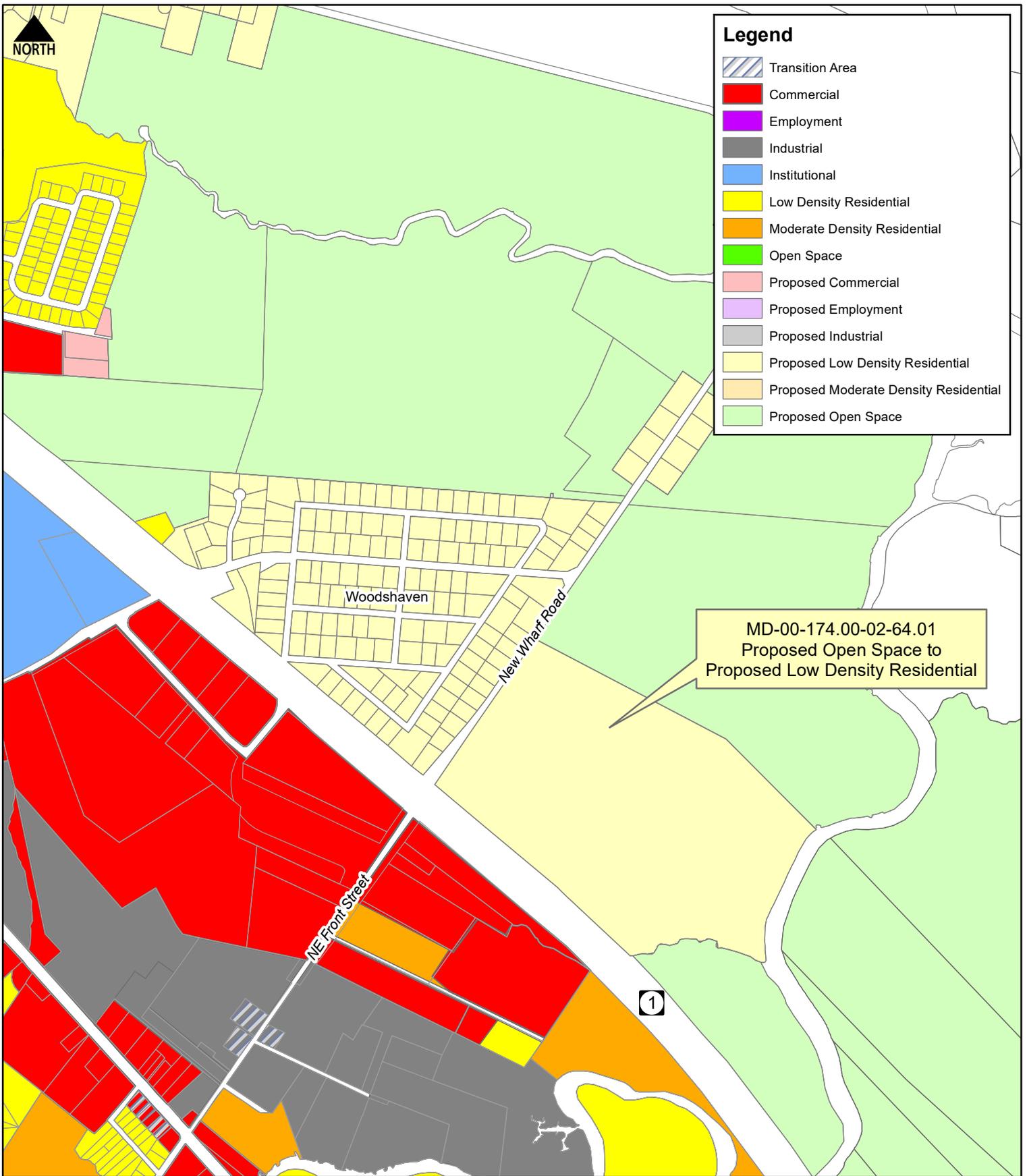
RITTENHOUSE STATION  
250 SOUTH MAIN STREET, SUITE 109  
NEWARK, DELAWARE 19711  
302.369.3700

PORT EXCHANGE  
312 WEST MAIN STREET, SUITE 300  
SALISBURY, MARYLAND 21801  
410.546.9100  
FAX 410.546.5824

ARCHITECTURE & PLANNING

3205 RANDALL PARKWAY, SUITE 211  
WILMINGTON, NORTH CAROLINA 28403  
910.341.7600  
FAX 910.341.7506

www.beckermorgan.com

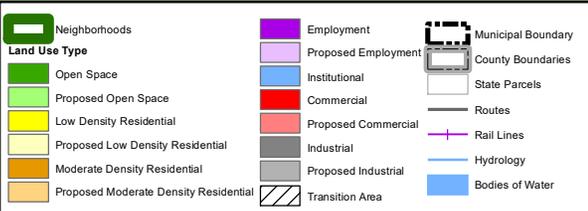
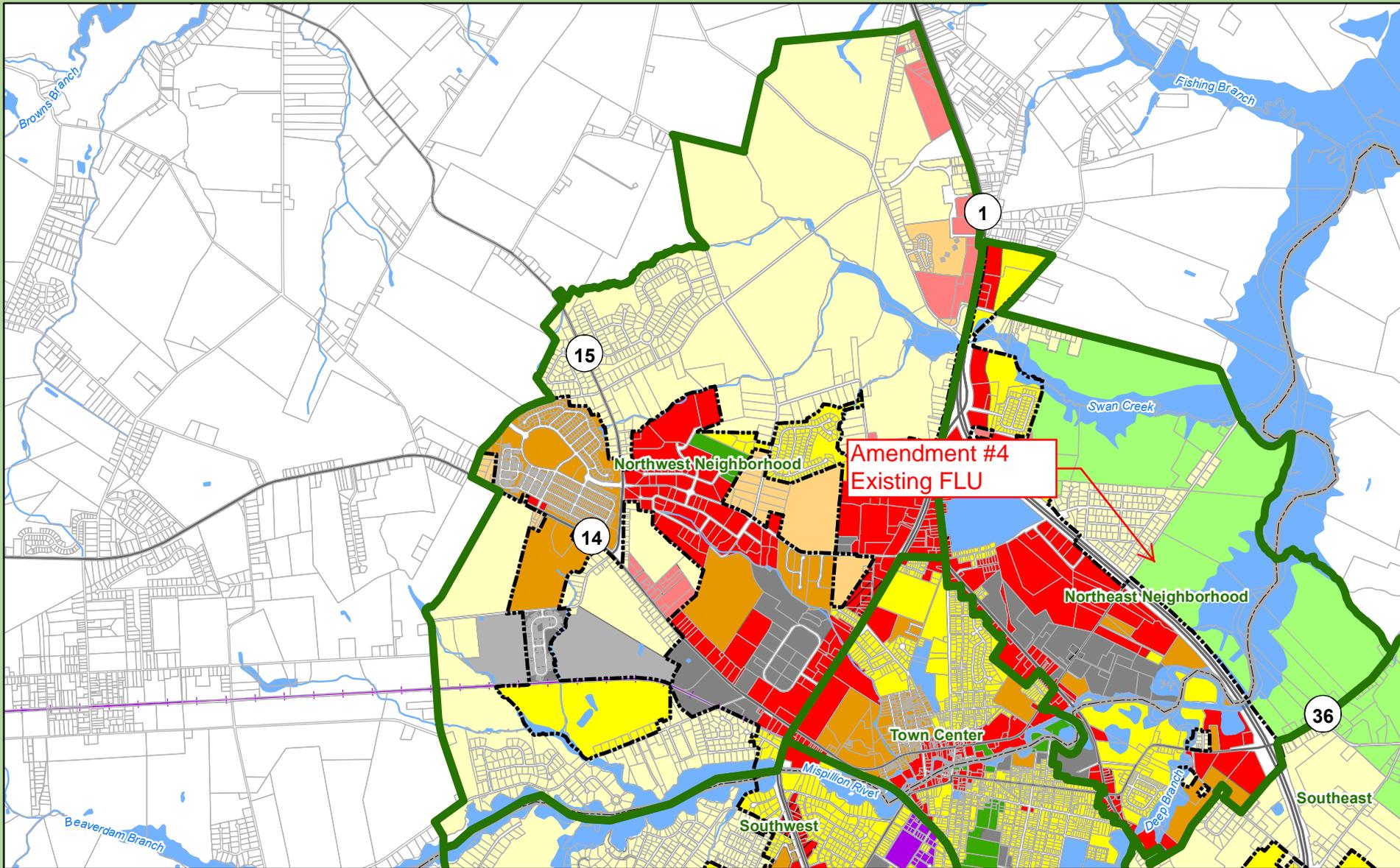


Scale: 0 500 1,000 Feet

Drawn by: WRP Date: 05/19/21

Title: Exhibit D  
2021 Comprehensive Plan Amendment  
Future Land Use Map

Filepath: 2021\_CompPlanAmendment\_ExhibitD

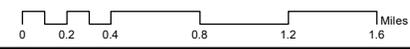


## City of Milford, Delaware

### Future Land Use

#### Northwest Neighborhood

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.

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 Institute for Public Administration



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

Rob Pierce, AICP  
Planning Director  
City of Milford  
201 S. Walnut Street  
Milford, DE 19963

RE: PLUS review 2021-06-01; City of Milford Comprehensive Plan Amendment

Dear Mr. Pierce:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment(s) for the City of Milford. These proposed amendments would amend the Future Land Use Map to address several parcels. Specifically:

- Amendment Request #1 would change the Future Land Use classification of parcel MD-16-173.00-01-01.00 from Moderate Density Residential/Commercial to Industrial/Commercial.
- Amendment Request #2 would make the entirety of parcel MD-00-173.00-02-83.00 Proposed Industrial Land Use. Currently only a portion of the parcel is mapped as such.
- Amendment Request #3 would change the Future Land Use classification for parcels MD-00-173.00-02-32.00 and MD-00-173.00-02-32.04 from Proposed Low Density Residential to Proposed Commercial.
- Amendment Request #4 would change the Future Land Use classification for parcel MD-00-174.00-02-64.01 from Open Space to Low Density Residential.

Please note that additional 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.

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

This PLUS application includes a package of four plan amendments that are described above. Here are specific comments on the amendments.

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901  
Phone (302)739-3090 · Fax (302) 739-5661 · [www.stateplanning.delaware.gov](http://www.stateplanning.delaware.gov)

- Amendments #1, 2 and 3 are all located on the western side of Milford and include future land use map amendments that would increase lands available for potential commercial or industrial development. These lands are all located within Investment Levels 1 and 2 according to *Strategies for State Policies and Spending*. Investment Level 1 and 2 reflect areas that are already developed in an urban or suburban fashion or where growth is anticipated, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Our office has no objections to these three proposed comprehensive plan amendments. With that being said, the City of Milford is encouraged to carefully consider the comments found in this letter from the other agencies, particularly the comments about traffic, road access and the protection of environmental features on these sites as development occurs.
- Amendment # 4 proposes to change the future land use map East of Route 1, in an Investment Level 4 area according to the *Strategies for State Policies and Spending*. Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved. As noted in the DNREC comments in this letter, the parcel in question contains wetlands and numerous other environmental resources which should be protected and preserved. It is not clear how much development activity would be permitted should the parcel be designated as “low density residential” and annexed into Milford. Very low-density residential development is permitted currently as regulated through Kent County’s zoning and subdivision ordinances. Should the plan be amended, and the parcel annexed, any development activity that is permitted should be designed to protect the environmental features on the site and be consistent with the very low residential densities of the surrounding areas in the County.
- Please note that not objecting to the amendments does not constitute support from state agencies for future development. If it meets the PLUS criteria, any future development not already reviewed through PLUS would need to be reviewed for state agency comment.

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

- All four of the proposed plan amendments are expected to enable developments that would require plan approvals and permits from DelDOT and could require Traffic Impact Studies (TIS). DelDOT’s regulations regarding plan approvals and TIS are found in the [Development Coordination Manual](https://deldot.gov/Business/subdivisions/index.shtml?dc=changes), available at <https://deldot.gov/Business/subdivisions/index.shtml?dc=changes>. DelDOT will offer more detailed comments, including determinations as to the need for TIS, when presented with subdivision and/or site plans.

- Amendment Request #1, pertaining to the R & C Fry Farm, would enable the development of a 182.67-acre industrial/business park at the west end of Airport Road (a City-maintained street) and bounded by three State-maintained roads, Delaware Route 14 (Milford-Harrington Highway), Delaware Route 15 (Canterbury Road) and Church Hill Road (Kent Road 404). Section 5.2.2 of the Manual provides in part that “When a parcel of land is being developed that fronts on a major and a minor roadway, the access to this parcel should be from the minor roadway and not the major roadway. Exceptions may be considered by the Subdivision Engineer.” In this context, the regulation means that access to the park should be on Church Hill Road, a Local Road, rather than on Delaware Route 14 or 15, both of which are Minor Arterial Roads. DelDOT will provide specific requirements as to access when a site plan is presented but the City should anticipate that the main site access would be on Church Hill Road.

Further regarding Amendment Request #1, an industrial/business park at this location would likely increase traffic on Church Hill Road between the site and the Grade Separated Intersection on Delaware Route 1 at Thompsonville Road (Kent Road 19). DelDOT’s TIS regulations include limits on the scope of such studies such that a TIS for a development on these lands would not normally include the GSI. However, the GSI was designed and built as a safety improvement, not as a capacity improvement, and for that reason, improvements there might be needed. Also, as mentioned above, Church Hill Road is presently a Local Road. It would need to be improved before it could properly accommodate the traffic that an industrial/business park would likely generate.

- Amendment Request #2 would enable the development of a 112.30-acre parcel on the south sides of Delaware Route 14 (Milford- Harrington Highway) and Holly Hill Road (Kent Road 447). Section 5.2.2 of the Manual provides in part that “When a parcel of land is being developed that fronts on a major and a minor roadway, the access to this parcel should be from the minor roadway and not the major roadway. Exceptions may be considered by the Subdivision Engineer.” In this context, the regulation means that access to the industrial lands should be on Holly Hill Road, a Local Road, rather than on Delaware Route 14, which is a Minor Arterial Road. DelDOT will provide specific requirements as to access when a site plan is presented but the City should anticipate that the main site access would be on Holly Hill Road.
- Amendment Request #3 would enable the development of 42.88 acres of commercially zoned land on the north side of Delaware Route 14 (Milford- Harrington Highway) between Delaware Route 15 (Canterbury Road) and Williamsville Road (Kent Road 443). The PLUS application describes the land as an expansion of the Greater Milford Business Park. From discussion at the PLUS meeting, access would be proposed on both Vickers Drive and Delaware Route 14. Section 5.2.2 of the Manual provides in part that “When a parcel of land is being developed that fronts on a major and a minor roadway, the access to this parcel should be from the minor roadway and not the major roadway. Exceptions may be considered by the Subdivision Engineer.” Therefore, if access through the Park to Airport Road (a City-maintained Local Road) is possible, DelDOT

would anticipate requiring that the access be there, that is by way of Vickers Drive, rather than on Delaware Route 14, which is a Minor Arterial Road. DelDOT will provide specific requirements as to access when a site plan is presented but the City should anticipate that the site access would be by way of Airport Road if possible.

- Amendment Request #4 would enable the development of 79.35 acres of residentially zoned land on the east side of Delaware Route 1 at the Grade Separated Intersection of Route 1, NE Front Street and New Wharf Road (both Kent Road 409). Section 5.2.2 of the Manual provides in part that “When a parcel of land is being developed that fronts on a major and a minor roadway, the access to this parcel should be from the minor roadway and not the major roadway. Exceptions may be considered by the Subdivision Engineer.” In this context, the regulation means that access to the residential lands should be on New Wharf Road, a Local Road, rather than on Delaware Route 1, which is a Principal Arterial Road from there south and an Expressway from there north. DelDOT will provide specific requirements as to access when a site plan is presented but the City should anticipate that the main site access would be on New Wharf Road.

Further regarding Amendment Request #4, the subject land is located within the control zone of a Delaware Scenic and Historic Byway (Delaware Bayshore Byway). Delaware State Code Title 17, Chapter 1, Sections 190-194 and Title 17, Chapter 11, Sections 1101-1120 with applicable amendments, all of which regulate outdoor advertising, apply.

### **Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**

#### **Amendment Request 1**

The City of Milford proposes to rezone parcel MD-16-173.00-01-01.00 from Moderate Density Residential/Commercial to Industrial/Commercial, and rezone parcel MD-00-173.00-01-49.00 from Moderate Density Residential to Commercial.

For parcel MD-16-173.00-01-01.00, a 0.36-acre pond connects to an intermittent stream in the northeastern corner of the site. A portion on the eastern side of the parcel lies within an Excellent Groundwater Recharge Area. An analysis of historical data indicates that the forest area located on the northeast corner of the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat. If the parcel is rezoned, the City of Milford should ensure that these resources are preserved in any development proposal.

For parcel MD-00-173.00-01-49.00, DNREC reviewers have no comments, concerns, or objections specific to environmental features on the site.

#### **Amendment Request 2**

The City of Milford proposes to rezone parcel MD-00-173.00-02-83.00 from Industrial and Low Density Residential to entirely Industrial. An active Bald Eagle (*Haliaeetus leucocephalus*) nest

exists on the parcel. Bald eagles and their nests are protected under the federal Bald and Golden Eagle Protection Act (BGEPA). Additionally, the nest itself is protected by state law (7 Del. C. § 739). The U.S. Fish and Wildlife Service (USFWS) developed the *National Bald Eagle Management Guidelines*, to help landowners and others minimize impacts to eagles, including disturbance, which is prohibited by the BGEPA. The guidelines focus on minimizing disturbance through the use of buffer zones (330 feet to 660 feet from a nest) and time-of-year restrictions for certain activities in several categories. The USFWS has jurisdiction regarding Bald Eagles protection via BGEPA and works with landowners regarding all eagle disturbance issues. While this parcel lies in Levels 1 and 2 under Delaware's Strategies for State Policies and Spending, the existence of the bald eagle nest and the surrounding resources make it a poor candidate for rezoning that may result in increased intensity.

For more information, please contact the DNREC Division of Fish & Wildlife at (302) 735-3600 (<https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>).

### Amendment Request 3

The City of Milford proposes to rezone two parcels (MD-00-173.00-02-32.00 & MD-00-173.00-02-32.04) from Low Density Residential to Commercial to allow for the future expansion of the Greater Milford Business Park.

A portion of freshwater forested wetlands is located on the northeastern corner of parcel MD-00-173.00-02-32.00 and the northwestern corner of parcel MD-00-173.00-02-32.04. An Excellent Groundwater Recharge Area lies in a small portion of the southern corner of parcel MD-00-173.00-02-32.00. The parcels lie within Levels 1 and 2 under Delaware's Strategies for State Policies and Spending. Should the rezoning move forward, preservation of these resources and their function and values should be central to a development plan.

### Amendment Request 4

The City of Milford proposes to rezone parcel MD-00-174.00-02-64.01 from Open Space to Low Density Residential.

This proposed change, which would allow more intensive uses on this parcel, is inconsistent with Delaware's Strategies for State Policies and Spending and inconsistent with the environmental features that exist both on and surrounding the site. This parcel lies within an area designated as Level 4 and Out of Play lands. Approximately half of the parcel contains freshwater forested wetlands as well as estuarine/marine wetlands, also mapped as Key Wildlife Habitat in the Delaware Wildlife Action Plan. This area is part of a larger wetland complex consisting of contiguous forest that can support an array of plant and animal species. Although Key Wildlife Habitat designation is non-regulatory, these maps are intended to help guide site-specific conservation planning efforts. The parcel also borders the Mispillion River, which runs along the eastern edge of the site. Most of the parcel is located within the Delaware Ecological Network, a statewide network of interconnected lands of significant ecological value, and the Milford Neck Natural Area. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in

Delaware. Much of the southeastern portion of the site lies within the Special Flood Hazard Area (100-year floodplain) and the 500-year floodplain. These areas are subject to direct impacts from sea level rise at coastal inundation levels as low as 1 foot. Residents will also experience issues with mosquitoes if rezoned to Low Density Residential housing due to the wetlands on and adjacent to this property.

**State Historic Preservation Office – Contact Carlton Hall 736-7400**

Amendment Request #1- R&C Fry Farm – Exhibit A

**Location:** Milford Harrington Highway & Canterbury Rd, Milford (Kent)

Prehistoric archaeological potential is low to moderate. The area is completely well-drained soils, but it is outside favorable distance to a water source. Historic maps show Improvement Branch extending into the parcel, but because of the age of these maps, it may not be accurate.

Comments

Historic archaeological potential is high near where the agricultural complex (Gen. David McMurtrie Gregg) was mapped and the south east corner of the parcel where another complex/several buildings appear in historic aerials (1937 aerial, maybe W. Tharp on 1859 Byles), and low elsewhere. Both archaeological sites would pertain to 19<sup>th</sup> century agricultural complexes. Because of General Gregg's association with the site, there may be a high level of significance. The Delaware SHPO is recommending a Phase I archaeological survey prior to any ground disturbance.

Amendment Request #2 – Exhibit B

**Location:** Milford-Harrington Highway & Holly Hill Rd, Milford.

The adopted 2018 Comprehensive Plan Future Land use maps show a portion of parcel **5-00-173.00-02-83.00-00001** as Proposed Industrial Land Use that abuts the existing railroad easement. The City is requesting to change the entire property to Proposed Industrial Land Use to increase the amount of potentially available industrial land adjacent to the existing railroad easement.

Comments

There are no known archaeological sites or known National Register-listed or eligible properties on the parcel. Prehistoric archaeological potential is high on the western side of the parcel, especially where there is a rise in topography overlooking the stream. The area is all well-drained soils and the streambank location is highly favorable. The eastern half of the parcel is low to moderate due to distance to water. Therefore, the Delaware SHPO recommends a Phase I archaeological survey prior to any ground disturbance.

Historic potential is low to moderate. There are historic farmsteads labeled on Beers (1868)/Byles (1859) maps known as the G. Knight/J.B. Davies and General Torbert/D. Currey. General Torbert, while a significant figure during and after the Civil War, does not appear to have had any structures on the land. No evidence from historic aerials that the G. Knight/J.B.

Davies ag complexes survived into the 20<sup>th</sup> century, but there still may be archaeological evidence of the farmstead. Other archaeological remains throughout the parcel would likely be 19<sup>th</sup> century field scatter.

Amendment Request #3 – Exhibit C

**Location:** Milford Harrington Highway & Canterbury Rd, Milford.

The City is seeking a change in the future land use classification for two properties abutting the Greater Milford Business Park to the south from Proposed Low Density Residential to Proposed Commercial. The parcels are 5-00-173.00-02-32.00-00001 & MD-00-173.00-02-32.04-00001. The change in land use would allow for the potential future expansion of the Greater Milford Business Park.

Comments

Prehistoric archaeological potential is low. Soils are mostly well-drained and some of the parcel is within favorable distance to Mullet Run. However, these areas within favorable distance are comprised of poorly drained soils.

Historic potential is low. There does not appear to be anything on Byles 1859 or Beers 1868 maps. Some buildings appear on 1944 topography, and one building may be on the 1918 topographic map, but they have likely been destroyed by modern construction. There was one recorded structure to the south east corner of the area, but modern construction would have likely destroyed any archaeological remains.

Amendment Request #4 – Exhibit D

**Location:** New Wharf Rd, Milford.

The City received a request from a potential purchaser of Kent County parcel number **5-00-174.00-02-64.01-00001** to change the future land use classification from Open Space to Low Density Residential as shown on the attached Exhibit D. The applicant intends to subdivide the property into low density residential lots if the amendment is approved by the City Council.

Comments

Prehistoric archaeological potential is high in the middle of the parcel, at the top of the streambank overlooking the marshland/river. There is moderate potential in the western side of the parcel, as there is well-drained soil and a projectile point was found when archaeological investigations occurred where the overpass is planned for (DeIDOT 2015). The Delaware SHPO recommends a Phase I survey prior to any ground disturbance.

Historic archaeological potential is moderate on the western edge. There is a known archaeological site, the Potter Estate Tenant Farmstead, on the western edge of the parcel but has since been found ineligible for listing and destroyed by the overpass construction. Elsewhere, the potential is lower. Will likely find field scatter due to destruction of the Potter Estate in the mid-1950s and as evidence of 19<sup>th</sup> century agricultural practices.

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).

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)

**Department of Agriculture – Contact: Milton Melendez 698-4534**

- The Delaware Department of Agriculture welcomes the opportunity to provide recommendations for this municipal comprehensive plan. The Agriculture/Food System complex is the state's largest industry and its most significant land use.
- As an economic force the agriculture/food system provides more jobs and impacts in the state's economy than any other sector. In addition to the direct economic impacts throughout the state, agriculture and forestry provide billions of dollars in environmental services to the citizens of Delaware in the form of air and water cleansing, weather moderation, carbon sequestration, outdoor recreation, wildlife habitat, scenic vistas – and the list goes on. These services are largely uncompensated and represent a significant contribution to the quality of life and the health of Delaware's citizens and visitors.
- Agriculture and forestry are the state's most important land uses. The majority of the state's private lands are farms. Farms and forests dominate the landscape. This fact alone dictates that these land uses must be a crucial part of the future land use planning in every comprehensive plan. Over three-quarters of the private open space in Delaware is in farms. The maintenance of these land uses is crucial to our future quality of life and the orderly and pleasing development of the state. In addition the State of Delaware is investing millions of taxpayer dollars in the permanent preservation of these lands and all the attendant benefits they provide. Every comprehensive land use plan should account for these factors in balancing future development, preservation of farmland and forest, and the enhancement of the economic activities associated with our working lands.
- Undoubtedly future generations will judge our effectiveness at land use planning by what they see around them. Like Delawareans today they will expect us to balance growth and development with the preservation and enhancement of agriculture and forestry.
- The following proposed steps provides municipal governments with directives that can be implemented to maximize the preservation and longevity of agriculture in your surrounding areas.

#### AGRICULTURE:

- Identify areas within the municipality where agriculture is considered the highest priority land use
- Encourage the protection of prime agricultural land
- Discourage development activities and capital projects incompatible with modern agriculture
- Encourage separation of residential and agricultural areas through the zoning and subdivision process (this includes significant buffering and setback requirements for lands adjacent to agricultural operations)
- Encourage, support, and maintain existing and proposed agricultural support enterprises and ag-related businesses
- Encourage the development of local markets for locally grown foods
- Encourage agricultural use protections and strong right-to-farm policies in agricultural areas
- Establish and support financial incentives that encourage and allow landowners to remain in agriculture
- Promote policies that maintain and foster economic viability within the agricultural sector

#### DENSITY AND EFFICIENT LAND DEVELOPMENT:

- Encourage maximum use of existing and planned infrastructure
- Designate infill areas & project number of units to be constructed in those areas
- Discourage development patterns that promote inefficient use of land (i.e., discourage developments where lots frequently exceed minimum lot size requirements).
- In conjunction with population projections, project acres of residential land needed for a given time period and discourage consumption of land in excess of that need with allowance for reasonable market competition
- Direct growth toward existing population centers.

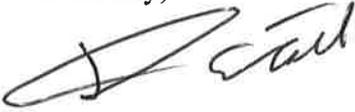
Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the town, please notify the office so we can update our records.

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell", written in a cursive style.

David L. Edgell, AICP  
Director, Office of State Planning Coordination