

**Milton Planning & Zoning Commission Meeting**  
**Milton Library**  
**Tuesday, December 15, 2009**  
**7:00 p.m.**

1. Virginia Weeks called the meeting called to order at 7:00 p.m.

2. Roll call of Members:

|                |         |
|----------------|---------|
| Al Perkins     | Present |
| Louise Frey    | Present |
| Virginia Weeks | Present |
| Ed Kost        | Present |
| Ted Kanakos    | Present |
| Gene Steele    | Absent  |
| Dick Grieg     | Absent  |

3. Changes, additions, corrections or deletions to the Agenda

Virginia Weeks: Are there any changes, additions, corrections or deletions to the agenda? There being none, we'll move on to the approval of the agenda. May I have a motion to approve the agenda?

Louise Frey: I make a motion to approve the Agenda, as submitted.

Ted Kanakos: Second.

Virginia Weeks: All in favor say "Aye". All opposed. Motion carried.

4. Approval of Minutes from October 20, 2009

Virginia Weeks: Any changes, additions, corrections or deletions to the Minutes of October 20, 2009? There being none, may I have a vote for the approval of the minutes of October 20, 2009?

Al Perkins: I make a motion to approve the Minutes of October 20, 2009, as written.

Ted Kanakos: Second.

Virginia Weeks: All in favor say "Aye". All opposed. Motion carried.

Approval of Minutes from November 17, 2009

Virginia Weeks: Any changes, additions, corrections or deletions to the Minutes of November 17, 2009?

Louise Frey: I would like to make a slight correction. I don't think I was here, but my name is in there as saying something.

Virginia Weeks: I don't think you were here, I think you were in New Jersey.

Louise Frey: I think so too.

Virginia Weeks: Anybody else have any changes? There being none, may I have a motion for the approval of the minutes of November 17, 2009?

Ted Kanakos: I make a motion to approve the Minutes of November 17, 2009, as written.

Al Perkins: Second.

Virginia Weeks: All in favor say "Aye".

Louise Frey: Abstains.

Virginia Weeks: All opposed. Motion carried.

## 5. Comprehensive Plan Update

Virginia Weeks: What we're doing tonight, Ladies and Gentlemen, is a discussion and a vote on the proposed changes to the Comprehensive Plan. Robin, I would like to say first off, thank you for a great job in getting this all together for us.

Ted Kanakos: Do you think he knows all the streets by now?

Virginia Weeks: Don't laugh, that was important.

Ted Kanakos: It was.

Virginia Weeks: Go Robin.

Robin Davis: There were three road numbers I could not find in time, so I will add them to mine: 232, 285 and 361, I couldn't them.

Virginia Weeks: The only thing that I saw in here that I didn't think belonged in here was something that C Martin-Brown did and that's on Page 24, the last sentence. By the time this thing is voted on that sentence will be old and out-of-date. They will have passed, don't you think?

Robin Davis: Yes, they put a timeframe on there and they probably shouldn't have; they probably should have left an open ended date without something specific.

Virginia Weeks: Actually, I would like to see no later than March 31, 2010 taken out. Is there any discussion on that? Are there any other thoughts on Page 24, first sentence up at the top? It's where C Martin-Brown wrote a couple of lines about the Main Street Program and she just says that participation will require budget decisions by the Mayor and Town Council no later than March 31, 2010 and they will have voted on this, I guess at their March meeting or their April meeting; one of those.

Robin Davis: Yes, it's according to how it will play out with public hearings.

Virginia Weeks: So my recommendation would be just to take the date out of that. Is that okay Mr. Kost?

Ed Kost: Absolutely.

Virginia Weeks: Can you make a note?

Ed Kost: I didn't hear a word you said, I was writing.

Virginia Weeks: Just to send to the Council. Then on Page 24, second line, remove the date. Other than that, everything seemed fine to me. Does anybody else have any comments? Okay. Shall we vote that we send this with that one suggestion on to the Council, as is? And to fill in the three road names as Robin suggested.

Al Perkins: I make motion that the Commission approves the recent changes that have been made to the long range plan, as noted, including eliminating the date on Page 24 and adding the road names on Page 38.

Ted Kanakos: Second.

Virginia Weeks: Roll call vote:

|                |     |
|----------------|-----|
| Ted Kanakos    | Yes |
| Ed Kost        | Yes |
| Al Perkins     | Yes |
| Louise Frey    | Yes |
| Virginia Weeks | Yes |

Virginia Weeks: And once again thank you for a fine job, Robin.

Okay, the next thing we're going to get to are the maps. We're going to discuss the three maps: the land use map, as it is; the town center map; and the future land use map. Since we have two people in the audience wanting to know what we're going to do with the future land use map, why don't we do that first and get that over with.

Ted Kanakos: You know what I would like to do is sit this way.

Virginia Weeks: We're going to bring the map right here. Is that okay? The way this is going to work, is there are two maps; there's one that is the map as is; and then there is a map that you have that has almost no colors in it; and the reason for that is any parcel you change, Robin is going to fill in the blanks with color coded pens and pencils and he's going to stay in the lines, right?

Ted Kanakos: No, I have 4 or 5 large maps, is that what we're doing?

Virginia Weeks: Just the two that say future land use pertain to expansion.

Ed Kost: Exhibit G.

Ted Kanakos: I've got you.

Virginia Weeks: That is basically a reproduction of what's up there, except that what is in yellow up there, is basically white. Those maps are 2009 and those were done by Cabe Associates. For some reason the colors didn't translate into what we have.

Robin Davis: The big map came from Cabe itself, the little maps came...

Louise Frey: There is no public participation.

Virginia Weeks: I'm just making sure that you folks understand that public participation was last month and this month there is none.

Unidentified Speaker: No I didn't understand that, I thought that this month said there was discussion.

Virginia Weeks: No, that was last month. There will be a public hearing at the Council on the 4<sup>th</sup> of January. Just so you understand, we are recommending Board; we don't have the power to change anything; we recommend to the Council and the Council does the changes and it needs to be advertised as a public hearing; which the last one was. As you will see on this last month's agenda, there is no public hearing.

Al Perkins: You're welcome to stay, but there won't be any discussion.

Virginia Weeks: Do you have anything about the future land use map that you want to talk about?

Ted Kanakos: Only what we had discussed, to me there are only two outstanding issues: this Light Industrial and this other one, near the Food Lion. What shall we do? We discussed it last time, the Perry property here, those 97 acres or so. I would like to see it not come in as strictly residential, but commercial/residential. I don't agree with Light Industrial there.

Ed Kost: Which one is it you're talking about?

Ted Kanakos: We're talking about the purple.

Al Perkins: Would you point to it on the map?

Ed Kost: Could I suggest something, Ted? Why don't we go one property at a time?

Virginia Weeks: That's what we're doing.

Ed Kost: But which one?

Al Perkins: Which one are we talking about?

Ted Kanakos: That.

Virginia Weeks: That? We're talking about that, but we're also talking about the other piece which directly abuts Wagamon's.

Ted Kanakos: If you could just move it a little this way and maybe bring it back so folks can see it and correct us when we make some mistakes.

Ed Kost: Yes, but let's deal with one parcel at a time. What I suggest, Ginny is that you take a vote.

Virginia Weeks: Okay, on each parcel.

Al Perkins: Why don't you come up and point and then you can come back to the mic.

Virginia Weeks: This meeting tonight is extremely informal.

Ted Kanakos: Don't throw anything. The point I wanted to make in regards to this particular piece of property was that we had a big discussion last time; is that if you notice that the boundaries of the town are basically right here; and we had a lot of folks from Wagamon's West Shore that were very concerned about future development very close to them or around them; which I can understand. I'm not big on Light Industrial; but I think that by the time this town builds out, Wagamon's which is now in the southern part, will actually be in the center of town; once we build it all out. And all the folks in here, who will be living here, will certainly need some sort of stores, commercial, something to go to; otherwise they're all going to be driving right down Lavinia Street right through town up to the only thing we have right now, which is Super Fresh. Now, if this were to be a commercial/residential, I would think that along Route 30 would be pretty easy for folks to get to and it's sort of on the side of town; with very good access on a number of different highways. Like I say, I'm not in favor of Light Industrial, but I certainly don't think that this particular piece of property should be straight residential; folks to have a commercial interest in it and I think they should be able to promote that with a small mall or strip mall or something like that which would really serve a purpose to our town; especially all of the people here; and not having to go through. Everyone at Wagamon's said it's only a mile away and we don't mind driving; but you know when this gets filled in and there is nothing

over here, you're going to find a couple of thousand extra cars going down Lavinia Street, just to get through town; I think that's going to be a real problem.

Louise Frey: Ted, are you talking about the Carey property being commercial or the one directly behind Wagamon's?

Ted Kanakos: No, the Carey property that we spoke about.

Louise Frey: The Carey property, not the ones right behind Wagamon's.

Ted Kanakos: No, no; now here's a question that I have; is this yours also; is this also Carey?

Virginia Weeks: No, that belongs to Susax Acres Ltd.

Ted Kanakos: Okay and over here?

Virginia Weeks: That's within town and that's already zoned.

Ted Kanakos: That's already in town, so we're talking just this here.

Virginia Weeks: Yes.

Ted Kanakos: And we also have to comment on this tonight?

Virginia Weeks: Absolutely.

Ted Kanakos: Okay.

Ed Kost: To address what Ted's saying. When I was looking at that existing industrial development in the Town of Milton, the only industrial we have is right here and all the industrial in town is currently developed; there is no industrial park at all. With regards to this property here, I don't think this should be zoned industrial; I think this should be zoned residential; it's already butting up to residential; there's residential on three sides of it already; so I don't have a problem with that. I don't think this should be zoned industrial either; however, I would not be against having some industrial, possibly right here or somewhere else. I think we need to provide some industrial area for future development in this town. If someone actually wanted to come here and put up a business, hire people, create jobs, pay taxes, I think we should provide for it, because I'm pretty sure if we don't, the County may come along if someone wants it and give it to them. So I think it behooves us to kind of anticipate what may happen; whether this is the right place or not; I don't know. I'm not 100% sure in my own mind. If you look at this corner right here; it's just a real rough calculation; that's about 30-35 acres; which is a good size site.

Virginia Weeks: Unfortunately, that is one lot. It is not a sub-divided lot.

Ed Kost: I don't know. My background is in PA we could come in and say that we would provide industrial zoning for 1,000 feet off a road. We could literally put dimensions on it.

Virginia Weeks: I'm not sure that could be done here.

Ed Kost: I don't know. I'm working from my background; if that can't be done, then I don't think this should be industrial. But I do think we need to look at providing industrial somewhere; because if we don't, someone else will and we'll get something we really don't want. That's kind of how I view the world.

Louise Frey: Light Industrial for the County, if they don't opt to come into the town, it will just be the County will have it. Is their Light Industrial different uses than our Light Industrial; it's more intense?

Virginia Weeks: It allows a more intense use; if I'm not mistaken they can do poultry processing in their Light Industrial.

Ted Kanakos: Excuse me, but I don't think it's zoned as Light Industrial for the County.

Virginia Weeks: No, on the County it's zoned as AR-1; you have to understand this is a future scan; this is not actuality, nor reality. Today it is zoned AR-1 (Agriculture Residential-1).

Louise Frey: Oh, they could do residential.

Virginia Weeks: Yes.

Louise Frey: So if we keep it the same as the County...

Virginia Weeks: Al, do you have anything to say?

Al Perkins: Yes, I do; but it reflects the property that we are talking about. It also is more of a general comment about the next conversation that we're going to have. Where I was struggling is I'm coming from a bias where I'm accustomed to living in LPD's, Planned Communities, Reston, VA, and Columbia, MD. I spent 20-30 years in those communities and where they are really strong, regulations on how you deal with Light Industrial; how you deal with commercial development in a planned community where there are an awful lot of rules on how the industries can situate themselves. Even with commercial and Light Industrial in Reston, VA and Columbia, MD and some of these very, very large communities; given a national press; the rules are that there's a lot of work done around the landscaping to kind of shield the industrial so that it blends in with the residential and in those neighborhoods where I come from, none of us complained about being near Light Industrial or commercial, because when you drove by a strip mall it's all wooded, the trees escape, we had rules on the signs and it blends in nicely with the neighborhood. Now, here in Delaware, I notice we don't pay as much attention to those architectural rules for industrial, commercial and so forth. My point is that my world view, from where I come from the last 30 years, light industrial, commercial co-exists well with residential; as a matter of fact they complement each other and people love being around; like having their homes around them. But there are a lot of rules; there are no smoke stacks; there are bio-tech firms; there are medical firms; you know its light industry and it really adds to the economics of the community. So my bigger question is that as we have this discussion tonight, what is our economic vision for this town; which is kind of the point that Ed was making? Is at some point, if we're going to have development in this town; what kind of development will we accept? We're living in Cannery Village, we've got an industrial neighbor of Dogfish Head Brewery; but we're not complaining about it; they're a good neighbor; sometimes there are some issues with smells, but we're really not complaining. We're running up against a trucking firm. We're selling houses like crazy over there; nobody's complaining about being next to that trucking firm; so there's some character to that neighborhood. So the bigger question for me as we have this conversation is what our paradigm is; what is our world view of what our vision for the town is around economic development? Because as Ed pointed out, at some point in time, some residential neighborhoods are going to be butted up against one of these. I think you said it too, Ted; at some point in time as the town builds out, they are going to be butted up against one of these commercial developments; so what kind of

commercial do we want in this town, ten years from now; twenty years from now?

Virginia Weeks: I know what you're talking about, because I know Fairfax, VA along Fairfax Highway; they have huge shopping centers and so on. You can't see any of it from what they call Fairfax Highway, which is a dual carriage road; that's because there are high berms; a lot of trees and just the sign on the corner saying which stores are contained within that. Unfortunately, here Light Industrial when it abuts or adjoins a residential district, there is a side yard setback of only 25' and that can be a driveway. That's just for the building. And commercial and Light Industrial, the rear setback is 15'; you could be in your backyard; you could be 15' from a processing plant and I agree with you; we have to find some place to put some industrial; but I'm not sure it's there and the other thing that concerns me about this particular piece of property is that you don't notice it so much on the map, but I made a copy of this map, and I cut this piece out, as you can see right there; that piece, if I put it on 16 extends out of town. The County property goes from 16 down to Wagamon's pond. That's an enormous piece of land; that's an enormous amount of trucks; it's an enormous amount of industry. I agree with you that I think if this property had been subdivided somehow so that along Gravel Hill Road there was a smaller parcel to make that parcel Light Industrial and the other part residential, that would have been a better idea. Considering that across the street from it and down a little bit, the County has just given the Baker's 29 acres of Heavy Industrial use; so I can't really expect anybody to be too happy to have residential right there either.

Ed Kost: When I looked at the maps, I just looked at the zoning ordinance. What was permitted and what was not permitted; is that going to be reviewed? Are we going to get to review what's permitted?

Virginia Weeks: We eventually will. The town has set-up a committee that I believe is going to begin in January or February reviewing the Zoning Ordinances; there's no sense in doing it before the Comprehensive Plan is done.

Ed Kost: I just wanted to make sure of the flow; because I agree with Al; some of the things in theory on that industrial site, you can do extractions; you can do lots of different things which I don't think we really want. I think as part and parcel of what we're doing here; that needs to be looked at; it all comes together and we develop something in the future that we really want to look at.

Ted Kanakas: So what are we saying? We should look for a better spot for an industrial park or if we leave this as Light Industrial, naturally I think, in other words, sort of inhibit develop right around it; not the rest of the growth area; but I don't know what would you expect?

Ed Kost: Can we get input from someone that would have to zone a whole property? We can't just zone a portion of it? Does anyone know if that's an actual rule?

Ted Kanakas: We can only zone what's divided up.

Virginia Weeks: I don't know, maybe where you came from; but I never heard that you could have two different zoning districts on one parcel. If Mr. Carey wants to sub-divide his property, that would be something else. But I'm concerned basically about the size of it and I'm willing to do something, for

example, as you notice in this corner here there's a bunch of properties; I'm not sure what the total acreage would be; but speak about silly zoning, they made the whole thing industrial, except for these two pieces of residential property; go figure. To leave that Light Industrial which is across the street from the Heavy Industrial.

Ted Kanakos: Right on the railroad tracks.

Virginia Weeks: Sort of, yes. To leave that in the Light Industrial; unfortunately, that doesn't belong to Mr. Carey; but I'm not comfortable with leaving a piece that goes from here to here as Light Industrial. Mr. Carey might want to address the Council in January saying that he's willing to sub-divide X acres off; that's not our purview; that's his. But definitely I don't want to see Light Industrial coming up in here; it's just too large a parcel for me. This was before Rails to Trails and all the rest of it. This is now a recreation area.

Ted Kanakos: Something where Wagamon's is right there.

Virginia Weeks: This is Wagamon's.

Ted Kanakos: That's the Susax Acres Association piece.

Virginia Weeks: No, no, it's not the Susax Acres Ltd. which is a very large landowner. I would imagine it's the gentleman who sold his stuff to Susax Acres. He also owns all of this over here.

Ted Kanakos: So now the other part; the other little purple areas that go to the right...

Virginia Weeks: These are in town and those are already industrial. That would be Dogfish Head and maybe, I'm not sure, but the Medical Park, or something.

Ed Kost: Reed Trucking.

Ted Kanakos: Reed Trucking.

Virginia Weeks: And what's down in here that bottling processing; what's the processing plant that's down here.

Ed Kost: Atlantic Plastics.

Ted Kanakos: Oh, Atlantic Plastics.

Virginia Weeks: Atlantic Plastics. Yes. They're already industrial. The other thing is, out here somewhere; does anybody know where Artesian's got its permits for its sewer plant?

Robin Davis: Right about where your hand is.

Virginia Weeks: The County has given a conditional use for a 76 acre sewer plant and 2,000 acres of spray irrigation. So it would be my pleasure or my preference to put Light Industrial out next to a sewer plant.

Ted Kanakos: How about our sewer plant, supposedly our future sewer plant?

Virginia Weeks: Our sewer plant is Front Street is here, I guess.

Robin Davis: Keep going down.

Virginia Weeks: Down here. Oh, over here; this yellow piece? That's our sewer plant and that backs up right up to Cave Colony.

Louise Frey: What about the new one?

Virginia Weeks: And this is the Sam Lucas development. And actually this road here is unsuitable for industrial; it's very tiny.

Al Perkins: So Ginny, just repeat your recommendation; what you're proposing.

Virginia Weeks: That these parcels here be left Light Industrial or mixed commercial/residential; which I don't understand. How does this work, Robin? This whole area has been set aside for future land use, as mixed commercial/residential. We don't have a zoning district like that in our zoning ordinance.

Robin Davis: It's in the LPD.

Ted Kanakos: It's in the LPD.

Virginia Weeks: It's an LPD. Okay.

Ed Kost: Ginny, are you looking at this parcel; when I look at this little map, it looks like there's a sub-division in the middle of that area.

Virginia Weeks: No, it's just a bunch of different owners. It's not a sub-division, is it?

Robin Davis: That is all one parcel. What you see right there is all one parcel. I do not know if there is a County; if it has been a recorded sub-division or not; that's what it looks like; but it's actually one parcel.

Virginia Weeks: I asked Robin to look up owners so we would have a fair idea of what was what and if he says that's all one parcel; it's all one parcel.

Robin Davis: It's an LLC who owns those lots.

Virginia Weeks: The list is right there if that is what you're looking for.

Al Perkins: So if we're talking about Wagamon's, I guess for Louise and others, Robin, is Wagamon's an LPD?

Virginia Weeks: No. Cannery Village is an LPD. That's why the density is so much thicker. So that would be either to make this mixed commercial/residential; which we can't unless we make it an LPD and it doesn't qualify for an LPD, because I don't think it's 25 acres, I don't know.

Louise Frey: How large is it, Robin?

Robin Davis: I don't know.

Ted Kanakos: Well, we have the mixed commercial/residential above the LPD.

Virginia Weeks: Yes, we have 4,000 approved housing units here.

Ted Kanakos: No, no, I mean on the legend, you see the 4<sup>th</sup> one down, mixed commercial/residential.

Virginia Weeks: I don't know why it's there because it doesn't exist in our zoning ordinance.

Ted Kanakos: That's what I had proposed.

Al Perkins: Can I ask a philosophical question? I'm just trying to get comfortable with where we are going here. Are we comfortable with commercial being an LPD; like Cannery Village we have a commercial parcels set aside for Cannery Village; at one time Heritage Creek, I don't know where they are now, had a commercial parcel set aside inside their LPD; are we, philosophically, as a town, comfortable with commercial being co-mingled with residential in LPD's? You have to live with if it's in an LPD; why can't we live with inside the town boundaries?

Virginia Weeks: You don't have to live with it in an LPD, because you can not have it if you choose, for example.

Al Perkins: That's right, but those two developments have chosen to do that; whether the town likes it or not. Do you see where I'm going with this?

Virginia Weeks: Actually, I can understand Cannery Village because their commercial use is on Cave Neck Road.

Ed Kost: That's incorrect.

Al Perkins: That's no correct.

Ed Kost: There's commercial; they revised their plan and moved; if you remember when they were talking about...

Virginia Weeks: If this is commercial on the corner of Sam Lucas...

Ed Kost: Right now opposite Dogfish, on the other side of the street, that is proposed commercial.

Virginia Weeks: Right, but there is also commercial on Cave Neck right in there.

Al Perkins: They've got two commercials.

Robin Davis: If I may, before we go, they are allowed 10.86 acres of commercial buildings in the R-1 LPD of Cannery Village so they can put it anywhere; they are not limited on an area; they have decided to put the majority of it, as planned right now, to put it out on Cave Neck Road; doesn't say they have to do it that way.

Al Perkins: I understand I'm working on a philosophical issue here. If Heritage Creek and Cannery Village which are integral parts of Milton, the Town of Milton, decide to go with that commercial; the Town of Milton is going to have commercial in there; because it's going to be inside the box of an LPD. That's going to affect the character of the community. Ten years we're going to have commercial inside Cannery Village and we're going to have commercial inside Heritage Creek.

Virginia Weeks: There's no commercial inside Heritage Creek.

Robin Davis: Yes there is; there's still some, yes.

Al Perkins: They may not put it in there, but they can go that way.

Ed Kost: They have a future right to do that.

Virginia Weeks: I thought it was all along the road and that it was removed.

Ted Kanakos: No, they had requested originally 60,000 sq. ft. in the middle and then they decided that they would take 6,000 sq. ft. and move it to the road. That 60,000 sq. ft. they wanted was now into open space; they said they would make it into open space.

Al Perkins: I'm trying to figure out and keep my brain straight; is that if we're okay with commercial in Cannery Village or Heritage Creek...

Virginia Weeks: But we're not talking about commercial.

Al Perkins: Why not?

Virginia Weeks: We're talking about...

Al Perkins: I'm getting ready to talk about it next, because I'm trying to figure out what the difference is; we're arguing over Light Industrial; I might want to take the position that okay, let's get away with the Light Industrial, let's go with commercial in these areas. But I need to know what commercial is, because we've already approved...

Virginia Weeks: Do you want my copy of the Zoning Ordinance?

Al Perkins: I just need somebody to explain it to me. I understand the argument about industrial, but I can't see the difference. I perceive that we don't want commercial either.

Ted Kanakos: No, that's not the issue.

Al Perkins: I hear people saying that I don't want, I don't want dumpsters, I don't want this; commercial's got dumpsters; it's got dumpsters folks.

Ted Kanakos: What we don't want is smokestacks and the processing of lead batteries, acid, or fish.

Al Perkins: The argument has been about dumpsters and fences and all that is commercial.

Virginia Weeks: Here are the commercial uses.

Al Perkins: Okay.

Virginia Weeks: Here are the accessory uses and you go back here and here are the setbacks and how much you can do.

Ed Kost: If you want to see the special permitted uses, go to page 34 in commercial, look at number 13.

Virginia Weeks: What is it, why don't you fill us in?

Ed Kost: Grinding and Quarry, special exceptions, special permitted use in commercial today. This is all part of one big deal.

Virginia Weeks: The question tonight is a) do we want to leave this limited industrial. Two, a second question is if we feel that we need to put some limited industrial somewhere in this plan, where do we think it's appropriate.

Ed Kost: I would like to make a motion for all three parcels that we change the zoning from Light Industrial to residential.

Louise Frey: Second.

Virginia Weeks: Does anyone want to discuss that? I'm calling for a roll call vote. The motion is that the parcels that abut Wagamon's Circle directly behind it along the Rails to Trails, the three parcels.

Ed Kost: The small skinny piece of purple on the map, from Federal all the way out to...

Robin Davis: If we're looking from West of Route 5 (Federal Street) there is a parcel, what I put on my paper was Lot Number 1, which is Parcel 2-35-20.00-09.00, that's one parcel; the one next to it, which is Parcel 2-35-20.00-10.00; the third one, which is Parcel 2-35-20.00-12.00. Are they the three parcels that you are recommending to change from Light Industrial to residential?

Ed Kost: Yes.

Virginia Weeks: Would you like to repeat your motion, please.

Ed Kost: I make a motion that we change the proposed future land use for Parcels 2-35-20.00-09.00, 2-35-20.00-10.00 and 2-35-20.00-12.00 from Light Industrial to residential.

Louise Frey: Second.

Virginia Weeks: Roll call vote:

|                |     |
|----------------|-----|
| Ted Kanakos    | Yes |
| Ed Kost        | Yes |
| Louise Frey    | Yes |
| Al Perkins     | Yes |
| Virginia Weeks | Yes |

Virginia Weeks: That recommendation to the Council will be that those three parcels become residential.

Now, what do you want to do about down here?

Ed Kost: I'll make a motion that we change the zoning... I would like to withdraw my motion until I receive clarification on one thing.

Virginia Weeks: Sure.

Robin Davis: This one here is all one parcel.

Ted Kanakos: Even all the way up in the top left hand corner?

Robin Davis: It goes to the line right here where it actually, it kind of runs along where the stream runs, you see where the blue is.

Ed Kost: This is the property line?

Robin Davis: That's the property line, yes.

Ed Kost: What about this one? Is this is separate parcel?

Robin Davis: Yes, that is a separate parcel, yes it is.

Ed Kost: This is a third parcel?

Robin Davis: Yes it is. There is actually one parcel here, one parcel here, one yellow parcel, this area here is all one parcel, you've got a little yellow parcel and then a Light Industrial parcel there. So these two parcels are separate and they are basically divided by the stream, give or take a little bit. The parcel that you're speaking of, the larger parcel is 20.00-14.00.

Al Perkins: Ed, before you make your motion, because I hear where you're going, I just want to compare and contrast that to what Ginny was proposing, because it sounds similar.

Virginia Weeks: I was not including this parcel here. I was not including this second parcel; I was only including this one parcel in the corner.

Al Perkins: Okay. You only approved that one parcel. Okay.

Virginia Weeks: One at a time.

Ed Kost: The only thing that worries me, I do not have a problem with zoning this and calling it future industrial; I'm worried that this is shown as some sort of sub-division plan and these lots look like they were sold off...

Virginia Weeks: It is one parcel.

Ed Kost: Yes, but I'm just worried that they are already zoned industrial, I guess we could leave it industrial; but it looks; it just bothers me seeing streets shown on a map.

Robin Davis: Yes, if that is an approved sub-division, tomorrow, they could realistically start and build houses there and then you're done.

Ed Kost: From the looks of the way these lots are cut up, with those streets, that's what it looks like they've done; that's what bothers me.

Robin Davis: Yes, then that would never be Light Industrial, because the County has taken it over.

Virginia Weeks: It could be, it's not unusual, for example, I don't know what's back there; I don't know if they are stick built or mobile homes. It's not unusual that you have a parcel and you pay land rent on it.

Ed Kost: I guess, I go by that parcel regularly going to church and though we're having these discussions, I keep looking at the area and there are houses back in that area that I'm not real familiar with.

Robin Davis: That parcel you're talking about, that's sub-divided, Mr. Kost, is Melendez Lane LLC.

Ed Kost: It's a Limited Liability Corporation that owns it and apparently they've sold two lots out of it.

Robin Davis: I do not know who if...

Virginia Weeks: My feeling is that in 2003, for some reason, those two were not made Light Industrial. Remember this is not an actual zoning map, this is a virtual map.

Ed Kost: What I don't want to see us do is do something like this and then find out later, that something already exists that makes whatever we've done a waste of our time.

Virginia Weeks: It has to be annexed in first, anyway, and before it can be annexed in, all the rest of this has to be annexed in; because none of it touches the town.

Ed Kost: Oh, okay.

Virginia Weeks: I have to say that I would not vote in favor of this second parcel becoming Light Industrial, only because it backs up to the homes in Pemberton; they would be 15' from their backyards; I find that a little rough.

Ted Kanakos: Does the County have more severe or stricter setback rules?

Virginia Weeks: No, I don't know what it is for Light Industry but for Heavy Industry it is 20'.

Ted Kanakos: Thanks.

Ed Kost: I would like to make a motion that we change the zoning for the following parcels from Light Industrial to residential: Parcel 20-14; 20-15.01; 20-15.03 and 20-16.

Virginia Weeks: Which parcel is this little one, 13?

Ed Kost: I left out the two existing residential, that's what I did.

Virginia Weeks: What Mr. Kost is asking is that everything in purple here be made residential. Do we have a second for that motion?

Al Perkins: Second.

Virginia Weeks: Is there any discussion on this motion?

Al Perkins: The parcel up on the top quarter, I just want to be sure that he's making that residential, it's butting up against.

Robin Davis: There are four parcels, this one is the big one, the one in between, this one here consists of all these little spots and there's a small parcel right up there, that's the corner.

Al Perkins: That one is going to be residential, is that what you were proposing?

Virginia Weeks: Yes.

Ed Kost: Yes, all four of them. In other words, everything in that whole block is going to be residential.

Robin Davis: It will change from purple to yellow.

Al Perkins: What about up in the corner, then?

Robin Davis: That one is the same one.

Virginia Weeks: They are all included; everything that's purple will be yellow, if you approve this motion.

Al Perkins: I've got you.

Ed Kost: My reasoning, Al, for everything is I don't feel comfortable with Ginny's suggestion that we take that one little parcel with the two existing residential lots in it; I'm not sure if anybody even lives there; and all of a sudden saying that's going to be industrial and someone could literally build an industrial plant wrapping around two houses; I don't think that's a good plan. I would like to see industrial; I don't think that's the location. I think we should look for another location; that's how I feel.

Ted Kanakos: I agree that I don't believe it's the right place for industrial, but I do think it's the right place for some sort of commercial/residential. We are on the highway; let's call it the west side of town. It's the most benign place to put business.

Virginia Weeks: Unfortunately, I have a real question about that Ted, since there is no commercial/residential; even though it's on the map, it is not defined in our zoning ordinance, so I don't know how you would do that. For example, this piece here, that is commercial/residential and not part of an LPD, I don't know how they did that.

Al Perkins: Does the County have something called commercial/residential?

Virginia Weeks: No, I have no idea but that's immaterial; it doesn't matter. What should have happened is in 2003, when they redid the Comprehensive Plan and they put commercial/residential within 18 months they should have defined it and that somehow slipped through the boards and never got done. So if we want to make that commercial/residential we have to do it with the caveat that the Council instruct somebody immediately to develop the commercial/residential zoning, because we don't have it now.

Ted Kanakos: I can't see how we can make it into something we don't have; but what can we do.

Virginia Weeks: It might not be large enough.

Robin Davis: That parcel is. That one might be large enough.

Ted Kanakos: 97 acres or so, I think. An LPD would indicate that this would be for...

Virginia Weeks: Just like Cannery Village and you know the problems we've had with LPD. So until the LPD is fixed, I personally would be against making anything more LPD's; until after the zoning group looks at how they are going to do it.

Ted Kanakos: Now, if this particular piece of property, if the Carey family and these other pieces of property that we discuss; these little ones here; if and when they decide or that they would like to be annexed into the town; they could always requested commercial or anything else, and at that time there would probably be more development.

Virginia Weeks: Absolutely. The Sam Lucas came in as R-1; it went before the Council; it requested R-3 LPD and that's what it got.

Ted Kanakos: I just think this is a unique piece of property which can really help the town because of its location and then the future growth around it.

Virginia Weeks: You have no assurance of anything happening here, because...

Ted Kanakos: If nobody annexes themselves in, but I'm a little pro-business right in that area.

Virginia Weeks: I just want to say one thing, unfortunately, this is not a public hearing; whatever we recommend, you will have the opportunity to give your thoughts at the January meeting to the Council. Is that fair? I'm told by previous lawyers that we're not allowed to have the public speak, if it wasn't advertised. I would like to see that changed, but we're working under that rule right now.

Ted Kanakos: It appears that we don't have an alternative; we don't have the right zoning that we'd like to make it; so we have to make it residential or live with Light Industrial. Is this what we're saying?

Louise Frey: We could make it an LPD.

Ted Kanakos: But we have a problem with LPD's now, don't we.

Virginia Weeks: You've been on the board long enough to know about LPD's.

Ted Kanakos: LPD's may have a problem, but by the time this would become or develop into an LPD, we might, in fact, have lots of our problems solved and you know, we might use what we've learned in the past to make this require people who are developing this to do the right thing. We've made a lot of requests of a lot of people and when they come around slowly and sometimes yes, and sometimes no. I think these people are cooperative.

Virginia Weeks: I will tell you that Robin has been to courses up at IPA, as well as me, and they strongly warn not to give the house away when you are doing your Comprehensive Plan; to make it as restrictive as possible, because you can loosen up but you can't always tighten up.

Ted Kanakos: That's true.

Virginia Weeks: That's just thrown out there.

Ed Kost: Ted and I were having a side conversation about whether, in fact, we could take the parcel south, on the corner, no, no, no, the little parcel, on the corner on Gravel Hill Road and Burton Road, that parcel and convert that to say industrial or commercial.

Virginia Weeks: You can recommend whatever you want, as long as you can get it through this board. Yes.

Ed Kost: That is possible to do.

Virginia Weeks: Yes, that is possible to do.

Robin Davis: I think the reasoning behind this being done is because of the railroad tracks. This is the ideal spot for it, because of the railroad tracks, for industrial. Then if you have a problem with what you're allowing in your zoning districts, then modify those. You're basically saying we're going to do away with everything; then we're going to come back and try to do this again.

Virginia Weeks: My retort to that, Robin, is that rather than allowing it now and hoping it gets fixed; when it gets fixed, then allow it.

Robin Davis: We have an opportunity to keep it the way it is now; now we're going to go through another step to go back and revisit these lots again, after it gets fixed, supposedly.

Ted Kanakos: That's the committee with the zoning.

Robin Davis: What I'm saying is, I'm not for or against this, I have no vote in this and I'm just passing this on. We seem to have a problem now; we're going to allow mine quarries, if we leave it the way it is. If you leave it the way it is, as Mrs. Weeks has said in the past, we have to within 18 months; redo our ordinance, as soon as you get that squared away. At that point, we know we've got this here; but we only want to allow these three things in here.

Virginia Weeks: However, we're not in control of that.

Ed Kost: My problem is with the large parcel. It's so large.

Virginia Weeks: It is, it goes from Route 16 down to Wagamon's Pond.

Ed Kost: It's just too large; if there was some way to get a smaller piece of it.

Virginia Weeks: That's up to Mr. Carey; but at this point.

Ed Kost: That's why I'm looking for an alternative.

Virginia Weeks: I need to remind you that when the town annexes it, they can increase the zoning; however, they cannot, I don't think, decrease it. So if this goes in as limited industrial, when they annex it in, it comes in as limited industrial; and that's it and then you have to hope that another committee and another Council have made a limited industrial that you like; that maybe has more than a 15' setback. Are we ready to vote on this?

Al Perkins: I'm not, no.

Virginia Weeks: Okay.

Al Perkins: I want to ask a question. The question around the flaws in our zoning ordinance; I understand the problems; I have been living with them for a while. You mention LPD; you mentioned Light Industrial; we have no commercial; we have a committee looking at our zoning ordinance, which are significantly flawed, in general. What I want to get clear about what are our options here? If one of the options is an LPD, I might want to vote for an LPD for that mixed commercial, recognizing that we've got a very flawed zoning ordinance; we've got a flawed industrial; we've got flawed this; we've got flawed that; and they've all got to be fixed. I don't even know what my options are, given the current flawed zoning laws.

Virginia Weeks: Right now on the floor we've got a motion to make it residential. At this point, you cannot vote for an LPD. You can for against the residential; you can vote to deny the thing and then you need to make a motion for LPD.

Al Perkins: I need to know whether or not LPD is an option, before I even vote. You have to help me out.

Virginia Weeks: Anything is an option.

Al Perkins: That dictates how I'm going to vote.

Ted Kanakos: It's my understanding though that LPD is also flawed, so I think that it would easier for everyone involved to default to straight residential and let the folks later on who decide that they would like to be annexed in, request what they need or want and at that time it might be very expedient for us to say, yes, Light Industrial or commercial or whatever; but I think we should go all the way back to first base, make everything residential and if we don't have a commercial; I wanted mixed commercial/residential; we don't have that flavor, so it's either going to be yellow or it's going to be purple. You're going to have vanilla or grape, that's it. I think we should go back to straight residential which is a neutral

position and let the folks later on; they may not want to be annexed; they may just want to work through the County; but I think that it behooves them to come into the town for whatever reason; they should start at square one with everybody else.

Virginia Weeks: Mr. Carey controls that because I believe that the part that abuts the town is also owned by Mr. Carey.

Ted Kanakos: Yes I think he owns that other section also. That's why I thought commercial/residential would be great, he could just fold it right in.

Al Perkins: Ginny, on your recommendation, you want the vote now?

Virginia Weeks: I would like to call for a vote and the motion is to take these four parcels that are bound by Lavinia Street and Gravel Hill Road, the railroad and what's called Burton Road (but is really Sand Hill Road, I believe) that they be taken from LI-1 and made residential.

|                |     |
|----------------|-----|
| Ted Kanakos    | Yes |
| Ed Kost        | Yes |
| Louise Frey    | Yes |
| Al Perkins     | Yes |
| Virginia Weeks | Yes |

Virginia Weeks: Motion carried.

Ted Kanakos: We have another parcel which is off of the Food Lion.

Virginia Weeks: We have already recommended to the Council on that at the October meeting.

Ed Kost: As it stands now, we have removed all future industrial sites from our future land use plan.

Virginia Weeks: Exactly, but that doesn't mean we can't put others in.

Ed Kost: I would like to find out from the Planning and Zoning Commission if we should look for another site for industrial and propose that? Is it worthwhile having a discussion on that or another commercial site, either one?

Ted Kanakos: I don't think it's necessary right now. For Light Industrial, these pieces of property change back and forth and who owns it and who gets annexed and who doesn't, all the time. Just to designate a small industrial parcel in a corner of town, we don't even know who owns half these things and if they would even want it. I think a request would have to be made, like the folks who have shown up for any other piece of land. I just don't feel secure going into any piece of property and designating it something, without them requesting it.

Ed Kost: I take a totally different view. My view is that our job is to look into the future and say this is what we think the town should look like, because we could have someone come in here and say I want to do this over here and we look at it and say yes you can or no you can't. But I think we should put out a view of the future.

Ted Kanakos: Well if it's all residential, that view will have to be filled in based on necessity and expediency, later on. We don't really know what's going to happen in the future.

Virginia Weeks: I will say that in a way, I'm sort of split between the two of you. I think that we need to look...

Ted Kanakos: Maybe we should have an industrial park area, just something, but I don't think we can just arbitrarily point to a section on a map tonight and say that's it.

Ed Kost: I already did. All those various parcels, someone decided it was going to be purple ten years ago; this year it's not.

Virginia Weeks: Please remember we only recommend; the Council decides, so if we recommend something.

Louise Frey: And as people are coming in to annex into the town, then our growth area will be larger and we'll be able to possibly do an Industrial Park in the larger area that is now not in our growth area. Is that right?

Ted Kanakos: We're talking about visibility right now. There's a need right now.

Virginia Weeks: The only place that I would consider industrial at this point is next to the proposed super large sewer plant.

Ted Kanakos: Up north.

Virginia Weeks: Up west, actually.

Ed Kost: Could you point to the parcel up there? I'm not exactly familiar with that.

Virginia Weeks: That's where the sewer plant is going to be.

Ed Kost: In our future map. What do we have near it?

Virginia Weeks: Everything in that upper corner.

Ed Kost: This is Route 30 here, that parcel right there? That's close to it? It's up in the corner?

Ted Kanakos: Excuse me, how about where our proposed treatment plant is going to be, that little rectangle right there? Something south of there, but I think that's up for discussion, we don't have the right roads, we don't have this; there's so much infrastructure that is existing or is capable of being created, it makes all of these pieces sort of unique and I don't think we have the skills to figure out what's what right now.

Al Perkins: I'm going to revisit Ed's recommendation. Just around what's in our Charter. Let's say that we're revising our long range plan; five years from now we may revise it again.

Virginia Weeks: Five years from now, there has to be a new one.

Al Perkins: What is the role of this commission on future expansion areas on the LPD; the planning process; on future expansion? What is our role? What is the charter of this commission as it relates to the future expansion area?

Virginia Weeks: We are supposed to look at this map, whatever we think needs to be changed; we're supposed to make recommendations to the Council. That's basically what we have to do for our future expansion area.

Al Perkins: Okay, so what I'm struggling with now is when is the right time for this Commission to take that on?

Virginia Weeks: If I could bud in for a moment, in five years, it's our ten year anniversary and we have to do a major re-write of the Comprehensive Plan.

Al Perkins: So the reason we are avoiding it now is what? Because we have the charter to do it now, because we are revising the Comprehensive Plan; but I just want to be clear about why we're saying we don't want to tackle it now.

Virginia Weeks: What I'm saying is, the pieces that might go into industrial; those pieces up in the corner where Mr. Kost pointed to; are not going to be annexed into the town ever and the reason is that is Elizabethtown, which is a County project.

Al Perkins: So there are many areas that we know that are never going to be annexed into the town.

Virginia Weeks: All of that striped area along Route 16 is Elizabethtown.

Al Perkins: I'm asking about other areas where we're chartered to make a recommendation to the town around future expansion; that don't relate to Elizabethtown, so I'm trying to get clear about when we take that work on.

Virginia Weeks: We can take it on now or we can say right now might be the good time considering the economics and we don't know what's happening; the piece that we just changed, if Mr. Carey wanted to bring that into the town as Light Industrial, he would have to do so by annexing in his other parcel. The other thing that happens is that if we leave it Light Industrial and he goes to the County for approval, the County can say, oh look, Milton thinks this should be industrial; let's make it industrial. That's what happened with Elizabethtown.

Ed Kost: Ginny, I got confused. Did you say that the parcel I pointed to up there will never be annexed into Milton?

Virginia Weeks: No, it won't. Well, I can't say never, but Elizabethtown is being built under the auspices of the County, not the Town of Milton and that's next to Elizabethtown and if Elizabethtown doesn't annex in; that parcel can't annex in; because it's never going to touch the town boundaries.

Ed Kost: I take it Elizabethtown is the odd-shaped parcel that's shown as mixed.

Robin Davis: Its many parcels.

Virginia Weeks: Its many parcels; its huge.

Ed Kost: Just deal with up in the corner; that's all I care about.

Virginia Weeks: No.

Robin Davis: This is all part of it; Shipbuilder's is here; this one; this one; this one; etc.

Virginia Weeks: They've all been approved for 4,000 housing units.

Ed Kost: Oh, that's that big thing.

Virginia Weeks: Yes.

Ed Kost: Okay and if they don't annex in.

Virginia Weeks: Those other parcels may not annex in.

Ed Kost: Now I understand.

Virginia Weeks: No matter what we do here, the parcel we do it to, may choose to never annex it to the town. We cannot make parcels annex into the town; we have no control over that. But what we can do is to facilitate; or we give a message that we may not intend to give to the County; by making a parcel heavy industrial or industrial or in this case an LPD and they say, oh, this is what Milton has put in for their future scan, so it's okay.

Al Perkins: I'm clear about if a developer or landowner and comes in and I want to make this X and then we react to it; what I'm trying to figure out is do we have a proactive role where we can go in and say, we would like this parcel out here to be commercial or Light Industrial.

Virginia Weeks: We can do that.

Ed Kost: My attitude is we should have a proactive role. I think that's our problem.

Ted Kanakos: I don't think we are qualified or prepared to handle that right now.

Virginia Weeks: Tonight.

Ted Kanakos: Especially tonight. It could be a project that could be a long term project we could get into. Right now we are mandated with doing so much.

Virginia Weeks: We have a very limited scope this time around because we were given a very short time. This should have been a process that took a couple of years.

Ed Kost: I agree with that, but we're already doing it; we're changing things now.

Ted Kanakos: Yes, we're changing it back to neutral.

Ed Kost: But it is a change; we're making change.

Ted Kanakos: And it was made the last time from residential to Light Industrial and now it goes back. But the idea is I would like everything to back to neutral and see what we can start from then. I don't know that we have the right or the responsibility we're going to give you a little parcel then and make it purple and now that's the most valuable industrial area around. The only reason most of our time here has been spent on these properties is because the people that came up were interested in the development and the future of their properties and their investments. We've only had 2 or 3 basically in a year and Sherman just left; nobody else seems to be interested or feel that they are affected. But what I'm saying is that interested people do show up. Somebody who hasn't shown up, just to arbitrarily make; I'm sure that this Light Industrial area was Light Industrial because it was addressed the first time around; then it went that way.

Virginia Weeks: I have no idea why it went Light Industrial.

Ted Kanakos: Well, it's purple, so it had to get there some way.

Virginia Weeks: But the fact is it no longer is.

Ted Kanakos: Yes, well that's all right, but it may still be.

Virginia Weeks: Now, the fact is, does somebody want to suggest a parcel to be made Light Industrial? No? There being nobody interested in a parcel being made Light Industrial...

Ed Kost: Wait.

Al Perkins: You're asking; this was interesting and I understand where you're going and trying to close this conversation off. I'm still trying to get clear about our role. If the town's Economic Development Committee, there is a group out there doing Economic Development; and they want to see this town; somebody came to the town and gave a proposal on putting an entertainment center down on the river; a little shipbuilder's museum, an artist's community and all this stuff. I'm trying to get clear about where does the role of the Economic Development Committee intersect with our group or does it? Were we ever...

Virginia Weeks: I have no idea.

Al Perkins: Will we ever be in the business of proactively saying we think there needs to be Economic Development on Parcel XYZ, because it's good for the town? Will this committee ever be in that business?

Virginia Weeks: No.

Al Perkins: That answers my question, thank you. I'm good.

Virginia Weeks: We are also in the business of being able to say; we would like to see perhaps some Light Industrial somewhere, but where. It has nothing to do with the Economic Development; it's our thoughts and we all converge at the Council.

Al Perkins: Why would we say that? Why would we say we think there should be Light Industrial; why would we even say that?

Virginia Weeks: If we had a large industrial park, we might want to add to it; but we don't have a large industrial park.

Al Perkins: Do you get my point, the only reason we would say that is that we were trying to do Economic Development.

Virginia Weeks: Okay.

Al Perkins: Are you with me?

Virginia Weeks: I understand what you're saying.

Al Perkins: Okay.

Ted Kanakos: That's not us; but that's a very good idea for the future; for the development of the future; especially in this area; we have a lot of time constraints. We started a bit late and it was thrown right to us and 90% of what we're doing, actually, is involved with the few families that have come up and shown concern over their property. I can not see arbitrarily taking a property without the owner's permission and changing it. They may only want residential. In other words, there has to be other solicitation or something. That's a good concept. We have to if we want an industrial park on the fringe or wherever it works.

Virginia Weeks: When we send our recommendations to the Council, we can say that we felt very constrained to do a good job on looking for some industrial land, etc. because of the time constraints.

Ted Kanakos: Considering that our mixed commercial/residential we have no ordinances; it's ridiculous.

Al Perkins: I think we did a good job of snuffing out development tonight, and we shouldn't. I'm trying to figure out when are we going to help this town do some proactive, positive development and how do we do that?

Ted Kanakos: I don't know that 97 acres of houses vs. 97 acres of Light Industrial; somebody's going to make money, either way. I would just as soon 97 acres of industrial; I don't think anybody is going to lose; but I just basically thought all along that because of the location of that piece, although it is too big to make me comfortable; if it had been cut already and a smaller piece along Route 30, that would be great.

Al Perkins: We made the right decision, Ted. We made the right decision. I'm working a whole other strategic issue.

Virginia Weeks: Can you imagine 97 acres of Reed Trucking?

Al Perkins: Absolutely not.

Ted Kanakos: There you go.

Al Perkins: But I can imagine 97 acres of some other good stuff.

Virginia Weeks: Are we finished with this map? May I have a motion to say that this map shall be forwarded to the Council with the changes proscribed in the previous motion? Is that what we agree on? Okay, done.

Ted Kanakos: The Exhibit G's.

Virginia Weeks: We are looking at Exhibit I, the Town Center properties in Milton and the town center map. Recently, the Process Committee made recommendations to the Council and the Council passed those recommendations. The largest of that is that parking is no longer required in the Town Center, so if you are a restaurant and you open a restaurant for 350 people, you don't have to supply one parking spot. You can see the changes here in red, on what was changed on the second page. That's all.

Ted Kanakos: I have a question to Madam Chairperson. What are we doing with this map?

Virginia Weeks: Town Center.

Ted Kanakos: Yes, but what are we doing? Can we expand it, shrink it?

Virginia Weeks: There are a couple of things, for example.

Ted Kanakos: I would like my house to be the center of Town Center.

Virginia Weeks: I know that there are people in town that would like to see Town Center go up Front Street.

Ted Kanakos: The question I have though is what are our mandates here? To make it all orange, all no orange, do what we want to do.

Virginia Weeks: We have no mandates, exactly, whatever we feel appropriate.

Ted Kanakos: Okay, now here's something and I'm just going to say this, because you know I live very close to Town Center, of course. I'm surrounded by it. Has anyone over the last year or two years, since they've been on this committee or commission heard any discussion for or against doing anything in this area? Are there any new needs that we see? I'm not 100% sure what we're doing on this.

Virginia Weeks: The only thing that has happened that I know in Town Center was the rehabilitation of the sausage factory and the tearing down of the building next to the theater.

Ed Kost: Where is the sausage, where is it?

Virginia Weeks: That's where the beauty parlor and Josephine's Daughter and the Chiropractor, across from the Milton Theater.

Ed Kost: Okay.

Virginia Weeks: Irish Eyes came in. Iguana Grill, for some reason is not in Town Center, oh it is. The Old Post Office, the strip joint, became a second hand shop; they sell garage sale type things.

Ed Kost: Robin, is there an industry in the Town Center?

Robin Davis: No.

Ed Kost: I'm just confused because on the parking, there's industry and it says one space for every 500 sq. ft.

Robin Davis: It's allowed, it can be allowed, but there's none in there now.

Ed Kost: Is there anything zoned industrial there?

Robin Davis: No.

Virginia Weeks: It's all zoned Town Center.

Ted Kanakos: Technically, if somebody wanted...

Virginia Weeks: What's the problem?

Ed Kost: If nothing is zoned industrial...

Robin Davis: This is every... The parking everywhere...

Ed Kost: I'm sorry. I thought this was part of Town Center.

Virginia Weeks: No, no. No, this was added to it.

Ed Kost: I apologize.

Ted Kanakos: I remember a few years ago there was a proposal, maybe five years ago, to expand the Town Center. Is this what we want to think about?

Virginia Weeks: Well there are some people who would like to see it go up Front Street; there are some people who would like to see the marina put in Town Center.

Ted Kanakos: Isn't it?

Ed Kost: Where is it?

Virginia Weeks: No, the marina is under MR zoning.

Al Perkins: Where is the marina? Is that the marina?

Virginia Weeks: Look at your zoning uses, folks. It's under MR.

Al Perkins: Oh, okay.

Robin Davis: Yes, it's currently under MR.

Ed Kost: Question, is there something actually in the marina? Is there a marina in the marina?

Virginia Weeks: There is a defunct marina in the marina. It was bought by a person and was going to develop it; there were actually site plans approved; parking approved for a mixed commercial/residential marina type property and she has since changed her mind or hasn't gotten her...

Ted Kanakos: It may have been sold again, I'm not sure; was that sold again?

Robin Davis: She was trying, but I'm not sure.

Ted Kanakos: Yeah, because I had asked about mowing it and George said, they still owned it. She's been trying, okay.

Virginia Weeks: That particular piece of property, I think, if I remember correctly from when they were before us before is about 8 acres, but only 2 of which are buildable, because of wetlands and so on.

Ed Kost: May I ask a question, just... My impression is that this property requested to become part of the Town Center, as opposed to someone saying you're in the Town Center, have a nice day.

Virginia Weeks: I have no idea how things were done, because they are beyond my rationality.

Ted Kanakos: I believe a lot of it was based on some established buildings that were already there; old commercial buildings; stores that might be houses at one time.

Virginia Weeks: For example, I don't understand the properties on the other side of Mulberry.

Ted Kanakos: On my street, on one corner of Broad Street is commercial and it's nothing but a house that's Myron's property and the other end is the Ice Cream Store and next to the Ice Cream Store is commercial, which I was amazed.

Robin Davis: I think when they did this year's ago, because actually these on the opposite side of Ted's house, on Broad Street, were the original 2003 designed to the part of Town Center. These people in that area fought that tooth and nail and said we do not want to be in Town Center, do not. So I think that's the reason as Ted said...

Ted Kanakos: Do you recall that situation where only one or two people fought tooth and nail, because living on the street I was quite involved in it; and I found that of about the 20 people involved, a good 18 wanted it; but because it was not unanimous, people on the Council said no. It was actually 18 to 2; but because it wasn't unanimous they killed it. I personally remember going through this where they wanted to cut Broad Street down the middle; one side of Broad Street would have been Town Center; my side would not have been; although all the traffic would be on my street; and I said that would be like living in a new time zone down the middle of the street. It doesn't work. I asked why make my side of the street Broad Street, and I forget what it was; it was something to do with going back to my backyard; Tilney Street was not a big enough street to handle traffic on that edge of Town Center, it was basically an alley. A lot of people use it anyway and I can't see that it would be used any more or less; but it was 18 to 2 and they still didn't honor it. That was a little upsetting and the 1 or 2 that didn't want it moved, a month later, which was really annoying. But anyway that's the issue about requesting we change the zoning to be in Town Center. Now we have no one coming here. There was one person that did make a request, Rich Ashby, although he's not here, he wanted Federal Street; going up Federal Street; one more block up to Mill Alley; if you look on Federal Street and you can see the Police Station.

Virginia Weeks: Can you point out Mill Alley?

Ted Kanakos: It's...

Virginia Weeks: Not going to happen.

Ted Kanakos: He wanted it to go up further up the street.

Virginia Weeks: It's not going to happen; its pure residential there; not going to happen.

Robin Davis: I don't know if currently Mr. Ashby owns the property right next to the Goshen Hall.

Ted Kanakos: He owns the next open lot next to Goshen Hall; well he did at one time.

Robin Davis: Yes.

Ted Kanakos: And he had wished that he could use it as an in-house.

Virginia Weeks: He would like to use anything as an in-house. He would like to use it; he would like to use it as his banking area.

Ted Kanakos: Let me ask you folks a question, just in general. How do we feel about people working out of their houses; living upstairs?

Virginia Weeks: That's why we have home employment and conditional uses.

Louise Frey: It depends on the business.

Virginia Weeks: It depends on the business.

Ted Kanakos: I see that this downtown area, Town Center, is pretty contiguous, it's an orange glob without too much gerrymandering, you know, around.

Virginia Weeks: Here's another thought, also. My feeling is, if you start allowing business over here and a little commercial over here and a little commercial over there; you're never going to have a Town Center. As people move in and around Milton, it's an opportune time to protect the Town Center, because if we look 20 years forward; they're not going to want to drive into Lewes; they will come to downtown Milton for quaintness.

Ted Kanakos: I think you can walk out of the movie house and go on Union Street and proceed all the way up Union Street to Route 16 to Food Lion and that whole area, to be quite honest, is slowly turning industrial and commercial.

Virginia Weeks: No it's not.

Ted Kanakos: You have Dr. Howard's; you have a number of other commercial pieces that are in there also; you have the funeral home; there's the other doctor's office that's empty.

Virginia Weeks: There is no funeral home that is not commercial.

Ted Kanakos: No, not anymore, they took it down; but what I'm saying is, George Jefferson, doesn't he have commercial?

Robin Davis: No. The only property is where the old doctor's office at Tobin and Union; that's commercial. The old funeral home was grandfathered in because it was there for years, but it is residential. It has been residential, yes; so now it's gone and it can only be residential; unless it comes back and changes.

Virginia Weeks: And you know, Ted, do you really want to do to Union Street and have a McDonald's drive-in? Is that what you want? Is that what you think is appropriate?

Ted Kanakos: Well, no; but when you see Dr. Howard's office there and the fact that took an awful lot of energy with everybody involved with yes and no and it's there.

Virginia Weeks: And people have complained about how large it is now. All of a sudden they're saying.

Ted Kanakos: They didn't know that 3,600 sq. ft. was the largest building in town?

Virginia Weeks: They didn't think that a parking lot looked like a parking lot.

Ted Kanakos: I said it. Everybody knew it.

Louise Frey: We voted against it, didn't we?

Ted Kanakos: It just seemed that he spent a lot of money in this economy. That's neither here nor there. I guess what we're looking at now is if it stays the way it is and if you need anything you get a conditional use.

Virginia Weeks: What do you think of it going up Front Street?

Ted Kanakos: Up Front Street? You mean to take in the marina?

Virginia Weeks: Well, there are people who want the marina included in Town Center; but remember that no parking is now required and we also have to consider the infrastructure of what Front Street is like. Can people...

Ted Kanakos: It floods, there's nothing there.

Virginia Weeks: But is there enough room on Front Street for parking?

Ted Kanakos: I don't know if somewhere in the future if they build a new sewer plant if they are going to rip down the present sewer plant; then you would have...

Virginia Weeks: You don't know what the town's going to decide to do with that.

Ted Kanakos: Well, no we don't. I don't know that there is a lot of parking; there is certainly enough parking in the marina property.

Virginia Weeks: Right, but it is no longer required to use that for parking.

Ted Kanakos: Right but the way you require it is you just put no parking on the streets and they all go into the marina. I mean you're not going to let them overflow; that's the way you direct the people into the lots.

Virginia Weeks: And what about this area, here. Here's the Fire Department, you all see that?

Ted Kanakos: It might be a reason to make that Town Center to maybe give a little impetus to develop that corner.

Virginia Weeks: Actually, I personally would have no objection from here down making it Town Center. This is Public Works, which eventually is going to move out to Sam Lucas, supposedly.

Ed Kost: What is Public Works? Is that part of the town?

Ted Kanakos: It's the Department of Public Works, that's where the garage is. You know where the garage is with the...

Virginia Weeks: Yes, the town owns that. Then here you have, I think, a house that they've just redone; but back in here there are a bunch of little businesses.

Ted Kanakos: That's where the barber shop is and things like that. Now, they already have a barber shop there.

Virginia Weeks: Here are those townhouses that have been in this town forever. This is a vacant lot and this recently has a house on it. But to make all the properties that front on this street Town Center, I don't have a...

Ted Kanakos: I think that's natural development, but the land itself is pretty crummy; I mean it just floods; probably 90% of that area floods; so I don't know that it would be expedient and whoever would want it would have an awful lot of work to prevent all that flooding.

Virginia Weeks: Okay, it's just a thought.

Ted Kanakos: I think it's a good idea. I just don't know how practical it is, because of the terrain.

Virginia Weeks: I have a problem, granted parking can't exist perhaps on Front Street; but if everybody builds with no side or front setbacks; where the heck are they going to park? So you've put no parking; you're going to force it all into the residential areas and how many streets do we have that you can park on?

Ted Kanakos: Parking is pretty scarce on those streets. If you go around at night, there are very few cars parked on the streets.

Virginia Weeks: During the day and everything to support this, cars will be coming back in here, here, down Broad Street.

Ted Kanakos: Down Broad Street, believe me that is a major parkway.

Virginia Weeks: Magnolia Street and if they keep making it no parking, it's just going to force people or kill the businesses.

Ted Kanakos: I understand what you're saying, but I don't think that particular area is going to generate the type of traffic like I see on my street; because people always... It's a link between Union and the school, this, that and the other thing. You can come off Lavinia, shoot down Tilney, you're right on Union. This doesn't get too much flow traffic; it gets almost no traffic.

Al Perkins: Ginny, make a value statement about the no parking thing. I'm trying to understand the significance of the change in the parking thing.

Virginia Weeks: I will tell you that from the beginning, I will put it right out front. I was against removing the parking requirement from downtown, because there are those who say well it will make business; it will be one less thing business has to cope with.

Ted Kanakos: The town isn't supplying any parking, that's the problem. We're very limited, very static, parking.

Virginia Weeks: I personally see no parking as a business killer.

Ted Kanakos: Oh yeah.

Virginia Weeks: This is not Lewes, where you have all those blocks contingent that people can park in; there is no place for people to go.

Ted Kanakos: I'm not going to park across the street from the Library and walk down to Front Street, that's crazy.

Virginia Weeks: Well you would if it were a large city; but it's not; it's Milton. I'm really.

Ted Kanakos: But what do we think of this district right now? Do we abstain?

Al Perkins: Well, an example of that was the festival this weekend at the firehouse. Most of the parking went about 3 blocks down Chestnut and I mean there were just wall to wall cars.

Ted Kanakos: Chestnut, Federal...

Al Perkins: I noticed the cars, that's where Chestnut and the side streets off of Chestnut.

Ted Kanakos: That's how they fill up.

Virginia Weeks: And the side streets are mostly too narrow to have much parking on them.

Al Perkins: Right, so your Front Street conversation, with the firehouse is on Front Street, that's where the festival was, the parking was just all the way down Chestnut.

Virginia Weeks: Was there any part where people were parking on Front Street?

Al Perkins: No, they were parking on Chestnut and the streets that intersect with Chestnut; by the cemetery.

Ted Kanakos: There is no parking on Front Street; you can go down, I mean. Harry parks his car on the sidewalk; I don't think you're allowed to. So do we like what we see? Does anybody have suggestions where the natural growth would be for...

Al Perkins: Well, the suggestion for me and the whole Front Street thing is an eyesore. If it could be developed, it would be a good thing. There's the problem of the parking.

Ted Kanakos: I think the terrain is the biggest problem for anybody developing that.

Virginia Weeks: I would be willing to extend it up to even it off.

Ed Kost: How would you develop it?

Ted Kanakos: Fill it in.

Ed Kost: You're not allowed to fill anything.

Ted Kanakos: DelDOT wouldn't let you fill on that side of the street.

Ed Kost: I think environmentally you're not allowed to fill floodplains anymore; because you're pushing a floodplain somewhere else; then it becomes somebody else's problem.

Robin Davis: You can, but you have to do some sort of engineering from DNREC and all of that.

Virginia Weeks: I will tell you that I have been told by one of the builders who was involved, for example, the Peaceniks to the Theater that was taken down. The pilings they have to put in there in order to build a building and they have to be able to float the building, is what they call it; which is put down some sort of a super rubbermaid membrane underneath it.

Ted Kanakos: They build cubicles like they did on the library.

Virginia Weeks: I don't understand it all, but it's prohibitively expensive; you'll never recoup your money from building up.

Ted Kanakos: I think its great park land, basically, to develop... I would love to see coming from the park where we have our little railroad train; have that train come over that little bridge, go along the river; go all the way down when they take the treatment plant out, all the way to the marina, have that all owned by the town.

Virginia Weeks: Does anyone want to expand the Town Center?

Ted Kanakos: We have no specific requests by anyone so I don't know that we have to appeal to anyone.

Ed Kost: The purpose of the Town Center is to promote commercial use.

Virginia Weeks: Quite commercial use.

Ed Kost: Whatever kind of commercial use you like; but we're going to promote commercial use in the Town Center; it seems to me we're going to do something; most of the traffic that comes into town, comes in Mulberry and Union. Everybody is coming this way. Or else they're coming this way to it.

Virginia Weeks: A great many are coming in Front Street.

Ted Kanakos: A ton come in Front Street.

Virginia Weeks: Tons come down Front Street.

Ed Kost: Do they? I personally...

Ted Kanakos: That's the only way I come in.

Virginia Weeks: That's the only way I come in.

Ed Kost: In that case, I was going to suggest, I'm going to do something going this way, in this area, makes sense.

Virginia Weeks: People up on Union Street don't want it.

Ted Kanakos: Everybody coming off Cape Henlopen, either you take a right on Front Street and go straight, one way or the other; you're going to get 50% of all the traffic. I go to the right because it is closer to my house.

Robin Davis: But as Ed said, the majority of the traffic that is going down to the Long Neck area in the summertime are taking the Route 5, Union Street, Federal

Street, or Mulberry Street. Yes, the traffic that's coming in off of Route 1 from the South, is taking the Cave Neck, Front Street. We are getting a lot more traffic coming up the Front Street area, but most of your summer people that are coming off of Route 1, hitting Route 5, Union Street, heading down Union Street, Federal Street, going down to the Long Neck area.

Ed Kost: I don't have a problem enlarging the Town Center; it's just a question in my mind which way we're going to enlarge it, which way makes no sense.

Virginia Weeks: I think you would have a huge hew and cry if you tried to do it down Union Street.

Ed Kost: Down Union Street, I guess people would have to request it and then...

Ted Kanakos: Nobody seemed to request anything, so I would just as soon let the status quo remain. If it's not broken, don't fix it; even if it is broken, don't fix it.

Virginia Weeks: There's another thing I want to bring up about Town Center folks. I would like you to think about making a recommendation to the Council that the entire Town Center should be in the Historic District. I think things like Bodie's should be in the Historic District, so that if they come in to get a change or they want to build something, they've got to improve it. It's all highly visible and if we are looking to develop the Town Center and maintain our historical heritage, which in the end if it is down right is a moneymaker, I think that everything in the Town Center should be in the Historic District. There are certain properties in there that are not. I don't believe that the Peaceniks, between the Post House and where Don has his antique shop, I'm not sure that's in the Historic District.

Ted Kanakos: Do we have an overlay back there?

Virginia Weeks: No and I was going to say on the map, the next map of present land uses, the Historic District isn't on it.

Robin Davis: None of these overlays are. The LPD's are not either.

Virginia Weeks: I happen to have one.

Ted Kanakos: With copies for everyone.

Unidentified Speaker: That's what I'm looking at. Here, Ginny.

Virginia Weeks: Do you all want to gather around and look at the Historic District? These properties in Town Center are not in the Historic District. These properties are not in the Historic District; those along the river are not in the Historic District.

Al Perkins: Where are the boundaries for the Historic District?

Virginia Weeks: Where this yellow is.

Ted Kanakos: It's a cross hatching.

Virginia Weeks: Yes, see those lines.

Ed Kost: It's a gridded area. It goes all the way out to here.

Virginia Weeks: That's right. But you see these properties don't have the cross hatching; Broad Street doesn't and over here it doesn't; and over here there isn't any. So this is Magnolia here; and Bodie's is right here; and Iguana; and these properties along the river don't have; and I think we should ask them that they put them in quickly because if any development takes place you could get any kind of architecture because we have absolutely no design control.

Ed Kost: Good point.

Virginia Weeks: All right, are there any motions on the Town Center map? Are there any motions to ask the Council to put the whole thing in the Historic District? Because what the expansion is, probably takes that in, but it's also a lot more properties and before that's going to be passed, it's going to be a long time.

Ted Kanakos: I would make a motion that all of Town Center be included in the Historic District. That would be our recommendation.

Robin Davis: If we do that, are we going to overlay that, are you requesting that to be overlaid; because what that is going to entail is I've got to notify all those property owners at the Public Hearing come January 5<sup>th</sup> that their property is now becoming part of the Historic District.

Ted Kanakos: Now let me ask you this, when the new Historic District that they're working on, will that have to be the same procedure?

Robin Davis: Yes, any changes you make, it is the same thing. If you added that marina to the Town Center, I have to contact those property owners, there's a public hearing on January 5<sup>th</sup> that the Planning and Zoning has recommended a change in your zoning.

Ted Kanakos: Now let me ask you this question. The new expanded Historic District, does any of that take in the Town Center?

Robin Davis: I don't know. I know there are roughly 200 more homes that are requested to be added. I don't know which ones.

Virginia Weeks: What happened with the expansion is that the University of Delaware came down and did a magnificent study of the buildings in Milton. Robin has a copy of it; if anybody wants to see it; he would probably make it easy for you to see. I think you have the only published copy; everything is on CD's; and for that to happen its going to take in a lot of houses on the fringes of the Historic District now and on the fringes of town. I'm more interested in getting the Town Center preserved. That's my argument. I don't want to wait two years for the other thing to come along, if we can just do the Town Center now and make sure that if somebody comes in to build along the river that it conforms to the historic.

Ted Kanakos: Don't we have any limitations?

Virginia Weeks: No, height and setbacks.

Ted Kanakos: So only the Historic District basically can dictate what is there. Well then I would make the proposal that we require all Town Center to be included in the Historic District.

Virginia Weeks: Do we have a second for discussion?

Ed Kost: Is that a motion?

Ted Kanakos: That's a motion.

Virginia Weeks: Do we have a second?

Al Perkins: Second.

Virginia Weeks: Any discussion?

Ed Kost: I've got a question. The purpose of Town Center is to promote commercial growth, some sort of commercial growth in the Town Center; is overlaying the Historic District going to help or hinder that process?

Virginia Weeks: Robin, listen to what I'm about to say, okay. The reason for the Town Center being a Town Center and not plain commercial is because they want

to maintain the historic aspect and the size and the feel of the Town Center, rather than letting it look like Route 16.

Ed Kost: I completely agree with that.

Virginia Weeks: So the uses are more limited; so it is different than commercial.

Ed Kost: It would be more restrictive.

Virginia Weeks: It is already more restrictive.

Ed Kost: My question also is, I remember when I first came on the Planning and Zoning Commission, and there were a lot of comments about how difficult it is to get through the process, to get anything approved. By putting another layer of the Historic District on top of all the other whatever is there, are we going to make that process even longer and make it even more difficult for someone who wants to locate in the Town Center to actually locate in the Town Center?

Virginia Weeks: I think you're protecting the town.

Ted Kanakos: I think that by making the Town Center an Historic District, you give more tools to protect visually what you would like the downtown area to be. That's the only hook you have, basically, is the Historic District.

Virginia Weeks: That's a moneymaker. That's our future moneymaker.

Ted Kanakos: And basically it's the only way we can dictate the style that we'd like in the downtown area.

Ed Kost: What I'm really saying is I'm not opposed to making it historic; I just want to make sure, if we make it historic, that whatever processes there are, if someone wants to actually locate a business downtown and it's historic, that it's reasonably easy to get done.

Virginia Weeks: Coming from a town that has a large historic preservation, when it began everybody moaned and groaned and raised the same argument and it's terrible and you're going to kill everybody and the prices of real estate in the Historic District compared to somebody not in the Historic District are astronomical and wanted and sought after. In Lewes it's the same thing.

Ted Kanakos: It's a visual thing, but there are a lot of protections about different things. I wouldn't mind. I think it's another layer of protection, which we don't have. We don't have no protections against visual; no architectural protections.

Virginia Weeks: We have no architectural protections. Robin, do you want to say something?

Robin Davis: Yes, normally and I guess you have the right to do what you want to with the maps. The ad hoc committee or the expansion committee or whatever the one that went through this map that have gone through all this process, normally I think it's kind of they get involved with it too; because this is part of their area to be dealing with.

Virginia Weeks: That committee has disbanded.

Robin Davis: Like I said, you could do whatever you want; I'm going to say; what is going to have to be done to that map is going to be a lot of work on staff part; Cabe Associates probably not; because they can overlay a lot of things. Like I said, I'm going to have to go through every one of those parcels and send certified letters out to those people saying that the Planning and Zoning has recommended that your parcel...

Ted Kanakos: How many parcels do you think this would entail?

Robin Davis: I don't know, like I said, I can't really tell.

Ted Kanakos: On the other, you said you would have to do 200 on the other. On the new Historic District area there are about 200 parcels.

Robin Davis: Yes, I think there were 200 homes I think they said.

Virginia Weeks: You're just doing these ahead of time.

Ted Kanakos: I understand the extra amount of work, but the extra amount of protection; I'm just amazed that we didn't have this protection. Anybody could come in and do this or that. I think this is the start of, this is some heavy lifting and I hate to have to see you do it; but it's the only way basically to protect; and we're there to protect the people.

Robin Davis: I can honestly tell you that it doesn't make any difference one way or the other, there's two things I can tell you, the State when they go over and review our Comprehensive Plan that we're going to send to them, it was originally designed to be just an Executive Summary; not a full blown update; just with a few things that were going to be changed. We have basically changed two maps; done some major changes to maps. They can technically turnaround and send it back to us and say you will not do a major update, because of that. That shouldn't sway your vote, one way or the other. I don't want to get into that to say the State runs what we do. I don't want to say that, but we have a time limit on this right now too; doing that, I can tell you with what I've got to do, we will probably not put this on January's agenda for the Council. I do not see that happening at all.

Virginia Weeks: It's my understanding...

Robin Davis: I have other things to do besides the Comprehensive Plan update, I'm not being smart and I'm not saying I have a million other things to do and...

Virginia Weeks: I understand that C Martin-Brown has acquired \$5,000 from the University of Delaware to help pay for overtime and extra help, secretarial help for this.

Robin Davis: I don't know but I have a life too. I heard overtime and it's all pointing towards me and honestly I can say and I will the Town Manager and the Mayor and I'll tell whoever I have to, and if they make me do it, fine. But, I'm telling you, that what is happening is...

Ted Kanakos: Let us request it and see what the Council says.

Al Perkins: That's my point, Robin, the procedural question. If we recommend this, what you're cautioning us about; what the cost is, it doesn't affect you, does it unless the Council approves it? The Council has to approve our recommendation, right?

Virginia Weeks: It's immaterial who it affects, it's our recommendation. If we're going to do things by how much work they entail, as opposed to is this what we think is good for the town, then let's just stop. That's not to be taken personally, Robin, I understand completely your problem but the Town Council needs to come up with things to support you.

Robin Davis: And I understand, that's why I'm just telling you, because what's going to happen is somebody is going to say, how come you can't get that done tomorrow? It's only a change of a map. People just think you just draw with little colored crayons on the map and you're done. But, what I'm going to present

to you now is to tell you that if that's what is going to happen tonight, there's probably not going to be a public hearing on January 5<sup>th</sup>, which in turn will push us back. We have a deadline to meet from the State.

Ted Kanakos: Why would that happen?

Robin Davis: I'm not going to be able to get them out in time. I can pretty well guarantee it.

Virginia Weeks: What is the deadline from the State? June.

Robin Davis: It was actually supposed to be December of this year. We were supposed to have a plan done by December of this year.

Virginia Weeks: Yes, but this is something that should have started two years ago.

Robin Davis: We can fight that.

Virginia Weeks: To cut the town short, because somehow or other it got delayed and to compress it into three months, that doesn't mean that the town should take the hit for it, if we can avoid the town taking the hit, that's fine. We can recommend or not recommend and the Council can say no, it's too much work and we're not going to do it. That's fine, that's their decision; it's not our purview.

Ed Kost: May I ask a question about that? My impression is that this process, we're going to the next to the last step; from here it goes to Council and if Council approves, it goes to the State. We've got this thing for one day, a couple of hours.

Virginia Weeks: That's right.

Ed Kost: Everybody else has had a year ahead of us.

Virginia Weeks: Nobody else has had it, that's the problem.

Robin Davis: Nobody's had it.

Al Perkins: Around Robin's point, Ginny, is there a way that you, as our Chair, could support Robin's concern by going to the Town Manager.

Virginia Weeks: I did that already, I don't know if you were at the Council meeting when I suggested they contact the University of Delaware back in September to ask for funds, because under their seed grant there are funds that can be used and it is my understanding from C Martin-Brown that there is \$5,000 available for the town hall to use for overtime and secretarial use for the Comprehensive Plan.

Al Perkins: It sounds like there may need to be some follow up based on what concerns Robin is voicing. I'm comforted by what you just said about the funds, but Robin is not comforted.

Virginia Weeks: No, Robin is not comforted.

Robin Davis: I'm just saying that it's fine and I'm not throwing fear or scare tactics or anything; I'm just being realistic because for some reason, some people think this just magically a magic wand happens appears and poof and all these things get mailed out; all these letters get made; all the other work gets done; and all other jobs get finished. But we don't want that to be our...

Virginia Weeks: Our priority here is to do within the scope that we were given, which was not a complete overwrite. This is all within the scope that was approved by the Council; to do what we think is best. That's like a doctor saying,

you have to have your leg cut off; now whether you have a supreme surgeon do it; or somebody with a hacksaw; that's not the doctor's problem.

Ted Kanakos: I'm sure the Council will understand the resources you have and see what's what. I was surprised you didn't have it; but it seems the only protection we have is putting someone in the Historic District.

Al Perkins: I'm in agreement with that, but he raised a red flag. He's saying if anyone in this room is concerned about that deadline, it's in jeopardy. That's all he's saying. It's in jeopardy.

Virginia Weeks: But that's not really our problem.

Ted Kanakos: We got thrown into this, everybody got thrown into this in the 3<sup>rd</sup> quarter; the games been playing and we weren't and we're asked to come in in the 4<sup>th</sup> quarter and do this. I don't think it should impede our recommendations. If the Council or the facilities and resources we have don't do it, that's up to someone else. But if I say, hey, there should be a crossing sign at that corner and they say no, we don't want it, it's up to them. But I think credibly we do an objective job.

Virginia Weeks: Okay, there's a motion on the floor.

Ted Kanakos: There's a motion and it's been seconded.

Virginia Weeks: Roll call:

|                |     |
|----------------|-----|
| Ted Kanakos    | Yes |
| Ed Kost        | Yes |
| Louise Frey    | Yes |
| Al Perkins     | Yes |
| Virginia Weeks | Yes |

Virginia Weeks: We are done with Town Center map. We recommend to the Council that the entire Town Center be added to the Historic District as soon as possible.

This is the existing land use map. Robin, do you want to say something about this map?

Robin Davis: No, I really don't know what the Commission was planning on moving, changing.

Virginia Weeks: It's just in the scope that Debbie got approved, so there it is.

Robin Davis: It was part of the three maps that the Commission asked to look at. It wasn't part of our scope.

Virginia Weeks: I think that went in because of the changes that we made in October to the parcel behind Dr. Wagner's.

Robin Davis: But we're talking land use, not zoning. That should already have been yellow anyway, because that was a house there, in land use. It's not going to change. It's just the zoning map will change, if that gets approved. This land use map will stay the same because it's designated as residential already.

Virginia Weeks: I have no problem with the land use map.

Al Perkins: It looks fine to me.

Louise Frey: I have a question. If a property is red on there as commercial and it's never been used as commercial, does it revert back to anything at any special time? It looks like spot zoning to me, some of those.

Robin Davis: Whatever is currently on the parcel at the time of this map is what it is saying is the land use; it doesn't say the zoning is that.

Louise Frey: Okay, but the land use has been approved for that.

Virginia Weeks: There are properties there that show commercial, that are not being used as commercial, are what I think you're saying.

Louise Frey: That's what I'm trying to say, yes.

Virginia Weeks: Should those be amended to show they are residential and are being used as residential? Is that what the land use map is, if it is not zoning?

Robin Davis: The land use map is what it is currently being used as, as of today.

Ted Kanakos: I only see eight odd little houses.

Ed Kost: It shows that it is zoned commercial.

Robin Davis: It is currently being agricultural, it's zoned commercial, but it's being used as a farming field.

Virginia Weeks: You can use it as agricultural field.

Robin Davis: Because that's what it is right now.

Virginia Weeks: Robin, just so everybody knows what's going on, can you tell us what this commercial is.

Robin Davis: Cannery Village WBOC. Coleman Signs. Parking lot.

Virginia Weeks: That's the empty lot.

Robin Davis: It's a commercial parking lot for Tony's TV.

Virginia Weeks: But it's for sale.

Robin Davis: Yup. It's all one parcel, half of it is lot and half of it is grass.

Virginia Weeks: Oh, there is a street going down between the parking lots.

Robin Davis: Yup. But, but since Tony's TV was in existence long before many of us were here...

Virginia Weeks: So somebody can't buy this, without buying that is what you are saying.

Robin Davis: No, they can separate the parcels. There are two separate parcels.

Virginia Weeks: Oh, you said it was one parcel.

Robin Davis: No.

Virginia Weeks: This is the barber shop.

Robin Davis: There's the barber shop, this is a parking lot. People think this is two parcels, because it's a parking lot and grass; it's all one parcel. Yes, that's all one parcel.

Louise Frey: Does the church own that?

Virginia Weeks: Tony's TV owns that.

Robin Davis: I think both parcels are for sale, I'm not sure.

Ted Kanakos: Dean Sherman owns the big one.

Louise Frey: Yeah, the one across the street.

Virginia Weeks: Dean Sherman owns this piece here.

Robin Davis: Tony's TV has the rights to park there.

Virginia Weeks: Back here what are they doing?

Ted Kanakos: Isn't that the aquatic shop? That's a big garage facility.

Virginia Weeks: What's the industrial use here or the institutional use?

Robin Davis: Church.

Virginia Weeks: What's the...

Robin Davis: Denny Hughes has a house there.

Ted Kanakos: And his father ran a paper he ran out of that house, a newspaper.

Robin Davis: The land use should probably be residential, because it's a home there.

Ted Kanakos: He may have a business out of there, I'm not sure.

Robin Davis: I don't think Denny has the consulting business out of there.

Virginia Weeks: Well could you find out?

Ted Kanakos: No because he retired from Fidelity; he's working for DelDOT as a consultant. So I think that might preclude anything. If you could check into that?

Virginia Weeks: What's this over here on Union Street that would be Kings?

Robin Davis: Yes.

Ted Kanakos: Now all the way over at the other end of Union Street it doesn't show commercial.

Virginia Weeks: Now Magnolia, this parcel here, is that Leah's house? That must be Leah Betts' house.

Robin Davis: No. Her house is in the big lot.

Virginia Weeks: Then it's an empty parking lot, so that needs to be changed.

Louise Frey: And it's zoned commercial?

Robin Davis: Okay. It's classified as a residential because it is owned by the Catholic Charities. Supposedly it's not the diocese.

Ted Kanakos: It's the Wilmington Diocese.

Robin Davis: I spoke to one of the engineers, because I asked him about with all the bankruptcy things, it's not the diocese; I asked because they were moving forward with the building.

Virginia Weeks: Getting back to this, we're not going to call Casa San Francisco institutional?

Robin Davis: We can, I guess, it's according to how we want to...

Virginia Weeks: And on Magnolia, I think this is Myron's house, shouldn't that be...

Ted Kanakos: No, that's Leah Betts' house.

Robin Davis: No, Myron's up here.

Ted Kanakos: Myron's is the next corner, but that is commercial, but it's not listed; it's not red.

Robin Davis: It's a home there now. It's apparently it's a home.

Ted Kanakos: On some of these maps it shows both ends of Broad Street, the ice cream store and the complete other end as being commercial.

Robin Davis: That's the zoning map.

Virginia Weeks: This is the land use map. This is what it is being used as now.

Robin Davis: Yes.

Ed Kost: This is a question for my edification. People can be asked to annexed into the town.

Virginia Weeks: Only if they are contiguous to the town.

Ed Kost: You just can't say we want.

Virginia Weeks: No.

Ed Kost: In PA you could. You could absolutely change the law in that state.

Virginia Weeks: This piece on Magnolia probably should be, no matter what it is zoned, its use is residential right now.

Ted Kanakos: Is that the corner, the very corner?

Virginia Weeks: No, it's between the gray house and Mrs. Betts.

Ted Kanakos: It is an empty lot.

Louise Frey: How could that be?

Ted Kanakos: Well, that corner is the Historical Society and that's the big Draper corner, where the garage used to be. That's right across from the...

Virginia Weeks: Here's the Museum, this is the Draper property. The Draper property is two parcels?

Robin Davis: Yes.

Virginia Weeks: This belongs to Mrs. Betts.

Ted Kanakos: This is Betts, this is Betts, and these two are Betts. But this one is not.

Robin Davis: It was part of the garage. I don't know why this is commercial, because it's nothing.

Virginia Weeks: Those should be changed.

Ted Kanakos: It's the run-off, that's the little lake or stream that comes down from the mountains. Is this the property that Case San Francisco bought Robin?

Virginia Weeks: There's a house there that was commercial.

Robin Davis: That's the house that had the store on the bottom level.

Ted Kanakos: This is an empty lot then. That's the one they bought.

Robin Davis: Yes.

Ted Kanakos: Now this one over here is residential.

Robin Davis: Now yes.

Ted Kanakos: Because people are living in this house. So that's another one that should be. This is the guy; remember he wanted to go from commercial to residential. He lost that middle lot, that's his.

Louise Frey: Robin, I'm sorry I brought it up.

Virginia Weeks: These should all be residential here.

Ted Kanakos: These are all residential now.

Louise Frey: There's one that isn't; there's a piece that belongs to Rogers by the by.

Virginia Weeks: Is that two parcels or is that one parcel?

Louise Frey: That man had the property for sale, next to Holly Lake. That's Lavinia Street.

Robin Davis: That looks like two parcels and it does have a line there.

Virginia Weeks: Okay and this is the marina. This is town owned.

Robin Davis: Utilities.

Virginia Weeks: This is what?

Robin Davis: There are two homes right there.

Virginia Weeks: Is this the firehouse parking lot?

Robin Davis: No. That's actually the old chicken plant.

Virginia Weeks: It's vacant now, there's no building there?

Robin Davis: The building is still there. That's commercial, even though it's vacant.

Virginia Weeks: Is this piece here, I know Brenda Burns is always on about this one, because what happened is that these were sub-divided and this piece never was; so this commercial cuts straight through to 16.

Robin Davis: Actually, there's land use on there; there's a vacant home there; that's a home, that's a home.

Virginia Weeks: That should be showing residential.

Robin Davis: The only one that's not is E. Gordy's Insurance.

Ted Kanakos: That's the one in?

Virginia Weeks: Does anybody know what's happening down here?

Ted Kanakos: I saw Dogfish Head down here, are they doing anything; I saw some of their vehicles.

Robin Davis: I know he's fixing it up a little bit, because I think he wants to have some sort of an H&R Block office there; but I need to talk to him because there's parking issues; because he still needs to do the parking.

Virginia Weeks: Is it the same guy as before?

Robin Davis: Yes. He wants to keep the building now, I think. He's still going to have parking issues.

Ted Kanakos: Why is that, it's on the corner.

Robin Davis: He doesn't have any parking in it at all. But there's a gravel; there's no marked parking; there's no paved parking; there's no nothing.

Ted Kanakos: He'll have to put that in.

Robin Davis: Yes.

Ted Kanakos: But it's not impossible.

Robin Davis: No, the impossibility is going to be DeIDOT.

Ted Kanakos: If I remember he wanted to come in on Union Street, the setbacks and he wanted to on Route 16.

Virginia Weeks: There are a couple of things that need to be looked at. Does anybody have anything else for tonight? Robin, you'll take care of that map?

Robin Davis: Yes.

Virginia Weeks: I don't think we need to make any motions, because that shows an actual thing and I don't think that we need to do that; that should be done in-house.

Robin Davis: Unless you just make a motion to say that the consultant, Cabe Associates, will change the necessary discrepancies in the land use map.

Ted Kanakos: I would like to say one thing. This I think is a very explosive topic for us to arbitrarily do this. I don't know that we have a mandate to do this, to change this; we can suggest it.

Virginia Weeks: It's not a change in zoning; it just reflects what is being done on that property today.

Ted Kanakos: Well, I think we can't do that without actually visiting the property. I don't think we can just assume what's being done on these properties.

Virginia Weeks: We're going to leave it up to Robin to check that out.

Ted Kanakos: Okay. I don't think we can arbitrarily say something to leave it up to you, but, I don't know that it's necessary.

Virginia Weeks: We could make a motion asking that Robin Davis take a ride by on those properties that we discussed.

Ted Kanakos: There are a lot of technical things.

Virginia Weeks: What are the technical things?

Ted Kanakos: The technical things are if somebody has been consulting and he can prove it.

Virginia Weeks: I'm not asking him to change; I'm asking him to call Danny and ask him. All Danny has to do is say yes, I'm using it as a consulting thing.

Ted Kanakos: You have to notify the people.

Virginia Weeks: And we're not changing the zoning anyway; we're showing what its use is today.

Ted Kanakos: Well, I think that has to be investigated, really investigated; because some of these people have asked for these various zonings and this for a long time.

Virginia Weeks: We're not taking any rights away from them; this is not the zoning map; we're not changing their ability to do anything.

Ted Kanakos: So we're reflecting what is there today; but we're not changing the zoning; because I don't feel comfortable changing anybody's zoning down there.

Virginia Weeks: Exactly.

Robin Davis: We can't.

Ted Kanakos: Okay.

Virginia Weeks: For example, the piece on Magnolia Street, how did that get to be marked commercial? It's never been commercial, it's an empty lot. There are empty lots. I think that somebody must have taken the zoning map and just put it on here and that's not what the existing land use map is.

Ted Kanakos: Well, we have a lot of empty lots; but there were houses on them at one time.

Virginia Weeks: Yes.

Al Perkins: I'll be happy to make a motion.

Ted Kanakos: Take the house across from Casa San Francisco, that big empty lot; there was a house that was torn down a few years ago.

Virginia Weeks: You see what happened is what you don't see is that even today, all of Magnolia Street is in Town Center; so by saying that that is being used as not commercial, isn't taking anything away from it; it is always going to be a Town Center piece of property and have the rights of a Town Center piece of property. You're just saying that today there is no commercial going on there.

Ted Kanakos: Robin, if you recall a few years ago, remember I was talking to you about Broad Street, they wanted to make it part of Town Center?

Robin Davis: I don't know how that all started, I wasn't involved in that. In looking at past minutes, I know there were some big discussions; I don't want my property in Town Center.

Virginia Weeks: Does anybody feel or want to make a motion asking the consultant to review those properties we spoke about during the meeting and to see if they really reflect the land use as shown on this map, and if not, ask that they be changed to reflect what they are being used for?

Ted Kanakos: I am not comfortable doing that.

Virginia Weeks: Okay, vote not. Is anybody willing to make a motion?

Al Perkins: I am. I make a motion that we request that Robin and the consultant work together to clarify the accuracy of some of the properties on here that appear some other residential, that should be commercial and vice versa that you clarify on the existing land use map whether they are residential or commercial or what.

Virginia Weeks: And that that does not have any affect on their zoning.

Al Perkins: And want to confirm that does not have any affect on their zoning.

Ted Kanakos: Second.

Virginia Weeks: Roll call:

|                |     |
|----------------|-----|
| Ted Kanakos    | No  |
| Louise Frey    | Yes |
| Al Perkins     | Yes |
| Virginia Weeks | Yes |
| Ed Kost        | Yes |

Virginia Weeks: Motion carried. Robin I understand that a new code has been adopted by the Council. Could we all get copies of the zoning part of it please?

Robin Davis: I will have to ask somebody that has a copy; how they will be distributed; from what I hear, every committee is going to get a copy of something.

Virginia Weeks: Okay, great.

## 6. Adjournment

Virginia Weeks: We need a motion to adjourn.

Ted Kanakos: I make a motion to adjourn.

Ed Kost: Second.

Virginia Weeks: All in favor say "Aye". Meeting adjourned at 9:24 p.m.