

City of Harrington
AMENDED AGENDA
Amended to Add Ordinance 14-14
City Council Special Meeting
City Hall, 106 Dorman Street
September 2, 2014
6:30 p.m.

Call to Order

Pledge of Allegiance

Roll Call

**1. Conditional Use Permit-Seasonal UPS modular sorting facility-299
Cluckey Drive**

An application by Robert F. Rider, Jr. on behalf of O.A. Newton & Son Company for a seasonal UPS modular sorting facility on a designated 2.006 acre area from the total 43.539 acre parcel off Cluckey Drive. The parcel is currently zoned M (Manufacturing District) and further identified as parcel MN-6-09-180.05-01-59.00.

2. USDA grants *(motion needed to lift from the table)*

3. First Reading of Ordinance 14-14 – Amending Chapter 180, Municipal Fees, relating to the water usage fee *(added for time sensitivity)*

Adjourn

Posted 08/18/2014
Amended 08/22/2014
Kelly Blanchies
Clerk of Council

Note: 29 Del.C. §10004(e)(2). Agenda items as listed may not be considered in sequence. This agenda is subject to change to include additional items including Executive Sessions or the deletion of items including Executive Sessions, which arise at the time of the meeting. If there are questions or special accommodations are needed, please contact Kelly Blanchies at City Hall, 398-4476 (at least 72-hours in advance of the meeting for special accommodations).



August 10, 2014

City of Harrington
Attn: Planning Commissioners
106 Dorman Street
Harrington, DE 19952

**RE: Conditional Use Request
Category B Plan Review
299 Cluckey Drive
Zoning M (Manufacturing)
Parcel 6-09-180.05-01-59.00**

Dear Commissioners:

We have reviewed the Conditional Use-Category B Plan Review Plan for the above-referenced project prepared by Miller Lewis, Inc. dated July 17, 2014. We offer the following comments:

General Comments

The Applicant is proposing a seasonal modular sorting facility for UPS in a designated 2.006 acre area from the total 43.539 acre parcel. The parcel is located in the City limits and is currently zoned M (Manufacturing District).

This plan was not reviewed by this office for the locations of proposed water and sewer utility service, this information was provided to the applicant in the field by the Public Works Director.

Comprehensive Land Use Plan

The Future Land Use Map (Exhibit 17) designates the site as Manufacturing. This specific property is identified in Chapter 9 Economic Development and Redevelopment as one of the eleven properties for great potential redevelopment.

Procedural/Administrative

1. The below listed Sections within the Code of the City of Harrington were reviewed for requirements and compliance:
 - Article XII Manufacturing Zone (M)
 - Article XIV General Regulations
 - Article XVI Off Street Parking
 - Article XVII Conditional Use Permit

Planning/Technical

1. Zoning-The property is zoned M-Manufacturing.

§440-50 A (1) Permitted Uses: Handling or storage of products or materials, involving the use of only oil, gas or electricity for fuel. The proposed seasonal modular sorting facility for UPS is a permitted use in this zoning district. Additional operational information was supplied in a letter from O.A. Newton dated July 31, 2014 (copy included in application).

§440-50 B All intended uses in a Manufacturing Zone are conditional upon recommendation as to use by the Planning Commission and final approval by the City Council. This item will be heard by the Planning Commission first then it will go to the City Council for public comments and consideration prior to making a decision. Neighbors within 200 feet have been notified of the application and invited to the City Council Meeting for public comments. It was also placed as a legal advertisement in the newspaper for the public.

§440-95 Conditional Use Evaluation Criteria. The following criteria shall be used as a guide in evaluating a proposed conditional use:

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

ACTION ITEM: The Planning Commission shall use the above mentioned criteria in evaluating the application.

§440-96 Conditional Use Conditions on approval.

- A. In granting a conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 440-98 of this article and that such use will continue to do so.
- B. Construction or operation shall be commenced within six months of the date of issuance or the use permit becomes void.
- C. A reapplication for a conditional use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the City Manager and/or his/her designee to officially notify the applicant in writing of all conditions approved by the Council.
- E. The approval of a conditional use is valid for one year. Unless permits are obtained, or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by Council for failure to comply with the stated conditions of approval or applicable regulations.

2. Parking

a.) Space Requirements §440-551 states "one space for each 300 square feet of floor space or one space per employee, whichever is greater".

Floor space=	1,021 sq ft	proposed UPS modular
	56,106 sq ft	current use O.A. Newton/Miller Metal
	<u>75,415 sq ft</u>	<u>vacant</u>
	132,542 TOTAL SQ FT	

Employees=	32	UPS (20 drivers/12 package handlers)
	<u>10</u>	<u>O.A. Newton/Miller Metal</u>
	42 TOTAL EMPLOYEES	

Required Parking	442 spaces (total floor space ÷ 300)
	190 spaces (remove vacant sq footage ÷ 300)

Provided Parking 56 spaces including 3 Handicap spaces (code compliant)
Non-conforming gravel parking areas (not code compliant)

§440-55 C The Minimum standards for driveways and parking spaces shall be determined on a case-by-case basis by the Planning Commission as part of the site development plan approval process.

ACTION ITEM: The applicant has provided 14 more parking spaces than the total amount of employees and the proposed uses do not have large customer based on-site services requiring additional parking at this time. The Planning Commission would need to make a decision on the request for a reduction in parking based on the current code requirements.

3. General Comments

- a.) Entrance/Exit Locations-The parcel has access off Cluckey Drive, which is a City maintained roadway within the City limits. Cluckey Drive is directly off US Route 13, which is State maintained and further identified in the Corridor Capacity Preservation Program. A "Letter of No Contention" was approved by DeIDOT on July 24, 2014 (copy included in application).
- b.) Stormwater Management-The proposed UPS modular addition is being placed on existing paving with no new land disturbance. A "Letter of No Objection" was approved by the Kent Conservation District on July 17, 2014 (copy included in application).
- c.) Utilities-
 - Restrooms-proposing to place a temporary restroom trailer as shown on the site plan for the months of November, December and January. This allows the employees to use a location close to the facility for security and operational purposes. This is also located within the leased UPS area as shown on the plan.
 - Electric-proposing an overhead power line to supply electric to the UPS area as shown on the plan. This is within the requirements of the private electric provider.
 - Water-the site state plan states they are proposing an underground waterline near the portable restrooms; this is an error on the plan after discussing it with the property owner and will be removed in the final City sign.

ACTION ITEM: If recommending approval, contingent upon the proposed underground waterline being removed on the final plan and validated by the City Planner prior to the City Manager signing the plan.
- d.) Lighting-the applicant is proposing additional lighting near the modular facility as stated on the site plan. Based on the proposed wattage, it will not project unto the neighboring properties.
- e.) Signage-the applicant is not proposing any signage at this time in this application.
- f.) Landscaping-none proposed, the UPS modular facility is not visible from the public street view.

- g.) Buffer Zone for Commercial or Industrial properties adjacent to residential zones--the property located to the north is zoned R1 (Residential) and owned by the City of Harrington (old sewer plant/lagoons). This property is buffered by an existing heavily wooded area on both sides of the Browns Branch Tax Ditch. This also pertains to Parking Spaces Adjacent to Residential Zones requiring a buffer zone.
- h.) Setbacks-§440-53 states "Front, side, and rear yard: 20 feet each. Where a rear or side yard adjoins a residential zone, the rear or side yards shall be not less than 50 feet. The proposed modular facility is 65.4 feet within the side yard setback of the proposed UPS 2.006 acres. The side yard and rear yard setback requirements are code compliant.

4. Outside Agency Approvals

This project will be required to submit the following outside agency approvals to the City of Harrington:

DelDOT Entrance- Letter of No Contention Approved 7/24/14 Entrance Plans

Kent Conservation District- Letter of No Objection Approved 7/17/14

Office of State Fire Marshal- Applicant has submitted & awaiting approval

ACTION ITEM: If recommending approval, contingent upon the applicant receiving approval from the Office of State Fire Marshal prior to the building permit being issued.

ACTION ITEM- It is further recommended the Planning Commission ensure that all site improvements be constructed and/or installed prior to a Certificate of Occupancy being issued (all presented on site plans). This would allow the City Planner to inspect the site plan prior to a C.o.C as presented and approved by the Planning Commission as requested on projects in the past.

5. Wrap Up

If the Planning Commission approves the application, please consider the following items in the motion:

- Conditional Use
- Parking Reduction
- Proposed temporary restroom trailer-shown on plan (3 months-Nov/Dec/Jan)
- Removal of proposed waterline on site plan prior to final City signature
- Contingent upon approval from the Office of State Fire Marshal prior to the issuance of a building permit
- Site Inspection performed by City Planner based on approved plans

The property owner-Mr. Robert Rider Jr. has been very professional to work with and very responsive when additional information and/or clarification are needed on the project. If you have any questions or need additional information, please do not hesitate to call.

Very truly yours,
URS Corporation

Debbie Pfeil

Debbie Pfeil
Manager / Principal Planner

CC via email: Robert Rider Jr., O.A. Newton & Son Company
Teresa Tieman, City Manager

City of Harrington Review Application

BASE \$ _____
 ESCROW \$ _____
 ACCT # _____
 Planner fills in above

	check one application	# of complete application	Notes:
Request to Review			#1 Applications that are not completely filled out nor legible will be returned. #2 The # of complete application includes copies of the application, plans, prints as well as any supportive material/ correspondence/info
Annexation Request		15	
Category B Plan Review		5	
Conceptual Category A Plan Review		10	
Conceptual Subdivision Review		10	
Final Category A Plan Review		11	
Final Subdivision		10	
Conditional Use	X	15	
Preliminary Category A Plan Review		10	
Preliminary Subdivision		10	
Board of Adjustment (Exception/Variance)		15	
Board of Adjustment Appeals		15	
Utility Review		4	
Rezoning Request		15	

NOTE: ALL Harrington application fees are located in Chapter 180 of the Code.

Property Information	Please type or legibly print the information below
Kent County Tax Map/Parcel:	T.M. # 6-09-180.05-01-59.00
Project Location:	299 Cluckey Drive, Harrington DE 19952
Property Size/Dimension:	approx: 143 acres
Project Title/Name:	URS Modular Distribution Center
Current Zoning District:	Manufacturing
Proposed Zoning (if applicable):	n/a
Current Property Use:	Vacant
Proposed Property Use:	Temporary sorting facility
Designated Primary Contact Name:	Robert F. Rider, Jr.

Engineer/Surveyor Information	Please type or legibly print the information below
Company Name:	Miller Lewis Inc.
Contact Person:	Robert Sigler
Phone Number:	302-624-9895
Fax Number:	302-624-2391
Email address:	bob.sigler@millerlewisinc.com
Mailing Address:	156C Middleford Road
City, State, Zip Code	Seaford DE 19973

Current Property Owner Information	Please type or legibly print the information below
Current Owner Name:	D. A. Newton & Son Company
Contact Person:	Robert F. Rider, Jr.
Phone Number:	302-337-3731
Email Address:	rob.riderj@danewton.com
Fax Number:	302-337-3735
Mailing Address:	PO Box 397
City, State, Zip Code	Bridgeton, DE 19933

Developer Information	Please type or legibly print the information below
Company Name:	C. A. Newton & Son Company
Contact Person:	Robert F. Rider, Jr.
Phone Number:	302-337-3731
Fax Number:	302-337-3185
Email Address:	rob.riderjr@canewton.com
Mailing Address:	P.O. Box 599
City, State, Zip Code	Bridgetown, DE 19933

Please read the following and certify:

- 1- I understand that the designated primary contact on this project will receive all meeting information, correspondence and will be billed for the professional services rendered from the City Engineer, City Planner and/or the City Solicitor as required for my application.
- 2- I the undersigned, hereby certify that, I have supplied all the information listed on this form and that statements contained in any papers or plans submitted as part of this application are true and correct.
- 3- I also certify that this project was designed in accordance with the plan requirements, the Comprehensive Plan, Zoning Code, and Construction Design Standards for the City.
- 4- I further certify that I or an agent on my behalf will attend all public hearings/meetings necessary for this application, and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Harrington.
- 5- I understand that any incomplete applications will not move forward in the review process; however, I will be notified in writing after a thorough review has been completed by the City Staff and Consultants.
- 6- It is understood that the City of Harrington staff processes all applications in the order in which they were received. Each application will follow the process after eligibility and the appropriate reviews have been completed. The designated primary contact will receive written comments on every review.

Signature of Primary Contact	
Signature of Developer	
Signature of All Current Property Owners	
Signature of All Current Property Owners	
Submittal Date to the City	

CITY STAFF TO COMPLETE AREA BELOW	
Date Application was received:	
Application was received by:	
Application Fee Amount collected:	
Method of Payment:	
Ensure a copy of the receipt is attached to the original application.	



O. A. NEWTON

July 31, 2014

Debbie Pfeil
Manager / Principal Planner
URS Corporation
4051 Ogletown Road, Suite 300
Newark, DE 19713

RE: Conditional Use Application for UPS Modular Sorting Facility at 299 Cluckey Drive, Harrington DE.

Dear Ms. Pfeil,

We are pleased to submit an application for a conditional use on our property at 299 Cluckey Drive for the purpose of placing a Modular Sorting Facility for UPS. The need is driven by increased demand for package delivery during the holiday season that exceeds the capacity at their permanent facility in Harrington. The facility is set up in September/ October and readied for use during the months of November, December and January. They would like to have the ability to use this facility for two seasons.

The set up process includes bringing in modular trailers and anchoring them on the existing asphalt. Then they put conveyors inside to sort and reload packages into the package delivery trucks. What they would like to do on our property is a 20 door set-up. I have included photos of a sample Modular Unit. They will bring in portable rest room facilities that would be used most likely in the months of November, December, and possibly January. I am hopeful that if we can meet their needs, we can offer them opportunities in Harrington for a longer term solution as they outgrow their existing facility.

Operation description:

The Modular Distribution Center (MDC) is designed to allow the existing Harrington UPS Center to handle seasonal volume for the next two seasons. The plan is to keep the facility on the site for 18 months even though it would be used mostly in the months of November and December in 2014 and 2015. During the season, the typical daily operation looks as follows:

AM:

The current plan is for packages to be transported from the Harrington UPS Center to the Clucky Drive site via 24 ft. trucks (moving truck type vehicles). These packages will be unloaded into the MDCs and loaded onto the package cars (brown vans) for delivery.

PM

Package cars will bring packages back to the Harrington UPS Center for offloading. The package cars will then return to the Clucky drive site and parked on the MDC ready for the next day's deliveries.

This operation would take place Monday through Friday from 4:00 am to 9:30 am

Additional information:

- There will be no increase in noise other than routine truck traffic.



O. A. NEWTON

- There will be no odors or flammable storage
- Estimated traffic generation is two shuttles per day from the UPS Harrington Center to the MDC and the 20 delivery trucks leaving in the morning and returning at night. The shuttles are 24 foot straight trucks (not Tractor Trailers) and the delivery trucks are the standard brown vans (the ones that bring packages to our houses and businesses)
- Portable bathrooms will be on-site while the units are in use, November, December, and January
- There are no changes in impervious surfaces
- There will be approximately 20 delivery drivers and approximately 12 employees on site to do the sorting and loading.

Parking:

The City is currently rewriting Chapter 440 zoning and it is known they will be reviewing the parking requirements. Based on the total floor space in use (57,127 SF), we would need 191 parking spaces. With all the proposed uses, we would have 42 total employees, however, not on the site during the same times, as the UPS operation has flexible hours. We are providing 56 total parking spaces that comply with the City parking design standards and feel this would meet our operational needs at this time. When and if another operation or tenant moves in, we would need to reevaluate the parking and ensure it is code compliant. This property has several gravel parking areas that served Pliant for overflow parking; however, it is not allowed in today's code. We are requesting a parking reduction from the Planning Commission as we feel the 56 parking spaces provided will address the needs of the proposed operations and employees.

Summary:

We are very excited to have the opportunity to accommodate the growing needs of UPS and feel that this is a great opportunity for the City of Harrington. If you have any further questions, please feel free to contact me at 303-337-8211.

Sincerely,

Robert F. Rider Jr
President and CEO
O. A. Newton



O. A. NEWTON

Photos

Below is a picture of the typical Modular Distribution Center. The installation will consist of 2 units connected end to end.





O. A. NEWTON

Below is a photo of the interior before the conveyor is installed. This photo has more doors than what would be used in Harrington. The unit in Harrington would have 10 doors on each side.





O. A. NEWTON

Below is a photo of packages coming out of a van trailer and beginning the process of being sorted into package trucks.





O. A. NEWTON

Below is a photo of another facility with trucks pulled into the modular.





O. A. NEWTON

Below is a U-shaped unit at a different installation. This is just to give an idea of what it looks like. The unit we are discussing would be two of the straight sections.





STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

Letter
of
No Contention

SHAILEN P. BHATT
SECRETARY

July 24, 2014

O.A. Newton & Son Company
P.O. Box 397
Bridgeville, De 19933

Dear Mr. Rider:

Subject: UPS Modular Sorting Facility (Commercial Entrance)
Tax Parcel No: MN 09 180 05 01 59 00 000
South DuPont Highway (KCR 13)
Kent County

The Department of Transportation has no contention to the above referenced application dated July 22, 2014. During a recent inspection of this parcel, our office verified you have an existing entrance. In addition, in your application you request permission to use the existing entrance for accessing UPS Modular Sorting Facility for the purpose of Sorting Packages during Over Stock Time Periods. This **Letter of No Contention** is being issued to act as a **waiver** thereby **permitting use of the existing entrance without modifications**.

General Conditions:

1. The site shall have access from the existing entrance along (RT13) Cluckey Drive (KCR 13).
2. This Letter of No Contention is valid from July 24, 2014 to January 30, 2015.
3. It is the responsibility of the property owner and/or applicant to obtain all necessary permits from the municipality, as well as, Kent County Inspections and Enforcement Section.
4. All Street and roads shall be kept clear and clean of dirt, debris, et cetra at all times.
5. Comply with Kent Conservation District letter dated July 17, 2014.

6. Brick mailboxes (and other unauthorized structures) shall not be constructed within State right-of-way. Mailbox construction must conform with DeIDOT and United States Postal Service standard regulations.
7. Comply with all Delaware laws and regulations prohibiting the placement of vehicles in State rights-of-ways, including vehicles for sale or vehicles for the use of advertising objects, in both un-surfaced and surfaced State rights-of-ways, inclusive of entrance traversing right-of-way. DeIDOT reserves the right to rescind this "Letter of No Contention" in the future event of noncompliance. Contact DeIDOT if assistance is needed in verifying the limits of the State right-of-way.
8. Permits for utility construction and sign installation require a separate permit application. Contact the DeIDOT Public Works Office at (302) 760-2433 for information on obtaining permits for sign installation on private property, and for utility installation within State right-of-way.
9. DeIDOT reserves the right to review and modify this "Letter of No Contention" in the future, in the event that re-development or "change of use" issues arise on the applicant's property, or surrounding properties.
10. In the event that total traffic volume (in and out) is determined by DeIDOT to exceed 450 vehicles per day, then DeIDOT reserves the right to re-evaluate this "Letter of No Contention", and may require the property owner to modify the entrance to the parcel, in order to better accommodate the increased traffic volume.
11. This parcel presently has an existing access to U.S. Route 13. Our DeIDOT Planning office reserves the right to review and modify this "Permit" in the future, in the event any changes occur on U.S. Route 13 under the Corridor Capacity Preservation Program. In addition, please be advised that any future improvements to this site could require modification to the existing entrance in order to comply with the Departments standards for highway access. At that time the owner shall re-apply with DeIDOT Permit office and with DeIDOT Planning office for re-evaluation of entrance access.

G.A. Newton & Son

Page 3

July 25, 2014

If in the future the site is rezoned, changes layout, changes use, or adds a new use that alters the flow and/or volume of traffic, the property owner shall submit information to the Department for review. Changes of this nature may require a new **Letter of No Contention** and/or Permit(s) to be issued.

Thank you for your cooperation. If you have any questions, please do not hesitate to call me at (302) 760-2433.

Sincerely,



Christopher Gore
Entrance Permits Manager
Central District, Public Works

CG: rae

cc: Applicant

R. Stephen McCabe, P.E., Central District, Public Works Engineer

Brad Herb, Division of Planning, JMT

Todd Sammons, Division of Planning, Subdivision Manager

Leslie H. Persans, Kent County, C.B.O. – Assistant Director of Planning Services

DelDOT Permit Application

Property Owners Name: <u>C A Newton & Son Company</u>		Date: <u>7 22 2014</u>
Mailing Address: <u>PO Box 397</u>		
<u>Bridgetown</u> City	<u>DE</u> State	<u>19933</u> Zip Code
Telephone No.: <u>(302) 337-3731</u>	Cell No.: <u>(302) 542-8767</u>	
Fax No.: <u>(302) 337-3785</u>	E-mail Address: <u>rob.riderjr@danewton.com</u>	
Tax Map I.D. No.: <u>6-119-180.05-01-59.00</u> (Example: SM 00 000 00 00 00 000)		

Applicant Name: <u>C A Newton</u>		Point of Contact (Name): <u>Robert F. Rider, Jr.</u>
Mailing Address: <u>P.O. Box 397</u>		
<u>Bridgetown</u> City	<u>DE</u> State	<u>19933</u> Zip Code
Telephone No.: <u>(302) 337-3731</u>	Cell No.: <u>(302) 542-8767</u>	
Fax No.: <u>(302) 337-3785</u>	E-mail Address: <u>rob.riderjr@danewton.com</u>	

Proposed/Existing entrance/project location (Mailing Address, Road Name, or Road Number): _____ <u>299 Cluckey Drive, Harrington DE 19952</u>	
Nearest intersecting road (Name): <u>Route 13</u>	
Distance from entrance/project to nearest intersecting road: <u>n/a</u>	
Subdivision Name (if applicable): <u>n/a</u>	Lot Number(s): <u>n/a</u>
Existing and proposed entrance location shall be physically staked in field with property owner's name, as a condition of this application. Date when stakes will be placed at entrance: <u>n/a</u> If stakes are not in place, a permit will NOT be issued. mm/dd/yy	
Are you requesting a permit for an <u>existing</u> entrance or a <u>proposed</u> entrance? <input checked="" type="radio"/> Existing or Proposed (Circle one)	
If applying for a permit for <u>existing</u> entrance:	
* Will you be modifying or relocating the existing entrance? Yes _____ No <input checked="" type="checkbox"/>	
If yes (explain): _____	
* Was the existing entrance constructed within the past three years? Yes _____ No <input checked="" type="checkbox"/>	
Proposed site/right-of-way modifications (check all that apply): Single Family Dwelling _____;	
Mobile Home _____; ECHO Unit _____; Building Addition _____; Outbuilding Construction _____;	
Chicken House _____; Farm Entrance _____; Additional Entrance _____;	
Entrance Widening _____; Entrance Relocation _____; Other (Please describe) <u>n/a</u>	

Continued on back →

DelDOT Permit Application
(Continued)

For Commercial Permit Applications Only:

Prior use of property (describe the type of business previously operating on the property and the name of the business): Plastics Manufacturing Facility

Proposed use of property (describe the type of business operation proposed on the property and the name of the business): LLRS Modular Sorting Facility

Present square footage of each building (facility): _____

Proposed square footage of each building (facility): 1300 sq. ft

Off street parking as required by local code:

Spaces required _____ Spaces Provided _____

Federal Tax I.D. No. : _____

(For Escrow Deposits ONLY)

For Internal Use Only:

Permit type: Residential
 Commercial
 Safety
 Other

Internal Notes: _____



CITY OF HARRINGTON
 106 DORMAN STREET
 HARRINGTON, DE 19952
 (302)398-3530

PROP TAX PDF

PROPERTY INFORMATION

MAP/PARCEL/UNIT: HARR-180.05-01-59-00-000
 LOCATION: 299 CLUKEY DRIVE
 BILLING DATE: 07/01/14
 DUE DATE: 10/31/14
 LEGAL DESCRIPTION: TRACT 1 E. 507' WIDE
 NOT ADJ TO RD 1A
 43.539 AC

AMOUNT DUE

LAST PAYMENT: DATE: 12/30/13 AMOUNT: 606.13
 PAST DUE: 0.55
 CURRENT CHARGES: 29,763.03
 PENALTY: 0.01
 DISCOUNT: 0.00
 IF PAY BY 07/31/14: 29,763.59
 FACE AMOUNT DUE: 29,763.59

PROPERTY VALUE ASSESSMENTS

LAND VALUE: 231,000
 IMPROVEMENT VALUE: 2,576,833
 NET VALUE: 2,807,833

SPECIAL MESSAGE

Property taxes are due October 31, 2014. Unpaid balances will accrue penalty beginning November 1, 2014
 The tax rate has been changed from \$.71 per \$100 of assessed value to \$1.06 per \$100 of assessed value.

CURRENT CHARGES DETAIL

DESCRIPTION	UNITS	RATE	AMOUNT
PROPERTY TAX		1.060000	29,763.03

#1570-000-01
Ramone
7/7/14



PAYMENT COUPON - PLEASE DETACH AND RETURN THIS PORTION ALONG WITH YOUR PAYMENT

ACCOUNT INFORMATION

MAP/PARCEL/UNIT: HARR-180.05-01-59.00-000
 LOCATION: 299 CLUKEY DRIVE
 BILLING DATE: 07/01/14 TAX YEAR: 2015
 DUE DATE: 10/31/14

AMOUNT DUE

DISCOUNT: 0.00
 IF PAY BY 07/31/14: 29,763.59
 FACE AMOUNT DUE: 29,763.59

AMOUNT ENCLOSED

MAKE CHECKS PAYABLE TO:

CITY OF HARRINGTON
 106 DORMAN STREET
 HARRINGTON, DE 19952

O.A. NEWTON & SON COMPANY
 P O BOX 397
 BRIDGEVILLE, DE 19933





KENT CONSERVATION DISTRICT

800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 (302) 741-2600 EXT. 3 • FAX (302) 741-0347

(302) 741-2600, EXT. 3
FAX NO. (302) 741-0347

FAX TRANSMITTAL SHEET

ROBERT RIDER - O.A. NEWTON 302-337-3785

TO: DEBBIE PFEIL - CITY OF HARRINGTON 398-4477

FROM: DAVID CAHILL / JARED ADKINS

DATE: 7-17-14

SUBJ: UPS MODULAR SORTING FACILITY

No. of Pages (Including Transmittal Sheet) 2

COMMENTS: _____

If a complete transmission is not received, please contact sender at (302) 741-2600 extension 3 immediately.

The information contained in this fax message is privileged and confidential and is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, he/she is hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please contact sender immediately by telephone and return the original message to: Kent Conservation District, 800 Bay Road, Suite 2, Dover, DE 19901.



KENT CONSERVATION DISTRICT

500 BAY ROAD, SUITE 2 • DOVER, DELAWARE 19901 • (302) 741-2600 EXT. 3 • FAX (302) 741-0347

July 17, 2014

Ms. Debbie Pfeil
City of Harrington Planner
106 Dorman Street
Harrington, Delaware 19952

RE: UPS Modular Sorting Facility
299 Cluckey Drive Harrington, De.
Map/Parcel: 8-09-180.05-01-59.00

Dear Ms. Pfeil:

The Kent Conservation District has no objection to the above referenced project obtaining a conditional use approval from the city of Harrington. The project is proposed on existing paving with no land disturbance. The project is therefore exempt from Delaware Stormwater Regulations.

If at any time in the future land disturbance activity is greater than 5000 square feet; the Conservation District must be contacted for further instructions.

If you should have any questions regarding this matter, please do not hesitate to contact our office at 741-2600 ext. 3.

Sincerely,
KENT CONSERVATION DISTRICT

A handwritten signature in black ink, appearing to read "Jared C. Adkins", is written over the typed name.

Jared C. Adkins, P.E.
Sediment & Stormwater Program Manager

cc: Robert F. Rider, Jr. O.A. Newton

City of Harrington
MINUTES
Planning & Zoning Commission Meeting
August 21, 2014

A meeting of the City of Harrington Planning & Zoning Commission was held at Harrington City Hall, 106 Dorman Street, on August 21, 2014 and was attended by the following: Chairman James Coudriet; Vice Chairman Jeff Rettig; Commissioner Elizabeth Brode; Commissioner William Rogers; Commissioner Stacey Sizemore; Debbie Pfeil, City Planner; Teresa Tieman, City Manager; and Kelly Blanchies, Clerk of Council.

Also present: Mayor Anthony R. Moyer; Robert Rider, Jr.; and .

The meeting was called to order at 6:30 p.m. by Chairman Coudriet.

The Pledge of Allegiance was given.

Conditional Use Permit-Seasonal UPS modular sorting facility-299 Cluckey Drive

An application by Robert F. Rider, Jr. on behalf of O.A. Newton & Son Company for a seasonal UPS modular sorting facility on a designated 2.006 acre area from the total 43.539 acre parcel off Cluckey Drive. The parcel is currently zoned M (Manufacturing District) and further identified as parcel MN-6-09-180.05-01-59.00.

The City Planner stated that she has been working with the applicant. The UPS facility will not operate three hundred sixty-five days a year. It will be used during busy times. Hopefully this will lead to a permanent arrangement without the modular unit. The portion of the lot that will be used is not parceled out separately. The application conforms to the Comprehensive Land Use Plan; this parcel was targeted for redevelopment. The property is zoned as Manufacturing; all intended uses in a Manufacturing zone are conditional upon recommendation by the Planning Commission and final approval by the City Council. The City Council will hear any public comments on the project. There is a legal ad placed in the newspaper and neighbors within two hundred feet received letters.

The City Planner reviewed the criteria for evaluating a proposed conditional use. The adjoining properties have similar uses, and it will not detract from permitted uses in the district. There will be more discussion on screening, traffic, and parking.

The City Planner stated construction has to begin within six months. The Code states that the City Council shall not consider a reapplication for a conditional use

permit for the same lot within three hundred sixty-five days. This property could potentially have additional tenants. The approval of a conditional use is valid for one year.

The City Planner stated that the City's parking code is antiquated and requires one space for each three hundred square feet of floor space or one space per employee, whichever is greater. There is a lot of vacant floor space there. The required parking based on floor space is four hundred forty-two spaces, one hundred ninety if the vacant square footage is removed, or forty-two based on the number of employees. Existing there are fifty-six code compliant parking spaces, including three handicap spaces. There are also non-conforming gravel parking areas. The Code allows the Planning Commission to determine the minimum parking standards on a case by case basis. The applicant provides fourteen more parking spaces than the total amount of employees. The proposed uses do not have large customer based on-site services requiring additional parking. The City Planner stated that she does not object to the parking reduction and neither does the City Solicitor.

The City Planner stated that DeIDOT and Kent Conservation District both supplied letters of no objection.

The City Planner stated that a temporary restroom trailer is proposed on the site and shown on the site plan. It will not be viewed from the neighboring properties or the street. Electric will be supplied by an overhead power line. An underground waterline is proposed on the site plan, but after discussion with the applicant, it will be removed on the final plan.

The City Planner stated that additional lighting is proposed near the modular facility but will not project onto the neighboring properties. Since a power line is being run, there will not be noise from a generator.

The City Planner stated that there is no proposed signage at this time. No landscaping is proposed. The modular facility will not be visible from the public street. The City Planner stated that the property is buffered by a heavily wooded area.

The City Planner stated that the approval of the Office of the State Fire Marshal is still pending. The City Planner recommends that she be instructed to inspect the site, since the City Engineer will not be involved.

The City Planner stated that the applicant has been very good to work with.

Chairman Coudriet asked about the time of the approval. The City Planner stated that it is fine to approve the application for two years unless there are any changes or complaints.

Robert Rider Jr. stated that UPS has outgrown the facility in Harrington and would like to expand and stay in Harrington. The intention is to have multiple tenants on the parcel.

The City Planner stated that a quicker review process was used since it is a temporary facility. It is a good foundation to build upon to get a permanent facility.

Vice Chairman Rettig stated that he has seen the modular facility in Dover, which looks good and was not disruptive.

Commissioner Brode stated that the biggest issue that she sees is the parking. If there will be more employees than is stated, it should come back to the Planning Commission for approval. Mr. Rider stated that there will not be more than forty-two employees on site at one time. The City Planner stated that would be difficult to enforce, but if there are complaints about the parking, the Code Enforcement Officer will have to count the employees.

A MOTION was made by Vice Chairman Rettig, seconded by Commissioner Brode, to recommend approval of the conditional use including a reduction in parking spaces based on a maximum of forty-two employees on site at one time, a proposed temporary restroom trailer, the removal of the proposed waterline on the site plan prior to the final City signature, and a site inspection performed by the City Planner based on the approved plans and contingent upon the approval from the Office of the State Fire Marshal prior to the issuance of a building permit. The MOTION passed unanimously.

There being no further business, a MOTION was made by Commissioner Brode, seconded by Commissioner Rogers, to adjourn the Planning & Zoning Commission Meeting. The MOTION passed unanimously, and the meeting adjourned.

Respectfully Submitted,

Kelly Blanchies
Clerk of Council

USDA grants will be discussed at the meeting. No information included in packets.

**CITY OF HARRINGTON
ORDINANCE NO. 14-14**

AN ORDINANCE AMENDING CHAPTER 180 OF THE CODE OF THE CITY OF HARRINGTON RELATING TO MUNICIPAL FEES FOR WATER USAGE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HARRINGTON IN COUNCIL MET:

Section 1. That § 180-1 A shall be amended to remove the following:

City of Harrington Fee Categories	Base Fee	Escrow Account Amount	Total Owed	Subject to Professional Fees
Utility rate, in-City users, quarterly				
Water usage fee, per 1,000 gallons	\$3.55	\$0	\$3.55	No
Utility rate, out-of-City users, quarterly				
Water usage fee, per 1,000 gallons	\$4.72	\$0	\$4.72	No

Section 2. That § 180-1 A shall be amended to add the new classifications and to read as follows:

City of Harrington Fee Categories	Base Fee	Escrow Account Amount	Total Owed	Subject to Professional Fees
Utility rate, in-City users, quarterly				
Water usage fee, per 1,000 gallons	\$3.25	\$0	\$3.25	No
Utility rate, out-of-City users, quarterly				
Water usage fee, per 1,000 gallons	\$4.32	\$0	\$4.32	No

Repealer. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Effective Date. The Clerk of Council shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval by Council.

SO ORDAINED by the majority of Council Members present at a regular session of Harrington City Council, to be effective upon signing.

Anthony R. Moyer, Mayor

Attest: _____
Kelly Blanchies, Clerk of Council

Date of Adoption: _____

SYNOPSIS

This Ordinance amends the Municipal Fees for the City of Harrington to reduce the water rate for in-City users from \$3.55/1,000 gallons of usage to \$3.25/1,000 gallons of usage and for out-of-City users from \$4.72/1,000 gallons of usage to \$4.32/1,000 gallons of usage.

First Reading: _____

Public Hearing: _____

Second Reading: _____