

**2001 Update** to the 1998

*Town of*  
**Middletown**  
**Comprehensive Plan**

**March 5, 2001**



**Institute for Public Administration**  
**College of Human Services, Education & Public Policy**  
**University of Delaware**

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## **Executive Summary**

The Town of Middletown recommends that the 1998 Comprehensive Plan be revised and updated. The Town has implemented significant sections of the 1998 Plan in modification of Zoning and Subdivision Codes, through annexations and rezonings, by setting aside school and open space site, and the planning and construction of wastewater facilities. At the February 5, 2001 meeting, the Mayor and Council recommend the update and revision of the Middletown Comprehensive Plan to reflect changes in policies since the adoption of the 1998 Plan. This update has been prepared in response to that request.

The update to the 1998 Plan recognizes changes that have occurred and incorporates planning activities by the State and New Castle County. The update recommends additional action to implement the goals for growth management, farmland preservation and Greenbelt creation, mixed use development on the SR 299 corridor, preservation of options for the US 301 corridor, development of an employment center. The update details implementation actions for the revision of land use regulation, reconstruction of the wastewater collection and transmission system, construction of additional wastewater treatment facilities, expansion of the electrical system, and acquisition of land for open space, farmland preservation, and educational uses. The update reaffirms Middletown's commitment to develop intergovernmental coordination policies with New Castle County, the State of Delaware, the Appoquinimink School District and the towns of Odessa and Townsend.

The update recommends the designation of a clear line for future annexation and development. The update recommends actions for the Town of Middletown to implement the Greenbelt. These actions will limit development to the west and south of Middletown and preserve sites for farmland and spray irrigation. The plan expands areas for employment uses to further the Town's policy of remaining a place for economic development. The update recommends the adoption of a formal policy to guide the Town's decision-making process to require land to be dedicated for public uses during an annexation request. The acquisition of property for public uses has been successful and the update recommends that the Town adopt a management strategy for these properties. The update reaffirms and expands on the 1997 plan recommendations to modify the Zoning Code and Subdivision Regulations based on the use of these codes since the 1997 update. The update recommends the addition of an office district and recommends that the design suggestions become mandatory to improve commercial districts.

## **Current Situation**

The Town of Middletown continues to experience growth in residential, commercial, and industrial activities. The entire southern New Castle County area has experienced rapid growth since the early 1990s. The estimated growth from 2000 to 2020 is substantial in the areas surrounding Middletown. The Middletown-Odesa Census County Subdivision is projected to grow 52% from an estimated 28,379 persons to 43,123 persons according to the Delaware Population Consortium's report of June 29, 2000. Households in the Middletown-Odesa area are projected to grow 73% from 9,564 to 16,607.

The growth from 1990 to 2000 was unprecedented in southern New Castle County and has radically changed the character of the area. Middletown, Odessa and Townsend had been the traditional centers of residential, educational, commercial and industrial activities that has now been replaced by extensive built and planned residential growth across southern New Castle County concentrated at the Chesapeake and Delaware Canal bridge crossings of major highways.

## **New Castle County**

In the 1997 New Castle County Plan, 1997 [Unified Development Code](#) and the [1999 Wastewater Management Facility Plan for the Southern Sewer Service Area](#) New Castle County government has outlined its plans for the pattern of development in the region. The areas to the north, northwest, and northeast of Middletown Town limits have been zoned for residential, commercial and industrial development of a suburban character

with public sewer and public water as a necessary or preferred condition for development. This is a departure from the 1988 Comprehensive Plan and earlier policies that recommended very low-density residential and agricultural uses. This change has been due to concerns over ground water pollution from septic sewer systems and the need to better manage development pressures. The 1999 Wastewater Management Facility Plan designated a recommended alternative that was accepted by New Castle County government for public sewer system to service the northern portion of southern New Castle County.

According to the 1999 Wastewater Management Facility Plan, a total of 5735 acres is designated as Proposed Development and 2135 acres is designated as Approved Plans that totals 7870 acres in some stage of the development process. Figure 2-10 from the SSSA Master Plan has been included in the map appendix. This map indicates that the Levels and Isaacs property to the southwest of Town was either approved or proposed for development in 1999. This map provides a comparison between the size of the Town of Middletown and the significantly larger area within the County under development. This map does not include the property known as White Hall as Approved or Proposed for Development.

Of this area, 6812 acres was classified in the Delaware 1997 Land Use Land Cover survey as agricultural land. This area is primarily in the portion of southern New Castle County, north of Middletown. It is important to point out that development outside of the Middletown corporate limits and north and northwest of Town receives the Middletown

postal designation but is not under control of the Town government. This may lead the general public to believe that Middletown has had a role decision making process for the land use of these nearly 8000 acres in the process of development and the development prior to 2001. Middletown had no role in the revisions in the UDC, no formal role in zoning decisions, and limited input in the planning decisions of New Castle County.

### **State of Delaware**

Agencies of the State of Delaware are attempting to identify locations where state-supported growth should occur. To this end, the Cabinet Committee on State Planning Issues has developed policies and mapped these issues to indicate the State's priorities for a variety of planning, infrastructure and service investments. The State has decided that by promoting and supporting development and redevelopment in places where adequate infrastructure exists or is planned, it can manage congestion, preserve farmland, enhance community character and protect important state resources. To accomplish this state agencies have to work with county and municipal governments, and all parties need guidelines to help make smart land-use decisions. The Cabinet Committee on State Planning Issues adopted a set of strategies to guide state spending and policies in 1999.

The State Strategies are designed to encourage state investments and policies that support and encourage a wide range of uses and densities, promote alternative transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity. In communities, the State will provide the greatest number of transportation options with an emphasis on public transportation, walking, and

bicycling. The State will also make existing infrastructure and planned improvements as safe and efficient as possible. The State will direct maximum assistance to upgrades, reconstruction, treatment improvements, and system expansions within communities. Priority will be given to investments in existing water and wastewater systems for improved efficiency, enhanced water quality management, and additional capacity for redevelopment, infill and for new community development that supports efficient and orderly land use patterns. Communities are a priority location for new public investments and expanded existing uses, except where a particular use is otherwise incompatible (such as a prison). The State will promote locations for schools and other facilities that would enhance community integrity and encourage the use of more than one transportation option. The State supports development and maintenance of recreational and open space facilities to serve community needs, including urban parks and recreational areas, waterfronts, and links between uses and throughways (greenways, bikeways, etc.).

In the areas of housing, economic development and public safety, the State has adopted policies that attempt to locate quality investments in the housing and labor markets to provide adequate housing and employment while providing a safe environment for the community as a whole. The State will promote a mixture of housing types and prices, and protection and enhancement of existing housing stock and choice. Investments in housing, community revitalization and critical public services will be used to restore and improve existing neighborhoods, promote viable downtowns and reuse of older residential, industrial and commercial zones, and to improve access to health, safety,

education and other services. The State will work with communities to identify and aggressively market underused, abandoned or "brownfield" sites in a manner consistent with the communities' character and needs. The State will focus health and social services on under-served and disadvantaged populations, and support community-based programs for revitalization. Public safety objectives include providing adequate law enforcement services and safety, effective emergency services, and reduced vulnerability to natural and man-made hazards.

The Strategies for State Policies and Spending Map for New Castle County provide a guide for investment decisions for the state government that are county wide. Additional information on the State's Strategies is available from the Office of State Planning Coordination and on the Internet at <http://www.state.de.us/planning>. The Town of Middletown, in its 1999 corporate boundary, has been designated in the State Strategies as Community Area with an Employment Center. Under this designation state infrastructure investment will be focused in the Town to encourage compact residential development and to create an employment center for industrial and office development. This reinforces the long-term development of the Town as a center of activity. The areas to the east and south of SR 299 are in the Developing area and areas to the north, east north of SR 299 and to the immediate south of Town are in the Secondary Developing Area. These areas are designated for a later stage of development linked to the implementation schedule for New Castle County's wastewater system. The Town of Middletown has incorporated the concepts of the State Strategies in this plan update.

## **Middletown Development Conditions**

The 1998 Plan referenced development activity through 1997. Since that time, additional requests for annexation have been made to the Mayor and Town Council. Since 1997, the Town has annexed property to the west, east and south of Town in accordance with the 1997 Comprehensive Plan. This has added 1,898 acres to the Town. Of these annexations 802 acres were in the adopted Growth and Mixed Use corridor along SR 299. St. Andrew's School will build a day school on 125 acres on the south side of Town. The Appoquinimink School District requested the annexation of 25 acres for school fields. Annexations of the 1998 – 2000 period also completed the employment center recommendations of the plan to provide space for office, business, and light industrial park on the west side of Town to continue the growth of Middletown as an employment center. The area annexed for business and employment uses is 435 acres. Annexations were also made to provide public services to areas within the Service Extension Study areas of the 1997 Plan. With the implementation of the policies contained the 1997 plan annexations were conditioned on the applicant's provision of land for open space and school sites and the preservation of a "Ridge Route" for an upgraded US 301.

A summary of development activities demonstrates a steady but moderate absorption of approved building sites into the market place. Of the approximately 1,900 single-family units approved under current plans, 515 have been built and 1,400 remain unbuilt.

Duplexes have been built in the Greenlawn subdivision and overall 152 duplexes out of 726 approved have been built. There are nearly 3,000 Townhouses and apartments

approved and approximately 460 units have been built. The areas of Town that construction has taken place during the 1995 to 2000 period is immediately north of existing downtown and areas to the west of US 301. Building permit activity has varied over time with a six-year average at approximately 220 permits per year. In 2000 and 1999 the number of building permits issued rose. At the average rate of the years 1999 and 2000, it can be expected that building permits will continue to be issued for the next eight to nine years on existing projects. Build out would be expected to be at least ten years on current projects, based on past market conditions.

Build out has occurred from the center outward as public utilities and services have been extended as planned. The Town added the properties known as the Levels, Ford, and Isaacs properties in February 2001. This annexation adds approximately 400 single-family units. At build out of all approved plans and conceptual plans the Town of Middletown would have approximately 8,000 housing units, including existing housing units. The mix at build out would be similar to the mix in 1990, with 45% single-family homes, 10% duplexes, 30% Townhouses or structures with 3 to 5 units, and 15 % apartments.

### ***Plan Accomplishments***

- Annexed properties in areas designated for Growth and Service Extension
- Continued to balance single-family and multi-family sites to provide a range of housing throughout the Town of Middletown
- Worked with St. Andrews School to preserve land along Silver Lake

## **School Sites**

The 1998 Plan recommended that the Town work with the Appoquinimink School District to provide for additional sites for new schools. Enrollment pressure on the School District has continued to grow since 1997-98 and the Town has worked to provide new school sites as a condition of annexation. In the implementation of the 1998 Plan the Town required the dedication of school sites on the Fusco property along SR 299, on the Ford, Levels, Isaacs proposal, and the on the Woodin property west of US 301. The dedication of school sites or land for open space is the general practice of the Town of Middletown. The updated plan recommends that the Town adopt a policy for the requirement and determination of land dedicated for public uses.

## ***Plan Accomplishments***

- Worked with Appoquinimink School District to provide property for school sites and school fields
- Worked with charter schools to find suitable sites
- Required annexation applicants to set aside property for open space and educational uses as a condition of annexation

## **Recommendations**

The following is the recommended school policy:

The Town of Middletown will require as a condition of annexation that the applicant dedicate land sufficient for public uses. All land dedicated to public uses shall be the property of the Town of Middletown until such time as a transfer to the Appoquinimink School District has been finalized. The requirements for

public space dedication as part of an annexation request shall meet at least the minimum requirements of the open space requirements of the land use regulations at the time of annexation. In addition to existing open space requirements of the Middletown Subdivision Code, five percent of the total acreage of a property proposed for annexation shall be dedicated for public uses including education and institutional uses.

## **Wastewater System**

### **Current Conditions**

The Town of Middletown has a sanitary sewer system that serves the entire Town. The Town of Middletown has an agreement with New Castle County for treatment on 500,000 gallons of wastewater per day. This wastewater is treated at the Water Farm No. 1 located east of Odessa next to the Appoquinimink Creek. Water Farm No. 1 is a lagoon treatment/spray irrigation system, which is operated and maintained by NCC and serves Middletown, Odessa, and Townsend. Flows from these communities are carried by a combination of gravity sewers, pumping stations and force mains to Water Farm No. 1. The capacity of Water Farm No. 1 is 1.7 MGD of which 1.2 MGD can be spray irrigated and 0.5 MGD can be discharged into the Appoquinimink Creek. Current flows to Water Farm No. 1 are approximately 0.55 MGD.

In the Legends development, the Town has an agreement with the property developer that has resulted in the construction of a treatment facility, holding lagoons and spray irrigation system to serve that development and provide capacity for the Town. The capacity of the Legends facility is 212,000 gallons per day. Since the adoption of the 1997 Plan, the Town has updated its collection and transmission system. The reconstruction and repair of the wastewater system has significantly reduced the infiltration and inflow.

The Town of Middletown has adopted a plan to expand sewer treatment capacity. The system as it is currently planned consists of a treatment and lagoon facility near the existing and planned industrial park. The spray irrigation site for this facility has been considered for the Smith Farm on the southeast side of Middletown. The site would be leased from the owner under a 30-year agreement. The property known as the Van Croy property on the western side of Middletown has also been evaluated for spray irrigation.

The planned facility will have a designed capacity of 2.5 million gallons per day. This system and the existing capacity available to Middletown will treat 3.212 million gallons per day. The current flow into the M-O-T facility has averaged 450,000 gallons to 480,000 gallons per day. The planned capacity would provide for existing and planned residential, office, commercial and industrial uses. The facility would also provide the significant capacity need for a large employer consistent with 1997 Plan recommendations for a major technology, life sciences or pharmacological industrial use to be located in the industrial park.

Until 1998, the Town of Middletown had an agreement with New Castle County on an option to purchase an additional 250,000 gallons of treatment capacity from the M-O-T Wastewater Treatment facility. In 1998 New Castle County requested that the Town exercise its option. The Town of Middletown declined based on financial considerations.

## **New Castle County – Southern Sewer Service Area Treatment Facility Plan**

The Town of Middletown faces coordination issues with New Castle County over wastewater treatment issues. The 1999 Wastewater Management Facility Plan for the Southern Sewer Service Area, which was prepared by Tatman and Lee Associates, recommended the construction of an 8.6 million gallon per day (MGD) facility for treatment of wastewater in the Southern Sewer Service Area. The map from the SSSA Master plan of the recommended alternative and service area is included in the map appendix. This plan recommends the building of treatment facility and modular lagoons along Marl Pit road immediately north of Middletown limits. The Plan will add to the existing 1.7 MGD available at Water Farm No. 1 near Odessa. This facility is planned to treat waste generated from the build out of 31,300 residential units and the nonresidential flow estimate of 1.8 MGD.

In the 1997 Middletown Plan, this area was recommended for intergovernmental coordination with New Castle County and the State of Delaware. The Town has continued to have regular contact with the New Castle County Department of Land Use on issues relating to these properties. Property owners within the area recommended for the construction of the treatment facility have contacted the Town over time. The Town of Middletown has received an annexation request from the property known as the Wick property. The Wick property was designated as the site for the treatment lagoons and is immediately adjacent to the residential development known as the Legends within Town limits. The Town has notified New Castle County government of this request.

### ***Plan Accomplishments***

- Secured an additional 212,000 gallons per of treatment capacity
- Developed a plan for an additional 2.5 million gallons of treatment capacity
- Provided for treatment capacity to meet the needs of industrial and office space expansion

The 1997 Plan recommended the development of a wastewater facilities plan to handle the wastewater needs of the planned residential, commercial, office and industrial uses.

The Town undertook a study of its needs in 1999 and 2000 and in the March of 2001 held a referendum on the preferred solution. The Mayor and Town Council recommended that the Town own the system and borrow \$20 million to purchase land and construct the facility. The Town has entered into a public private partnership with AquaStructure Delaware, LLC to construct this facility. As part of this Plan the Town has addressed the timing and adequacy of infrastructure. Development will not be permitted until adequate wastewater treatment capacity has become available. The development of the new 2.5 mgd treatment facility will meet the needs of all users and provide capacity for new industrial, manufacturing, office and other employment uses as recommended in the 1997 Plan.

### **Recommendations for Wastewater Utilities**

The Plan Update recommends that the Town of Middletown manage its land use decisions in relation to the adequacy of wastewater infrastructure to meet new development. The Town should examine additional spray irrigation sites to insure

adequate supply of land for spray irrigation. The Plan recommends designating areas for preservation for spray irrigation within the Greenbelt surrounding the Town. On these site the update recommends that Town refuse annexation for residential, commercial or industrial uses and only consider an agricultural preservation designation similar to New Castle County's Suburban Reserve UDC district.

The Update further recommends that the Town work with New Castle County on wastewater treatment issues. The location of the new SSSA treatment facility immediately north of Middletown presents unique coordination efforts and Middletown will need to participate in the construction plans to guard the needs of its residents. The 1999 SSSA Master Plan was completed prior to the Middletown plan for treatment of its sewer treatment needs.

## **Electricity**

### **Current Conditions**

The Town of Middletown supplies electricity for residential, commercial, and industrial needs within the Town. Middletown has a public-private partnership wherein the Town purchases electricity from Conectiv, Inc. and distributes its customers. Middletown installs new electric lines, maintains the distribution system, and installs and maintains meters to monitor usage. The State of Delaware restructured the electricity market in 1999 to allow for retail and industrial user competition by 2000. Areas served by municipal electric systems are not yet affected by this restructuring.

### ***Plan Accomplishments***

The Town of Middletown has studied the needs of its electric customers as recommended in the 1997 Plan and developed a plan for expansion. The plan recommends a 138 kV substation be built in the area designated for utilities expansion within the industrial park. The Town of Middletown will purchase a portion of the land for this substation.

### **Recommendations**

The major investment in the electrical distribution due to additional development expected during the next five and ten-year periods will have an impact on the capital base needed to meet the electrical needs of Middletown's customers. The Town of Middletown has undertaken a facilities planning process to determine the needed

expansions and improvements to the electrical system. The Town expects to remain a provider of electricity to the current industrial, commercial and residential users well into the future as well as providing electrical services to newly developed areas of Middletown. The possibility of additional manufacturing, industrial, or other employment centers will also produce the need for additional electricity. The Town has and will continue to invest in the electrical needs for the potential residential, commercial, office, and industrial development.

## **Recreation and Open Space**

The provision of open spaces, recreation facilities and greenways has been recognized by the Town of Middletown as an important component of maintaining a high quality of life for Town residents. Middletown has worked to provide adequate park and open space and has cooperated with other levels of government to provides these amenities. Outdoor recreation facilities take many forms in Middletown from neighborhood parks to a regional park and recreation area to the development of golf courses and finally to the preservation of natural corridors. Incorporation of open space, greenways, and recreation facilities into the design of new development and the provision of adequate facilities and space for existing residents is a main priority for Middletown. A high priority for commercial, manufacturing and office parks is the use of environmentally and visually appealing open space and landscaping screening.

### ***Plan Accomplishments***

- Revised Zoning and Subdivision Code to increase the amount of open space and to require that fifty percent of the open space be usable for active recreation.
- Negotiated with property owners requesting annexation for additional open space or land dedicated to public uses.

The Town of Middletown has strived to provide a network of open space, parks, and natural corridors to provide a system of active and passive open spaces throughout the

Town. On properties accepted for annexation, the Town has required the dedication of land for public uses or requested options for purchase of property for Town use.

### **Recommendations**

The Update recommends that the Town of Middletown develop a land management strategy. These strategies will address the growing need for management of properties dedicated to the Town for either open space, educational or other public uses. The Town's success in acquiring land for public uses has resulted in a substantial increase in public land and a plan is required for their proper management. The update recommends coordination with the Delaware Department of Natural Resources and Environmental Control's Division of Parks and Recreation on the implementation of the Statewide Comprehensive Outdoor Recreation Plan as relates to the open space and park land management within and near the Town of Middletown. In addition, coordination is recommended with the New Castle County Department of Special Services on the provision of parkland for the M-O-T region.

## **Transportation**

### **Current Conditions**

The 1997 Plan details the transportation network and facilities within the Town of Middletown and the surrounding area. The current conditions are similar to the 1997 period. The historic core of Middletown was laid out in a grid pattern with north-south streets intersecting east-west streets. The central crossroads of this system are Broad Street (SR 71) running north to south and Main Street (SR 299) running east to west. The properties annexed or developed in the 1950s and 1960s were added on to this grid network with interconnecting streets.

Developments have been added in a conventional stem and leaf pattern to the minor arterials of Broad Street and Main Street, the principal arterial of US 301 and the rural collector of Cedar Lane. The development of new residential areas has presented an opportunity to increase the interconnectivity of the Town. The Town has required the interconnection of the Greenlawn development to New Street thus providing three connection points for that development into the grid pattern of Middletown.

### **Recent Planning Studies**

In September 1999, the Greater Route 301 MIS Final Report was issued and outlines three alternatives: (A) No-Build, (B) Multi-Modal Improvements and Major Upgrade of Existing Roadways; and (C) Multi-Modal Improvements and New Limited Access Roadway. Under the No-Build alternative, US 301 would not be upgraded through

Middletown. Alternative B would include a major upgrade of US 301 to four lanes from the Maryland Line to Boyd's Corner Road. In the New Limited Access Roadway Alternative, the existing US 301 corridor would be preserved and a new US 301 be constructed along the Ridge Route with a Middletown interchange at Bunker Road, a Maryland line interchange and a Summit Bridge interchange to connect into a new four lane road that connects to SR 1.

The Town of Middletown has worked with WILMAPCO and Delaware Department of Transportation (DelDOT) to plan for the future transportation needs of its residents and regional transportation needs. In this capacity the Town has adopted a course to preserve land for the new limited roadway on the Ridge Route and to preserve a corridor for an upgrade of existing US 301 as a four-lane roadway. If DelDOT and WILMAPCO choose either option B or C, the Town of Middletown has set aside land and will continue to require the setting aside land for these options.

The 1997 Plan recommended that a plan for SR 299 be developed. WILMAPCO and DelDOT agreed to include this in the US 301 MIS. The treatment of SR 299 was limited and does not meet the needs of Middletown or DelDOT to adequately plan the future of SR 299.

## **Recommendations**

The Update recommends continued coordination with the DeIDOT and WILMAPCO on plans for investments in transportation infrastructure in the Middletown area. Special attention will need to continue with possible investment in the US 301 corridor and the SR 299 corridor and SR 1 interchange. The Update reaffirms the Town's commitment to the preservation of land for either the new roadway along the ridge route or the expansion of the existing US 301 roadway to four lanes. The update recommends that the Town become involved in the siting decision for the Middletown interchange to allow for the best integration of the roadway into the land use and transportation network of the Town. The Town recognizes the new roadway corridor as the western boundary of development and recommends that DeIDOT and New Castle County limit development to the west of this roadway. The update recommends that properties to the west of the new roadway not receive direct access to the new roadway through the Middletown interchange.

The update recommends that the Town of Middletown contact the Secretary of Transportation to establish a joint transportation study of the Middletown area. The primary issue to be addressed in this study will be the long-term plan for SR 299 and the SR 1 interchange. The Town of Middletown and New Castle County have control over the land use in this corridor and will need to coordinate those land uses with DeIDOT's transportation plan. Other issues to be considered include the DeIDOT-Middletown management agreement, the SR 299 and SR 71 intersection, management of US 301 to preserve capacity, and uses of the Norfolk Southern rail line.

## **Land Use and Growth Management**

### **Current Conditions**

Since the adoption of the 1997 Plan the Town of Middletown has experienced growth in the areas know as Greenlawn, the Legends, Middletown Village, and Cricklewood.

These areas were designated for residential and commercial growth. In some areas this growth has been the completion of on-going development activities that pre-dated the 1997 Plan. The development has followed the land use pattern recommended in the 1997 Plan. The pattern of land use within the Town limits of Middletown is similar to the pattern reported in the 1997 Plan.

### **Goals for Future Land Use and Growth Management**

The goals for Future Land Use and Growth Management are a restatement and refinement of the goals listed in the 1997 Plan. The detailed goals and actions for residential, commercial, employment uses and the plans for the SR 299 corridor and industrial park are included in the 1997 Plan. The addition of an office and business park near the industrial park has been included in the update. The goals in the 1997 Plan and in the 2001 Update recommend that Middletown maintain as its role as a center of residential, commercial and employment activity and to stage and coordinate its development with the adequacy of infrastructure and the plans of New Castle County and the State of Delaware.

- Maintain the small Town orientation of the character of development through requiring interconnection and mix of uses where appropriate.
- Remain a center for growth and development in southern New Castle County through the proper management of the pattern of development and provision of adequate public facilities.
- Coordinate with New Castle County and the State of Delaware on land use and annexation decisions to implement the 1997 Middletown Plan and 2001 Update, the 1997 New Castle Comprehensive Plan and 1998 UDC, and the 1999 State Strategies.
- Facilitate a mix of uses through the provision of adequate sites for industrial, office, commercial, residential and community service uses.
- Develop and maintain an adequate supply of housing that provides a range of sizes, types, densities, and levels of affordability.
- Integrate residential, commercial and employment land uses to provide the opportunities to work, shop and live in close proximity while providing an adequate buffer through distance and landscaping from incompatible land uses.
- Connect land use decisions to plans for the transportation system.
- Stage development to meet adequate public facility standards.
- Control development along SR 299 corridor to preserve the existing Town center and provide a variety of residential, commercial and employment opportunities.
- Provide for sufficient industrial and office park sites with sufficient supporting infrastructure to attract economic development.

- Coordinate farmland preservation with New Castle County through zoning actions and the Delaware Department of Agriculture through its Farmland Preservation Program.

### **Intergovernmental Coordination and Annexation**

The 1997 Plan recommended the development of an intergovernmental coordination and annexation policy. The Town of Middletown has notified New Castle County and participated in the Land Use Planning Act process to notify state agencies concerning annexation and major land use decisions. The Town reviews the comments received through this process and has incorporated those findings into its decision-making process. In addition to the formal process, the Town has developed an informal process of notifying state and county officials of annexation and land use requests prior to the formal filing of requests. The Town has a policy to work with property owners prior to filing to ensure implementation of the 1997 Plan recommendations and to avoid conflict with New Castle County and State of Delaware policies.

### **Intergovernmental Coordination Area**

The 1997 Plan defined an Intergovernmental Coordination Area two miles from the existing 1996 Town boundary as a starting point for study and intergovernmental coordination. This distance was specified because it includes the majority of immediate and mid-range development concerns for the Town, New Castle County and the State.

The designation of the 2-mile area was not to imply that it was an area suitable for annexation.

Map LU-2: Intergovernmental Coordination Zone depicts the 2-mile study area. The map identifies areas that are within Middletown and developed and areas within the Town that are under development consideration. East of Middletown to the SR 1 Interchange a Town centered growth area is specified. In the southwest of Town the expansion of the industrial park is recommended. Areas to the immediate west and north of Town limits were designated for intergovernmental coordination. These areas require coordination with State for the development of a new US 301 corridor and for the construction of the SSSA Wastewater Treatment Facility. Areas already developed in the County along SR 71 north and south of Town limits were designated for service extension.

Since the adoption of the 1997 Plan, development has increased the Developed Area and reduced the Current Growth area. Annexation has occurred in the Proposed Growth Area in accordance with 1997 Plan recommendations. Annexation has also occurred in the Intergovernmental Coordination Areas and in the Greenbelt. All annexations have been reviewed by New Castle County and the State of Delaware and comments were submitted to the Town from the State and County.

The annexation of the Woodin property on the west side of Town occurred within the 1997 Plan's Intergovernmental Coordination Area. The approved annexation plan

required the provision of land for the “Ridge Route” for the new US 301 corridor and land for public uses to be controlled by the Town of Middletown. This annexation was consistent with the Town’s policy to develop sites for employment by providing land for office and business park.

The annexations of the Ford, Levels, and Isaacs’ properties were annexations into the area of the Greenbelt as defined by the 1997 Plan. The Plan recommended that the Town work with New Castle County and the State of Delaware to preserve this area as agricultural. The Town chose to modify its Plan due to property owners’ plans to develop these properties. Under New Castle County’s land use regulations the Levels and Ford properties had pre-UDC subdivision plans and the Isaacs property could be developed under the Suburban Reserve classification of the UDC.

The Town recognized that this land would not be preserved under New Castle County regulations nor would the Delaware Department of Agriculture’s Farmland Preservation program limit the development. The development of these properties in the County would have resulted in over 400 residential units without public sanitary sewer immediately adjacent to Middletown. These developments would have had an impact on Middletown. The two pre-UDC developments would also not be required to pay school impact fees at the time of development. The Town decided to annex these properties to increase the standard of development, to insure the provision of public water and reduce groundwater pollution through public sanitary sewer, to provide for the establishment of

greenbelt and spray irrigation site at the southern portion of the three properties and to provide for two school sites.

The area west of the Industrial Development Area presents a challenge to preserve as a Greenbelt. There are properties along US 301 that have been zoned under the UDC by New Castle County as CR that allows regional retail and office uses. The expected upgrade of US 301 and the development activity within the Town limits along US 301 has produced private sector requests for land zoned for office and industrial uses. The Town of Middletown policy has been to preserve the US 301 corridor, provide the necessary right of way for the Ridge Route for the upgrade US 301, and connect land use and transportation decisions while providing land for employment related activities. The western edge of Town along US 301 is recommended to be an industrial and office use that transitions to preserved agricultural land. The Update recommends continued coordination with the DeIDOT to preserve the current US 301 and to provide for the Ridge Route for an upgraded US 301. Properties west of the Industrial Park are recommended to be preserved as farmland and to be set-aside as possible spray irrigation sites.

The Town has reduced the Proposed Growth Area through negotiations with the St. Andrew's School. The Town has annexed property along Silver Lake to provide wastewater and waster infrastructure to a new day school. The plans of St. Andrew's School have provided for the southern boundary of the Greenbelt Area.

In the southern part of Town adjacent to the property owned by St. Andrew's School, the Town has negotiated with the Smith family for a spray irrigation site on the Smith Farm. This site shall remain as farmland and not be considered for development. The annexation and dedication of this land to agricultural preservation and spray irrigation further solidifies the southern portion of the Greenbelt and provide a clear boundary to development.

In the area to the north of Middletown, New Castle County has recommended the construction of a wastewater treatment facility to serve southern New Castle County. The properties that are in the process of beginning purchased for this facility are within the northern Intergovernmental Coordination Area and the Greenbelt areas of the 1997 Plan. The construction of this facility will provide a hard edge to development and satisfy the recommendation of a Greenbelt. One property in this region, the Wick property, has requested review for annexation. Middletown has contacted New Castle County and requested information on this property. The 1999 SSSA Master Plan designates this property as the treatment and lagoon site. The Town does not want to interfere with the County's wastewater treatment plans.

### **Recommendations**

The update recommends that the Town of Middletown work with New Castle County to adopt a joint policy of coordination of land use decisions within a two-mile radius of the Town of Middletown. In addition the Town would welcome a continuing coordination

process with New Castle County on development in southern New Castle County in which all municipalities and the county would participate.

### **Completing the Greenbelt**

The update recommends that the Town of Middletown increase its activities to complete the Greenbelt surrounding Middletown. The update recommends that the Town work with St. Andrew's School to increase its control of property to the south of Town with particular concern to implementing the 1997 Plan recommendation for open space along Silver Lake and Appoquinimink Creek. The update recommends no further annexation for development in the area south of Middletown beyond areas recommended for Service Extension in the 1997 Plan.

The update recommends that SR 1 remain the eastern boundary for annexation consideration. Land to the east of SR 1 shall remain the concern of the Town of Odessa and New Castle County and no annexation request shall be consider east of the SR 1 right of way.

In the north the update recommends further coordination with New Castle County on sites needed for its treatment facility. The northern Greenbelt will be implemented with the construction of the SSSA treatment facility and spray irrigation sites. The update recommends no further annexation in the north after settling the sites needed by New Castle County.

The western boundary of development shall be the area proposed for the industrial park and properties designated for office, flex space, and light industrial uses along US 301. These uses should be staged to require infill on land already annexed into Town and set aside for employment uses. Land on the west of Levels Road shall be preserved as farmland and set aside for sites for expansion of spray irrigation. Land beyond these farms will not be considered for annexation and are recommended to be preserved as farmland.

The annexation of the Ford, Levels, and Isaacs' properties represent the southwestern edge of the Town of Middletown and the beginning of the building of the Greenbelt surrounding the Town. The update recommends no further annexations to the southwest of Town in Levels Road area for residential, commercial or industrial uses. The hard line to the south and west has been defined. The update recommends that the only type of annexation to be considered would be those for spray irrigation that would require the property to be zoned Agricultural Preservation and recommends participation in the Delaware Department of Agriculture's farmland preservation program.

The update recommends the adoption of an Office zoning classification. This modification of the Zoning Code would remove office park uses from the C-3 commercial district. This modification and rezoning of properties designated as office uses on the updated Recommended Land Use map would prevent the conversion of properties annexed for office uses to be used as major commercial sites.

## **Future Land Use**

The 1997 Plan defined the land use plan for the Town of Middletown. Since adoption, plans have been submitted in accordance with the recommended pattern of land use. Within established neighborhoods the 1997 recommendations are reaffirmed in this update. Since 1997, the Town has updated its land use regulations to implement neighborhood commercial regulations and require interconnectivity. The update of the Zoning Code and Subdivision Regulations after adoption of the plan has led to the implementation of some of the 1997 recommendations. The update recommends that the Zoning Code and Subdivision Code be revised to make suggested design standards a required element of a site and to add an Office zoning district. The update further recommends that annexations and rezonings in the SR 299 corridor be treated with special consideration to meet the goals outline in the 1997 Plan and the 2001 Update. The update reaffirms the recommendations of the 1997 Plan to continue to review and update the Zoning Code and Subdivision Regulations to implement open space and environment protection recommendations.

## **SR 299 Corridor**

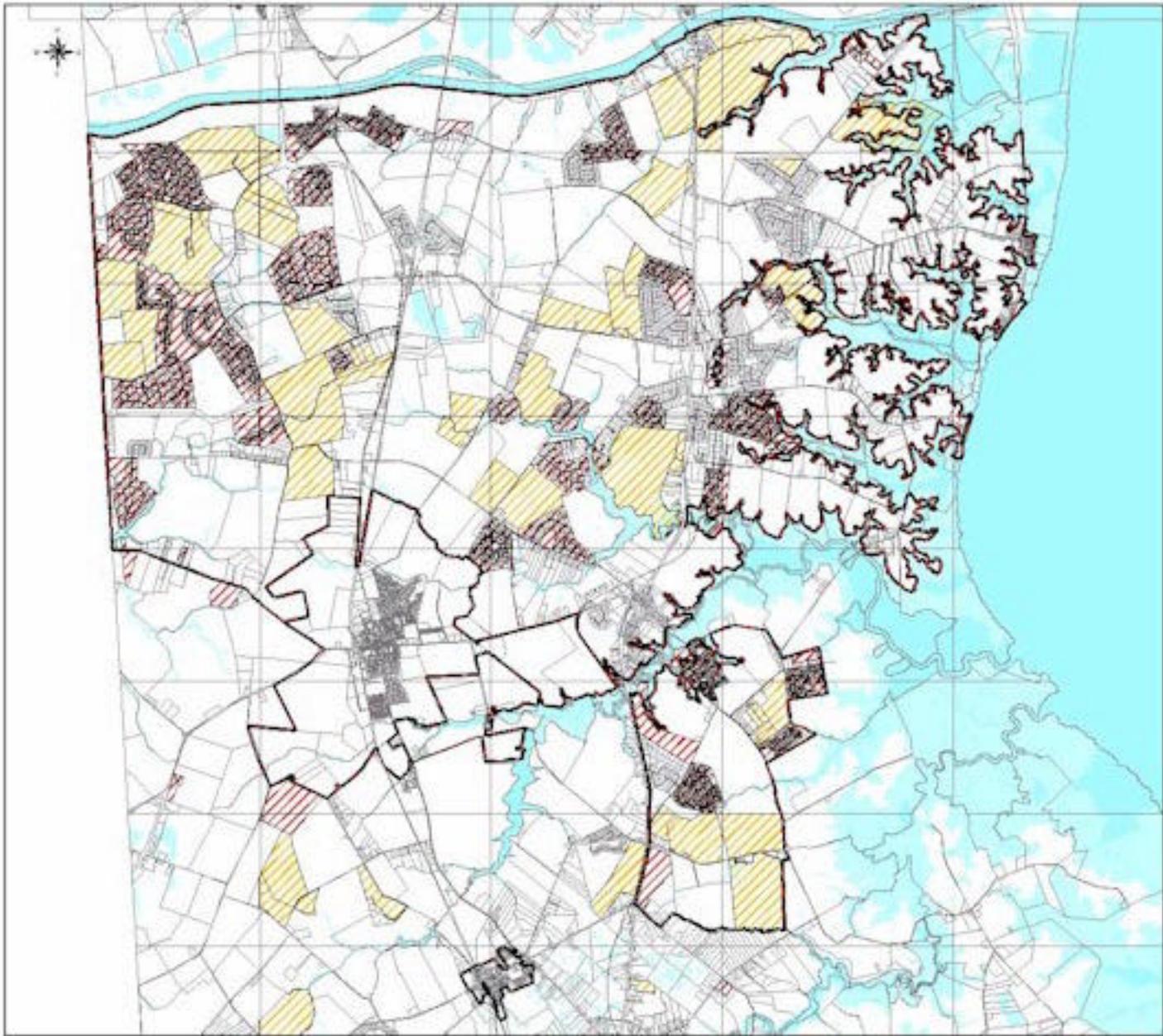
The development of properties along the SR 299 Corridor from Middletown to the new SR 1 interchange will have a significant impact on the future character of the Town and possibly on the pattern of development in southern New Castle County. The proposals for development along this corridor have not met the recommendation of the 1997 Plan. The properties within Town and those proposed for development have followed a typical suburban regional shopping center plan and therefore fail to meet the standards for an

urban boulevard. The 1997 Plan and modifications to the land use recommendations encouraged the development of commercial, residential, and institutional uses along the SR 299 in character with an urban boulevard. Properties should front the roadway and be integrated with a pedestrian and bike circulation pattern. Parking lots should be to the side or behind buildings fronting the roadway. The roadway should be tree lined in a manner consistent with Delaware Department of Transportation and Middletown standards.

Conceptual plans recently submitted to the Town for review do not meet these standards and therefore the update recommends that the Zoning Code and Subdivision regulation be modified to require the placement of commercial and institutional building in accordance to the exhibits now contained in the regulations. The update recommends that the annexation agreement for the Rutkoske property include a modification of the commercial portion of the plan, the inclusion of neighborhood park in the residential area, and road interconnections to the adjacent properties. The commercial buildings layout is recommended to be designed in accordance with the exhibits listed in the Zoning Code and Subdivision Regulations. Parking lots should not dominate the front of this property and should be placed on the side and in the rear. This change shall be a condition of annexation.

The annexation of properties for office and business park development has occurred in accordance with the 1997 Plan recommendations for the development of office space. These properties have been zoned C-3 and could be developed as a regional retail

shopping center that may conflict with annexation agreements and the recommended pattern of future land use. The update recommends that an office zoning district be created that separates office park development from retail commercial uses. This action limits the possibility of property zoned in anticipation of employment uses being developed as a commercial site. The update recommends the rezoning of the 41-acre Pederson site, the 90-acre Business and Technology Park, and the 15 acres on the Carter site. The update further recommends that areas zoned MI be considered for rezoning to a office park designation if that indeed is the type of use proposed for that property.



**SOUTHERN SEWER SERVICE AREA  
MASTER PLAN**

**Legend**

-  SSSA
-  APPROVED PLANS
-  PROPOSED DEVELOPMENT
-  WATER
-  WETLANDS

Source: New Castle County Department of Land Use.

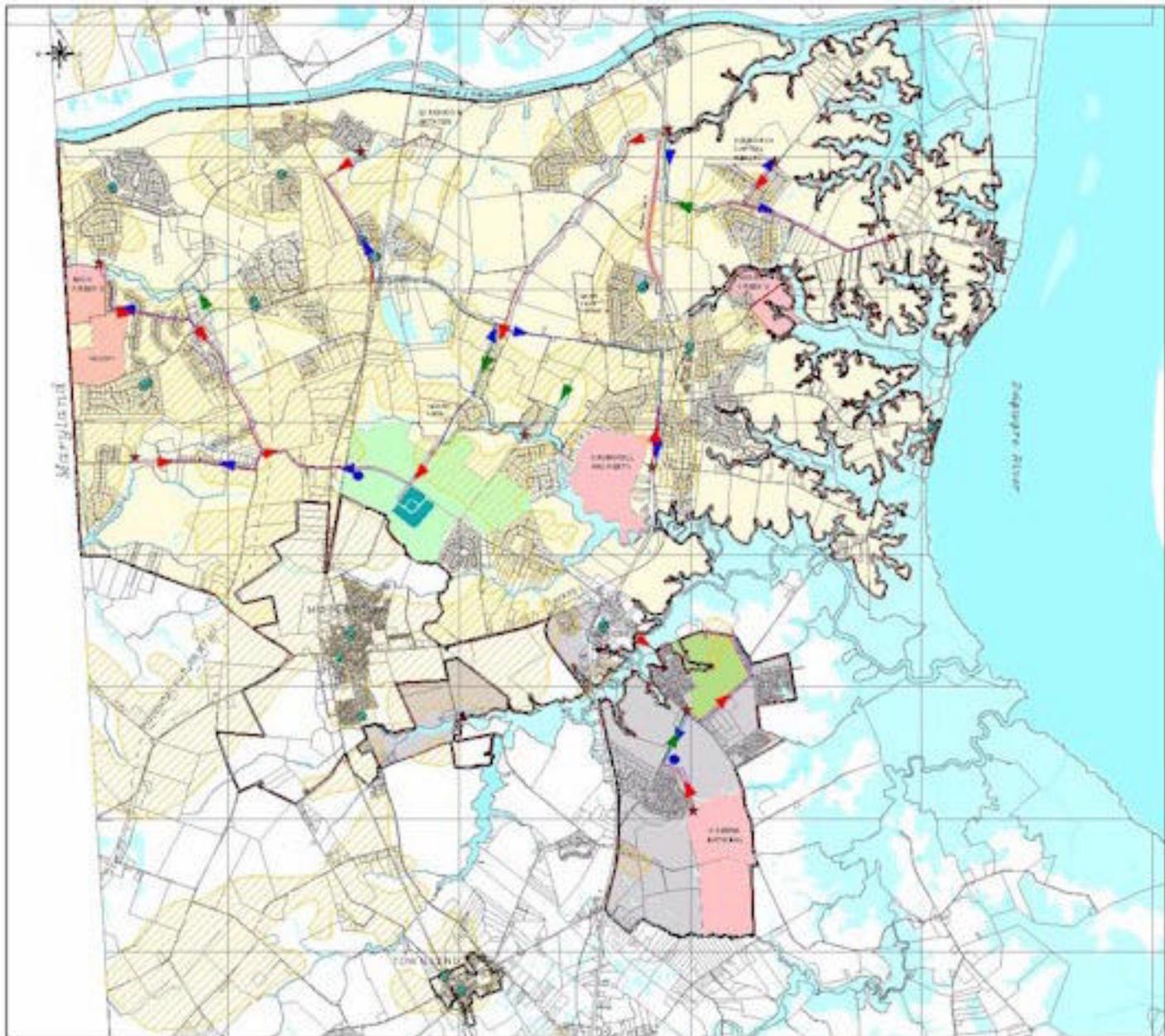


**Tatman & Lee Associates Inc.**  
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Figure 2-10

Development Activity



**SOUTHERN SEWER SERVICE AREA  
MASTER PLAN**



**Tatman & Lee Associates Inc.**  
 A Division of ORS Corporation

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**Figure 5-8**

Alternative #5 - Recommended Plan - WWTP and Spray Irrigation Combined at Marl Pe Road to areas of 500,000 GPD contribution

# Town of Middletown

New Castle County

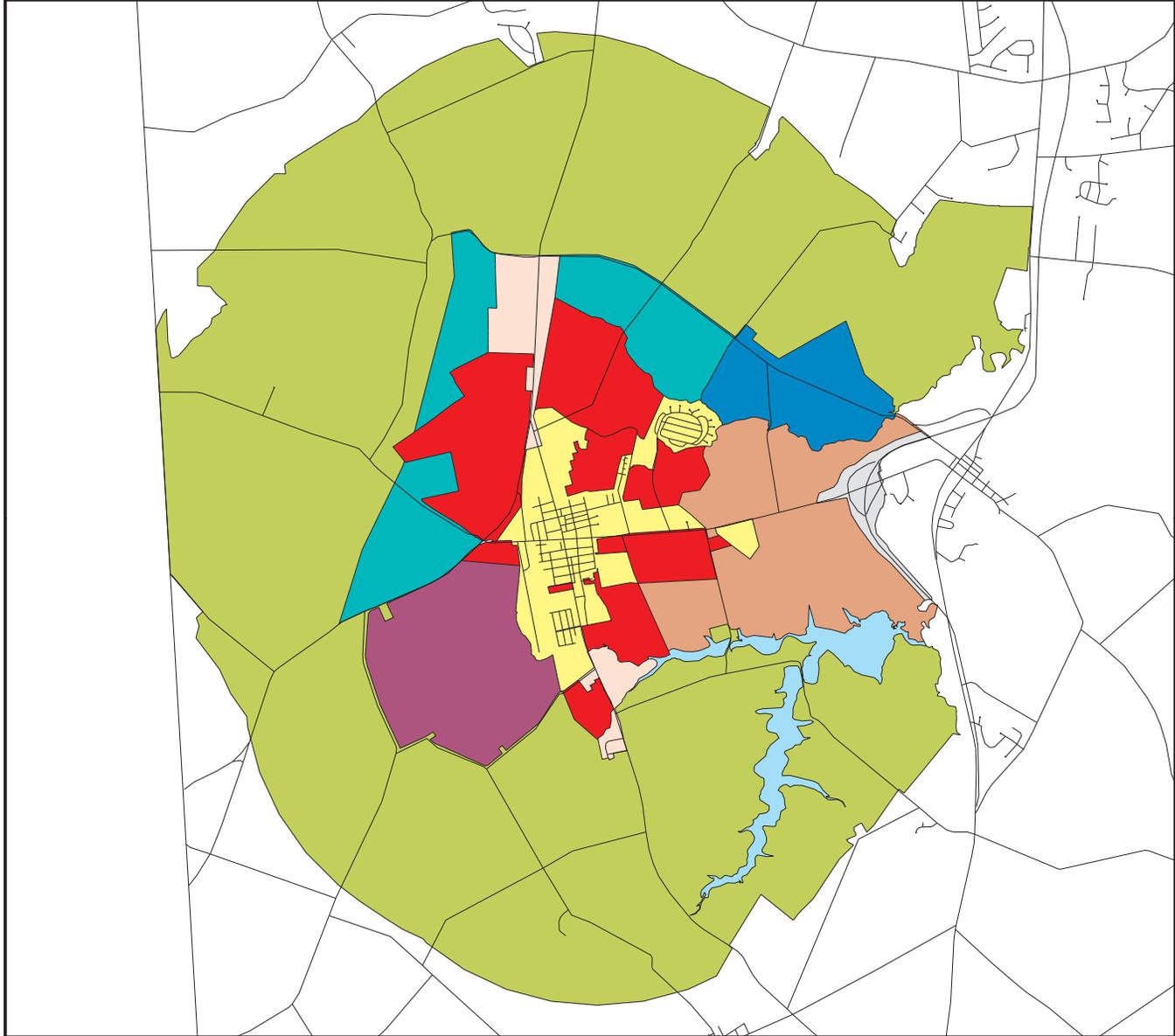
Map LU-2

## Intergovernmental Coordination Zone

- Developed Area
- Current Growth
- Developed Area in the County
- Proposed Growth Area
- Intergovernmental Coordination Area
- Study Area for Service Extension
- Area Proposed for Industrial Development
- Area Proposed for Greenbelt
- State Route 1 Right of Way
- Water
- Outside of Area of Concern



Map prepared by the Institute for Public Administration at the Geographical Informations Systems Lab of the Center for Applied Demography and Survey Research in the College of Human Resources, Education, and Public Policy at the University of Delaware.



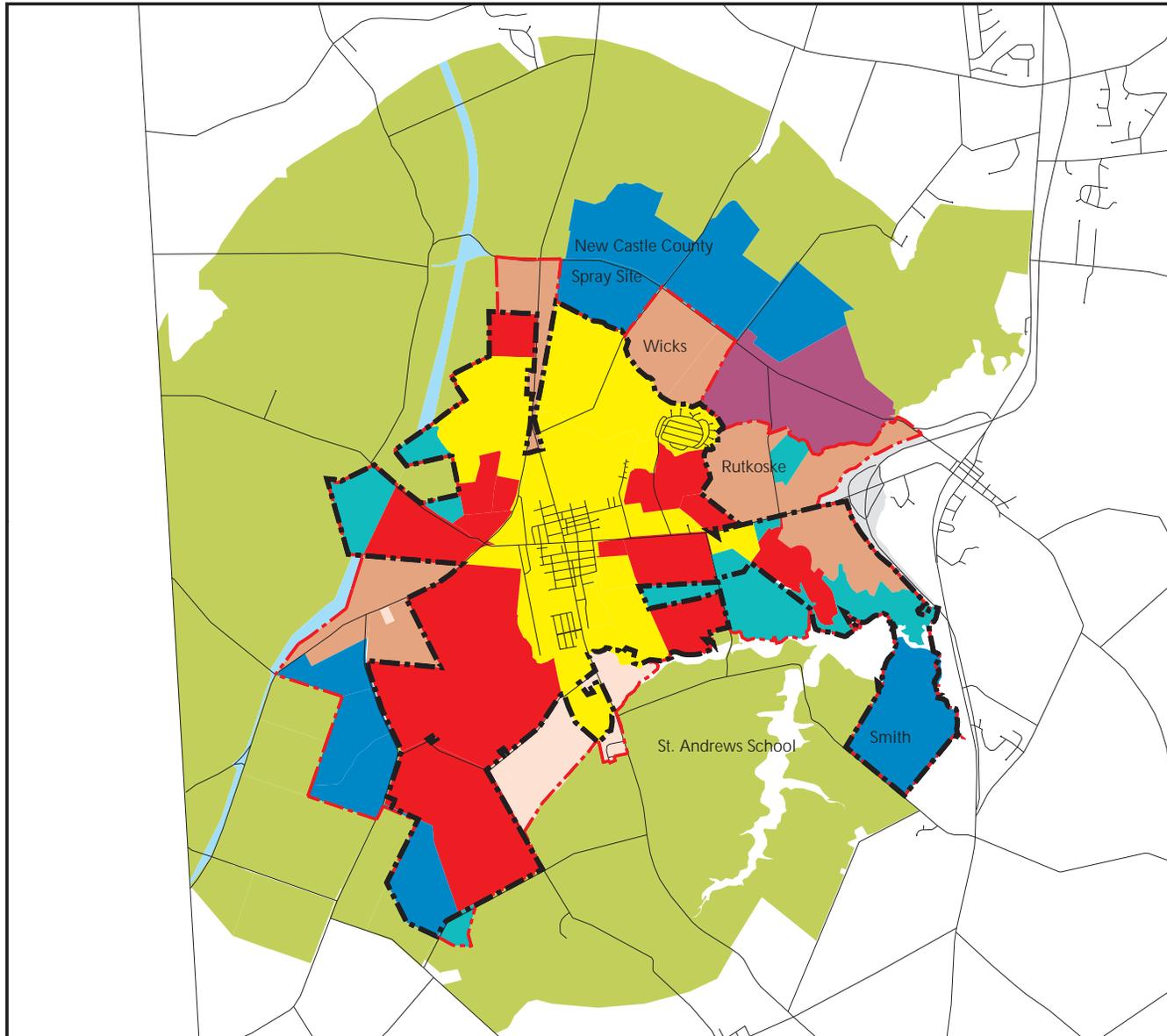
# Town of Middletown

## New Castle County 2001 Update

-  Middletown Corporate Limits - March 2001
-  Annexation Limit - Update March 2001
-  Developed Area
-  Current Growth
-  Proposed Growth Area
-  Utilities - Spray Irrigation Sites
-  Open Space or Education Use
-  Area for Service Extension
-  Developed Area in the County
-  Preserved for US 301 Corridor
-  Agriculture Preservation
-  State Route 1 Right of Way
-  Outside of Area of Concern



Map prepared at the  
Institute for Public Administration,  
College of Human Services, Education,  
Public Policy, University of Delaware  
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