

July 12, 2022

Town of Bridgeville
Attn: Bethany DeBussy, Town Manager
101 N. Main Street
Bridgeville, DE 19933

**RE: 18541 S. Main Street
Tax ID No. 131-15.00-4.00, 5.00, 7.00, 7.01
Conditional Use (Mini Storage in C-1 District) Review**

Dear Ms. DeBussy:

At the Town's request, Wallace Montgomery (WM) reviewed the documents submitted for the above-referenced application. We offer the following comments:

GENERAL COMMENTS

The Applicant is proposing to redevelop the former site of Jimmy's Grill and adjacent parcels, located between US 13 and S. Main Street and one parcel south of Rifle Range Road. The parcels are located within the Town limits and are currently zoned C-1 Commercial.

The project's Phase 1 (or "Lot 1") is approximately 4.49± acres where the Applicant is proposing to build a four-building storage facility with associated ingress/egress, parking and drive aisles, public use easement, cross-access easement, and expanded stormwater manage area. The storage facility comprises:

- 85' x 300' climate-controlled building with 187 storage units
- 30' x 300' standard building with 63 storage units
- 30' x 300' standard building with 61 storage units
- 85' x 300' climate-controlled building with 187 storage units, office, and bathroom

The subject request is to grant a Conditional Use of Land in a C-1 Commercial District for a mini-storage facility.

§234-33B(2) permits (with development plan review) warehouses or storage within a completely enclosed building for retail stores or for products of manufacturing uses permitted in the M-1 Zone.

Pertinent definitions per §234-15.1 are as follows:

- Manufacturing. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. Manufacturing includes all mechanical or chemical transformations regardless of whether the new product is finished or is semifinished as a raw material for further processing.
- Self-Storage Facility. A structure containing separate, individual, and private storage spaces of varying sizes, leased or rented individually, for varying amounts of time.



- Warehouse. A building used primarily for the storage of goods and materials.
- Conditional Use. (per §234-24A) Uses that are generally desirable for the general convenience and welfare but, because of their nature, require additional review to assess their impact on neighboring properties and the entire Town.

While the term “self-storage facility” appears in the Town Code’s definitions, it is not a permitted use in any zone, whether by right, with development review, or as a conditional use.

§234-10A (Interpretation of Uses, General) states that a use not specifically listed as permitted in a zoning district is prohibited unless determined similar in accordance with [the following provisions]:

1. The use shall closely resemble and/or contain the same characteristics as the classification to which it is to be added.
2. The use shall not create dangers to health and safety, and shall not create offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than what would normally result from other uses listed in the classification to which it is to be added.
3. The use shall not create traffic to a greater extent than what would normally result from other uses listed in the classification to which it is to be added.

It is our opinion that the proposed use of a self-storage facility is different from those identified as permitted in a C-1 Zone—the closest permitted use is a warehouse...for retail stores or for products of manufacturing uses. Further, since a definition of the actual proposed use is included in the definitions but not the list of permitted uses, this would imply that the intent was not to allow self-storage facilities as a permitted use.

§234-24B(2) states that an applicant for a conditional use shall have the burden of presenting the information needed...to make a determination.

The Applicant’s submitted narrative (“Minor Development Plan Sketch Plan Application Narrative”) explains the components of the development and the draft Ordinance (“An Ordinance to Grant a Conditional Use of Land in a C-1 Commercial District for a Mini-Storage Facility on 6.285 acres, more or less, Located at 18541 South Main Street”) states in Section 2 that “...a mini-storage is sufficiently similar to other listed permitted and conditional uses in a C-1 Commercial District...,” it is our opinion that the information submitted to consider the Conditional Use has not provided sufficient argument as to how the use is similar enough to one listed.

Should the Planning Commission disagree with this assessment, they should consider the required findings that must be made by the Town Commissioners to approve a Conditional Use (listed below).

§234-24C identifies required findings that must be made in order to approve a conditional use:

1. Is in harmony with the purposes and intent of the Comprehensive Plan.



2. Will be in harmony with the general character of its neighborhood considering density, design, bulk, and scale of proposed new structures.
3. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties.
4. Will not cause objectionable noise, vibrations, fumes, odors, dust, glare, or physical activity.
5. Will have no detrimental effect on vehicular or pedestrian traffic.
6. Will not adversely affect the health, safety, security, or general welfare of residents, visitors, or workers in the area.
7. Complies with all other applicable standards, laws, and regulations in addition to the provisions of this chapter.
8. Meets all other additional requirements for certain conditional uses set forth in § 234-24F.

Thank you for the opportunity to review this submission. We reserve the right to review any additional material submitted in relation to this application and provide further comment, as appropriate. If you have any questions, comments, concerns, or would like to discuss our review further, please do not hesitate to contact me at 302.232.6965 or lgood@wallacemontgomery.com.

Sincerely,

WALLACE, MONTGOMERY & ASSOCIATES, LLP

A handwritten signature in blue ink that reads "Lauren E. Good".

Lauren E. Good, AICP
Project Manager

cc: Darren O'Neill, Wallace Montgomery VP of Delaware Operations & Contract Manager
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