

December 8, 2022

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

**RE: Rt. 13 Self Storage of Bridgeville (Passwaters Farm Road)  
Tax ID No. 131-15.00-15.00  
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 Conditional Use application. Per your directions to us, we did not perform a Code review of this submission for a Preliminary Development Plan; we did however perform an initial checklist review, which is addressed toward the end of this review letter. We offer the following comments:

#### **GENERAL COMMENTS**

The Applicant has submitted an application for a Conditional Use to allow a mini self-storage facility to be constructed on the subject parcel (which would also require approval of a Major Development Plan). The property is located on the southwest corner of Passwaters Farm Road and Rt. 13. The property is zoned C-1 and is 13.41 acres in size. The existing property is an agricultural field with a few buildings; the proposed project includes construction of 26 self-storage buildings in phases, parking areas, office building, stormwater management facility, and associated site improvements. The facility will be connected to public utilities, utilize a proposed commercial entrance from Passwaters Farm Road, and provide stormwater management to control the quality and quantity of runoff from the proposed improvements to the existing ditch parallel to the northwest property line. The site is bounded by residential properties to the west and south, Rt. 13 to the east, and a commercial use property to the north.

The Applicant is proposing to create two parcels from the overall 13.41-acre site. Parcel A (11.87± acres) will be the site of the currently proposed self-storage buildings, office, etc. Parcel B (1.54± acres) is identified for future development that is not part of the current development plans.

**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.

### **Similar Application Precedent**

On July 19, 2022, the Planning Commission heard a similar application for a Conditional Use to allow a mini self-storage facility in a C-1 Zone for 18541 South Main Street. The Planning Commission unanimously recommended denial of the application for the same reasons stated in this review letter. The application was forwarded to the Commissioners, who held a public hearing on August 8, 2022. The Commissioners unanimously denied the Conditional Use application.

Other self-storage facilities within the Town were started before the current Land Use Code was adopted; they were granted expansion with Conditional Uses under the existing Land Use Code.



**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.

**Preliminary Development Plan—Checklist Review**

Although WM did not perform a detailed Code review of the Preliminary Development Plan; we did conduct a checklist review to determine if the Preliminary Development Plan includes the information outlined in §234-22A(7), should the Conditional Use be approved. Again, this review was only to confirm whether the items were included and not to review them for adequacy or compliance with the Town Code.

This attached checklist review identifies a number of items that are missing from the submission. If the Conditional Use is approved and the application moves on to a full Development Plan review, the Applicant should ensure that all items marked "Not in Compliance" are included in future submissions.

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

Town of Bridgeville Development Plan Review  
Conditional Use Review: Rt. 13 Self Storage of Bridgeville (Passwaters Farm Road)  
WM No.: 221033.0001  
December 8, 2022



Project Manager

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

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