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June 22, 2022

Town of Millville  
36404 Club House Road  
Millville, DE 19967

Attn: Debbie Botchie  
Town Manager

Re: Rickards Property Conditional Use Plan Review  
Millville, Delaware  
GMB File No. R200156

Dear Ms. Botchie:

We have completed our review of the Site Plan dated May 12, 2022, as prepared by Plitko, LLC. The site is located on Tax Map Parcel 134-12.00-282.00 and zoned C-1 with one existing entrance on Atlantic Avenue. The submission was reviewed per Town of Millville Code Section 155 Zoning and generally accepted engineering principles. Specific comments were made regarding individual components of the submittal and are discussed below.

### General

1. On July 27, 2021, the Town Council met and voted 5-0 to approve the site plan revision dated July 15, 2021. The plan approved showed The Bake Shop, Restaurant and the 2 apartments that were permitted accessory uses if they were residences for the owner or employees of the business as required in Town code section 155-13, Part C, Item 3. Also, a condition of approval was that the Bake Shop and Restaurant could not be open at the same time as they were using the same parking.
2. The proposed plan shows 2 principle uses (the Bake Shop building 1 and Restaurant Building 2) and is requesting a conditional use approval to use part of building 3 and all of build 4 as rental units.
3. Per Town Code Section 155-49 **Conditional uses enumerated**. As appropriate, buildings, structures, and uses may be approved by the Town Council as conditional uses in any district from which they are prohibited, except as otherwise provided, in accordance with the procedures and standards of this article, provided that the location is appropriate and not in conflict with the Comprehensive Plan, that the public health, safety, morals, and general welfare will not be adversely affected, that adequate off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and

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neighborhood values, and further provided that the additional standards of this article are complied with. Unless otherwise specified in this article or specified as a condition of approval, the height limits, yard spaces, lot area, and sign requirements shall be the same as for other uses in the district in which the conditional use is located.

4. Per Town Code Section 155-50 **Procedures; preliminary site plan required.** A preliminary site plan complying with the requirements of site plan review, Article XII, § 155-66E, shall accompany an application for approval of a conditional use under this article, together with such information as may be required for a determination of the nature of the proposed use and its effect on the Comprehensive Plan, the neighborhood, and surrounding properties. Procedures for approval of a conditional use and for the approval and amendment of a site plan are the same as for site plan review set forth in Article XII.
  - a. Per Town Code Section 155-66, Subsection E, Item 3, part (q) The preliminary plan shall show the approximate number of dwelling units to be included in each type of housing: single-family dwellings, two-family dwellings, townhouses, apartments, and/or number of units for other uses and their designation; **With the information submitted is does not appear that the required changes to building 3 and 4 where made so that they could be used as apartments for the owner or employees of the business. The application states there are no cooking facilities.**
  - b. Per Town Code Section 155-66, Subsection E, Item 3, part (s) The preliminary plan shall show the Proposed buildings and structures, dimensions, setbacks and heights designated required for conformity to this chapter, including an architect's drawing of each building or typical building and showing front, side and rear elevations and proposed uses; **More information on the proposed use will be required to finish the review. It is not clear on the information provided how to review the requested use as a rental unit. What type of rental unit? It appears to be a residential rental unit. Will the rentals be nightly, weekly, monthly etc.? How many bedrooms in each unit? What would be the max occupancy of each unit? If the units do not meet the requirements of a Residential rental (which are the same as a dwelling unit) then would they be more in line with hotel/motel and inn?**
5. The Applicant shall be aware that buildings, #2, #3, and #4 are partially within the flood plain and Town Code Section 155-15 may apply to any improvements to those buildings.

6. Additional comments may be forthcoming once the required information has been received and reviewed.

If you have any questions, please contact me at 302.628.1421. Thank you.

Sincerely,



Andrew J. Lyons, Jr., P.E.  
Sr. Project Manager

AJL/jad