

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date August 12, 2021.

Application: CU 2255 John Sommers

Applicant: John Sommers
101-3 Coastal Highway
Fenwick Island, DE 19944

Owner: John Sommers
101-3 Coastal Highway
Fenwick Island, DE 19944

Site Location: Northwest side of Roxana Road (Rt. 17), approximately 0.55 of a mile southwest of Burbage Road (S.C.R. 353)

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Bicycle shop – sales, renting, repair, and storage

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Millville Fire District

Sewer: On-site septic system

Water: On-site well

Site Area: 2.9 acres +/-

Tax Map ID.: 134-15.00-95.03





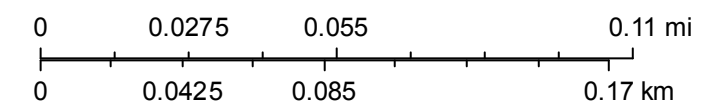
Sussex County



PIN:	134-15.00-95.03
Owner Name	SOMMERS JOHN J
Book	4648
Mailing Address	101-3 COASTAL HIGHWAY
City	FENWICK ISLAND
State	DE
Description	NW/RT 17
Description 2	LOT B
Description 3	N/A
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets

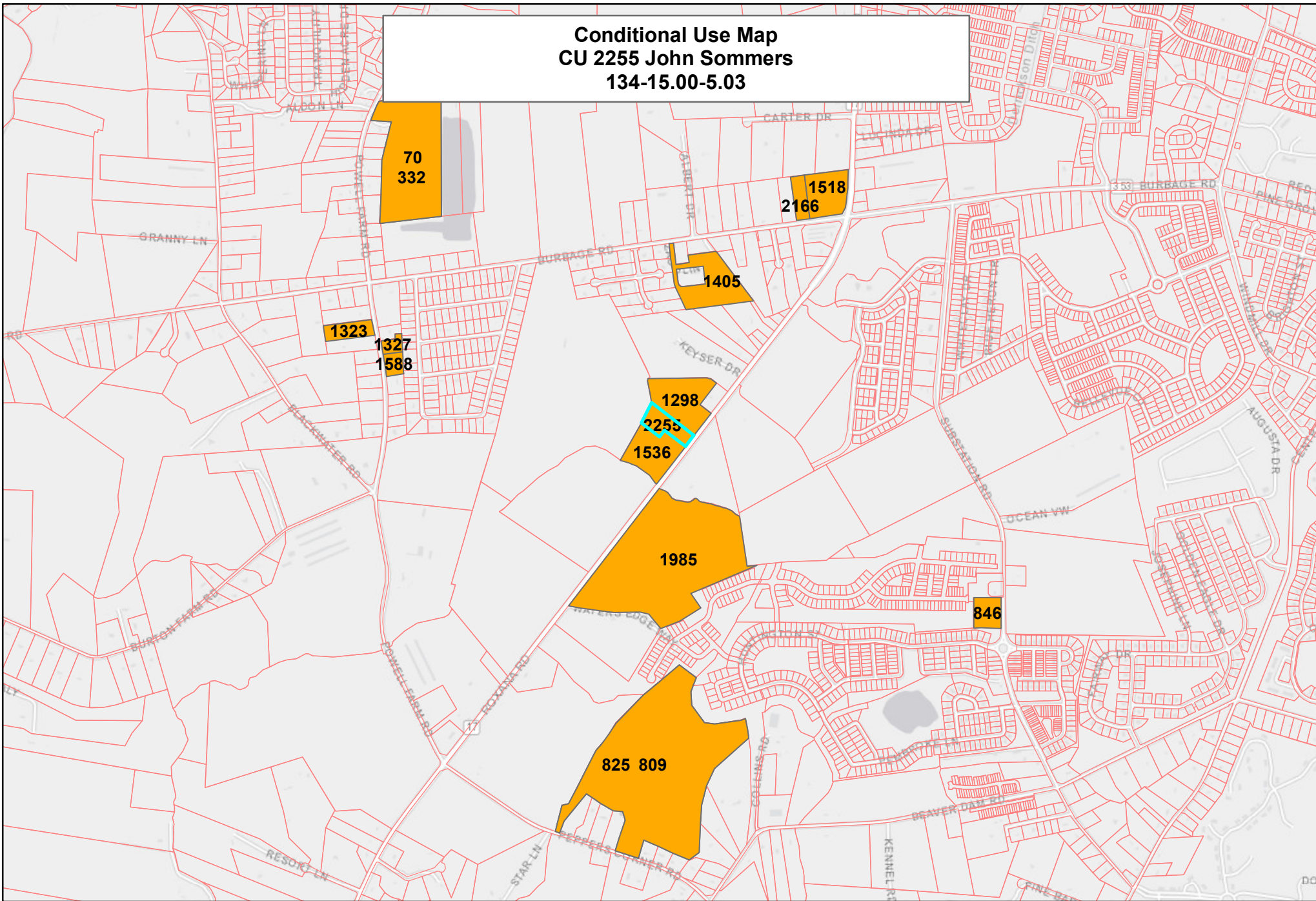
1:2,257



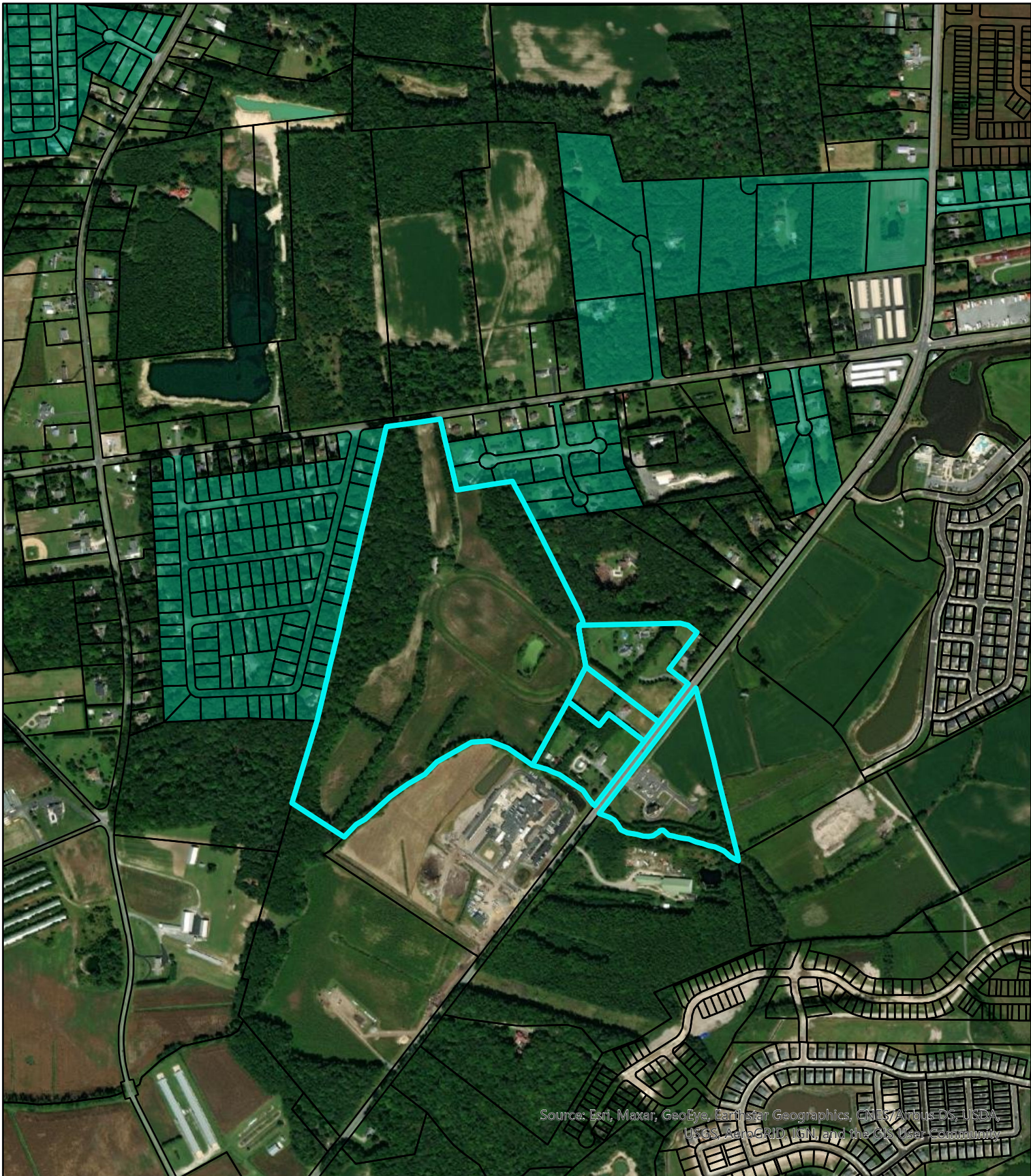


Sussex County

Conditional Use Map
CU 2255 John Sommers
134-15.00-5.03



Mailing List Exhibit CU 2255 (John Sommers)



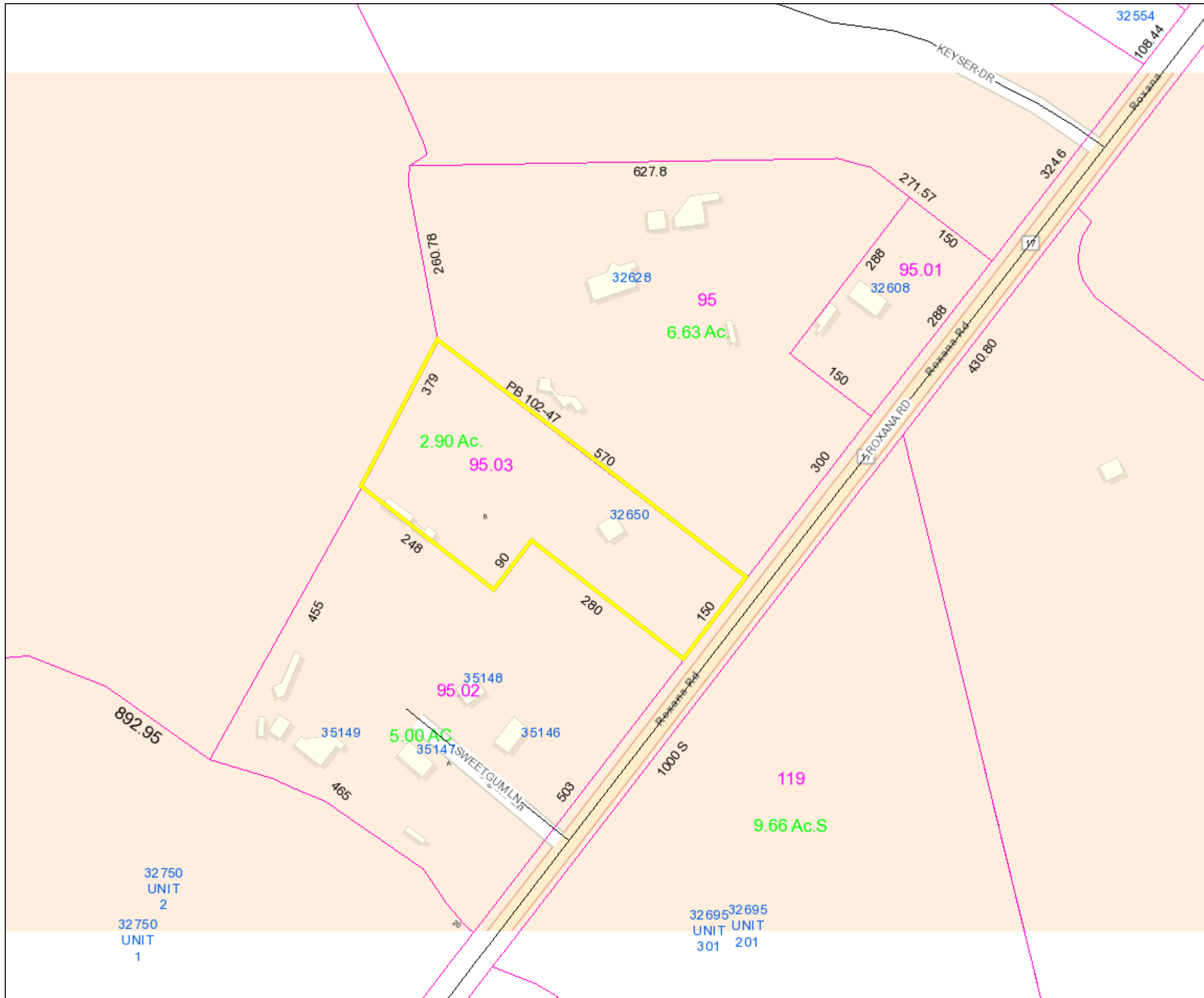
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

0 0.05 0.1 0.2 Miles





Sussex County



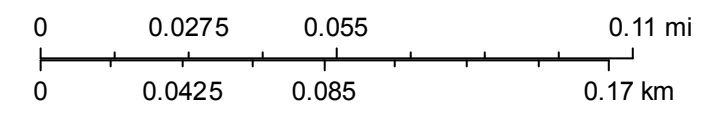
PIN:	134-15.00-95.03
Owner Name	SOMMERS JOHN J
Book	4648
Mailing Address	101-3 COASTAL HIGHWAY
City	FENWICK ISLAND
State	DE
Description	NW/RT 17
Description 2	LOT B
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets

1:2,257





Sussex County



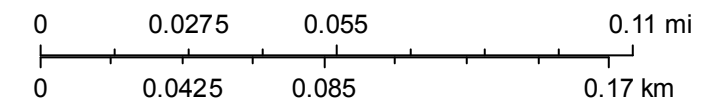
PIN:	134-15.00-95.03
Owner Name	SOMMERS JOHN J
Book	4648
Mailing Address	101-3 COASTAL HIGHWAY
City	FENWICK ISLAND
State	DE
Description	NW/RT 17
Description 2	LOT B
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets

1:2,257



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Chase Phillips, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 2nd, 2021
RE: Staff Analysis for CU 2255 John Sommers

This memo provides a background and an analysis for the Planning Commission to consider as a part of the Conditional Use Application for John Sommers (CU 2255) to be reviewed during the August 3rd, 2021, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use (C/U 2255) to allow for a bicycle repair shop to be located on the northwest side of Roxana Road (Rt. 17), approximately 0.55 mile southwest of Burbage Road (S.C.R. 353). The subject property is Tax Parcel 134-15.00-95.03, and the total area of the site is 2.9 acres +/-.

The 2018 Sussex County Comprehensive Plan provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine the ways in which land uses should change over time. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area." The properties to the north, south and west of the subject property also have the land use designation of "Coastal Area." The parcels on the opposite side of Roxana Road (Rt. 17) are within the jurisdiction of the Town of Millville.

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are expected to accommodate residential and economic growth and protect and preserve environmentally sensitive areas. Specifically, the Comprehensive Plan states that a range of housing types, including townhomes and multi-family units, be permitted. Housing is permitted at a density of 2 units to the acre and medium densities (4-12 units per acre) may be appropriate in certain areas. It is envisioned that Coastal Areas encourage retail and offices uses; however, larger shopping centers and office parks could be confined to select locations. Lastly, the Coastal Area designation encourages the expansion of central water and sewer facilities as it is feasible.

The subject property is within an Agricultural Residential (AR-1) Zoning District. The properties to the north, south, east, and west are all within the AR-1 Zoning District. As mentioned above, the parcels on the opposite side of Roxana Road are within the Town of Millville; therefore, there is no zoning designation.

Since 1971, there has been one (1) Conditional Use application filed with the Planning and Zoning Department within a one-mile radius from the subject site. Conditional Use No. 174, to allow for a wood working shop, was initially heard by the Sussex County Council on December 11th, 1973,



Staff Analysis
CU 2278 Branson James
Planning and Zoning Commission August 12th, 2021

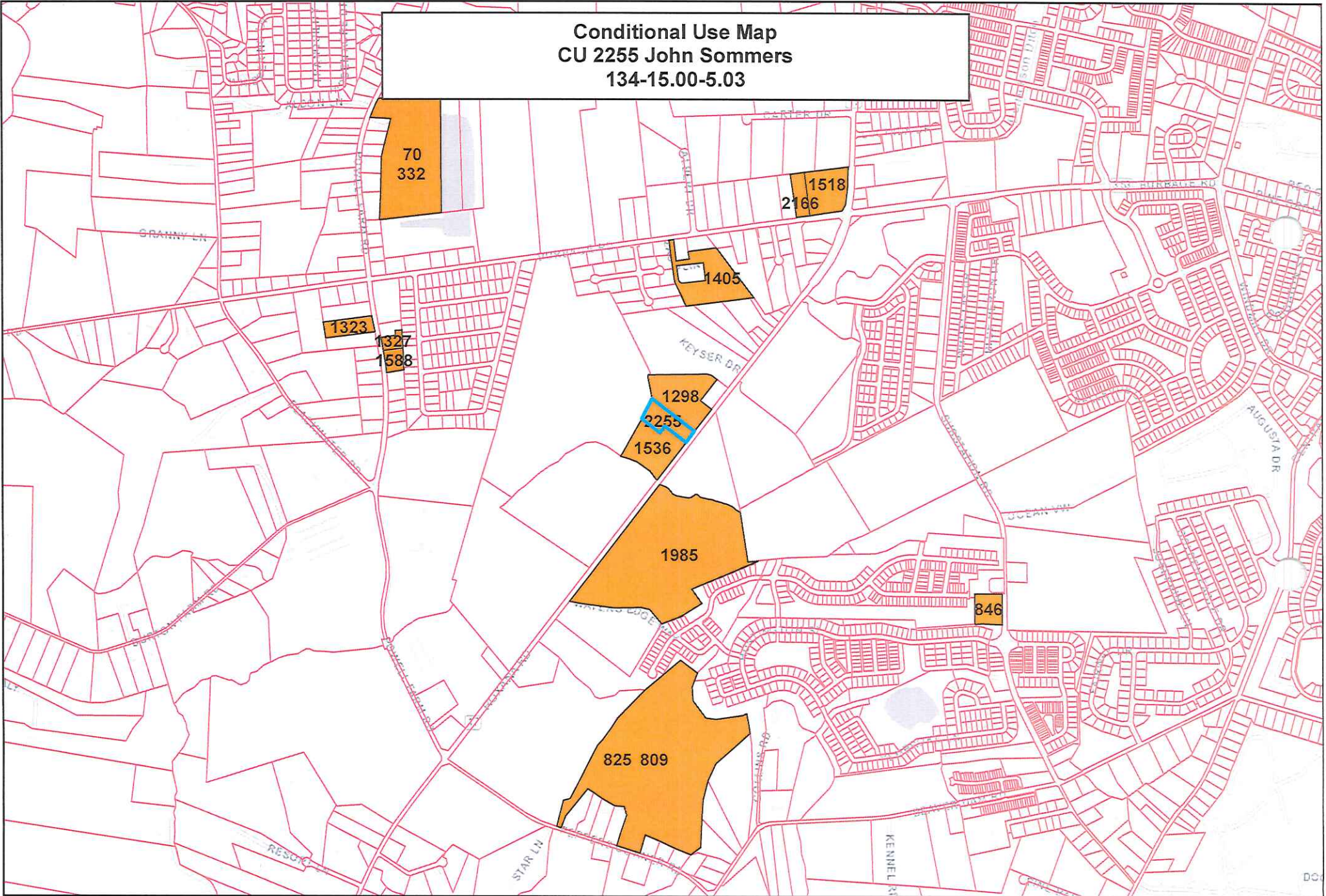
and approved. The Ordinance number is currently unknown. Attached is a map that represents both the subject application and C/U 174.

Based on the analysis provided, this Conditional Use request for an events venue, subject to considerations of scale and impact, could be determined to be consistent with the surrounding land uses, zoning, and environment.



Sussex County

Conditional Use Map
CU 2255 John Sommers
134-15.00-5.03



CU #	Tax Parcel ID	APPLICANT	Zoning	Proposed Use	P&Z Recommendation	P&Z Recommendation Date	CC Decision	CC Decision Date
2255	134-15.00-95.03	John Sommers	AR-1	Bicycle sales, repair, storage		<Null>		<Null>
2166	134-11.00-226.01	Deborah Townsend	AR-1	Professional office and business services with residence	Recommended Approval	4/11/2019	Approved	4/30/2019
1985	134-15.00-118.00	Eugenia Athan	AR-1/MR	Storage Facility	Recommended Approval	4/10/2014	Approved	5/20/2014
1969	134-11.00-207.00	Melvin L. Joseph Construction Co.	AR-1	Borrow Pit	Recommended Approval	10/10/2013	Approved	10/15/2013
1900	134-11.00-207.00	Doris D. Turner	AR-1	Borrow Pit	Withdrawn	6/2/2011	Withdrawn	6/2/2011
1588	134-15.00-24.00	Leroy & JoAnn Marvel	AR-1	small engine repair	Recommended Approval	2/10/2005	Approved	3/15/2005
1536	134-15.00-95.02	Mr. Natural Bottled Water	AR-1	office/warehouse	Recommended Approval	4/29/2004	Approved	5/18/2004
1518	134-11.00-227.00	Atlantic Auction Co., Inc.	AR-1	self storage & professional office	Recommended Approval	1/22/2004	Approved	1/27/2004
1405	134-11.00-808.02	Michael G. McCarthy	AR-1	offices & woodshop	Recommended Denial	5/17/2001	Approved	6/19/2001
1327	134-15.00-23.00	Frank Cochran	AR-1	lawn mower repair & boat storage	Recommended Denial	2/24/2000	Approved	3/21/2000
1323	134-15.00-9.04	Theodore B. Simpler	AR-1	office for surveying firm	Recommended Approval	1/12/2000	Approved	2/1/2000
1298	134-15.00-95.00	Lawrence & Susan Kelly	AR-1	nursery/landscaping/garden center	Recommended Approval	7/22/1999	Approved	8/10/1999
846	134-16.00-1.00	Delaware Electric Cooperative	AR-1	public utility electric substation	Recommended Approval	12/26/1985	Approved	1/14/1986
825	134-15.00-122.00	Morris E. Justice	AR-1	borrow pit	Recommended Denial	5/23/1985	Approved	7/23/1985
809	134-15.00-122.00	Morris E. Justice	AR-1	Borrow Pit	Withdrawn	<Null>	Withdrawn	<Null>
332	134-11.00-216.00	Hogsten	AR-1	campground	N/A	<Null>	Denied	<Null>
70	134-11.00-216.00	James & Marie Hogsten	AR-1	Camping Area	N/A	<Null>	Approved	8/29/1972

Planning & Zoning Commission Application

Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

32050 ROYANNA ROAD FRANKFORD DE 19944

Type of Conditional Use Requested:

CONDITIONAL USE FOR THE SALES, RENTALS, STORAGE, REPAIRS
OF BICYCLES AND RELATED ACCESSORIES 8AM-8PM 7 DAYS

Tax Map #: 1-34-15.00-95.03 Size of Parcel(s): 2.9 ACRES

Current Zoning: AR-1 Proposed Zoning: CU Size of Building: 30 X 30

Land Use Classification: _____

Water Provider: ON SITE Sewer Provider: ON SITE

Applicant Information

Applicant Name: JOHN SOMMERS

Applicant Address: 101-3 COASTAL HWY

City: FENWICK ISLAND State: DE Zip Code: 19944

Phone #: 302 462 5876 E-mail: FENWICKBIKES@COMCAST.NET

Owner Information

Owner Name: SAME AS ABOVE.

Owner Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____

Agent/Attorney/Engineer Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
- Provide Fee \$500.00**
- Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- DeIDOT Service Level Evaluation Request Response**
- PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing 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 Sussex County, Delaware.

Signature of Applicant/Agent/Attorney

S —

Date: 12.15.2020

Signature of Owner

S —

Date: 12.15.2020

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____
Staff accepting application: _____ Application & Case #: _____
Location of property: _____

Subdivision: _____
Date of PC Hearing: _____ Recommendation of PC Commission: _____
Date of CC Hearing: _____ Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

August 6, 2020

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **John Sommers** conditional use application, which we received on July 10, 2020. This application is for an approximately 2.90-acre parcel (Tax Parcel: 134-15.00-95.03). The subject land is located on the northwest side of Roxana Road (Sussex Road 52), approximately 2,900 feet southwest of the intersection of Roxana Road and Burbage Road (Sussex Road 353), in Frankford. The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the facility to operate a bicycle sales, rental, and repair business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Roxana Road where the subject land is located, which is from Daisey Road (Sussex Road 370) to Atlantic Avenue (Sussex Road 26), are 4,780 and 6,152 vehicles per day, respectively.

Based on our review, we estimate that the above land uses will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse
Page 2 of 2
August 6, 2020

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
John Sommers, Applicant
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING & DESIGN REVIEW DIVISION
C/U & C/Z COMMENTS

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/6/2021**

APPLICATION: **CU 2255 John Sommers**

APPLICANT: **John Sommers**

FILE NO: **SPS-5.04**

TAX MAP &
PARCEL(S): **134-15.00-95.03**

LOCATION: **Northwest side of Roxana Road (Rt. 17), approximately 0.55 of a mile southwest of Burbage Road (SCR 353)**

NO. OF UNITS: **Bicycle shop – sales, rental, repair and storage**

GROSS
ACREAGE: **2.9**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **Yes**
- (8). Comments: **The proposed CU is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service. It is however contiguous to the existing boundary and if annexed into the sewer district significant infrastructure would have to be installed at the property owner's expense to connect to the existing county infrastructure.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:







John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
No Permit Tech Assigned

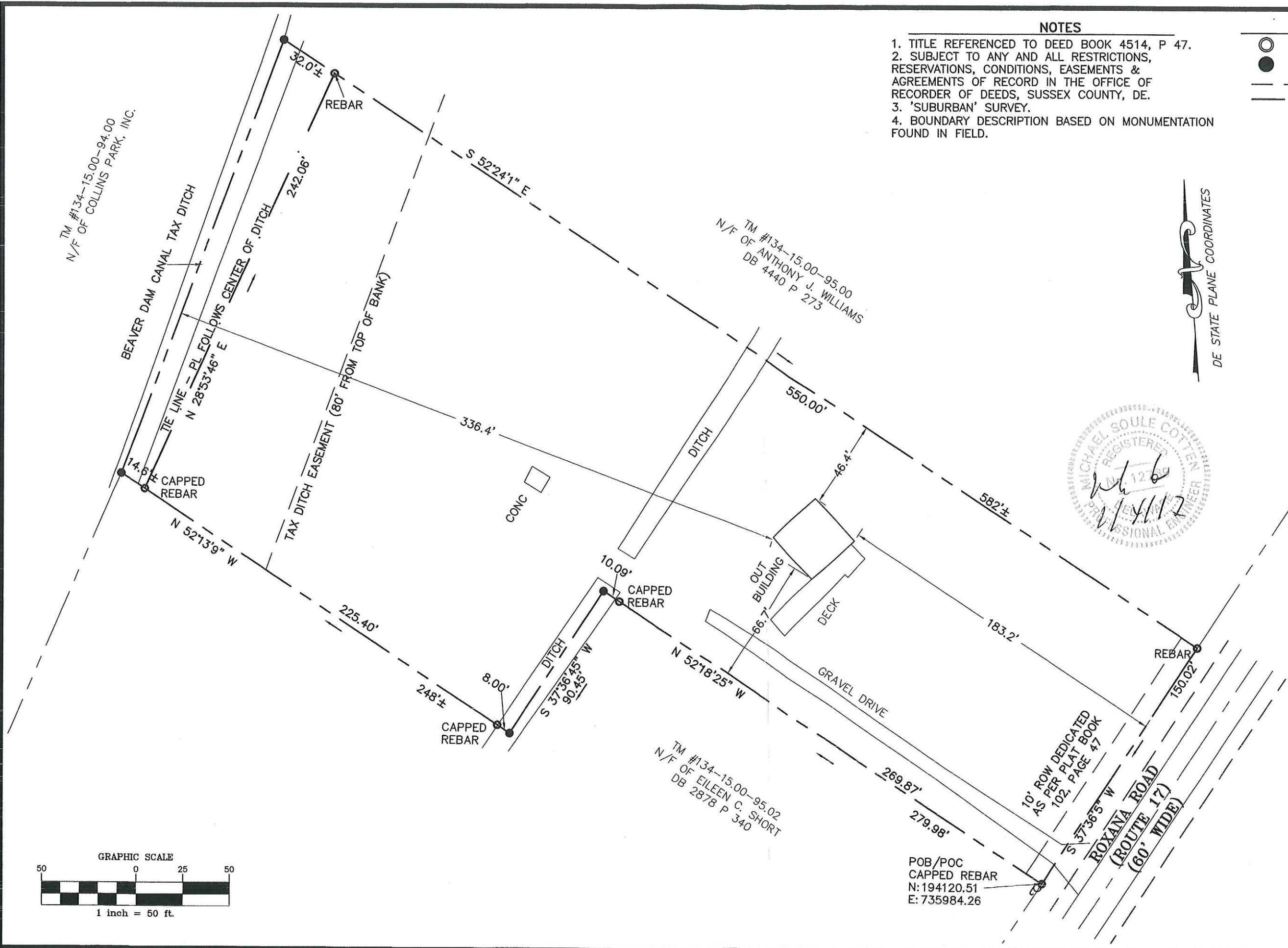
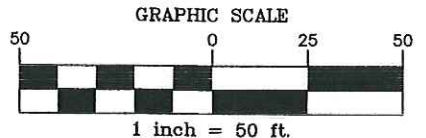
NOTES

1. TITLE REFERENCED TO DEED BOOK 4514, P 47.
2. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE.
3. 'SUBURBAN' SURVEY.
4. BOUNDARY DESCRIPTION BASED ON MONUMENTATION FOUND IN FIELD.

LEGEND

-  IRON PIN FOUND
-  POINT
-  EDGE OF PAVEMENT
-  PROPERTY LINE

DE STATE PLANE COORDINATES



BOUNDARY SURVEY PLAN
FOR JOHN JOSEPH SOMMERS
OF THE LANDS N/F OF
EUGENIA ATHAN
LOT B,
LANDS OF LARRY KELLY SUBDIVISION
ROXANA ROAD
FENWICK ISLAND, DE 19945
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE
TM# 134-15.00-95.03
AREA: 107,864±S.F. OR 2.48±AC

COTTEN ENGINEERING LLC
 CIVIL ENGINEERS
 10087 CONCORD RD.
 SEAFORD DE 19973
 PHONE/FAX (302) 628-9164

THIS DRAWING, SPECIFICATIONS, AND WORK PRODUCED BY COTTEN ENGINEERING, LLC FOR THIS PROJECT ARE INSTRUMENTS OF PROFESSIONAL SERVICE. THE USER OF THIS DRAWING OR INSTRUMENTS OF PROFESSIONAL SERVICE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE ACCURACY OF THE INFORMATION PROVIDED TO COTTEN ENGINEERING, LLC. COTTEN ENGINEERING, LLC SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING OR INSTRUMENTS OF PROFESSIONAL SERVICE. THE USER OF THIS DRAWING OR INSTRUMENTS OF PROFESSIONAL SERVICE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE ACCURACY OF THE INFORMATION PROVIDED TO COTTEN ENGINEERING, LLC. COTTEN ENGINEERING, LLC SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING OR INSTRUMENTS OF PROFESSIONAL SERVICE.

DESIGNED BY: CE	PREPARED BY: CE	JOB # 16-301
DRAWN BY: JCD	DATE: 1/2/2017	SHEET 1 OF 1
CHECKED BY: MSC	SCALE: 1/4" = 50 FEET	

NOTES

1. TITLE REFERENCED TO DEED BOOK 4514, P 47.
2. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE.
3. 'SUBURBAN' SURVEY.
4. BOUNDARY DESCRIPTION BASED ON MONUMENTATION FOUND IN FIELD.

LEGEND

- IRON PIN FOUND
- POINT
- EDGE OF PAVEMENT
- - - PROPERTY LINE

DE STATE PLANE COORDINATES



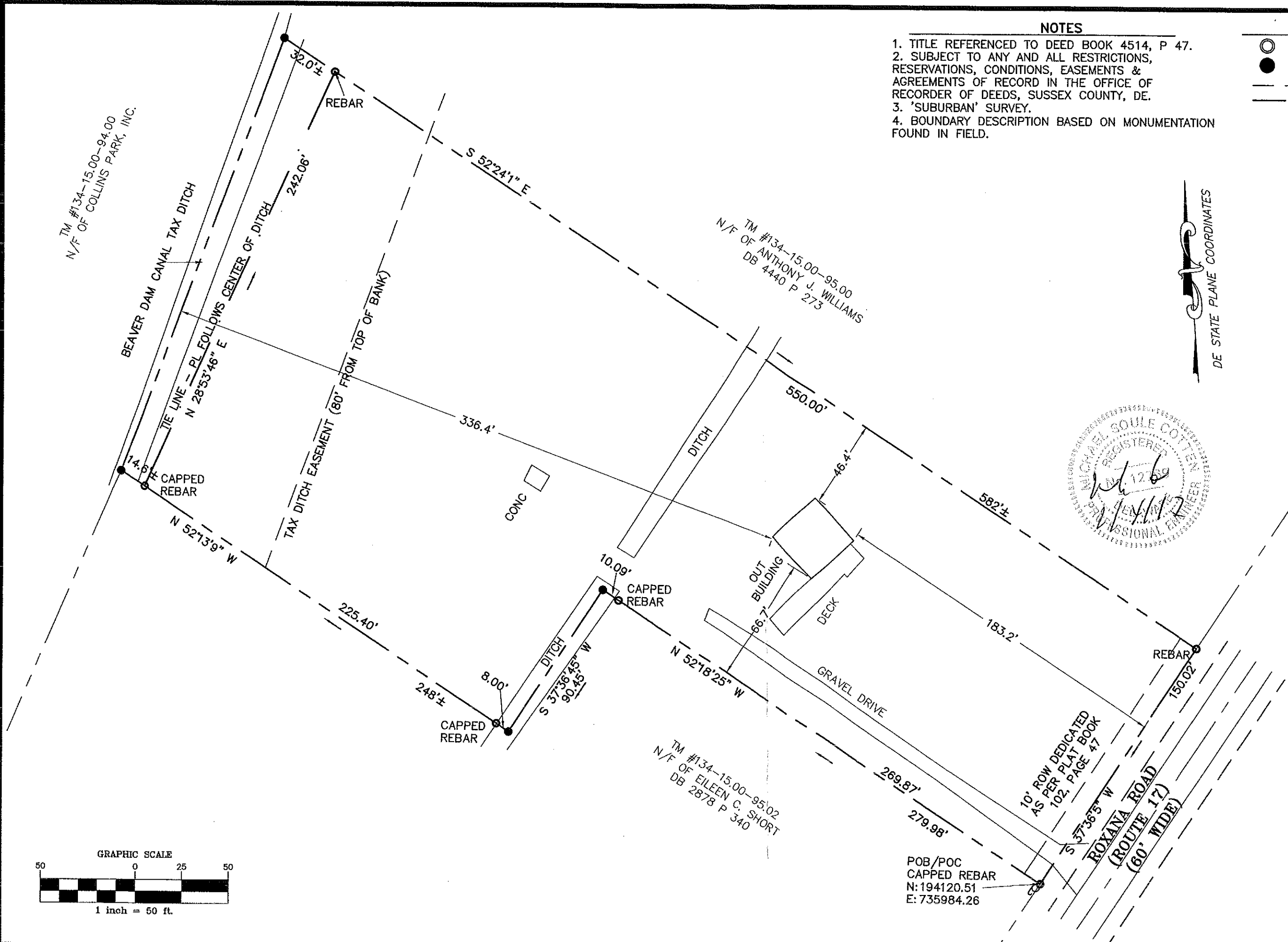
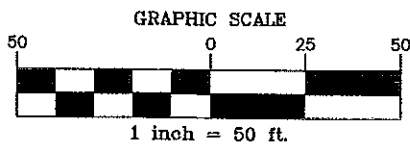
BOUNDARY SURVEY PLAN
FOR JOHN JOSEPH SOMMERS
OF THE LANDS N/F OF
EUGENIA ATHAN
 LOT B,
LANDS OF LARRY KELLY SUBDIVISION
ROXANA ROAD
FENWICK ISLAND, DE 19945
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE
TM# 134-15.00-95.03
AREA: 107,864±S.F. OR 2.48±AC

COTTEN ENGINEERING LLC

CIVIL ENGINEERS
 10087 CONCORD RD.
 SEAFORD DE 19973
 PHONE/FAX (302) 628-9164

THIS DRAWING, SPECIFICATIONS, AND WORK PRODUCED BY COTTEN ENGINEERING LLC FOR THIS PROJECT ARE INSTRUMENTS OF SERVICE FOR THE PROJECT ONLY. NO WARRANTIES OR REPRESENTATIONS ARE MADE BY COTTEN ENGINEERING LLC. THE REPRODUCTION OF ANY OF THE INSTRUMENTS OF SERVICE OF COTTEN ENGINEERING LLC BY THE CLIENT OR ASSIGNEES WITHOUT THE WRITTEN PERMISSION OF COTTEN ENGINEERING LLC WILL BE AT THE CLIENT'S RISK AND BE A VIOLATION OF THE COPYRIGHT LAWS OF THE UNITED STATES OF AMERICA AND THE RESPECTIVE STATE WITHIN WHICH THE WORK WAS COMPLETED.

DESIGNED BY: CE	PREPARED BY: CE	JOB # 16-301
DRAWN BY: JCD	DATE: 1/2/2017	SHEET 1 OF 1
CHECKED BY: MSC	SCALE: 1/4" = 50 FEET	



Alexander M. and Julie Andrews
32628 Roxana Road
Frankford, DE 19945
alecandrews100@gmail.com
614-582-8810

RECEIVED

August 11, 2021

AUG 12 2021

SUSSEX COUNTY
PLANNING & ZONING

Electronically submitted – pandz@sussexcountyde.gov

Hon. Robert C. Wheatley, Chairman
Sussex County Planning and Zoning Commission
P.O. Box 417
Georgetown, DE 19947

Re: File # C/U 2255 – 202015848
Hearing Date: August 12, 2021
Applicant: John Sommers
Conditional Use for Parcel # 1-34-15.00-95.03
Address: 32650 Roxana Rd., Frankford, DE 19944

Dear Chairman Wheatley:

We write with respect to the above application for a conditional use permit to operate a bicycle sales, rental, storage and repair business at 32650 Roxana Rd. We are the neighboring property owners (Parcel #1-34-15.00-95) adjoining the subject parcel. We respectfully submit the following comments and concerns to be entered into the record at your meeting of August 12, 2021. We regret that we will be unable to attend your meeting due to the press of other events and travel commitments.

The current zoning of and around the subject parcel is AR-1 – Agricultural. Currently, our adjoining property is used for a dwelling and small private horse farm in furtherance of AR-1 zoning, with approved horse fencing, pastures, etc. As noted in staff materials, the area is mainly residential. Those few businesses in the immediate vicinity are low traffic, low volume uses, including, at present, the very welcome Beebe Medical Center, just a few “doors” down Roxana Road.

We are concerned that the allowance of the requested conditional use permit could have an adverse effect on the residential and agricultural setting of the neighborhood. We are also concerned that customers visiting the proposed use would be tempted to stray onto our abutting property to view, pet, or inadvertently interfere with our horses in the pastures next to the subject parcel. This circumstance raises liability issues on our part and could pose a danger to unwary trespassers, and particularly children who may be brought to visit the bike shop. We want to be

sure that our horses are protected and undisturbed, and that Mr. Sommers' customers are also protected.

The above concerns could be alleviated to a great extent by the placement of a line of trees on the subject parcel along its boundary line with our parcel, between the ditch running along Roxana Road and the ditch which crosses the subject parcel approximately midway into the parcel, behind the existing storage shed. Such a tree line, properly designed and placed, could and should provide an effective visual, auditory and pedestrian barrier between our parcels. We request that such a tree line be made a condition of the conditional use permit applied for.

It is also noted that the subject parcel currently has a well which supplies water to old frost-free hydrants on the property. We recently discovered that similar frost-free hydrants on our neighboring property are supplied by the well on the subject parcel, a situation apparently long pre-dating the split of the parcels by prior owner(s). This presents a problem, as operation of the well on the subject parcel causes water to flow from hydrants on our property without warning and in an unwanted fashion. Our back yard can experience flooding when this happens. Accordingly, we request that the applicant be required, as a condition of the conditional use permit sought, to securely cap the underground water line that runs between hydrants on our respective properties at a point before it crosses our property line. This will allow the applicant to operate his well and hydrants on his property without fear that unexpected flooding may occur on our property.

We appreciate your kind attention and consideration.

Sincerely,



Cc: John Sommers – fenwickbikes@comcast.net