

RESOLUTION # 171

**A RESOLUTION OF THE COMMISSIONERS OF THE TOWN OF DEWEY BEACH
GRANTING A PERMIT OF COMPLIANCE
TO GROTTO PIZZA DEWEY, LLC
FOR A RESTAURANT LOCATED AT
1603 HIGHWAY ONE, DEWEY BEACH, DELAWARE 19971**

WHEREAS, Grotto Pizza Dewey, LLC (the "Applicant") has submitted an application for approval of a conditional use regarding a new outside service area, and such service area constitutes an extension, a modification, or both, of the premises of an existing restaurant commonly referred to as "Grotto Pizza";

WHEREAS, extension, a modification, or both, of the premises of an existing restaurant with a liquor license is required to obtain a permit of compliance under Chapter 144 of the Municipal Code of the Town of Dewey Beach, 2005, as amended;

WHEREAS, on October 1, 2011, the Commissioners of the Town of Dewey Beach approved the Applicant's application for a conditional use regarding a new outside service area; and

WHEREAS, a public hearing to consider the Applicant's request for a permit of compliance was conducted on October 1, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE TOWN OF DEWEY BEACH, DELAWARE IN SESSION MET THIS 1ST DAY OF OCTOBER, 2011, THAT:

Section 1. After reviewing the proposal, the Commissioners of the Town of Dewey Beach find that:


- (A) The applicant has demonstrated that the establishment's primary purpose will be that of a restaurant as defined in the Code.
- (B) The establishment meets all of the Town's applicable zoning and licensing provisions.
- (C) The establishment would not be a detriment to the peace, order and quiet of the neighborhood in which the establishment is located and the Town as a whole.
- (D) The establishment will not have an adverse impact on the neighboring properties or on the Town, considering the impact on traffic, parking and noise.

- (E) The applicant has not made any false representation or statements with respect to (a) the application submitted under Chapter 144 of the Municipal Code of the Town of Dewey Beach; and (b) the issuance of a building permit or business license for the subject establishment.

Section 2. The Commissioners of the Town of Dewey Beach hereby *grant a permit of compliance* to Grotto Pizza Dewey, LLC for an outside service area to be located at 1603 Highway One, Dewey Beach, Delaware 19971 as proposed.

Section 3. If any provision of this Resolution shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Resolution which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Resolution are hereby declared to be severable.

Section 4. This Resolution shall become effective immediately upon adoption by a majority of the Commissioners of the Town of Dewey Beach.



DIANE HANSON
Mayor

Attest:



SAM MACKERT
Acting Town Manager

Synopsis: This Resolution approves the Applicant's request for a permit of compliance.