**Additional Information required Dewey Beer & Food Co Conditional-Use Application**

In addition to specific code requirements, including:

* Chapter 21 (“Vehicles and Traffic” which incorporated State Code requirements in Section 21.1);
* Chapter 71 (“Building Construction”, especially sections 71-1.B and 71-1. D which deal with issues of substantial expansion and application process);
* Chapter 101 (“Floodplains”, especially Sections 101-4 and 101-15 which deal with substantial improvements, and Section 101-19 which deals with application requirements); and
* Chapter 185 (“Zoning”, especially Sections 185-75, 185-76, 185-77 and 185-78 which detail minimum requirements for site plan submissions);

responses to the issues identified below are required for Planning Commission review as part of a complete application package for a conditional-use recommendation for Dewey Beer & Food Company’s restaurant/brewery-pub as per 185-40 of the Town Zoning Code. This is not a complete list and other issues or questions might arise during the Applicant’s hearing before the Planning Commission.

A complete application package is due via email to the Dewey beach Town Manager by close of business Thursday February 13, 2014 to provide sufficient time for its posting at Town Hall and distribution to the members of the Planning Commission 14 days prior to the scheduled Conditional-Use hearing. Failure to meet this deadline might result in rescheduling of the hearing to provide for a 14 day review.

**Issue: Deliveries & Trash**. Detail your plans for the delivery of supplies to the restaurant/brewery-pub and removal of waste and trash. Please provide details on how your business plan anticipates, amongst other things: parking of delivery/waste pick-up trucks, doorways to be used in the delivery and removal of supplies and waste/trash, storage of supplies and waste/trash, frequency of deliveries and waste/trash removal, and parking of tour buses. Your plans must fully comply with State traffic laws and Town code regarding deliveries to commercial establishments and commercial- and residential (for the apartments)-trash pick ups.

Also, the drawing we received February 1, 2014 shows an exterior door in the North wall of the Dry Storage area. This doorway exits into an enclosed storage space belonging to the neighboring property, and the roof overhang and signage on the north side of the commercial portion of the building and the north side of the rear apartment appear to encroach into the land leased by the neighboring property. What is the Applicant’s planned use – if any – for this space and is such use provided for in the applicant’s land lease or permitted by an easement? Please provide details.

The Exxon Station’s storage area on the north side of the applicant’s property is surrounded by fencing which is secured by an access gate that is usually padlocked closed. What are the plans for use of the Applicant’s doorway into this storage area and, if planned for use as an emergency exit, what provisions are planned to provide for emergency exit from this fenced & gated area; a condition of use might be that this gate must be secured open at all times the Brewery-pub/restaurant is open or occupied by staff, or that this exit be permanently closed.

If the door on the north wall of the commercial portion of the building is not available for use as an emergency exit, would the Fire Marshall’s calculations still support an occupancy of 110?

**Issue: Increased Tourism.** You indicate your business plan anticipates your operations will promote out of town visitors, specifically brewery-pub tours. While being on the brew-pub tour circuit made sense when you were thinking in terms of a microbrewery operation, what plans do you have for the proposed restaurant/brewery-pub to participate in brew-pub tours. Please detail when and how often you anticipate tours coming through, how many people might be coming through your facility at any one time, and specify where bus parking and patron-vehicle parking will be provided (if there are no plans to provide parking please so state).

Given that your facility only has a 10 seat tasting room, explain if/how your current business plans include or require participating as such a tour destination.

**Issue: 60%/35% requirement and growth projections**. Present five years of quarterly pro forma projections of sales of food & non-alcoholic beverages, sales of alcohol, and sales of retail merchandise, including a brief discussion of price points for your beer and for typical food items, anticipated customer tabs for lunch and dinner service, and customer volumes for lunch and dinner on weekends and midweek/in season, shoulder season and winter.

Your growth plan indicates triple job growth in 5 years. Please provide staffing levels and job descriptions (full and part time employees) over this five year growth period. Will these jobs all be located at 2100 Coastal Highway, or at another facility? How will this job growth be managed if beer production is not permitted to increase beyond some initially constrained level?

How will your projected growth compliment the Comprehensive Plan and not place undue stress on the existing Town problems related to scarcity of parking, over consumption alcohol, excess noise and pedestrian and trash problems? Please address how adding a brewery-pub selling alcohol will benefit the ultimate Town goal of changing the unfavorable image of a party town to that of a decent family resort.

**Issue: Brewery and restaurant managers.** Please provide the name, relevant education and relevant experience of the person/persons who will be responsible for outfitting the brew area/brew line, and managing the brewery function of this establishment. If you do not have a lead candidate, what are the minimum levels of education and experience that you will require/advertise in your job announcements?

Please provide the same information on your candidate or candidate-requirements for the chef/manager of the restaurant portion of this enterprise.

**Issue: Limitations on production and sales of beer and other alcohol.** Will the applicant accept limitations on the level of on-site beer production and off-site sales of brewery-pub product imposed as conditions for approval, beyond those imposed by state code for a brewery-pub, especially in light of the 110 patron limit and local conditions in Dewey Beach?

* What is the minimum amount of on-site production supported by your business plan for each of the first five years of operations?
* Does your business plan require sales for off-site consumption (retail or wholesale) of beer brewed on site? If so, what is the minimum required in each of the first five years of operations?
* Does your operations plan include sales of beer, wine and/or spirits produced by other manufacturers? What does your business plan anticipate in terms of sales of on-site brewed beer versus total alcohol beverage sales? Explain how such sales fit into your pro forma sales projections.

By state law, and likely under Town requirements, sales of food and non-alcoholic beverages must generate more than 60% of total revenues and sales of alcoholic beverages must be less than 35% of total revenues. Please provide the pro forma calculations from your business plan for food sales on a month-by-month basis for each of the first 2 years of operations, and for year 5. Also show the volume of on-site-brewed-beer sales (not total alcohol sales) that your business plan matches to these food sales.

The applicant needs to be aware that any future changes in operation or structure, if approval is required, must be appropriately advertised, presented to the Town Planning and Zoning Commission for review and recommendations, and approval by the Town Commissioners as a change to the original approval ordinance.

**Issue: Adherence to all Town of Dewey Beach Codes.** The applicant needs to operate in a manner that complies with all Town codes, including those related to use of streets, parking, floodplain management, building permits and zoning regulations.

Minimum requirements for site plan submissions are presented in 185-75, 185-76, 185-77 and 185-78. Please provide to-scale plans of the existing interior/exterior and description of uses of the entire building as well as that portion comprising the state licensed restaurant and brewery-pub; details of any and all proposed renovations and expansions of the interior and exterior of the entire building including elevation drawings, in detail and to scale including, but not limited to, modifications in the building or use as required for the kitchen, fire suppression, seating in the seated dining and tasting room areas, storage of restaurant and brewery-pub supplies and wastes/trash, ventilation, refrigeration, windows and doorways, utility service or connections, and sound system/sound proofing. All building plans shall be signed and sealed by a registered Del. Architect, and must include the entire building and lot and show abutting properties, easements, right of ways, public sidewalks and streets.

In lieu of a Town noise ordinance for commercial uses in RB-2, will the applicant accept a reasonable maximum interior decibel level and, if so, what would be an acceptable maximum?

**Issue: Compliance with other agency requirements.** Portions of the proposed site modifications might require review and approval by other governmental agencies, including, but not limited to the State ABCC, DelDOT, DNREC, FEMA and DEMA, Sussex County Building Office, Sussex County Water and Sewer Authority, and Lewes Waste Water Treatment Authority. It is likely that any conditional-use approval from the Town would be conditioned on appropriate approvals from other regulatory agencies. The Applicant needs to be cognizant that it must obtain all required governmental approvals prior to undertaking operations and that if site modifications are initiated prior to such approvals being granted that such work is at risk and may be required by the Town to be reversed if the approvals are denied.

For examples:

* Currently on Hwy. 1 the paved area (lane) adjacent to the sidewalk has a DelDot sign posted as no parking/standing/stopping, the entire lane is controlled by a solid striping designating "not to be crossed or no access permitted over”, is clearly marked (painted) with a solid arrow and bicycle symbol designating it as a no parking lane for bicycle use, and the curbing along this lane and along the entire frontage has been painted yellow designating "no parking". Under the latest submission of the Comprehensive Plan to the State under "Plan Recommendations" the Planning Commission stated the effort is underway to ensure bicycle traffic, etc. along Coastal Highway will not be impeded or endangered. It is unlikely that this space will be available for commercial deliveries. Will the Applicant’s business plan as regards deliveries/trash removal be in compliance with DelDot and Town traffic regulations?
* Certification from the authorities governing the existing supply of potable water and waste water disposal from the brewery-pub operations, to the effect that the current capacity is adequate and sufficient to handle the proposed demands of the proposed level(s) of manufacturing as provided in the applicants business plan. Approvals or a letter of no comment must be submitted prior to beginning operations.
* All improvements to the entire building must conform to IBC 2013. Please explain whether or not the proposed building modifications will trigger specific “substantial construction” or “substantial expansion” requirements in Town zoning code, Town and County building code under IBC 2013, and Town, FEMA and DNREC floodplain management, including requirements for parking, increasing building base-elevation(s) or flood protection to FEMA + 1, and bathroom requirements.

**Issue: Brewery equipment and process.** Provide specifications for the brew area/brew line equipment, including vendor names and model numbers, equipment capacities, water consumption, heating and refrigeration requirements, waste volume and characteristics. Please provide manufacture sales brochures for the selected equipment.

It appears from the site drawing provided that there is no separation between seated dining areas and the brew area. How will the Applicant provide for the health and safety of its patrons under these conditions? Provide to-scale architectural drawings of the layout of the proposed brew area/brew line and details on how the brewing process will be conducted, including quantities of raw materials & waste, the movement of materials from stage to stage, disposal of waste and by product streams, type of heat for boiling, refrigeration, storage of beer and distribution to customers.

Under the proposed levels of production in years 1 through 5, what are reasonable estimates of brewing scenarios, raw material requirements, and volumes of air-, water-borne, and solid/semi-solid waste streams.

The Applicant needs to describe the steps the brewery- pub will take for odor abatement. The Applicant already described verbally an exhaust stack near the northwest corner of the building. Will this be forced-air driven (fan)? Will venting only occur at certain times (say, between noon and 1:00 pm) and after consideration of atmospheric conditions? Please describe is the anticipated volume of air-borne discharge per brew cycle and put into context with other types of discharges. With some operating experience the operator will know if a few wind directions cause an odor concern and can avoid venting under these weather conditions. Is this a reasonable expectation?