

APPLICATION



Applicant Information

Name of Requestor: Regan Derrickson		Date of Request: 04/26/24
Mailing Address (City, State, Zip) 3 PATRIOTS WAY, Rehoboth Beach De 19971		
Phone: 302-542-9181	Email: rderrickson@msn.com	
Dewey Beach Address: 1308 Coastal Hwy, Dewey Beach, DE 19971		
Property Map: 334-23.06	Parcel: 20.00	Unit: 1, 3, 5, 7 & 9
Business Name: Nalu	Zoning of Property: RB2	

Nature of Request

Build an Addition to Existing Restaurant Nalu

Attach Supporting Documents (Request Description, Reason, etc)



Attach Plot Plan/Sketches:







Payment Information

Conditional Use Application Fee: 750 USD

Adobe Acrobat Sign Transaction Number: CBJCHBCAABAahqPXKgyERhiZQngejsk-OkdNQ9HVpuNn

Applicant Signature:  <small>Kyle Hamilton (Apr 26, 2024 11:54 EDT)</small>	Date: Apr 26, 2024
Property Owner Signature:	Date:
Business Owner Signature:	Date:

STAFF USE ONLY

Town Clerk Signature:  <small>Kate Banaszak (Apr 26, 2024 11:58 EDT)</small>
Date Application Received: Apr 26, 2024
Date of Hearing:
Date of Mailing:

4/28/24

To: Town Of Dewey Beach

From: Nalu LLC, Sole Member Regan Derrickson

**Subject: Conditional Use Application for the Expansion of Nalu LLC
T/A Hawaiian Surf Bar & Grille located at 1308 Coastal
Highway, Dewey Beach, DE 19971**

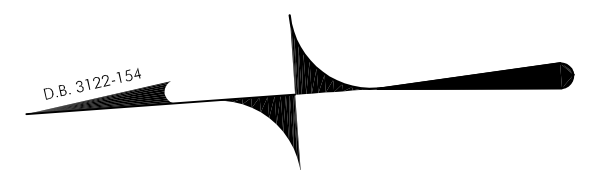
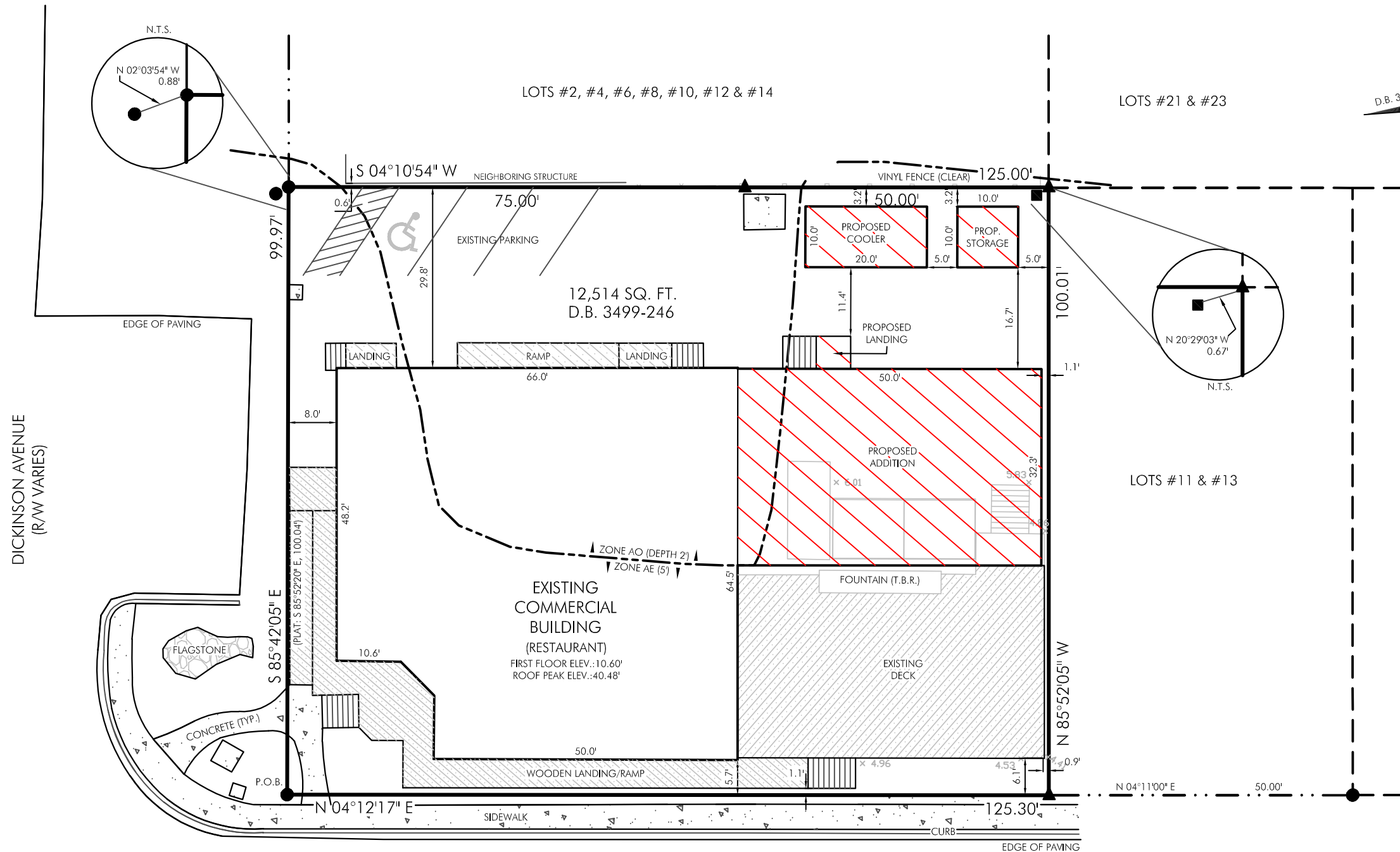
Thank you for your consideration of this conditional use application for Nalu LLC.

In November 2015 Nalu LLC applied with the Dewey Beach Board of Adjustment requesting a variance to reduce the number of parking spots needed to combine the buildings of Nalu and then Whiskey Beach to form one Nalu building. The variance was denied. Nalu LLC then decided the best business decision would be to demolish the Whiskey Beach building and lower the foot print to achieve the parking code for patron use and add an outside deck. This was approved by Town Council September 2019. Since 2019, a lot has changed in Dewey Beach with multiple business improvements across the town. In addition, the patron use parking requirement has been adjusted so Nalu LLC has applied for the expansion to return to the original square footage from the 2008 footprint. The new plan meets all the current code requirements shown in the submitted plans.

Nalu LLC has always done our best to be a good neighbor and an asset to the Town of Dewey Beach with exterior beautifications, upkeep, and a quality full service restaurant. Despite all of Nalu LLC's efforts to maintain noise levels within the code, one neighbor has made a tremendous amount of unsubstantiated complaints with regards to the noise levels. Even though Nalu LLC is in compliance with the stage in its current location, the new proposed new floor plan will relocate the stage to a more interior location in the hopes to end the complaints going forward. Nalu LLC's goal is always to be a great business and neighbor to the Town of Dewey Beach and it's citizens.

For any questions or concerns prior to the May 17th hearing please contact Nalu LLC's Sole Member Regan Derrickson at 302-542-9181 or email him at rderrickson@msn.com. Thank you again for your time and consideration.

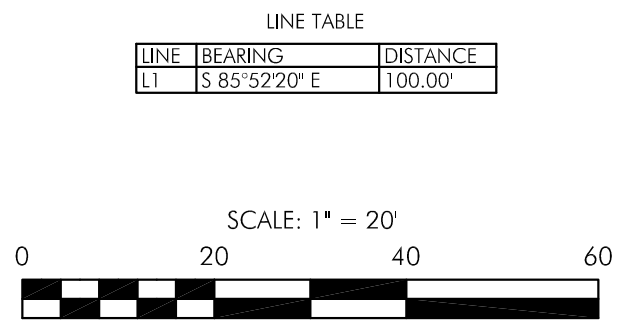
PLANS



- LEGEND:**
- ▲ IRON ROD (FOUND)
 - IRON PIPE (FOUND)
 - CONCRETE MONUMENT (FOUND)
 - POINT
 - × 0.00 ELEVATION SPOT SHOT (NAVD 88)

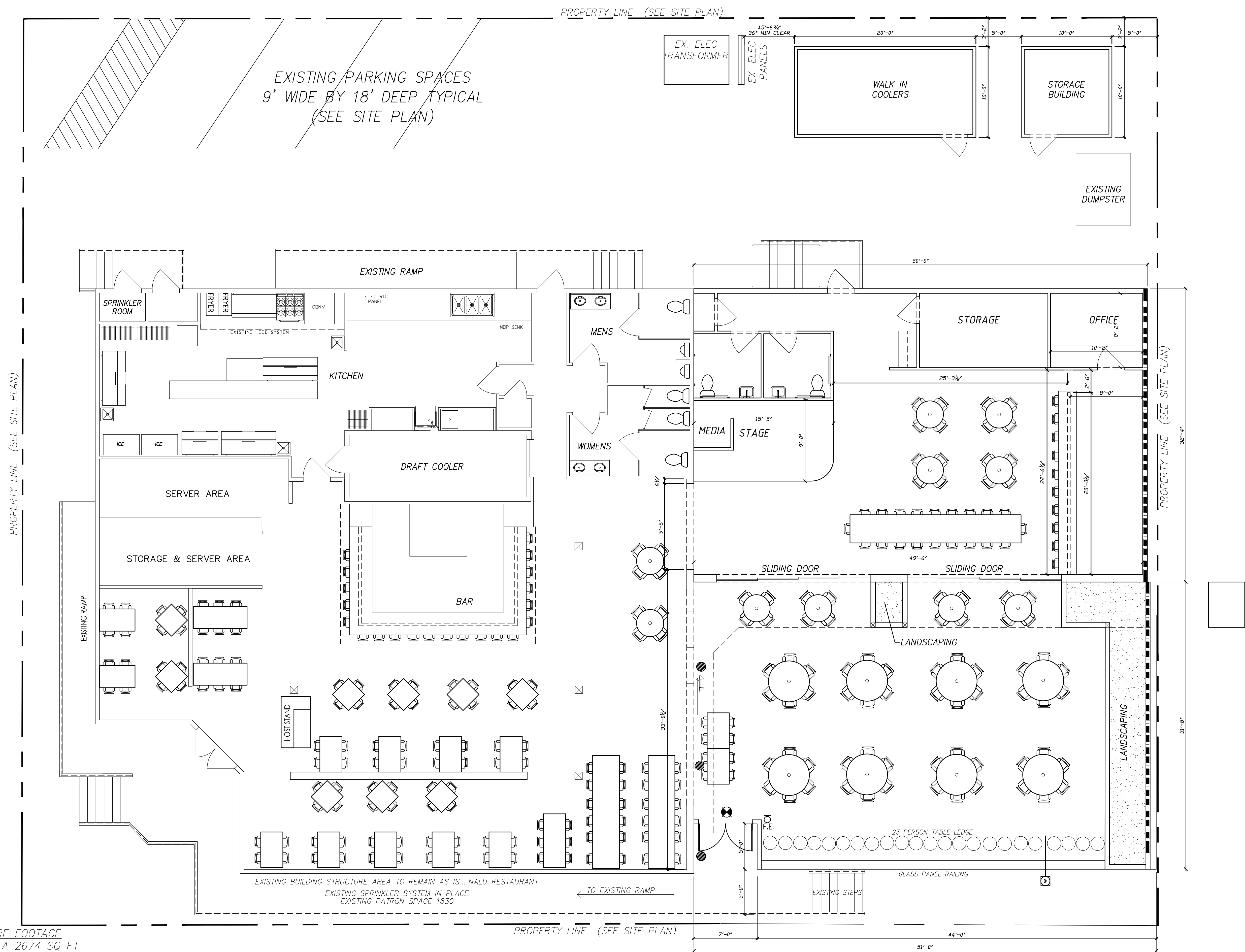
PROPOSED CONDITIONS SITE PLAN
NALU LLC.
 TOTAL AREA: 12,514 SQ. FT.
 REFERENCE: DEED BOOK: 3122-154
 TOWN OF DEWEY BEACH

NOTES:
 THESE PARCELS ARE IN FLOOD ZONES: AO (DEPTH 2) & AE (5' B.F.E.) F.I.R.M.: 10005C0354K, MARCH 16, 2015
 VERTICAL DATUM: NAVD 88
 ZONING: RB-2 - RESORT BUSINESS
 ALL RESTRICTIONS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CALL THE TOWN OF DEWEY BEACH.
 THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.
 NO TITLE SEARCH PROVIDED OR STIPULATED.
 SURVEY CLASS: SUBURBAN



SUBDIVISION: LOTS #1, #3, #5, #7, & #9 BLOCK 6 OF "THE TOWN OF DEWEY BEACH"		MARCH 26, 2020*	
HUNDRED: LEWES & REHOBOTH	COUNTY: SUSSEX		
STATE: DELAWARE	DRAWN BY: D.M.S.		
REF.: D.B. 3122-154	DWG. NO.: 334-2306-35	SURVEY CLASS: SUBURBAN	
DATE	REVISION	Prepared by: FORESIGHT Services Surveying & Precision Measurement	
3/30/2020	LOCATED FREEZER/FRIDGE	302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971	
4/3/2024	PROPOSED ADDITION		

©2017 DESIGN DELMARVA / S.E. WAGNER ARCHITECT EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF DESIGN DELMARVA / S.E. WAGNER ARCHITECT.



BUILDING SQUARE FOOTAGE
INDOOR DINING AREA 2674 SQ FT
OUTDOOR DINING AREA 1314 SQ FT
TOTAL DINING AREA 3,998 SQ FT

EXISTING KITCHEN, RESTROOMS & SERVICE AREA 1822 SQ FT
ADDITION RESTROOMS & SERVICE AREA 912 SQ FT
TOTAL SERVICE & RESTROOM AREA 2,734 SQ FT
ADDITIONAL LANDSCAPING AREA 201 SQ FT

FLOOR PLAN

$\frac{3}{16}'' = 1'-0''$

GENERAL NOTES:
 1. PLANS ARE SCHEMATIC ONLY; ACTUAL BUILDING CONSTRUCTION MAY VARY.
 2. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS, AND DIMENSIONS PRIOR TO PERFORMING THE WORK.
 3. NOTIFY ARCHITECT OF ANY DISCREPANCIES AND INCONSISTENCIES IN DIMENSIONS AND PLANS PRIOR TO PERFORMING THE WORK.
 4. DEVIATION FROM THESE DWG'S W/O PRIOR NOTIFICATION OF ARCHITECT WILL VOID CERTIFICATION AND SEAL.

SEAL

REVISIONS	
DATE	REMARKS

ISSUED FOR REVIEW
5-15-24

Design Delmarva
 S. E. Wagner, Architect
 1304 SAVANNAH RD MARSHALL VA 20115
 LEWES DE 19958
 p.302.644.8884 info@designdelmarva.com sevata@aol.com

RESIDENTIAL - COMMERCIAL - RENOVATION
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NALU ADDITION
 1306 COASTAL HIGHWAY
 DEWEY BEACH DELAWARE
 FLOOR PLAN

DATE 9-13-23	SHEET NO. A1
FILE	

ORDINANCES



ORDINANCE _____

AN ORDINANCE TO AMEND A CONDITIONAL USE AND RESTAURANT PERMIT OF COMPLIANCE TO EXPAND THE EXISTING RESTAURANT, NALU, LOCATED AT 1308 COASTAL HIGHWAY, DEWEY BEACH DE, FORMALLY KNOWN AS MAP 334-23.06 PARCEL 20.00, LOCATED IN ZONING DISTRICT RB-2, SOUTH OF DICKINSON AVE AND NORTH OF VAN DYKE AVE. PURSUANT TO SECTION 25D(I) OF CHAPTER 185 AND IN ACCORDANCE WITH THE DEFINITION AND REQUIREMENTS OF A RESTAURANT IN CHAPTER 144, SECTION 6.

WHEREAS, the Applicant was granted by the town an amendment of a Conditional Use Permit to expand the existing restaurant in September of 2019; and

WHEREAS, Nalu, LLC wishes to expand its restaurant in accordance with the attached site plan prepared by Foresight Services on April 3, 2024; and

WHEREAS, on the ___ day of ___ 2024, a Planning Commission Meeting and Public Hearing was held, after proper notification, resulting in a recommendation to allow the expansion of Nalu as depicted in the site plan and in accordance with the conditions set forth below.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

Section 1. The Conditional Use Permit for Nalu restaurant be amended in accordance with the architectural drawing attached hereto and incorporated herein as though restated in full.

[ADDITIONAL CONDITIONS TO BE PROVIDED HERE AS APPROVED]

Section 2. If any provisions of this Ordinance 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 Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 3. This Ordinance shall take effect immediately upon its passage by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this --- day of --- ---, 2024.

Mayor, William Stevens

Town Manager, Bill Zolper



TOWN OF DEWEY

BEACH

www.townofdeweybeach.com

105 Rodney Avenue
Dewey Beach, DE 19971
302-227-6363 (Voice or TDD)
302-227-8319 (Fax)

ORDINANCE NO. 752

AN ORDINANCE AMENDING AN EXISTING CONDITIONAL USE

PERMIT HELD BY NALU RESTAURANT

WHEREAS, on June 29, 2007 a Conditional Use permit to operate a restaurant located at 1308 Coastal Highway, Dewey Beach, DE 19971, Map number 3-34-23.06, Parcel 20.00 was issued to Nalu LLC;

WHEREAS, Nalu, LLC, wishes to expand its restaurant in accordance with the attached architectural drawing prepared by Foresight Services dated July 12, 2019;

WHEREAS, the proposed expansion necessitates the combination of the existing lot upon which Nalu lies with the adjacent lot, site of The Ohana Room at Nalu, the demolition of The Ohana Room at Nalu, the creation of an outside service area, and installation of additional parking spaces;

WHEREAS, in accordance with §185-25D(1) the requirements for a restaurant establishment have been proven by credible evidence presented by the applicant to have been met;

WHEREAS, public hearings were held on the matter on August 8, 2019 (before Planning and Zoning) and September 13, 2019, the latter being before the Commissioners of the Town of Dewey Beach; and

WHEREAS, the Planning and Zoning Commission has recommended approval of the application to amend the Conditional Use permit to allow for the expansion of Nalu as depicted in Exhibit "1" and in accordance with the conditions set forth below.

NOW THEREFORE:

BE IT ENACTED AND ORDAINED, by the Commissioners of the Town of Dewey Beach, that the Conditional Use Permit for Nalu restaurant be amended in accordance with the architectural drawings attached hereto as Exhibit "1" and incorporated herein as though restated in full;

AND FURTHER that the proposed outside service area be operated in accordance with the limitations and restrictions set forth in §185-25D(1)(a)[3] of the Dewey Beach Code of Ordinances, including, but not limited to restricted hours of operation applying to outside service areas {§185-25D (1)(a)[3][d]} *and restrictions against amplified music {§185-25D (1)(a)[3][b] and [c]}*;

FURTHER, that the two adjacent parcels be combined into one parcel;


FURTHER, that smoking be prohibited in the outside service area; and

FURTHER, that any and all terms and conditions set forth in the original conditional use permit not expressly conflicting herewith remain in full force and effect; and

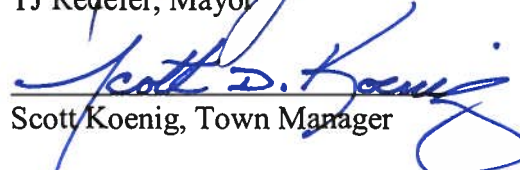
FURTHER, that this conditional-use approval shall terminate if the primary business of the RESTAURANT can no longer be accurately described as a restaurant with outside service area. Under such circumstances

continued operations at this location shall require a new conditional-use approval. Additionally, any change in location shall require a new conditional-use approval.

ENACTED AND ORDAINED into law this 13th day of September, 2019.



TJ Redefers, Mayor



Scott Koenig, Town Manager



TOWN OF DEWEY BEACH

www.townofdeweybeach.com

105 Rodney Avenue
Dewey Beach, DE 19971
302-227-6363 (Voice or TDD)
302-227-6164 (Fax No.)

Ordinance No. 597(a)

Gordon E. Elliott
Town Manager

AN ORDINANCE APPROVING THE CONDITIONAL USE APPLICATION OF NALU, LLC

WHEREAS, a Conditional Use Application was filed by Regan Derrickson on behalf of Nalu, LLC to establish a commercial restaurant to be located at Highway One and Dickinson Ave.; and

WHEREAS, a public hearing was held on the matter before the Commissioners of the Town of Dewey Beach; and


WHEREAS, Planning and Zoning has recommended favorably approval of the Conditional Use Application;

NOW THEREFORE;

BE IT ENACTED AND ORDAINED, by the Commissioners of the Town of Dewey Beach, that the Conditional Use Application of Nalu, LLC for the establishment of a commercial restaurant, is approved subject to the following terms and conditions:

1. That the dumpster to the rear of the building housing the restaurant be covered so that it is not an eyesore; and
2. That the windows of the building housing the restaurant be closed at 11:00 pm to prevent noise in the area.

ENACTED AND ORDAINED into law this 29 th day of June, 2007.


DELL TUSH
Mayor


Attest: GORDON ELLIOTT
Town Manager