

Recommendations from Planning and Zoning at the November 13, 2021 Meeting and Public Hearing

1. The primary use of the facility shall be that of a restaurant. As per Delaware State Code, Title 4 Section 543, "The word 'Restaurant' means any establishment which is regularly used and kept open principally for the purpose of serving complete meals to persons for consideration." And, "[t]he service of only such food and victuals as sandwiches or salads shall not be deemed to be the service of 'meals'.";
2. The proposed restaurant shall be operated in a manner that is consistent with all written and agreed upon representations made by the Applicant during the application process, including in their preliminary application package, revised site plans, and informational presentations. These materials are attached to this conditional-use approval and their specific voluntary conditions incorporated herein;
3. All tables and chairs shall be maintained in the configuration shown in the approved conditional-use application;
4. Kitchen facilities shall be under the direction of a chef or cook;
5. All exterior windows and doors to the restaurant shall be closed at 11 :00 p.m.;
6. All interior speakers in the restaurant portion of the building shall be directed towards the interior space and away from any exterior door, window, or wall;
7. The Applicant, during periods of normal operations, shall remove any and all litter accumulating in the public space, including street storm sewer intakes, bordering the property along Coastal Highway and Bellevue Street each day before 10:00 a.m.;
8. The Applicant shall not "engage in any trade practice which can reasonably be expected to cause, encourage, or induce a consumer to purchase, receive, or consume alcoholic beverages in excessive amounts or at an unduly rapid rate and shall include, but not be limited to, the following: d. Promoting, sponsoring, conducting, or participating in any event that is in any way conditional upon or involves consumption of alcoholic beverages, and e. Offering or selling two (2) or more drinks for the regular price of one." (State of Delaware, Department of Public Safety, Division of Alcoholic Beverage Control under Rule #2).
9. The Applicant shall erect, unless there is an existing fence in this location, and maintain a fence along the East edge of the property to buffer impacts residential properties. This fencing shall be a minimum of six-feet high. This fencing shall be constructed in accordance with Section 185-92 of Town Code;
10. Tiered plantings shall be installed and maintained along the East boundary of the property for the first twenty-two feet from the Bellevue Street property line, in order to protect the neighboring properties' privacy and protect said properties from light and noise resulting from the Applicant's operations. This planted buffer area shall be a minimum of two-feet six-inches wide. Such tiered plantings shall include ground-level plants and/or ground cover, mid-height shrubberies, and a tree canopy. The planting plan shall be approved by the Town Code Enforcement Official or designee;
11. All kitchen exhaust outlets shall be located a minimum of 30 feet from any dwelling unless such positioning conflicts with fire and health department requirements;
12. The Applicant shall provide and maintain lighting in the parking area during normal hours of operations. Such lighting shall be designed and maintained so as not to unreasonably impact the residential neighbors as per Section 185-38 C of the Town Code;

13. All exterior mechanical equipment visible from public streets and adjacent residential-use properties or any residential zoning district shall be appropriately screened so as not to create a nuisance. Any such screening plan shall be approved by the Town prior to installation;
14. The outside area will close at 11:00pm;
15. No smoking shall be permitted in the deck area. A separate outside smoking area will be designated;
16. Trash pick-up will be performed a minimum of 5 times per week while operating.