

**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 July 9<sup>th</sup>, 2020.

Application: (CU 2210) Dewey Beer Company

Applicant: Dewey Beer Company, LLC  
2100 Coastal Highway  
Dewey Beach, DE 19971

Owner: Kings Landing at Harbeson, LLC  
30030 Gatehouse Drive  
Milton, DE 19968

Site Location: Located on the east side of Harbeson Road (Route 5), south of the  
Beaver Creek Phase II Subdivision.

Current Use: Storage and Office

Proposed Use: Microbrewery

Comprehensive Land  
Use Plan Reference: Commercial Area

Councilmatic  
District: Mr. Burton

School District: Indian River School District

Fire District: Milton Fire District

Sewer: Private, On-Site

Water: Private, On-site

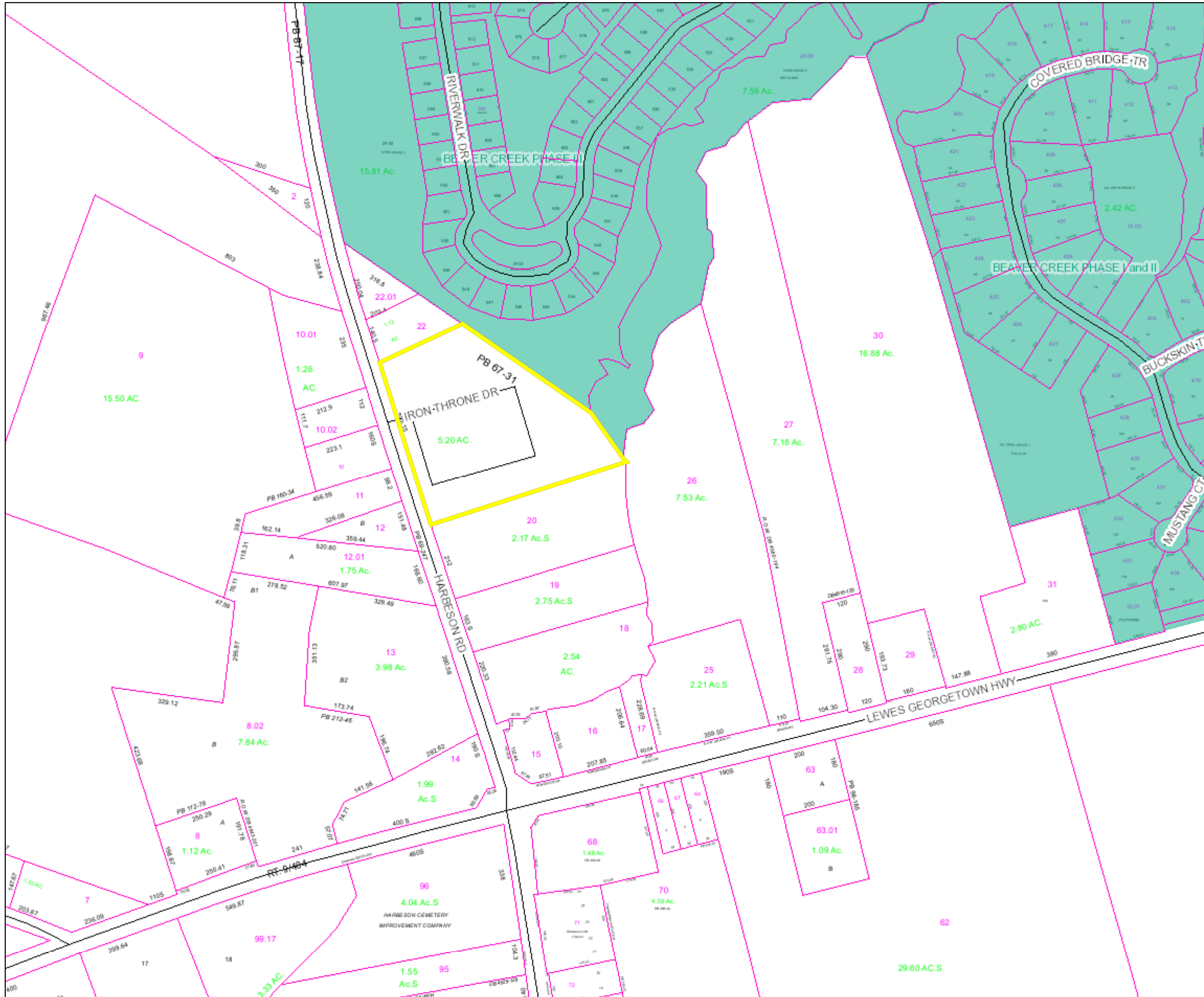
Site Area: 5.20 acres +/-

Tax Map ID.: 235-30.00-21.00





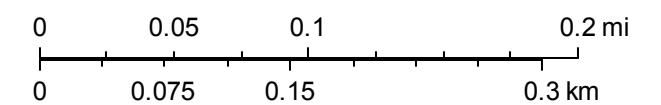
# Sussex County



<b>PIN:</b>	235-30.00-21.00
<b>Owner Name</b>	KING'S LANDING AT HARBESON LLC
<b>Book</b>	3752
<b>Mailing Address</b>	30030 GATEHOUSE DR
<b>City</b>	MILTON
<b>State</b>	DE
<b>Description</b>	E/RT 5
<b>Description 2</b>	825'N/RT 18
<b>Description 3</b>	
<b>Land Code</b>	

- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- Streets
- County Boundaries
- Subdivisions
- Flood Zones 2018**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- OPEN WATER
- VE

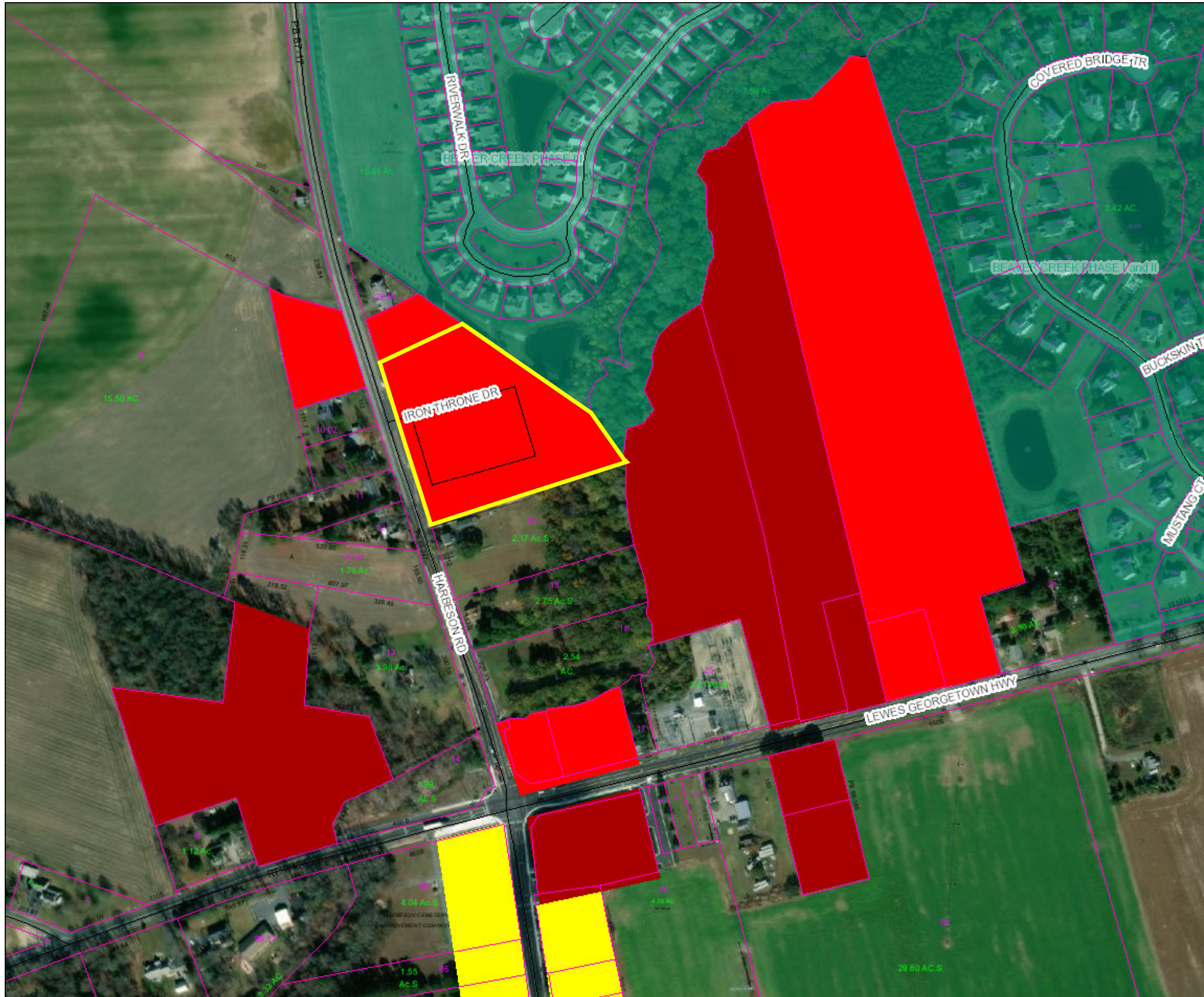
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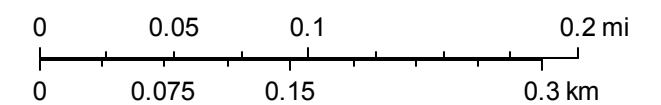
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- Streets

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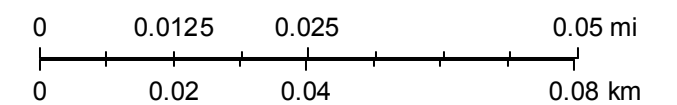
# Sussex County



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Override 1
- polygonLayer**  
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- Tax Parcels
  - 911 Address
  - Streets
  - County Boundaries
  - Subdivisions
- Flood Zones 2018**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
  - A
  - AE
  - AO
  - OPEN WATER
  - VE

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JAMIE WHITEHOUSE, AICP MRTPI  
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(302) 855-7878 T  
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jamie.whitehouse@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Nick Torrance, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: July 2, 2020  
RE: Staff Analysis for CU 2210 Dewey Beer Company

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2210 Dewey Beer Company to be reviewed during the July 9, 2020 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 for Tax Parcel 235-30.00-21.00 to allow for a Conditional Use of land in a General Commercial (C-1) Zoning District for a microbrewery. The parcel is located on the east side of Harbeson Road in Milton, Delaware. The size of the property is approximately 5.20 acres +/-

The 2018 Sussex County Comprehensive Plan Update (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 how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has the land use designation of "Commercial Area." The properties to the north, northwest, and east are also designated as "Low Density Areas." While the properties to the south are designated as a "Low Density Area."

"Commercial Areas" include concentrations of retail and service uses that are mainly located along arterials, and highways. Specifically, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. While the primary uses envisioned in "Low Density Areas" are agricultural activities and homes. Business and development should be largely confined to those businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted.

The property is zoned General Commercial (C-1) Zoning. The adjacent parcels to the north and northwest are also zoned General Commercial (C-1). The properties to the south and west on the opposite side of Harbeson Road are all zoned Agricultural Residential (AR-1). Additionally, the parcels to the east of the subject property are zoned Commercial Residential (CR-1).

Since 2011, there has been one Conditional Use application proposed within a one-mile radius of the application site. The application was for Conditional Use (C/U 2026) to allow a home based business (auto repair, detailing, and auto resales) in an Agricultural Residential (AR-1) zoned parcel. That application was denied by County Council on December 15th, 2015.



Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use to allow for a microbrewery, subject to considerations of both scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: 012210

201913424

# 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

18499 Harbeson Rd., Harbeson, DE 19968

Type of Conditional Use Requested:

Microbrewery

Tax Map #: 235-30.00-21.00

Size of Parcel(s): 226,548 Sq. Ft.

Current Zoning: C-1

Proposed Zoning: C-1

Size of Building: 9,900 Sq. Ft.

Land Use Classification: Storage and Office

Water Provider: Artesian

Sewer Provider: Artesian

### Applicant Information

Applicant Name: Dewey Beer Company, LLC

Applicant Address: 2100 Coastal Hwy.

City: Dewey Beach

State: DE

Zip Code: 19971

Phone #: 703-901-2303

E-mail: mike@deweybeerco.com

### Owner Information

Owner Name: Kings Landing at Harbeson, LLC

Owner Address: 30030 Gatehouse Dr.

City: Milton

State: DE

Zip Code: 19968

Phone #: 302-542-9002

E-mail: makowski0754@aol.com

### Agent/Attorney/Engineer Information

Attorneys: Fred Townsend, James Becker

Agent/Attorney/Engineer Name:

Engineer: Doug Warner

Agent/Attorney/Engineer Address: Att: 3438<sup>th</sup> Carpenter's Way, Ste 3 / Eng: 115 W. Market St.

City: Lewes

State: DE

Zip Code: 19958

Phone #: Att: 302-644-8330

E-mail: Att: ftownsend@delawarelaw.com,

Eng: 302-645-0777

jbecker@delawarelaw.com

Eng: dwarner@elementdg.com



# 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**

\_\_\_\_\_

Date: 11/7/19

**Signature of Owner**

\_\_\_\_\_

Date: 11/18/19

**For office use only:**

Date Submitted: 11/19/19 Fee: \$500.00 Check #: 2307  
Staff accepting application: Lauren/Natalia Application & Case #: 201913424  
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

November 15, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Dewey Beer Company** conditional use application, which we received on October 22, 2019. This application is for an approximately 5.20-acre parcel (Tax Parcel: 235-30.00-21.00). The subject land is located on the east side of Delaware Route 5, approximately 900 feet northeast of the intersection of US Route 9 and Delaware Route 5, in Harbeson. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval operate a 9,900 square-foot microbrewery.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 5 where the subject land is located, which is from US Route 9 to Shingle Point Road (Sussex Road 249), are 4,981 and 6,411 vehicles per day, respectively.

Based on our review, we estimate that the above land use 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.



Ms. Janelle M. Cornwell  
Page 2 of 2  
November 15, 2019

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

Sincerely,

*Tom Felice for*  
T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Dewey Beer Company, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance and  
Operations  
Susanne Laws, Sussex County Subdivision 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  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THEREIN AND APPURTENANT.

**NOTES:**

- 1) THE BOUNDARY, TOPOGRAPHIC AND WETLAND INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM A FIELD SURVEY PREPARED BY AXIOM ENGINEERING, LLC IN OCTOBER 2016.
- 2) THIS PLAN DOES NOT VERIFY THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING THE SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- 3) THIS SITE IS LOCATED IN A ZONE X BASED ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 100050310 K, MAP REVISED MARCH 16, 2015, AND IS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
- 4) MAINTENANCE OF THE PAVED AREAS WITHIN THE SITE WILL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE PROPERTY OWNERS WITHIN THIS SITE. THE STATE AND COUNTY ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE PAVED AREAS WITHIN THE SITE.
- 5) STORMWATER SHALL BE HANDLED THROUGH THE DESIGN OF AN EXTENDED DETENTION WET POND AND OTHER BEST MANAGEMENT PRACTICES THAT WILL BE LOCATED ON SITE. THE MAINTENANCE OF THE STORMWATER MANAGEMENT FACILITY SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE SITE.
- 6) ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

**SITE DATA:**

1. PROPERTY OWNER: WILLIAM C. DOWNS - TRUSTEE
2. DEVELOPER/APPLICANT: KINGS LANDING@ HARBESON, LLC, C/O MICHAEL MAKOWSKI, 30030 GATEHOUSE DRIVE, MILTON, DE 19968, 302-542-9002, makowski0754@aol.com
3. DEED REFERENCE: DB 3752 - PG 277
4. CURRENT ZONING: C-1
5. EXISTING USE: RESIDENTIAL STORAGE AND OFFICE
6. PROPOSED USE: WOOD FRAME WITH STEEL SIDING
7. PROPOSED CONSTRUCTION TYPE: WOOD FRAME WITH STEEL SIDING
8. BUILDING SETBACKS:
  - FRONT: 60'
  - SIDE: 5' (ADJACENT TO COMMERCIAL DISTRICT), 20' (ADJACENT TO RESIDENTIAL DISTRICT)
  - REAR: 30' (ADJACENT TO RESIDENTIAL DISTRICT)
9. PROPOSED BUILDING HEIGHT: 21' (EAVE HEIGHT), 30' (MAXIMUM HEIGHT)
10. TOTAL SITE AREA: 228,548 SQ. FT., DEDICATION TO STATE OF DELAWARE: 4,510 SQ. FT., REMAINING LANDS: 222,038 SQ. FT.
11. CENTRAL WATER PROVIDER: ARTESIAN
12. CENTRAL SEWER PROVIDER: ARTESIAN
13. TAX MAP NUMBER: 235-30.00-21.00

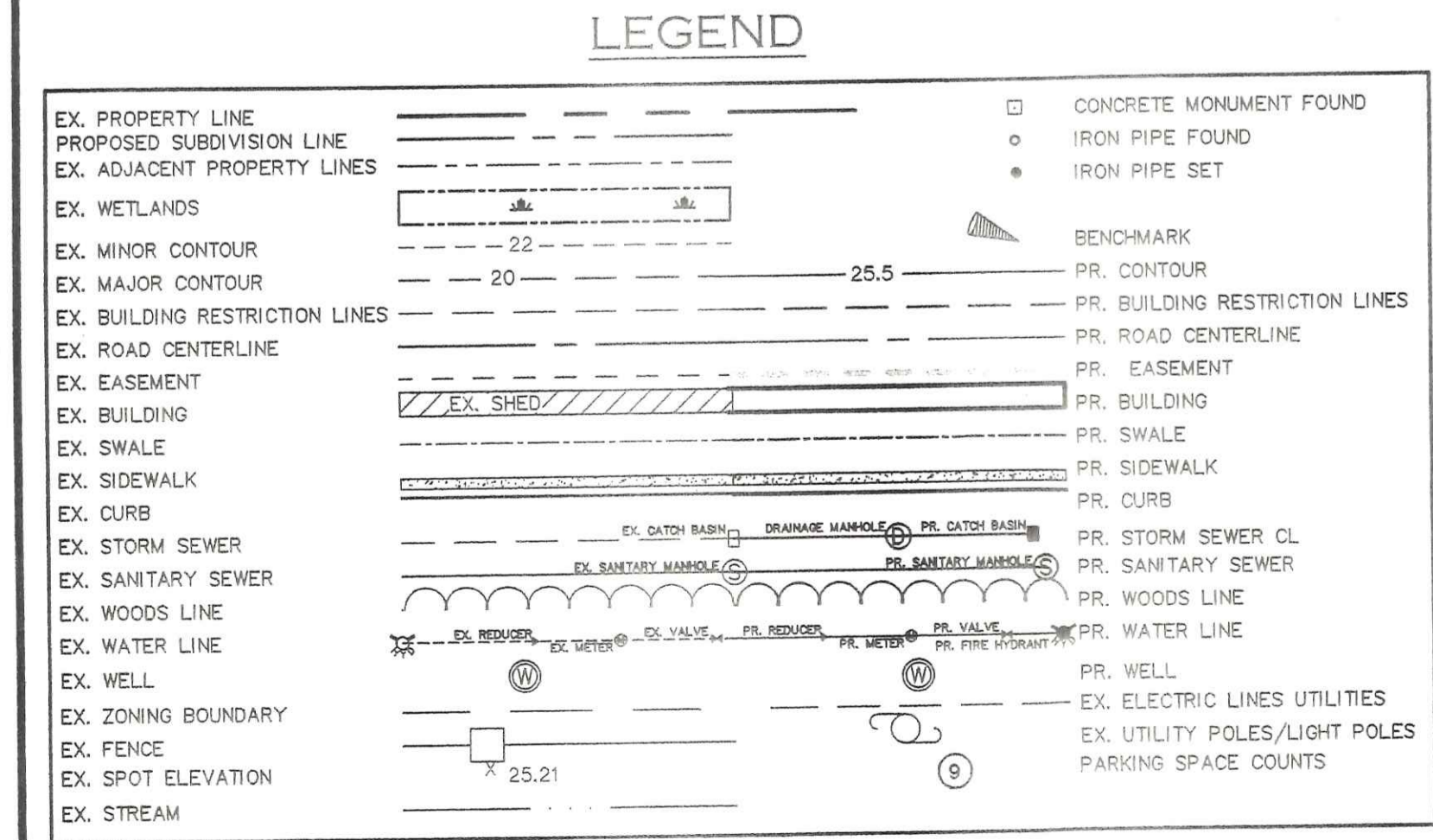
**PARKING AND BUILDING AREA CALCULATIONS (SQ. FT.)**

BUILDING NUMBER	GROSS FLOOR AREA	STORAGE FLOOR AREA	OFFICE FLOOR AREA
BUILDING 1	6,050	4,482	1,568
BUILDING 2	9,900	7,548	2,352
BUILDING 3	9,900	7,548	2,352
BUILDING 4	3,300	2,516	784
BUILDING 5	9,723	7,371	2,352
BUILDING 6	9,900	7,548	2,352
BUILDING 7	6,600	5,032	1,568
TOTAL	55,373	42,045	13,328

**PARKING SPACES PROVIDED**

HANDICAP	4
DIAGONAL (9'x18')	0
PERPENDICULAR (10' x 20')	71
COMPACT	9
<b>TOTAL PARKING SPACES PROVIDED</b>	<b>84</b>

**LOADING SPACES REQUIRED**: 4  
**LOADING SPACES PROVIDED**: 4

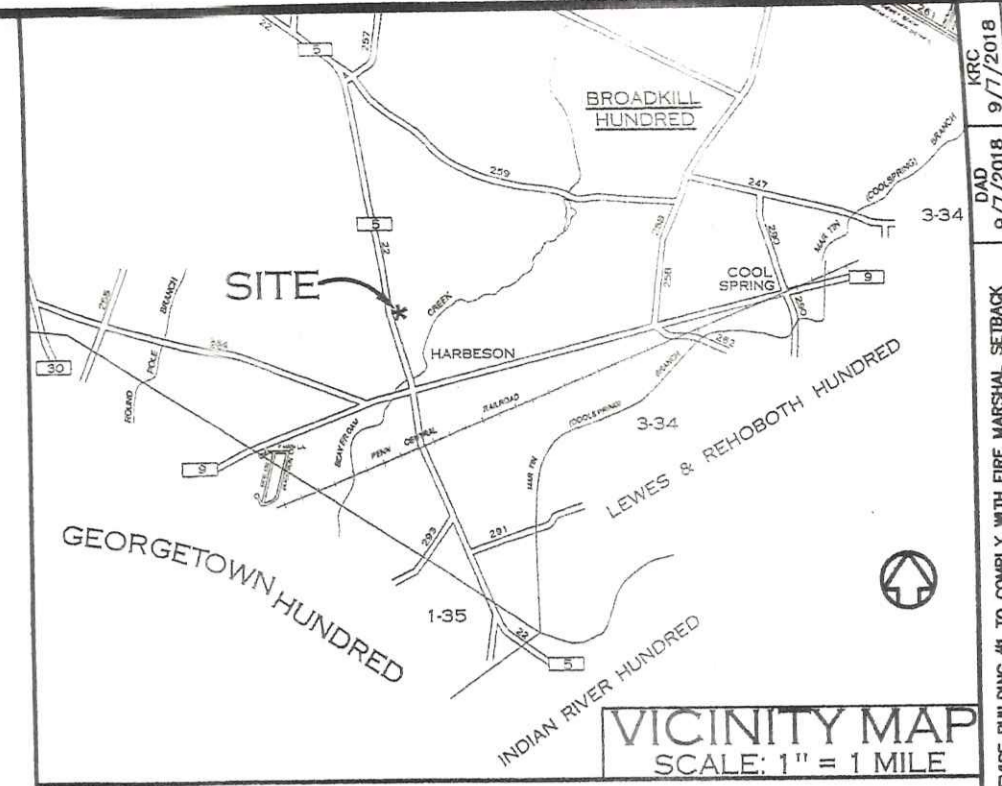
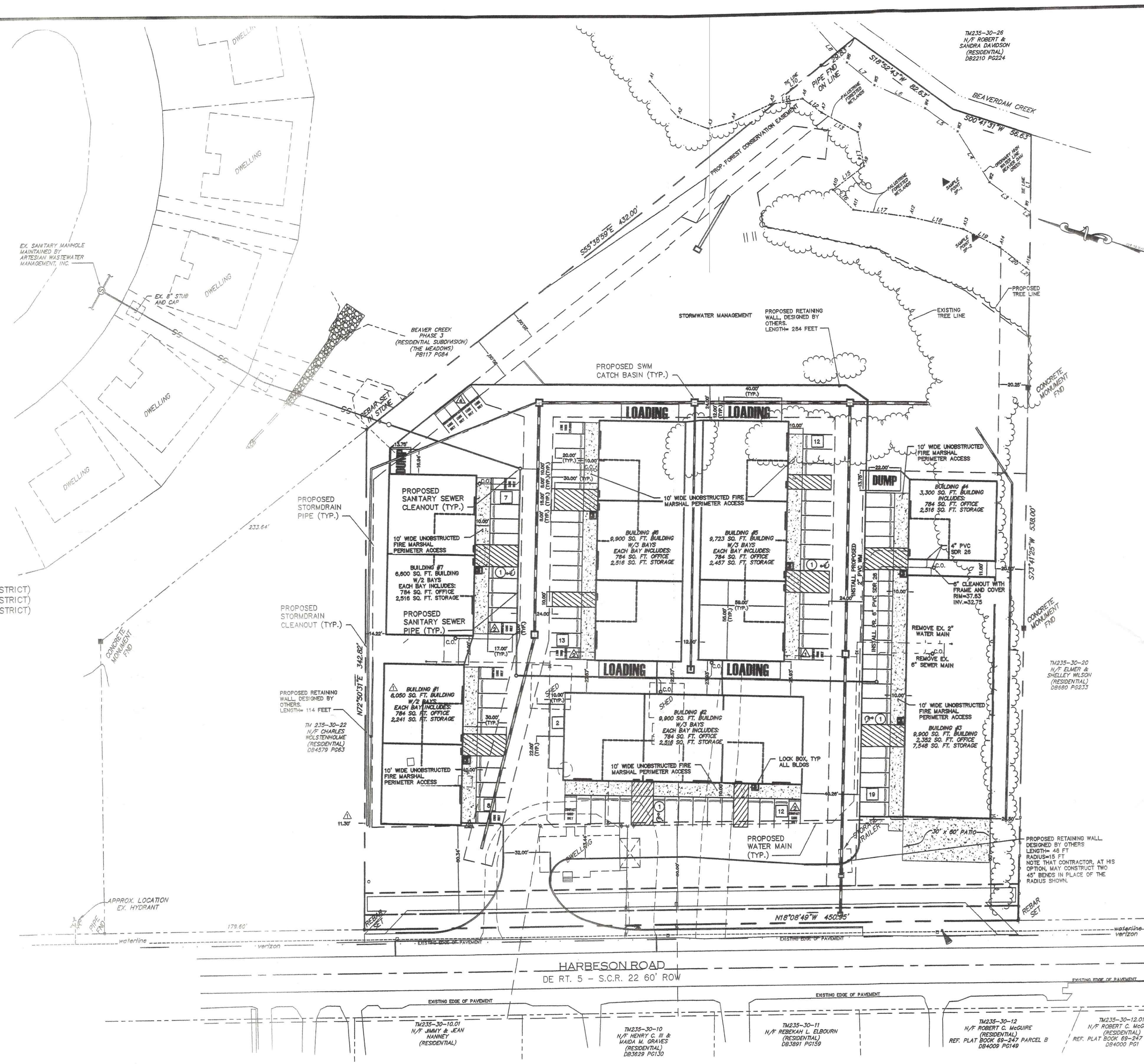


**WETLAND LINE TABLE**

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S73°41'25"W	53.21'	L12	S18°47'57"W	16.13'
L2	N19°09'47"E	4.33'	L13	S11°20'57"W	28.25'
L3	N19°09'47"E	30.61'	L14	S63°11'14"W	20.28'
L4	N40°36'20"E	40.80'	L15	N54°13'25"W	26.67'
L5	N18°26'58"E	27.53'	L16	S27°04'31"W	19.43'
L6	N7°14'37"E	37.80'	L17	S9°24'33"E	39.38'
L7	N22°35'40"E	24.40'	L18	S4°27'14"E	37.45'
L8	N31°31'32"E	10.37'	L19	S9°08'35"W	28.03'
L9	N53°54'00"W	44.17'	L20	S19°43'50"W	22.76'
L10	S26°38'55"E	22.63'	L21	S19°43'50"W	3.02'

**FINAL SITE PLAN SHEET INDEX:**

NO.	TITLE	ORIGINAL DWG DATE	REVISED DWG DATE
SP-1	FINAL SITE PLAN	05/30/2017	10/07/2019
SP-2	DETAILS	05/30/2017	03/19/2018
SP-3	DETAILS	05/30/2017	03/19/2018
RP-1	RECORD PLAN	07/11/2017	03/19/2018
RP-2	RECORD PLAN	07/11/2017	03/19/2018
FM/U1	FIRE MARSHALL/UTILITY PLAN	08/20/2017	03/14/2018
SWM-8	GRADING AND DRAINAGE PLAN	08/04/2017	03/19/2018
LS-01	LANDSCAPE/SIGNAGE/LIGHTING PLAN	03/19/2018	03/19/2018



**ROAD**  
HARBESON ROAD (DELAWARE ROUTE 5, SUSSEX ROAD 022)

**FUNCTIONAL CLASSIFICATION - MAJOR COLLECTOR**

2017 AADT (MARCH 2017 DBF ATR COUNTS, S.A.F. = 1.00 PER DELDOT) = 4,396  
 10 YR PROJECTED AADT = 4,396  
 10 YR PROJECTED AADT + SITE ADT (230) = 5,329

AM PEAK HOUR = 5,039 X 10.15% = 518  
 PM PEAK HOUR = 5,099 X 9.14% = 466  
 DIRECTIONAL SPLIT = 54.93%(SB)/45.07%(NB) = 285/233  
 DIRECTIONAL SPLIT = 55.25%(NB)/44.75%(SB) = 234/232  
 12.64 TRUCK % X 518 = 65  
 SPEED - POSTED = 40  
 TRAFFIC PATTERN GROUP - 7

**DESIGN DESIGNATION**

STATE ROUTE 5 HARBESON RD. (SCR 22)

FUNCTIONAL CLASS: MAJOR COLLECTOR  
 TYPE OF CONSTRUCTION: EXTENSIVE  
 A.D.T. CURRENT: 5,399  
 A.D.T. PROJECTED: 5,099

D.I.V. PROJECTED: 518  
 DESIGN SPEED: 49 MPH  
 YEAR: 2017  
 YEAR: 2022

TRUCKS: 12.64%  
 DIRECTION DISTRIBUTION: 54.93%/45.07%

**OWNER'S CERTIFICATION:**

I, THE UNDERSIGNED, CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION AND DEVELOPMENT SHALL BE DONE PURSUANT TO THE APPROVED PLAN AND THAT RESPONSIBLE PERSONNEL (I.E., BLUE CARD HOLDER) INVOLVED IN THE LAND DISTURBANCE WILL HAVE A CERTIFICATION OF TRAINING PRIOR TO INITIATION OF THE PROJECT, AT A DNREC SPONSORED OR APPROVED TRAINING COURSE FOR THE CONTROL OF EROSION AND SEDIMENT DURING CONSTRUCTION. IN ADDITION, I GRANT THE DNREC SEDIMENT AND STORMWATER PROGRAM AND/OR THE RELEVANT DELEGATED AGENCY THE RIGHT TO CONDUCT ON-SITE REVIEWS, AND I UNDERSTAND MY RESPONSIBILITIES UNDER THE NPDES CONSTRUCTION GENERAL PERMIT, AS REFERENCED ON THIS COVERSHEET.

KINGS LANDING, LLC,  
 C/O MICHAEL MAKOWSKI  
 30030 GATEHOUSE DRIVE  
 MILTON, DE 19968  
 makowski0754@aol.com

**ENGINEER'S CERTIFICATION:**

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES.

KENNETH E. CHRISTENBURY, P.E. - DE. LICENSE NO. 11553 EXPIRES JUNE 30, 2020  
 AXIOM ENGINEERING, LLC - 18 CHESTNUT STREET - GEORGETOWN, DE 19647  
 PHONE: (302) 855-0810 FAX 302-855-0812  
 EMAIL: KEN@AXIOMENGINE.COM

**FINAL SITE PLAN**

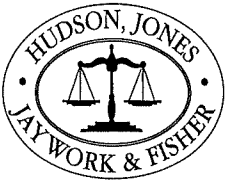
**KINGS LANDING, LLC**  
 KINGS LANDING, LLC  
 BROADKILL HUNDRED, SUSSEX COUNTY, DE

**AXIOM ENGINEERING, L.L.C.**  
 18 CHESTNUT STREET  
 GEORGETOWN, DE 19647  
 PHONE: (302) 855-0810  
 FAX: (302) 855-0812  
 EMAIL: AXIOM@AXIOMENGINE.COM  
 WWW.AXIOMENGINE.COM

**ENGINEER:** SWH  
**DESIGNER:** SWH  
**DRAWN:** DAD  
**CHECKED BY:** KRC  
**DATE:** 05/30/2017  
**TAX MAP:** 235-30.00  
**SCALE:** 1" = 40'  
**WARNING:** IF THIS BAR DOES NOT MEASURE 1.5" NOT TO SCALE

**PROJECT NO:** 0002-1601  
**DRAWING:** SP-1  
**SHEET:** 1 OF 3





## HUDSON, JONES, JAYWORK & FISHER, LLC

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Dartmouth Business Center  
34382 Carpenter's Way, Suite 3, Lewes, DE 19958  
(302) 645-7999 · Fax (302) 360-7198

**PARTNERS:**

R. BRANDON JONES  
DANIEL P. MYERS II  
JAMES P. BECKER  
CHRISTOPHER M. HOLMON  
MICHAEL G. RUSHE  
D. BARRETT EDWARDS, IV

**OF COUNSEL:**

RONALD D. SMITH  
DAVID A. BOSWELL  
RICHARD E. BERL, JR.  
FRED A. TOWNSEND, III

**ASSOCIATES:**

CHAD C. MEREDITH  
ANN POULIOS BOSWELL  
ZACHARY A. GEORGE  
KRISTIN C. COLLISON  
DANIEL L. HUESTIS

**REHOBOTH BEACH**  
309 Rehoboth Avenue  
Rehoboth Beach, DE 19971  
(302) 227-9441

**DOVER**  
225 South State Street  
Dover, DE 19901  
(302) 734-7401

WILLIAM S. HUDSON, 1934-2013  
JOHN T. JAYWORK - RETIRED  
HARRY M. FISHER, III - RETIRED

June 26, 2020

Via electronic mail addressed to:  
lauren.devore@sussexcountyde.gov

**RE: C/U 2210 – Dewey Beer Company  
Supplemental information**

Planning Office, Sussex County:

I am writing as counsel to Dewey Beer Company in the above-referenced application for a conditional use permit to operate a microbrewery.

In response to questions raised by the public and for the benefit of the Planning Commissioners, Council and staff, I offer the following additional information concerning the proposed use and projected layout of the structure for which approval is sought.

Typical of microbreweries in this state and elsewhere, the beer brewing facility's primary purpose is to supply product for offsite sales in the same manner in which a winery does so. Off-site sales is very much the main purpose in this instance as well. But, a microbrewery also engages in retail sales and offers a tasting room facility for on-site consumption. All product sold and consumed on premises is brewed by the applicant. Under Delaware law, no other alcoholic beverages may be offered.

Because microbreweries are distinct from restaurants, no food will be produced within the structure, the proposed site permits patrons to bring their own food, if desired. Permission for a food truck on-site to occasionally operate on-site is also sought.

In a further effort to distinguish the proposed use from a typical restaurant or other alcohol serving establishment, the applicant proposes to restrict its hours of operation to 11am to 11pm, rather than operate the maximum hours permitted by state law governing

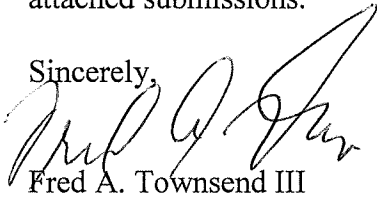


the sales and service of alcoholic beverages. In practice however, the projected hours of operation will be 4-9pm. This project will remain secondary to the applicant's primary establishment, Dewey Beer Company – a successful year around restaurant operating under a brew-pub license in Dewey Beach.

All of these considerations are typical of a microbrewery site and inherently serve to restrict the intensity of use. They will be the subject of our presentations of July 9 and August 11. My client looks forward to addressing any concerns related to water use, brewery by-product, waste and others.

Attached hereto are sketches of the floor and seating plan and the horizontal profile of the sections of the building. Please supplement the application with this letter and the attached submissions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fred A. Townsend III".

Fred A. Townsend III

Cc: Dewey Beer Company

REV.	DATE	DESCRIPTION
1	05/14/20	RESPONSE TO OSM 04/20/20 COMMENTS
BB		

DEWEY BEER COMPANY  
 BUILDING 3 FIT-OUT  
 21235 HARDESSON ROAD  
 MILTON, DELAWARE  
 TAX MAP # 235-30-00-21.00

**ELEMENT**  
 115 W MARKET STREET, 2ND FLOOR  
 102.415.0177  
 102.415.0177  
 www.deweybeer.com

SIGNATURE: \_\_\_\_\_  
 DATE OF SIGNATURE: \_\_\_\_\_  
 DATE OF REGISTRATION EXPIRATION: 07/15/22

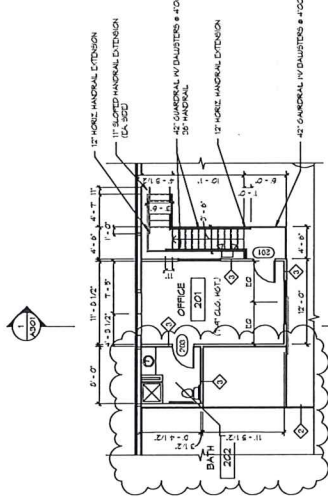
DSN	DPN	CHD
DDN	DDM	BB
SCALE:	As Indicated	
JOB NO.	01195	
ISSUE DATE:	04.07.2020	

A202

**FLOOR PLANS**  
 THE INFORMATION AND MATERIALS ON THESE PLANS ARE THE PROPERTY OF THE ARCHITECT AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED ON THESE PLANS. ANY REUSE OR MODIFICATION OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT IS PROHIBITED.

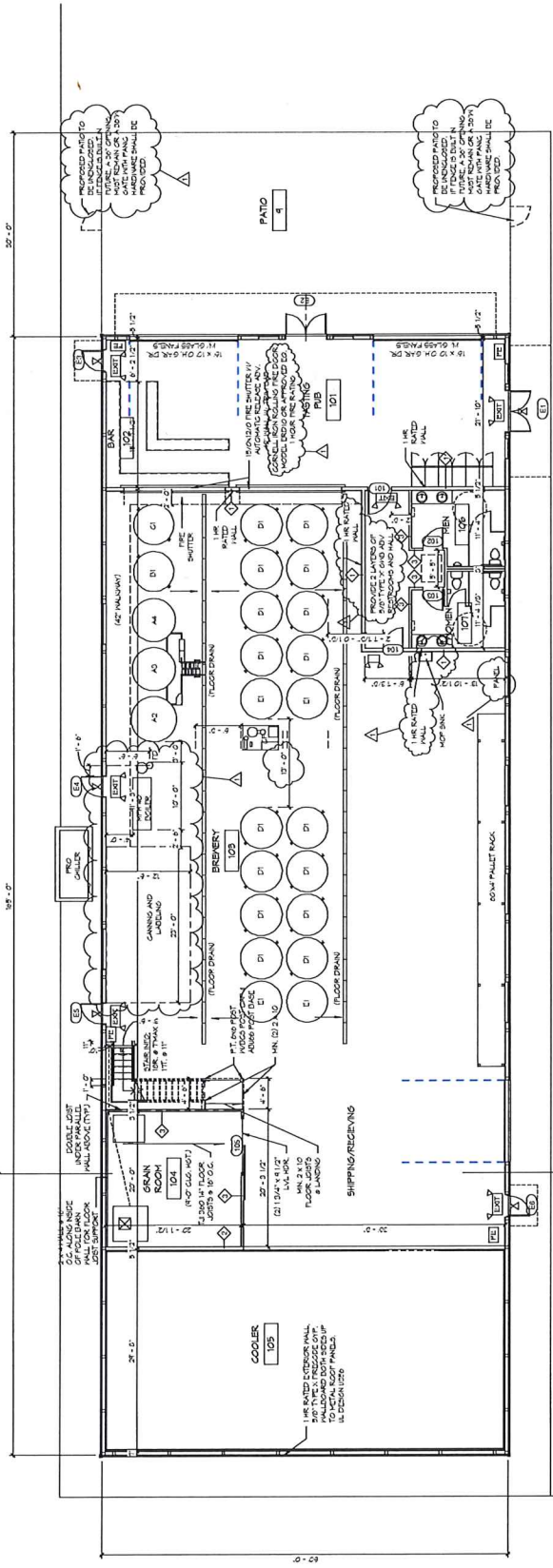
- FINISHES:**
- TYPICAL WALL: PAINTED GIBB
  - TYPICAL FLOOR: SEALED CONCRETE
  - TYPICAL CEILING: SPRAY FOAM WITH INTENSIBLUE PAINTING
- MOISTURE RESISTANT FINISHES SHALL BE USED IN ALL WET LOCATIONS.

- PARTITION TYPES**
1. 2x4 STUDS @ 16" O.C. WITH 5/8" TYPICAL G.A. SHEET DRYWALL TO INSIDE OF RESISTORICAL. ILL. DESIGN 1009
  2. 2x4 STUDS @ 16" O.C. WITH 5/8" TYPICAL G.A. SHEET
  3. 2x4 STUDS @ 16" O.C. WITH 5/8" TYPICAL G.A. SHEET
- PARTITION TYPES**
1. 1/2" x 1/2"



1 FLOOR PLAN  
1/8" = 1'-0"

2 OFFICE B1 FLOOR PLAN  
1/8" = 1'-0"



3 OFFICE B2 FLOOR PLAN  
1/8" = 1'-0"

4 FLOOR PLAN  
1/8" = 1'-0"



REV.	DATE	DESCRIPTION	BY
1	05/11/20	RESPONSE TO OPM 04.20.20 COMMENTS	BB

DEWEY BEER COMPANY  
 BUILDING 3 FIT-OUT  
 MILTON, DELAWARE  
 TAX MAP # 235-30-00-21.00

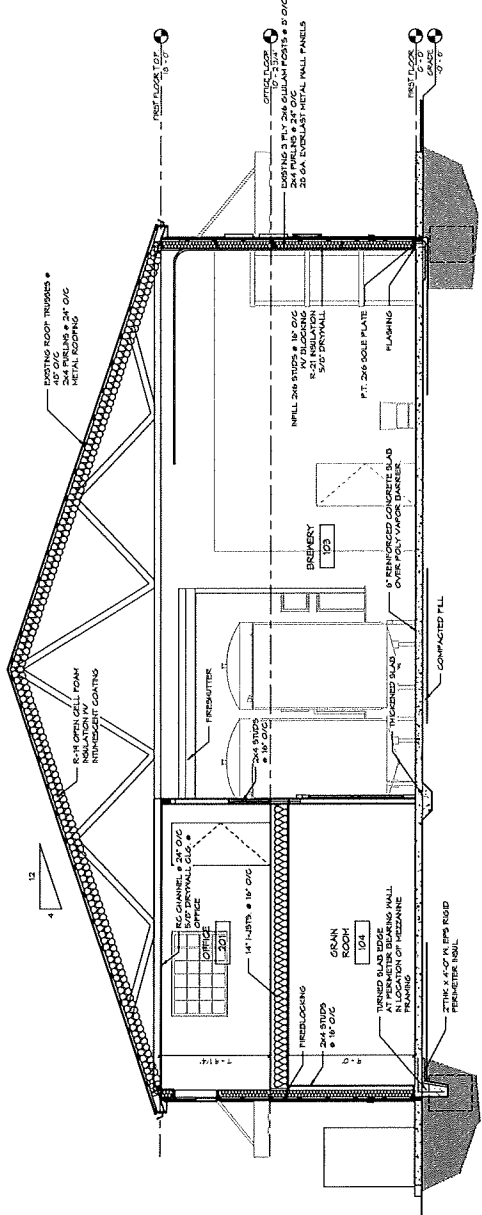
EL EMENT  
 115 W. MARKET STREET, 2ND FLOOR  
 MILTON, DE 19388  
 302.455.0777  
 www.elementg.com

SIGNATURE: \_\_\_\_\_  
 DATE OF SIGNATURE: \_\_\_\_\_  
 DATE OF REGISTRATION EXPIRATION: 01/31/2025

JOB No. 0419186  
 SCALE: AS INDICATED  
 DRAWN: BB  
 CHECKED: BB  
 ISSUE DATE: 04/07/2020  
 A501

SECTIONS

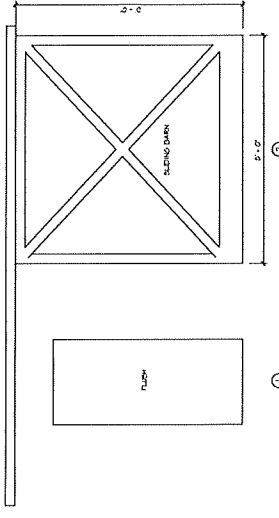
THE PROVISIONAL DETAILS OF THE ARCHITECTURE ARE SUBJECT TO CHANGE WITHOUT NOTICE AND WITHOUT LIABILITY OF THE ARCHITECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWINGS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY OMISSIONS OR ERRORS IN THE PROVISIONAL DETAILS.



### DOOR SCHEDULE

UNDOOR	TYPE	MATERIAL	WIDTH	HEIGHT	GLASS TYPE	FINISH	MARKING	RATING	NOTES	COMMENTS
01	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
02	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
03	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
04	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
05	3	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
06	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
07	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
08	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
09	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
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12	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
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15	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
16	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
17	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
18	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
19	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
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42	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
43	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
44	1	16" O.D.	3'-0"	7'-0"	0-1/2"	1	1	1	1	1
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- UNDOOR 50: 16" O.D. 3'-0" x 7'-0" 0-1/2" 1 1 1 1 1 1 1 1 1 1 1



1 DOOR TYPES 1/4\"/>

REV.	DATE	DESCRIPTION	BY

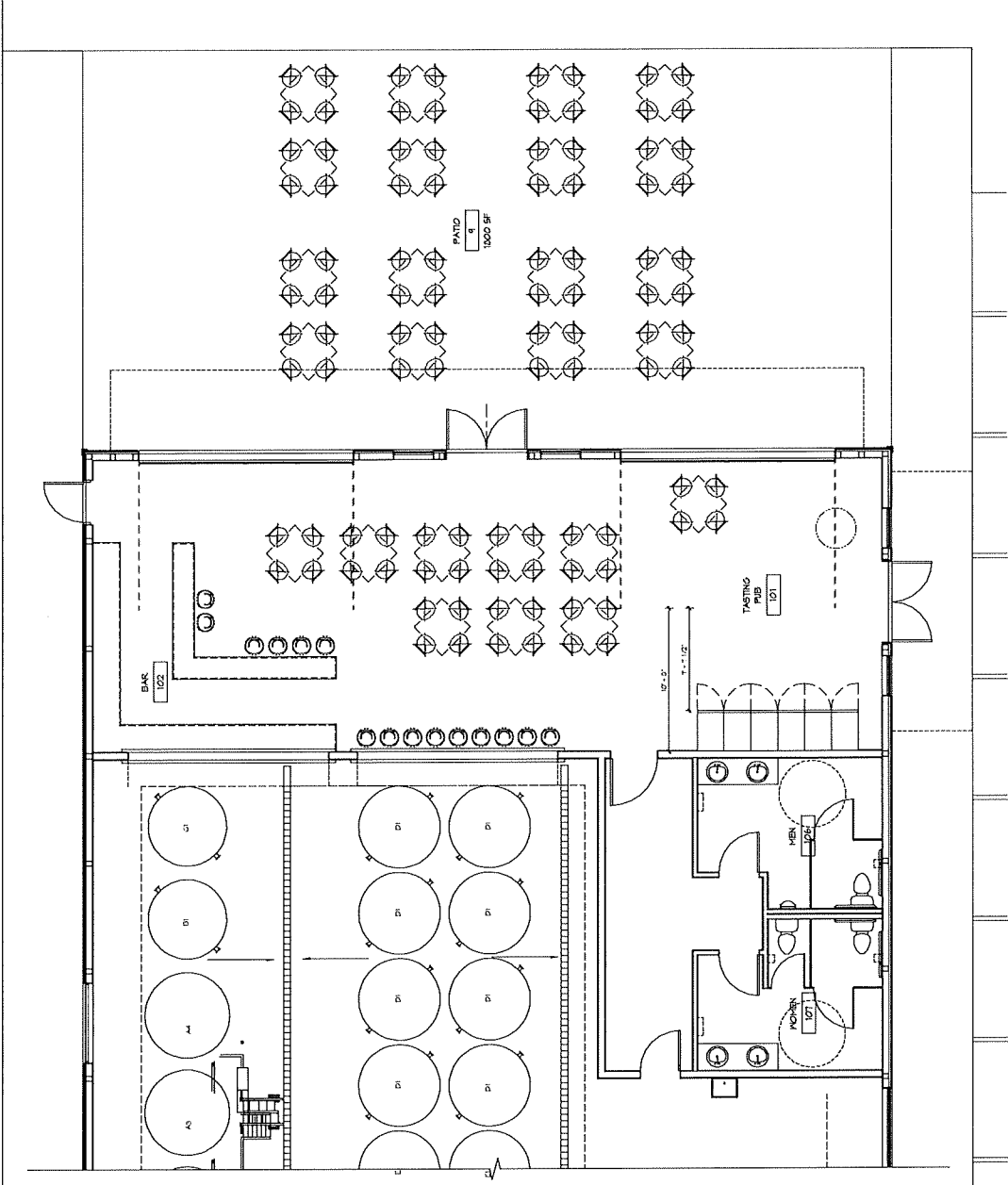
DEMY BEER COMPANY  
 BUILDING 3 FIT-OUT  
 MILTON, DELAWARE  
 TAX MAP # 235-30.00-21.00

**ELEMENT**  
 115 W. MARKET STREET, 2ND FLOOR  
 MILAN, DE 19388  
 302.645.0778  
 www.elementdc.com

DSN	PSN	CHCD

SCALE: 1/4" = 1'-0"  
 JOB No. 0415196  
 SHEET DATE: 04.07.2020  
**SK-1**

SEATING PLAN



① FIRST FLOOR SEATING PLAN 0408.1  
 1/4" = 1'-0"

## Russell Warrington

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, April 8, 2020 11:31 AM  
**To:** Planning & Zoning - External  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, April 8, 2020 - 11:31am

Name: Vincent Harman

Email address: vincent.harman0@gmail.com Phone number: 302-448-5651

Subject: C\_U2310-Dewey Beer Co

Message: This project will be a great addition to the local community, both for increasing industry in the area as well as bringing money to the local economy.



## Russell Warrington

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, April 7, 2020 2:47 PM  
**To:** Planning & Zoning - External  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, April 7, 2020 - 2:46pm

Name: John

Email address: Jwfacer74@gmail.com

Phone number: 4434970312

Subject: C\_U2310-dewey beer co.

Message: I'm writing to express my support for Dewey Beer companies expansion to Milton. This will be a great addition to the area. I look forward to their opening day.

## Russell Warrington

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, April 9, 2020 2:53 PM  
**To:** Planning & Zoning - External  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, April 9, 2020 - 2:53pm

Name: Matt Sutton  
Email address: mattsutton73@gmail.com  
Phone number: 3025692952  
Subject: C/U 2210-Dewey Beer Co

Message:

Hello Sussex County Planning and Zoning Commission.

I would first like to say that I hope you are all safe and healthy during this very unsettling coronavirus crisis. I am writing you to comment on the proposed Dewey Beer Company brewery that they are seeking to build in Harbeson, adjacent to the housing development that I live in, The Meadows Of Beaver Creek. The first thing I would like to say is that I am totally, absolutely, and unequivocally in favor of Deee Beer Company to build a brewery here. I feel that it will bring needed people/business to Harbeson I feel that the positive effects of a brewery being built here are infinite. I also understand that many other residents of The Meadows of Beaver Creek are absolutely opposed to a brewery being built here, ( their negative concerns, and surely negative comments are unrealistic and not researched). Approximately 90% of the residents of this development, 9ncluding myself, have moved here from out of state, mostly retired persons, the most prevalent reason for their relocation being low property tax and no sales tax. I have lived here for over 8 years and I absolutely love Sussex County. Unlike me, most of the residents of this development that I have referenced are just miserable human beings that have nothing better to do than complain about almost everything including general progression, expansion, and growth of the county, which I see as a natural product of the population of our county growing. The other issue that these .miserable people are very concerned about and complain about is property values. I see the addition of a brewery being built here as a positive boost for our property values. Although I do understand that you have to take in to consideration every comment that is sent to you, either positive or negative, I also hope you take into consideration the fact that most of the negative comments will be coming from miserable, negative people that are never happy with anything that anyone tries to do to better themselves, their business, or their community. I thank you in advance for hopefully giving Dewey Beer Company affirmative and encouraging YES votes across the board. Have a wonderful evening.

## Russell Warrington

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Friday, April 3, 2020 10:36 PM  
**To:** Planning & Zoning - External  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Friday, April 3, 2020 - 10:36pm

Name: Linda J. McCollum

Email address: ljmccollum505@gmail.com

Phone number: 302-393-6909

Subject: Dewey Brewery

Message: I live right behind the warehouses in the Meadows of Beaver Creek Community on Riverwalk Dr. I don't see any reason why they can't put a small brewery at that location.



**Russell Warrington**

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Friday, April 3, 2020 7:42 PM  
**To:** Planning & Zoning - External  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Friday, April 3, 2020 - 7:41pm

Name: ROBERT SUTTON

Email address: suttrm@comcast.net

Phone number: 732-742-8471

Subject: C/U 2210 Dewey Beer Co.

Message: I am a resident of the Meadows of Beaver Creek located next to the proposed brewery. I see no problem with a brewery being located in the area. Even with the warehouses that have opened I have not noticed any real traffic change. Rt. 5 has minimal traffic as it is.

## Russell Warrington

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, April 9, 2020 6:40 PM  
**To:** Planning & Zoning - External  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, April 9, 2020 - 6:40pm

Name: Richard Szvitch

Email address: rszviti@yahoo.com

Phone number: 392-542-4638

Subject: C/U 2210-dewey beer company

Message: I am in full support of this proposal and believe we should be helping small businesses in the local area

## Russell Warrington

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Friday, April 3, 2020 7:55 PM  
**To:** Planning & Zoning - External  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Friday, April 3, 2020 - 7:54pm

Name: PJ Facciolo  
Email address: pejama@comcast.net  
Phone number: 3023456747  
Subject: Proposed Brewery on Route 5

Message:

We are residents of the Meadows of Beaver Creek. We understand that there is an upcoming meeting to discuss the possibility of building a brewery on Route 5. We would like to weigh-in that we are not in favor of the proposed location. This would place a burden on our current water system, increase traffic and negatively affect the desirability of our neighborhood. In addition, we are opposed to any further commercial development on Route 5.

Thank you

Russell Warrington

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, April 8, 2020 8:42 AM  
**To:** Planning & Zoning - External  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, April 8, 2020 - 8:41am

Name: Patrick Ahern  
Email address: yankeefan625@optonline.net Phone number: 973 769 7991  
Subject: Brewery on Harbeson road

Message: I would like my position against this brewery to be noted. I think this is going to impact traffic. I built a home in the community bordering this proposed project never expecting to have a brewery in my backyard. There is also a concern about the amount of waste water that will be sent to the treatment plant located at the property next to our pool creating more sludge to be hauled through our community. If I was aware of all this we would have not built in this community.



## Russell Warrington

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Saturday, April 4, 2020 2:52 PM  
**To:** Planning & Zoning - External  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Saturday, April 4, 2020 - 2:52pm

Name: Lenore Koehler

Email address: Leniko814@gmail.com

Phone number: 3026641585

Subject: Case: C/U 2210- Dewey Beer Co

Message: We do not want Zoning changed to allow a Brewery to set up as public business at the Warehouses located at the intersection Between Rte 5 and 9. This is a quiet area that does not deserve to be inundated with this type of business. It would also overtax the Waste Water Treatment plant located nearby. NO CHANGE TO THE AGREED UPON ZONING!

## Russell Warrington

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Saturday, April 4, 2020 2:59 PM  
**To:** Planning & Zoning - External  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Saturday, April 4, 2020 - 2:59pm

Name: Peter Koehler

Email address: pkoehler315@aol.com

Phone number: 6462759705

Subject: Case: C/U 2210- Dewey Beer Co

Message: We live at MOBC community. We chose this area due to the quiet, and non-commercial Zoning as promised by Bryton Builders. We object to and protest any after-the/fact changes to the Zoning. A brewery with public sales and access should not be approved!

## Jamie Whitehouse

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**From:** Matthew and Marilyn Coppola <noreply@forms.email>  
**Sent:** Sunday, April 5, 2020 9:48 AM  
**To:** Jamie Whitehouse  
**Subject:** Contact Form: Proposal for brewery on Route 5, Haberson, Milton

Name: Matthew and Marilyn Coppola  
Email: coppola\_mj@yahoo.com  
Phone: 9737137905

Subject: Proposal for brewery on Route 5, Haberson, Milton

Message: We are in receipt of the notice for your planning/zoning board meeting regarding the possibility of allowing a brewery at the location on Route 5 that was supposed to be for warehouse/office space. We are against this as we are concerned for the ground water and other contamination, odors and traffic. Please advise on how we make our concerns heard for the upcoming meeting.

## Jamie Whitehouse

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Friday, April 3, 2020 5:33 PM  
**To:** Planning & Zoning - External  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Friday, April 3, 2020 - 5:32pm

Name: William J. Klunk  
Email address: wjandae@gmail.com  
Phone number: 540-797-1563  
Subject: C/U 2210- Dewey Beer Co.

Message: As a resident of the Meadows of Beaver Creek located adjacent to the proposed brewery. I strongly petition the P&Z Commission to refuse a change in zoning to deny this operation. I state this based on the fact that the waste water from this complex is discharged into the facility adjacent to our development. There are 7 barrels of wastewater for every barrel of beer produced. This would put a terrible strain on the wastewater facility including the RIBS( Rapid infusion basins system). Secondly the prevailing winds will drive the odors from the fermentation process plus the hops into our neighborhood. Thirdly, the increase in vehicular traffic and noise would be undesirable. Thank you for your consideration, William Klunk

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## Jamie Whitehouse

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Friday, April 3, 2020 4:16 PM  
**To:** Planning & Zoning - External  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Friday, April 3, 2020 - 4:15pm

Name: George Gumeny  
Email address: papag1272@gmail.com  
Phone number: 973.770.0506  
Subject: C/U 2210 Dewey Beer Co.

Message: Living behind this Warehouse facility, I am concerned that the conditional use to allow a brewery will result in increased noise, hours of operation, traffic, vehicle lights at night, garbage; overloading the water treatment plant in our community; and negative impacts to the stormwater pond and wetlands behind the warehouse. I am also concerned that a possible restaurant/tasting room would be included with the brewery. Please consider the adjacent homes. This is NOT an appropriate use in this zone.

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## Jennifer Norwood

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**From:** Jamie Whitehouse  
**Sent:** Monday, March 16, 2020 12:46 PM  
**To:** Jennifer Norwood  
**Subject:** FW: Submission from: Planning & Zoning Commission contact form

Jenny,

Please could you print for the file.

Thanks

-----Original Message-----

**From:** webmaster@sussexcountyde.gov <webmaster@sussexcountyde.gov>  
**Sent:** Monday, March 16, 2020 12:43 PM  
**To:** Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Monday, March 16, 2020 - 12:42pm

**Name:** Linda Gumeny  
**Email address:** lbgumeny@gmail.com  
**Phone number:** 201.207.0918  
**Subject:** Conditional Use application-Parcel 235-30.00-21.00

**Message:** I have a number of concerns regarding this change of use. 1- Is there a tasting room planned which would invite public. If so, is there adequate parking with the original approved site plan? 2. How will garbage be handled? One of the tenants (carpet company) is currently using a 40cy OPEN dumpster with no enclosure immediately adjacent to the residential community. This is 3x the size of the dumpster shown on the approved site plan and the required fence enclosure has not yet been installed. The other dumpsters on site are also not enclosed by fencing. 3. Lighting - will this facility require increased lighting? The current warehouse buildings are not complying with the requirement to shield light from adjacent residential community, as stipulated in the approved site plan. 4. Additional outside storage - will this new use require additional on-site storage beyond the square footage that was approved for the entire site? The owner has installed a large storage pod for exclusive use by the current carpet tenant, a structure that is not on the approved site plan. 5. Traffic - will the brewery increase traffic that would impact the level of service for the rt9/rt 5 intersection below the DOT requirements? Has a traffic study been completed. 6. Truck traffic-what size?

**Jamie Whitehouse**

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Friday, April 3, 2020 4:00 PM  
**To:** Planning & Zoning - External  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Friday, April 3, 2020 - 4:00pm

Name: Lane Zangwill  
Email address: pharmz@comcast.net  
Phone number: 3016091006  
Subject: Dewey beer brewery hearing

**Message:**

I'm a concerned citizen of Meadows of Beaver Creek about any negatives caused on water/waste in our community. please assure that a brewery here would take appropriate actions to not overload or detract from the environment.

Sincerely, Lane Zangwill

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