

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 23, 2020.

Application: (CU 2214) Anthony Crivella & Harold E. Dukes, Jr.

Applicant: Da Nizza Wood Fired Pizza, LLC
30 East Pine Street
Georgetown, DE 19947

Owner: Anthony Crivella & Harold E. Dukes, Jr.
325 E Rehoboth Avenue
Rehoboth Beach, DE 19971

Site Location: Located on the northeast side of Johnston St. southeast of Central Ave.

Current Zoning: General Commercial (C-1)

Proposed Use: Operate a Food Truck for a period exceeding three (3) days

Comprehensive Land Use Plan Reference: Commercial Area

Councilmatic District: Mr. Hudson

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire District

Sewer: Sussex County

Water: Private

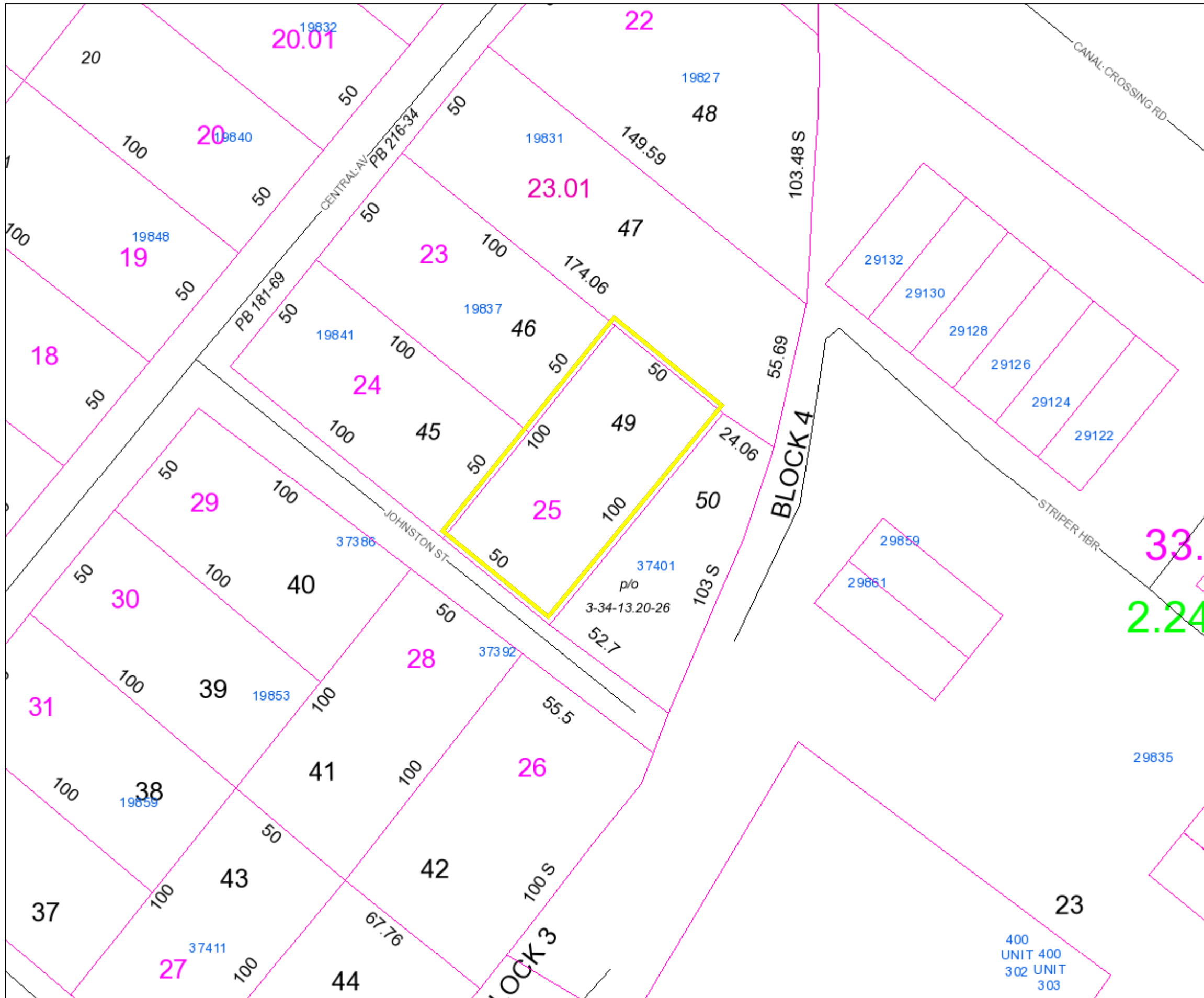
Site Area: 0.115 acres +/-

Tax Map ID.: 334-13.20-25.00





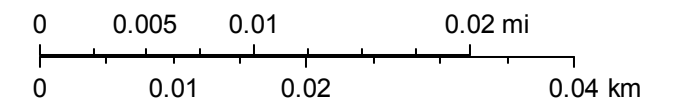
Sussex County



| | |
|------------------------|------------------------|
| PIN: | 334-13.20-25.00 |
| Owner Name | CRIVELLA TONY |
| Book | 4954 |
| Mailing Address | 323 REHOBOTH AVE STE B |
| City | REHOBOTH BEACH |
| State | DE |
| Description | SHOCKLEY SUBD. |
| Description 2 | LOT 49 BLK 4 |
| Description 3 | N/A |
| Land Code | |

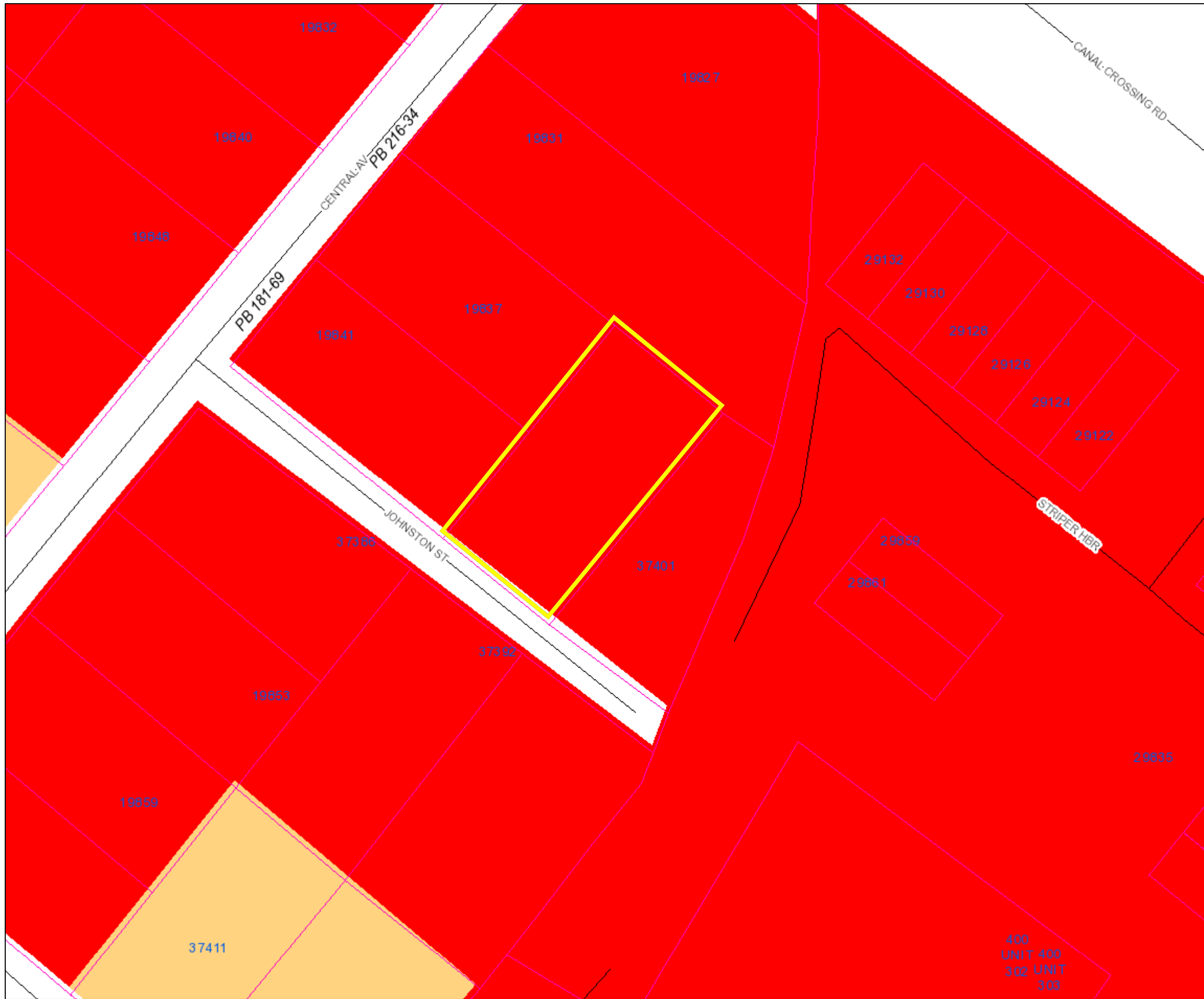
- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
 - Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Municipal Boundaries

1:564





Sussex County



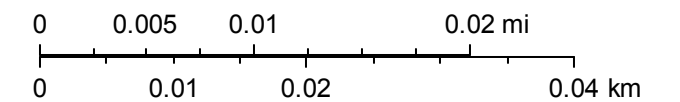
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| Description 3 | N/A |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

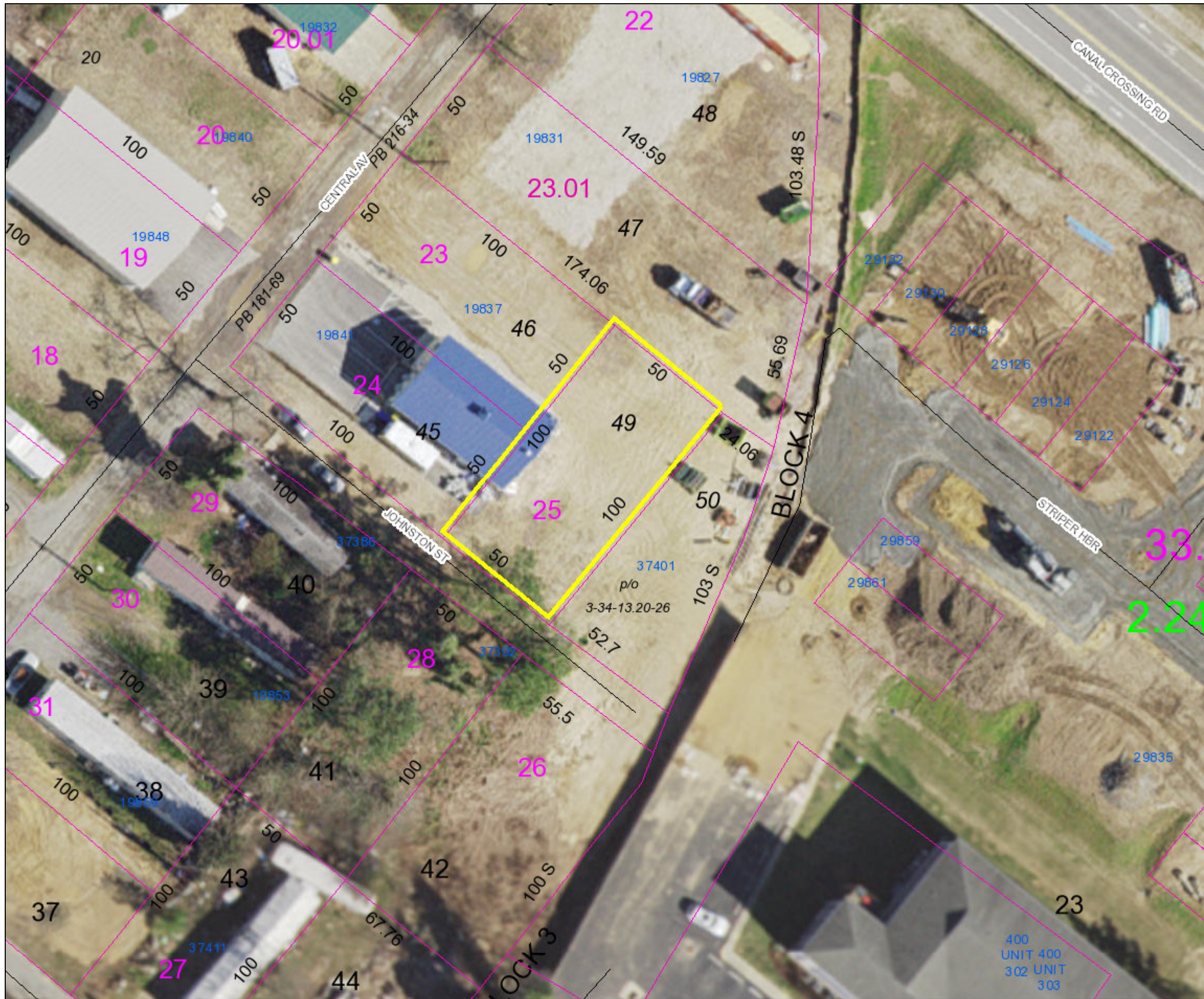
 - Override 1
- Tax Parcels
- 911 Address
- Streets

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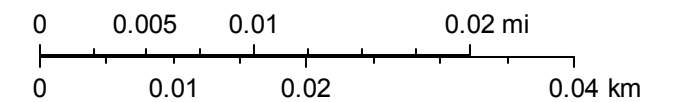
Sussex County



| | |
|------------------------|------------------------|
| PIN: | 334-13.20-25.00 |
| Owner Name | CRIVELLA TONY |
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| City | REHOBOTH BEACH |
| State | DE |
| Description | SHOCKLEY SUBD. |
| Description 2 | LOT 49 BLK 4 |
| Description 3 | N/A |
| Land Code | |

- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Municipal Boundaries

1:564



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Headley, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: July 1, 2020
RE: Staff Analysis for CU 2214 Anthony Crivella & Harold E. Dukes, Jr.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2214 to be reviewed during the July 23, 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 parcel 334-13.20-25.00 to allow the operation of a food truck for a period exceeding three (3) days. The parcel is located on the northeast side of Johnston St. southeast of Central Ave. Rehoboth Beach, Delaware. The size of the property is 0.115 acre +/-.

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 property has the land use designation of "Commercial Area."

The areas to the north, south, east and west are also designated "Commercial Areas." "Commercial Areas" include concentrations of retail and service uses, commercial corridors, shopping centers, hotels, motels, car washes and auto dealers. This includes other medium and larger scale commercial uses as well as mixed-use buildings. The site is adjacent to the Revelation Brewery and Park Shores, a multi-family community.

The property is zoned General Commercial (C-1) Zoning District. The adjacent properties to the north, south, east and west of the application site are also zoned General Commercial (C-1).

Since 2011, there have been no Conditional Use applications within the vicinity of the application site:

Based on the analysis of the land use, surrounding zoning and uses, a conditional use to allow for a food truck to be operate for a period exceeding three (3) days could be considered as being consistent with the land use, area zoning and surrounding uses.



RECEIVED

DEC 16 2019

File #: C/W# 2214
2019 14445

SUSSEX COUNTY
PLANNING & ZONING
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

Lot 49 Johnston Street/Central Avenue, Rehoboth Beach, DE 19971 (the "Property")

Type of Conditional Use Requested:

Permission to locate and operate a food truck on the Property for a period exceeding three days to provide food for Revelation Brewing Company patrons (Code Section 115-79).

Tax Map #: 334-13.20-25.00 **Size of Parcel(s):** +/- 5,000 S.F. 0.115 acres

Current Zoning: C-1 **Proposed Zoning:** N/A **Size of Building:** N/A

Land Use Classification: General Commercial

Water Provider: N/A **Sewer Provider:** N/A

Applicant Information

Applicant Name: Da Nizza Wood Fired Pizza LLC

Applicant Address: 30 East Pine Street, Georgetown, DE 19947

City: Rehoboth Beach **State:** DE **Zip Code:** 19947

Phone #: (302) 540-9254 **E-mail:** bnelson@revbeer.com; harry@revbeer.com

Owner Information

Owner Name: Anthony Crivella and Harold E. Dukes, Jr.

Owner Address: 323E Rehoboth Avenue

City: Rehoboth Beach **State:** DE **Zip Code:** 19971

Phone #: _____ **E-mail:** cleanbeaches@icloud.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Taylor E. Trapp, Esq.

Agent/Attorney/Engineer Address: 30 East Pine Street

City: Georgetown **State:** DE **Zip Code:** 19947

Phone #: (302) 227-1314 **E-mail:** taylor@tunnellraysor.com; mackenzie@tunnellraysor.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

Taylor E. Trepp

Date: 11/14/19

Signature of Owner

Walter D. [Signature]

Date: 11/14/19

For office use only:

Date Submitted: 12/17/19

Staff accepting application: CEH

Location of property: _____

Fee: \$500.00 Check #: 74317
Application & Case #: 201914445

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

RECEIVED

DEC 16 2019

SUSSEX COUNTY
PLANNING & ZONING

JENNIFER COHAN
SECRETARY

December 13, 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 **Da Nizza Wood Fired Pizza, LLC** conditional use application, which we received on November 15, 2019. This application is for an approximately 0.11-acre parcel (Tax Parcel: 334-13.20-25.00). The subject land is located on the southeast side of Central Avenue and southwest of Canal Street, just southeast of Hebron Road (Sussex Road 273), in Rehoboth Beach. The subject land is currently zoned as C-1 (General Commercial) and the applicant is seeking a conditional use approval for the temporary operation of a 176 square-foot portable food truck and a 160 square-foot portable trailer.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Hebron Road where the subject land would have access, which is from Canal Street to Holland Glade Road (Sussex Road 271), are 3,255 and 4,189 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.

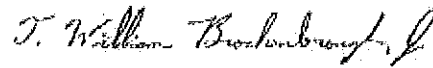
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell
Page 2 of 2
December 13, 2019

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

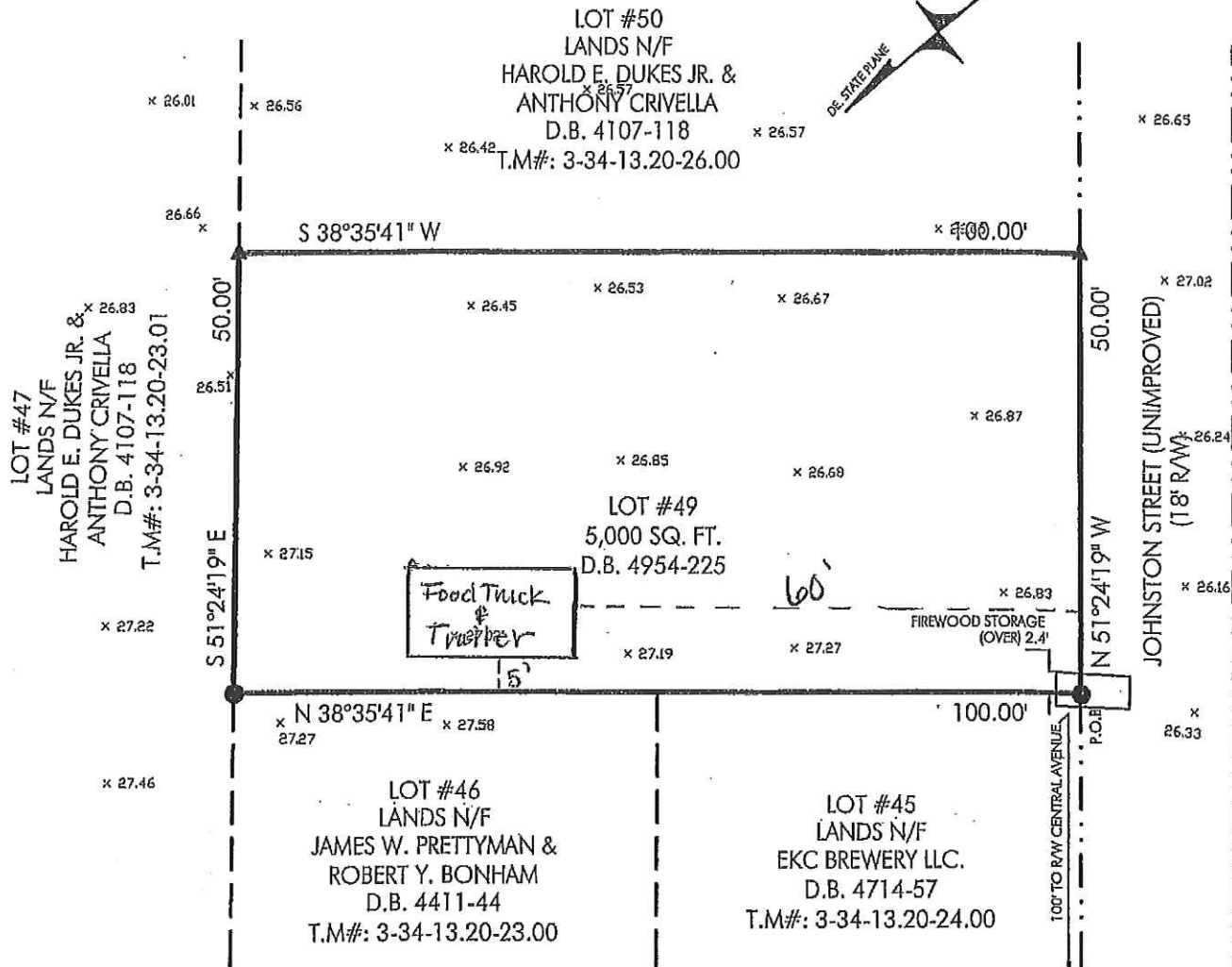
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Da Nizza Wood Fired Pizza, LLC, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & 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
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

EXHIBIT A
Survey (8 Copies)

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.



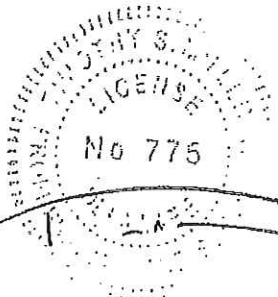
LEGEND:

- IRON PIPE (FOUND)
- ▲ IRON ROD (TO BE SET)
- x 25.89 ELEVATION SPOT SHOT (NAVD 88)

**BOUNDARY SURVEY PLAN FOR
ANTHONY CRIVELLA &
HAROLD E. DUKES JR.**

DEED REFERENCE: BOOK 4954 PAGE 225
LOT #49 OF "GEORGE E. SHOCKLEY" SUBDIVISION
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
FEBRUARY 6, 2019 SCALE: 1" = 20'

NOTES:
-ALL SETBACKS MUST BE VERIFIED BY THE OWNER AND/OR GENERAL CONTRACTOR.
CURRENT ZONING: C1 COMMERCIAL
VERTICAL DATUM: NAVD 88
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



Prepared by:
FORESIGHT Services
Surveying & Precision Measurement

302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971

5

EXHIBIT B

Code Section 115-79 Conditional Uses

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.

Sussex County, DE
Sunday, November 10, 2019

Chapter 115. Zoning

Article XI. C-1 General Commercial District

§ 115-79. Conditional uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article **XXIV** of this chapter:

Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration

Aquariums, commercial

Beaches, commercial

Bus terminals

Cemeteries, including a crematorium if located at least 200 feet from the boundaries of the cemetery

Drive-in theaters

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums

Institutions, educational or philanthropic, including museums, art galleries and libraries

Outdoor amusement places and open-air drive-in theaters. Outdoor amusement places include, but are not limited to, batting cages, skating rinks, waterslides, miniature golf model racing tracks and similar recreational activities. Mobile or fixed-type cranes or lifting devices, not designed, not approved for, not manufactured for or not intended to carry, transport or in any fashion move individual(s) or person(s), shall be prohibited and shall not be used for amusement purposes.

[Added 8-11-1992 by Ord. No. 849; amended 3-30-1993 by Ord. No. 887; 8-22-2006 by Ord. No. 1870]

Public or governmental buildings and uses, including schools, parks, parkways, playgrounds and public boat landings

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations and transmission lines utilizing multilegged structures

Racetracks, any type, including horses, stock cars or drag strip

Recreation facilities, privately or commercially operated, such as a fishing or boating lake, picnic grounds or dude ranch, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment

Residential, business, commercial or industrial uses when the purposes of this chapter are more fully met by issuing a conditional use permit

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events not approved by the Director as

a permitted use under § 115-79 shall require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

[Amended 5-1-1990 by Ord. No. 680; 11-10-1992 by Ord. No. 863; 8-20-2013 by Ord. No. 2316; 9-18-2018 by Ord. No. 2599]

Sports arenas or stadiums, commercial athletic fields or baseball parks

Swimming or tennis clubs, private, nonprofit or commercially operated

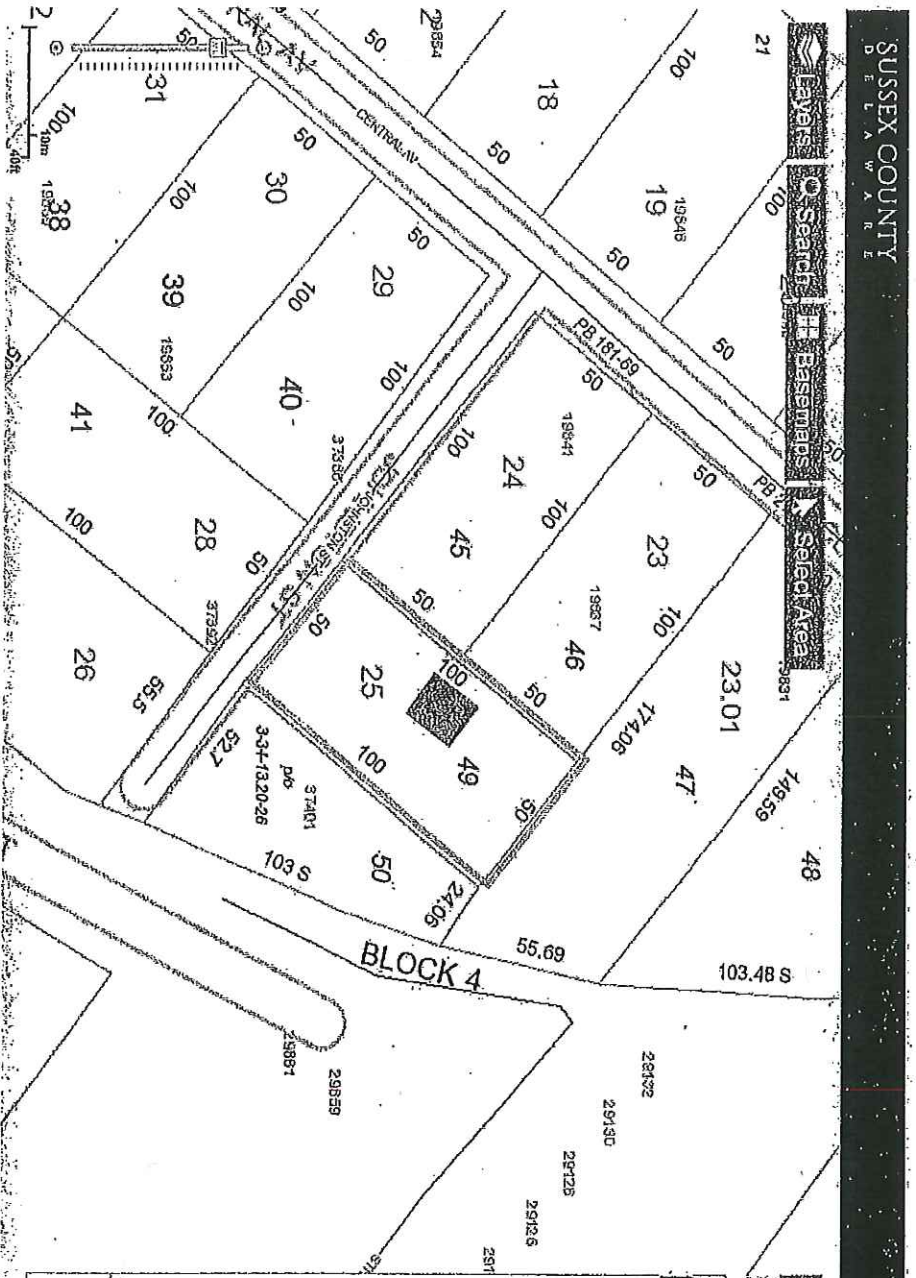
EXHIBIT C

Proposed Food Truck and Trailer Location

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.

Beachfire Brewing Company LLC
 Food Truck and Trailer Location
 Temporary Removable Vendor Permit
 Re: TMP 334-13.24.00, 25.00



SUSSEX COUNTY
 DELAWARE

Layers Search Basemap Select Area

Print Help

Search results

Selected Features: Parcel (1) Zoom

| | |
|-------------------|------------------------|
| Book | 4954 |
| Page | 225 |
| Owner Name | CRIVELLA TONY |
| Second Owner Name | HAROLD E DUKES JR |
| Mailing Address | 323 REHOBOTH AVE STE E |
| City | REHOBOTH BEACH |
| State | DE |
| Sewer Account | 10-15-025 |
| Description | SHOCKLEY SUBD. |
| Description 2 | LOT 49 BLK 4 |
| Description 3 | |
| Land Code | CO |
| School | |
| Town Code | 00 |
| CAP | 0 |

= Food Truck and Trailer Location
 * Complies with 5' side yard setback
 * Complies with 60' front yard setback
 * Not drawn to scale

Selected Features (1)

EXHIBIT D

Property Deed

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.

Document# 201800035015 BK: 4954 PG: 225
Recorder of Deeds, Scott Dailey On 9/26/2018 at 11:05:13 AM Sussex County, DE
Consideration: \$0.00 County/Town: \$0.00 State: \$0.00 Total: \$0.00
Doc Surcharge Paid Town: SUSSEX COUNTY

TAX MAP #: 3-34 13.20 25.00 & 26.00
PREPARED BY & RETURN TO:
Tunnell & Raysor, P.A.
323 Rehoboth Avenue
Suite E
Rehoboth Beach, DE 19971
File No. AS10683/MLG

THIS DEED, made this September 25, 2018,

- BETWEEN -

TONY CRIVELLA and HAROLD E. DUKES, JR., of 323 Rehoboth Avenue, Suite E, Rehoboth Beach, DE 19971, parties of the first part,

- AND -

TONY CRIVELLA, as to 50% interest and HAROLD E. DUKES, JR., as to a 50% interest of 323 Rehoboth Avenue, Suite E, Rehoboth Beach, DE 19971, as tenants in common, parties of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

Parcel: 3-34 13.20 25.00

ALL that certain lot, piece or parcel of land lying and situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, being all of Lot No. 49, Block 4, in the subdivision known as "Subdivision of a Part of George E. Shockley's Land" prepared by John C. Lank, Surveyor received for record on January 30, 1942, and appearing of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 334, Page 152.

TUNNELL
& RAYSOR, P.A.
Rehoboth Beach, DE

Document# 201800035015 BK: 4954 PG: 226

Recorder of Deeds, Scott Dailey On 9/26/2018 at 11:05:13 AM Sussex County, DE

Doc Surcharge Paid

Parcel: 3-34 13.20 26.00

ALL that certain lot, piece or parcel of land lying and situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, being all of Lot No. 42, Block 3, in the subdivision known as "Subdivision of a Part of George E. Shockley's Land" prepared by John C. Lank, Surveyor received for record on January 30, 1942, and appearing of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 334, Page 152.

ALL that certain lot, piece or parcel of land lying and situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, being all of Lot No. 50, Block 4, in the subdivision known as "Subdivision of a Part of George E. Shockley's Land" prepared by John C. Lank, Surveyor received for record on January 30, 1942, and appearing of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 334, Page 152.

BEING the same lands conveyed to Tony Crivella and Harold E. Dukes, Jr. from W & C Catts Family Limited Partnership, a Delaware Limited Partnership, Constance R. Catts, Individually, Constance R. Catts, Trustee under Revocable Trust Agreement of Constance R. Catts dated 7/16/98 and Constance R. Catts, Survivor Trustee of The Wilson B. Catts Revocable Trust Agreement dated 7/16/98, by Deed dated September 18, 2018, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on September 19, 2018, in Deed Book 4951, Page 140.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

Document# 201800035015 BK: 4954 PG: 227


Recorder of Deeds, Scott Dailey On 9/26/2018 at 11:05:13 AM Sussex County, DE

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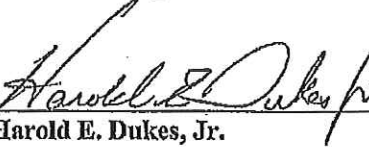
IN WITNESS WHEREOF, the parties of the first part have set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the presence of:

Witness


Tony Crivella (SEAL)

Witness


Harold E. Dukes, Jr. (SEAL)

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 25th day of September, A.D. 2018, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Tony Crivella and Harold E. Dukes, Jr. parties to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

MICHELLE L. GUNN
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires June 6, 2021



Notary Public

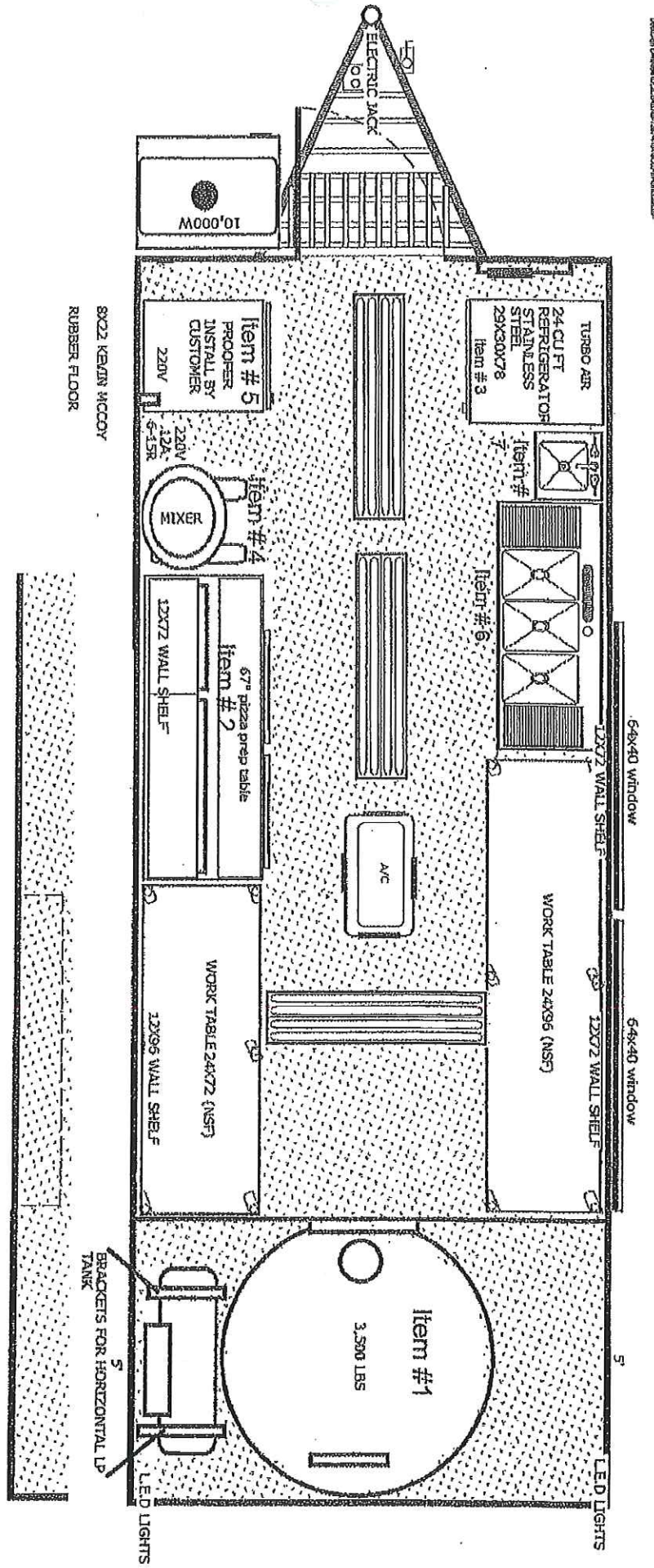
EXHIBIT E

Food Truck Layout

Food Truck Business License

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.



8X22 KEVIN MCCOY
RUBBER FLOOR

LICENSE NO. 2017607299 DEL.

POST CONSPICUOUSLY

STATE OF DELAWARE

DIVISION OF REVENUE

VALID

01/01/19 - 12/31/19
NOT TRANSFERABLE

DLN: 18 95623 60

BUSINESS CODE
GROUP CODE

393

LICENSED
ACTIVITY

RETAILER-RESTAURANT

DATE ISSUED: 12/24/18

****VALIDATED****

LICENSE FEE: \$ 75.00

MAILING ADDRESS

BUSINESS LICENSE

BUSINESS LOCATION

DA NIZZA WOOD FIRED PIZZA LLC
DA NIZZA WOOD FIRED PIZZA
PO BOX 993
HOCKESSIN DE 19707-0993



DA NIZZA WOOD FIRED PIZZA
30 E PINE ST
GEORGETOWN DE 19947-1904

IS HEREBY LICENSED TO PRACTICE, CONDUCT OR ENGAGE IN THE OCCUPATION
OR BUSINESS ACTIVITY INDICATED ABOVE IN ACCORDANCE WITH THE LICENSE
APPLICATION DULY FILED PURSUANT TO TITLE 30, DEL. CODE.

JENNIFER R. HUDSON
DIRECTOR OF REVENUE