

**PLANNING AND ZONING COMMISSION
MINUTES
JANUARY 7, 2014**

ATTENDEES:

Members

Pam Buckley
John Staley
Peck Miller
Lauren Taylor
Joel Brous
Palmer Gillis

Staff

Blaine Smith
Kay Stroud
Will Esham
Matt Margotta
Bob Nelson

CALL TO ORDER – 6:30 PM

I. APPROVAL OF MINUTES:

Minutes of December 17, 2013 approved unanimously (6-0), Lauren Taylor made the motion, John Staley seconded.

II. PROPOSED CODE AMENDMENTS:

Blaine Smith, Assistant Director of Planning and Zoning, introduced the proposed code amendments to the Downtown Design Overlay Zones, which are an effort to make the downtown and upper downtown areas more uniform. These proposed amendments will affect most zoning districts encompassed within the overlay zones – DM (Downtown Marine), DMX (Downtown Mixed Use), DR (Downtown Residential), I-1 (Inlet) B-1 (Boardwalk Commercial), M (Manufacturing) Districts. Issues include color palettes, tandem parking, signage, cantilevered balconies, awnings, differentiating types of uses and designations, establishing master plans for solid waste and drainage, roof types, and parking incentives.

Glenn Irwin, Executive Director for OCDC and Bob Givarz, President of OCDC, attended in support and to provide answers for the Commission and audience.

UNANIMOUS CONSENSUS (6-0) to consider 2 to 3 public hearings for these changes, showing public how these specific changes are relevant and will work. Blaine Smith added staff would come back on February 4, 2014 with a more detailed plan to implement process.

IV. BROADMARSH PHASE III – brought forward by Blaine Smith for review of elevations for consistency with preliminary subdivision plat. Out of order on agenda to finish prior to the public hearing.

MOTION/Miller **SECONDED/Taylor** (6-0) Motion to approve the elevations of Phase III as presented.

III. PUBLIC HEARING – 7 PM:

Pursuant to the provisions of Article II, Section 5, Conditional Uses, a request has been filed under the provisions of Section 110-514, Uses permitted by Conditional Use in the LC-1, Local Commercial District, to permit a portion of the proposed establishment to engage in brewing, similar to other manufacturing and wholesale establishments listed herein. Concurrently, a site plan review of proposed mixed-use project consisting of the wholesale brewery, restaurant/bar, and retail area will be conducted. The site of the request is described as an unnumbered lot of the Isle of Wight Plat, further described as located on the west side of Coastal Highway and on the south side of 56th Street, and known locally as 5509 Coastal Highway, in the Town of Ocean City, Maryland.

APPLICANT: DONNA SHORES – (FILE #13-16100001)

Blaine Smith introduced the Conditional Use application.

Hugh Cropper, IV, attorney for the applicant, introduced Mark Fesche and qualified him as an expert in the field of brewing as a master. He has worked with brewing since 1992 in several breweries in different states. He testified that the operational plan to start with is to brew a 1000 gallon batch, once a week, requiring five (5) employees. His testimony also gave the formula for 7 gallons of water to make 1 gallon of beer – losing 1 gallon in the brewing process, 2 gallons in the spent grain – so approximately 3 gallons per 1 gallon of product must be treated in the wastewater system. Silo will be filled with malted barley once every 10 weeks, waste picked up weekly. Hours of operation are normal daytime hours of 7 am to 5 pm. Noise should be no greater than an average HVAC unit. Odor should be confined to brewing day, one day a week, 4-5 hours, and smell like a bakery. The brewery would be brewing a variety of flavors, from traditional to new American exotic types with approximately 12 types on tap.

The members of the Planning Commission addressed Mr. Fesche in regard to these items:

- 1) The maximum total brews per week if able – 4
- 2) Height of silo – 31 feet
- 3) Smell from grain disposal
- 4) Conversion of gallons to kegs – 1000 gallons=60-62 kegs
- 5) Alternative delivery & solid waste removal routes – remove 10' from back of existing building to make route from parking lot out through 56th Street.
- 6) Settling tanks on north side of existing building – 8' in depth, 250 gals each x 2
- 7) Type of menu to be served at restaurant – common pub fare, menu 3-4 pages
- 8) How to cut down on nuisance factor with residue, how quickly to be removed, covered, offensive odors, etc.
- 9) Bike racks/location
- 10) Delivery trucks having to back into Coastal Highway.
- 11) Alternative arrangement for handicap-accessible parking spaces in front of existing building.
- 12) Effluent treatment & affect on Town's treatment system.

MOTION/Taylor SECONDED/Gillis (6-0) Motion to close the hearing at 8:15 pm for deliberations.

Deliberations from L to R –

Palmer Gillis – odor from residual grain storage; likely to be greatest priority to remove or move within a specific timeframe.

Joel Brous – thinks good use of existing property/structure, and that nuisance factor above will be a 1% problem.

Peck Miller – must police own property/business in regard to offensive odor – Conditional Use cannot go through without a remedy.

John Staley – approves of concept.

Lauren Taylor – consider hours and intensification of use on neighborhood.

Pam Buckley – determine what type of buffers are needed at adjacent property lines.

MOTION/Miller SECONDED/Gillis (6-0) Motion to favorably recommend the Conditional Use to the Mayor and City Council. Applicant must control any offensive odors from brewing process. Effluent treatment levels to be resolved with the Town of Ocean City and any higher processes necessary. Buffer types to be resolved with input from neighboring property owners. Add a cover to the residual grain storage.

ADJOURNMENT @ 8:30 p.m.

John Staley 2/4/14
John Staley Commission Sec. Date