

**PLANNING AND ZONING COMMISSION
MINUTES
JUNE 3, 2014**

ATTENDEES:

Members

Lauren Taylor
John Staley
Joel Brous
Peck Miller
Chris Shanahan
Palmer Gillis

Staff

Blaine Smith
Kay Stroud
Robert Nelson
Matt Margotta
Will Esham

CALL TO ORDER – 7:00 PM

I. MINUTES

Minutes of April 15, May 6, and May 20, 2014 had been distributed by email. Peck Miller motioned for approval, Palmer Gillis seconded. Minutes were approved unanimously (4-0) with Lauren and Chris abstaining since they were absent during one meeting or another.

II. PUBLIC HEARING

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 amend and/or alter an existing Conditional Use permit (#13-16100001) to allow 1) bottling and canning to be added to the interior of the brewery section of the premises, and 2) to erect a silo on the exterior of the premises, approximately 10 feet in diameter and 31 feet in height. 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: HUGH CROPPER IV, ATTORNEY FOR OCEAN CITY BREWING COMPANY – (FILE #14-16100001)

Blaine Smith, Zoning Administrator, discussed this commercial application's prior history with the Board of Zoning Appeals (Special Parking Exception BZA 2392 #13-09400023), Planning and Zoning Commission (Conditional Use #13-16100001), subsequent granting of the Conditional Use permit by the Mayor and City Council on February 3, 2014 and final site plan approval by the Planning Commission on February 4, 2014. He explained that Mr. Cropper, attorney for the applicant, was seeking to amend the conditions of approval with this new public hearing – to erect the grain storage silo outside a maximum of 31' in height, and to add bottling and canning to the brewery operation on the interior.

Hugh Cropper, IV, attorney for the applicant, introduced the approval letter, the approved site plan, the transcript from the earlier public hearing on January 7, 2014, and finding of fact for the record. Joshua Shores, owner of Ocean City Brewing Company, testified as to why he was seeking the two amendments to the conditions of approval and distributed an exhibit packet to better illustrate his spoken points.

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The ability to store the grain in the exterior silo would contribute to a cleaner, safer operation with less hazards of trucking the grain in by bag, less problem with pests, dust, and a safer operation that would incur less workplace hazards for employees. The canning/bottling operation would be a mobile unit contracted to be brought in every several weeks to brand the products being brewed and bottled/canned in Ocean City Maryland.

After discussion between Mr. Shores and the Commissioners, John Seipp, attorney representing Maresol Condominium, introduced himself and explained that several members of the association would be testifying over concern of conditions currently approved and those proposed for amendment. James Dietrick (local address 105-56th Street, Unit #402 and permanent address – 11943 Hampstead Green, Ellicott City MD), Lane Robert Hubbard (local address 105-56th Street, Unit #306 and permanent address – 10 Havenfield Drive, Baltimore, Maryland 21234), and Chris Demopolous (local address 105-56th Street, Unit #408 and permanent address 6801 Capri Place, Bethesda, Maryland) testified that even though the zoning classification is LC-1, the neighborhood has grown increasingly more residential over the years and that they and other neighbors are concerned with congestion, traffic patterns, noise, and viewing the silo which in their opinion makes the property look industrial and manufacturing, not residential in character.

Richard Holland, 8625 Circle Road, Berlin, Maryland, part owner of the Adkins Company and lease-holder of the property, testified in favor of the application to amend the conditions. He expressed that the business would be much safer with the exterior grain storage silo and that the business should be a positive commercial enterprise for the City.

Other residential unit owners in the immediate area also testified. Joy Davis, president of the Board of Directors for Sunset Bay (local address 5405 Coastal Highway, Unit #501 and permanent address 1235 Lakewood Drive, Wilmington, Delaware), and Joanne Karambellas (testifying for her mother, owner of 5405 Coastal Highway, Unit #505, Sunset Bay and permanent address 18520 Clovercrest Circle, Olney, Maryland) spoke of their fears of the operation growing out of control and creating adverse affect on their property values and the residential quality of the neighborhood.

Malcolm Van Kirk, managing partner of the Best Western Ocean City at 5501 Coastal Highway spoke about supporting balance in the neighborhood.

Stephen O'Toole (5405 Coastal Highway, Unit #309, Sunset Bay and permanent address 1639 Sadler's Wells Drive, Herndon VA) reiterated the concerns of others who testified against the amendments, above.

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After lengthy discussion, the Commissions determined that the craft brewing business is one that is evolving, and that the amendments to the Conditions were reasonable from a safety and efficiency perspective. As hearing examiners for the Mayor and City Council, the Commission determined that a favorable recommendation for amendments to add the grain silo to the exterior of the structure, and to allow canning/bottling to occur in the interior of the brewery was in order, but for a probation period of one (1) year, at the end of which or prior to next season, the applicant would come back to the Commission for an evaluation and further recommendation. The complete transcript is available for review.

MOTION/Shanahan **SECONDED/Gillis** (5-1) Lauren Taylor opposed. Motion to forward the favorable recommendation to Mayor and City Council to 1) add the grain silo to the exterior of the structure as indicated on the site plan; and to 2) allow canning/bottling operation (mobile/contracted) to occur in the interior of the brewery operation

ADJOURNMENT @ 8:55 p.m.

John Staley 7/1/14
John Staley Commission Sec. Date