

## **MINUTES**

The Kent County Planning Commission met in regular session on Thursday, July 11, 2013, in the County Commissioners Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Elizabeth Morris, Chair; Bill Sutton, Vice Chairman; Randy Bellows; Ed Birkmire; Bill Crowding; and Joe Hickman. Staff in attendance was: Amy Moredock, Director of Planning, Housing, and Zoning; Carla Gerber, Community Planning; Bill Kerbin, Housing Planner; G. Mitchell Mowell, Planning Commission Attorney; and Sandy Adams, Secretary. Jennifer Butz also attended the meeting.

Ms. Morris called the meeting to order at 1:30 p.m.

## **MINUTES**

The minutes of the June 6, 2013, meeting were approved as presented.

## **PUBLIC HEARING**

Ms. Morris closed the regular meeting and called the Public Hearing to order at 1:32 p.m.

The Kent County Planning Commission held a public hearing to solicit comments on the proposed Zoning Text Amendment which would add microbrewery to the list of permitted uses in the Commercial Zoning District and add a definition of microbrewery.

Present and duly sworn was Kevin Shertz, the applicant, and Carla Gerber, Community Planner.

Ms. Gerber gave an overview of the proposed text amendment and reviewed the staff report noting the Applicable Laws of the Kent County Land Use Ordinance to include Article XII, Section 6, which establishes the standards for the review and approval of a zoning text amendment.

Kevin Shertz has submitted an application to amend Article V, Section 11.2, Commercial District Permitted Uses, of the Kent County Land Use Ordinance by adding the following permitted use: "Microbrewery as defined by the State of Maryland," and he is also proposing to amend Article XI, Section 2, Definitions, by adding the following definition: "Microbrewery - A facility in which beer is brewed for distribution and consumption, and which possesses the appropriate license from the State of Maryland. Tasting rooms for the consumption of on-site produced beer are permitted on the premises."

Ms. Gerber stated that she has received five emails all outlining their support for microbreweries and how they see it as being good for the Chestertown economy and tourism; two were from Chestertown residents, two from Baltimore, who are believed to have connections to the area, and one whose whereabouts are unknown; we had no letters or phone calls in opposition.

Several audience members in attendance spoke in support of the proposed text amendment. Ms. Erin Anderson said she has lived in Chestertown for ten years and is employed by Washington

College. She said she is concerned about the number of vacancies in businesses and homes over the last few years. She said she believes the text amendment change to allow for microbreweries would add to the economy and to business within the County.

Bernadette Bowman, Director of Tourism and Economic Development, spoke on behalf of the proven positive economic impacts affiliated with microbreweries in other areas. She said for Kent County to have this opportunity to have a microbrewery will add to the attractions that we currently have and will increase Kent County as a popular destination.

Ms. Morris closed the public hearing at 2:08 p.m.

Ms. Morris called the Planning Commission meeting to order.

### **Zoning Text Amendment—Microbrewery—Commercial District**

Mr. Shertz thanked the Board for their consideration of the text amendment and said he submitted the text amendment because he felt it would in many ways help the County. He said the word microbrewery has a very specific legal definition by the State of Maryland, and used as an example, that he would be required to carry a County-issued liquor license which means there would be a level of oversight at the local level, as well as the state level; he wants to make sure the word microbrewery is specifically put into the zoning for this district, as well as the definition relating back to the state definition so that everything ties together. Also, this district, only being 16 parcels, protects the County in many ways because unless someone were to acquire or rent one of the sixteen parcels, this would not happen in a place that one may consider an inappropriate use.

When comparing it with restaurants already being a permitted use, he said he believes there are a lot of parallels that already exist in the Commercial District. He said that restaurants usually have a liquor license to serve alcohol, and the only difference is one where a restaurant makes food on the premises that can be consumed on premises, and a microbrewery makes beverages on the premises that can be consumed on the premises.

Mr. Bellows asked Mr. Shertz in his experience, what is the impact of the microbrewery 1-5 years after being in existence, e.g., does it augment tourism and asked if he was aware of any detriment to the community. Mr. Shertz said that he is not aware of any detriment to the community, but he is aware of more instances in the State of Maryland where microbreweries wanted to establish themselves, but local jurisdictions put up roadblocks so they went elsewhere, and the original municipalities regretted their decision.

Mr. Bellows asked Mr. Shertz how many jobs he anticipates will be created by the microbrewery. Mr. Shertz said he anticipates at the beginning it will be himself and one other person for the tasting room and to help with the brewing process. He said he does not see this as a panacea for employment, but what he hopes he can bring to the table is that this will bring more people to Chestertown because eventually there will be more to do.

Mr. Crowding wanted to know how much tasting takes place in a tasting room and contemplated whether this use should be part of a special exception. Mr. Shertz said a microbrewery is not a bar. The product will not be given out free; he said he will be able to serve pints, tasters, and will be able to fill growlers (64 oz. glass jugs) which customers take off premises to consume in their homes.

Mr. Birkmire asked Mr. Shertz know how much beer he could sell. Mr. Shertz said that the amount is determined at the state level, and it is up to 4,000 barrels in production; a barrel of beer is 31 gallons, the equivalent to 248 pints.

Ms. Moredock asked Mr. Shertz to summarize the types of licenses that will be required. Mr. Shertz said the holder of the Class 7 license is required to either to have a Class B or Class D license in Kent County; you are permitted by the state to brew 22,500 barrels of beer every year; you are eligible for 4,000 of those barrels to be consumed on premises; you are also eligible to apply for a limited wholesaler's license which would permit you to self-distribute 4,000 barrels of beer.

Mr. Shertz gave a brief summary of the brewing process.

Ms. Moredock added that staff feels that a microbrewery would already be considered a permitted use in other zoning districts (Industrial, Industrial Critical Area, and Employment Center).

After much discussion, Mr. Hickman made a motion to send a favorable recommendation for the amendments as proposed based on the following findings:

- The proposed text amendment is consistent with the Kent County Comprehensive Plan's strategies to promote development of small, locally owned businesses; recruit new businesses which are desirable to the community; and encourage more young people to live and work in Kent County.
- The proposed text amendments address a public need to support local businesses and to support the tourism industry by creating another activity to draw visitors to the community.

The motion was seconded by Mr. Birkmire and approved unanimously.

## **GENERAL DISCUSSION**

The Draft Hazard Mitigation Plan was presented to the Planning Commission for comment. The Plan requires adoption under federal law and must be updated every five years. This Plan identifies natural hazards and vulnerability to and mitigation of those hazards. First adopted in 2004, this mandated update is being completed in accordance with Maryland Emergency Management and Federal Emergency Management guidelines. The final plan will be presented at an upcoming Planning Commission meeting in a public hearing at which time a recommendation to adopt the Plan will be sent to the County Commissioners.

## STAFF REPORTS

Carla Gerber:

- New Floodplain maps will go into effect within a year.
- The County will be participating in a joint land use study with Aberdeen Proving Ground which will address impacts on adjacent counties. A committee of county representatives is being formed and will generate a list of recommendations. Ms. Gerber noted that she will be representing the Planning Department on this committee.

Bill Kerbin:

- The Board of Appeals approved a Buffer Variance for a replacement single family dwelling, garage, and driveway for Doug Shelley and a Special Exception for a small solar energy system for Willard Agri-Service.

Mitch Mowell – nothing to report

Amy Moredock:

- The Kent County Total Maximum Daily Load Committee has postponed its meeting until August to accommodate the Maryland Department of the Environment (MDE) staff who will meet jointly with the Kent TMDL Committee to talk about the 2013 and 2015 Watershed Implementation Plan milestones.
- Planning Commission Training will be offered at the MACo Summer Conference in Ocean City; Registration information will be provided to Mr. Birkmire and Mr. Bellows in order to either attend the August training session or take the training on-line.

There being no further business for the good of the organization, the meeting was adjourned at 2:39 p.m.

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Elizabeth H. Morris, Chairman

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Sandy Adams, Clerk