Town of Indian Trail

P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone 704-821-5401
Fax 704-821-9045

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT
PLANNING BOARD MINUTES
March 17, 2015
06:30 P.M.

CALL TO ORDER
Chair Cowan called the meeting to order.

ROLL CALL
The following members of the governing body were present:

Board Members:	Patricia Cowan, Larry Miller, Jan Brown, Cathi Higgins, Jorge Aponte, and Dr Shamir Ally.
Members present but not voting:	None.
Absent:	Kelly D'Onofrio, Alan Rosenberg, Steve Long, and Sidney Sandy.
Staff Members:	Rox Burhans-Planning Director, Gretchen Coperine, Sr. Planner, Lindze Small-Planner/GIS Technician, and Pam Good- Board Secretary

Chair Cowan spoke personally and professionally that she is happy to be a part of the Planning Board. She attended the Town Council meeting on March 10th and hopes there is a better and friendlier attitude going forward. Member Higgins also agreed with Chair Cowan and thanked the Chair for handling the Planning Board with respect as well as requesting all in the meeting to use respect. She hopes for a more cohesive and calm meeting at the Town Council next month. Member Brown stated that if you want to attract business to the town, you need civility. Discussion continued. Staff Burhans suggested as Chairperson to pick up the phone and dialogue from one leader to another. Member Miller agreed with Staff that one on one communication is a good method. Discussion ended to continue the meeting.

APPROVAL OF MINUTES - January 20, 2015
Member Ally made the motion to approve as written. Member Higgins seconded the motion. The vote was unanimous.

PUBLIC ITEMS-
Staff Coperine presented the Project Overview of breweries, distilleries, and wineries:

- production of beer, spirits, and wine
- small operations
- 15,000 barrels or less produced per year

Some include tasting rooms or food service.

Currently breweries, distilleries, and wineries are not listed in the Unified Development Ordinance.

This text amendment proposal was originally initiated by a Charlotte area entrepreneur, Mr. Tibor Pavlusik, to help facilitate development of an Indian Trail distillery business within an industrial zoning district (no specific location). Recognizing the emerging trend in distilled spirits, beer and wine that focuses on locally produced, high quality products (referred to as "craft"), Staff felt this was an opportune time to address the broader craft alcohol industry by expanding Mr. Pavlusik's text amendment proposal to address additional aspects. Staff Coperine stated that Mr. Pavlusik is in agreement with the proposed text included in the staff report. Mr. Pavlusik was seated in the audience at the meeting.

These additional aspects of the proposed text amendment contemplate the craft alcohol trend of merging, under "one roof," the traditional industrial production environment, (where alcohol products are made) with the commercial environment where products are consumed onsite, similar to a bar area and/or made available for retail purchase for home consumption. Some establishments within this industry also integrate full service restaurants and/or other food services with their production facilities.

Staff Coperine spoke of the growing trend of increase of such business:

- According to the North Carolina Alcoholic Beverage Control 2014 Annual Report, there are 124 breweries, 14 distilleries, and 160 wineries in North Carolina. Of those reported numbers, approximately 14 breweries, 2 distilleries, and 14 wineries are in the Mecklenburg/Union County area.

Staff Coperine clarified that one potential business would have to go through a separate permitting process for each category. She cited local examples and showed power points of these "mixed" businesses in the Charlotte area that include Rock Bottom Brewery in Uptown Charlotte, Old Mecklenburg Brewery near South Boulevard in Charlotte, and others.

Proposed Amendment:
Staff Coperine stated that the UDO would need to have the uses added to the industrial and commercial tables. She presented power point slides of potential additions to the UDO tables and definitions as seen in the Staff Report.

The tables would reflect the proposed changes of: 1) Adding Breweries, Distilleries and Wineries to the list of permitted uses for Business and Commercial Zoning Districts under "Eating and Drinking Establishments" and under a new use category for Industrial Districts 2) Providing special requirements under the Use Standards to minimize impacts to adjacent properties and other aspects.

At this time, Ms. Coperine stated that Staff is *not* recommending brewery, distillery and winery uses be permitted within the Neighborhood Business District (NBD) as the intent for the NBD is to allow small retail business services such as convenience shopping and services in close proximity to residential neighborhoods. Staff is otherwise of the opinion that these are appropriate uses within the industrial and other commercial districts, subject to compliance with the proposed use standards.

Staff Coperine added that Special Use Permits would be required for outdoor activities associated with breweries, distilleries, or wineries.

Staff Coperine read the following required consistency findings to the board and for the record.
1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:

- ***Downtown Revitalization Goal #1:*** As it enables breweries, distilleries and wineries to locate within Downtown Indian Trail by right with special requirements and contribute to the success and revitalization of the Downtown economy; and
- ***Economic Development Goal #1:*** As it allows breweries, distilleries and wineries by right with special requirements supporting a more balanced tax base within our community. Allowing these new uses creates a diverse local economy and helps the Town of Indian Trail capture a percentage of the $33.9 billion dollars generated by the industry in the U.S. The amendment aims to create vibrant communities and encourage local dollars to be reinvested in the local community; and
- ***Land Use Goals 1, 3 and #5:*** As it promotes integrated land development with varying uses and minimizes land-use incompatibility and conflicts by imposing specific use standards. Brewery, distillery and winery uses are ideal in many circumstances for adaptive reuse of older or underutilized warehouse or industrial buildings.

2. This UDO ordinance amendment is in the best interest of the public: because it enables a commercial use to locate within appropriate non-residential zoning districts subject to specific standards thereby minimizing any land use conflicts and incompatibility. The uses are optimal for existing underutilized warehouse structures and encourage community redevelopment. Lastly, the amendment also promotes diverse mixed-use land development and aims to create vibrant communities by fostering local reinvestment, particularly within the downtown and village center overlay districts.

Staff recommended that the Planning Board make the required consistency findings and recommend adoption to the Town Council of this UDO Text Amendment (ZT2015-001) as presented.

Planning Board Actions:
Receive report and public comment
Make Required Findings
Final Decision

Staff Coperine concluded her presentation to the board.

Questions:
Chair Cowan opened the board for questions.

Member Miller asked if there has been any contact with the general public about the proposed amendment. How would the general public view this type of business coming into the town, disregarding the money involved. Staff Burhans stated that the Town has not held any community meetings yet. The goal was to use a text amendment process to establish a public forum. Staff hasn't received any public comments at this time. This subject came up at Town Council and there was some enthusiasm for allowing a craft distillery in town.

Member Ally asked if we should limit the number of such businesses allowed in a small town.
Staff Coperine answered that it is not part of the proposed text amendment at this time. Staff Burhans added that he was unsure if you can limit businesses to a certain number. Staff Coperine stated that in her research, no other communities added a limit. Other researched areas didn't have any special requirements for allowing such businesses, permitting it under restaurant use.

Member Aponte asked if there were any negative effects to the environment.

Staff Coperine replied that she was unaware of any negative effects and that the brewer's association utilizes best practices in regards to solid waste and water associated with these uses.

Chair Cowan stated that she assumed it was not in the original UDO because we didn't have liquor by the drink but it is a very growing trend and would like to see some of that commerce come to Indian Trail.

Member Brown stated that when we had the ABC referendum, there was some negative reaction, but none of what they thought was going to happen, has happened. This will bring in business and it is diversified business.

Chair Cowan asked Member Brown if our ABC stores carry local products. Member Brown answered that there is a section in the store for products made in North Carolina.

Chair Cowan asked about sales tax generated by spirits; is beer and wine at the same rate? No one knew the answer at this time.

Member Higgins asked about term fenestration. Staff Coperine described the term as windows and doors that break up a blank wall from the street and add some visual effect.

Steve Purvalusik, the applicant, who lives in Matthews, North Carolina, stepped to the podium. The current ABC law states that you can produce but the production must go to Raleigh to be approved by the ABC commission and they distribute the product.

Member Higgins recently learned that restaurants must buy alcohol from the ABC store. She stated she supports it and that it is a lot of revenue for Indian Trail.

Chair Cowan opened and closed the public comment.

Chair Cowan asked for a motion to recommend the text amendment to Town Council.
Member Ally made a motion with the conditions and findings as read into the record. Member Aponte seconded the motion. The vote was unanimous in favor.

PLANNING REPORT

Staff Burhans gave a report regarding Union County's Code Red System that is available for emergencies where they will send messages. This is available on Union County's website. Staff Burhans was asked to have Staff Edmonds add this to Indian Trail's website.

Staff Burhans stated that Indian Trail has a new Planning department employee, Donna Cook, who is an associate planner.

Staff Burhans also spoke about a recent article about running Legal Ads as some municipalities are questioning if running legal ads in newspapers is still an effective way of presenting the required public notices.
Member Miller stated that something that comes in the newspaper is more of a legal tool as a posting than electronic means and feels it is the better way to continue.

Member Higgins stated that she looks for ads, and likes the Indian Trail logo on our legal notices to catch her eye in the paper.

Chair Cowan showed the board the Waxhaw local newsletter publication. Staff Burhans will show the publication to our media personnel.

Staff Burhans presented an article about home buying "The Difference between the Millennial and Entry Level Buyer".

Chair Cowan had a question for Staff about the road opening by Carolina Courts. Staff Burhans didn't know the answer at this time but will research this. Nana's sign was discussed. Staff Burhans stated that Nana's is a subtenant of Carolina Court. He also stated that Staff will have a conversation with Nana's about their sign.

Chair Cowan asked about an update on the potential road widening project from I-485 to Sun Valley area. Staff Burhans answered that they are continuing in the study process but recent weather cancelled the project meeting that was scheduled. The trajectory is still on schedule.

Chair Cowan asked if we are we sharing updates on our Facebook page. Staff Burhans said we are as the info comes. Chair Cowan stated she would like to see more updates regarding NCDOT info.

Congratulations was extended to Rox Burhans for his new position of Planning Director. Also, congratulations was extended to Lindze Small in her new marriage and change of last name.

Member Higgins said that the law enforcement assessment came back; and there was a segment about crime prevention environmental design. She asked about limiting the height of shrubbery around a home. She added that she was unsure if it should be mandated, but we could recommend this to developers.

Chair Cowan asked about branding ourselves as a board and if name tags could be obtained for board members and town employees for events as we have so many new residents. Board Secretary Good added that it was already in process.

Member Miller questioned about Pristine's Car Sales located on Sardis Church Road was supposed to be internet sales only but has changed to full-fledged sales, inspection and repair. This needs to be addressed and the SUP needs to be re-visited. Staff Burhans said he will investigate this matter.

ADJOURN

Member Higgins made a motion to adjourn. Member Miller seconded the motion. Vote was unanimous. Meeting was adjourned at 7:51pm. Members took a short break before opening the Tree Advisory Board meeting.

Chairman: Patricia S. Cowan

Date: 05-19-2015

Secretary: Pamela J Good