

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David Cohn



TOWN COUNCIL
Gordon B. Daniels
David W. Drehs
Christopher M. King
Gary M. Savoie

Indian Trail Town Council Meeting
April 14, 2015
Civic Building
6:30 p.m.

- 1. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. ADDITIONS AND DELETIONS** **action**
- 3. MOTION TO APPROVE AGENDA**
- 4. PRESENTATIONS**
 - a. [Arbor Day Proclamation](#)
 - b. [Donate Life Proclamation](#)
- 5. PUBLIC COMMENTS**
- 6. PUBLIC COMMENTS FOR FY 2015/2016 BUDGET DEVELOPMENT**
- 7. LAW ENFORCEMENT UPDATE**
- 8. CONSENT AGENDA** **action**
 - a. [Approval of March 24, 2015 draft minutes](#)
 - b. [Approval of Month End Tax Report March 2015](#)
 - c. [Approval of 2016 Archery Season Application](#)
 - d. [Approval of Addition to EDAC Committee Ex-Officio Members](#)
 - e. [Approval of Town Match for CRTPO Grant for Corridor Study](#)
 - f. [Approval of Town Match for CRTPO Grant for Traffic Counts](#)
 - g. [Approval of Agreement Bid and Budget Amendment to construct a fence for Crooked Creek Dog Park](#)
 - h. [Approval of Change Order, Capital Project Ordinance and Budget Amendment for Crooked Creek Park Project](#)

9. PUBLIC HEARINGS

action

– Please adhere to the following guidelines:

- *Proceed to the podium, and state your name and address clearly;*
 - *Be concise; avoid repetition; limit comments to three (3) minutes or less;*
 - *Designate a spokesperson for large groups*
-
- a. **CZ-2014-002 The Shoppes at Hanfield Village:** Proposed 90,000 sq. ft. shopping center located near the intersection of Old Charlotte Highway and Wesley Chapel-Stouts Road (across from Sun Valley H.S.).
 - b. **ZT-2015-001 Breweries, Distilleries and Wineries:** Proposed zoning text amendment to allow breweries, distilleries and wineries to locate within Central Business Districts, General Business Districts, Regional Business Districts and Industrial Districts by right and subject to specific restrictions where applicable.

10. BUSINESS ITEMS

None

11. DISCUSSION ITEMS

None

12. MANAGERS REPORT

13. COUNCIL COMMENTS

14. CLOSED SESSION

action

15. ADJOURN

action

To speak concerning an item on the Agenda, please print your name and address on the sign up sheet on the table prior to the meeting. Each speaker will be limited to 3 minutes.

AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS

The Town of Indian Trail is committed to providing all citizens with the opportunity to participate fully in the public meeting process. Any person with a disability who needs an auxiliary aid or service in order to participate in this meeting may contact the Town Clerk at least 48 hours prior to the meeting. The e-mail address is townclerk@admin.indiantrail.org; the phone number is 704-821-5401



Arbor Day

INDIAN TRAIL NORTH CAROLINA

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

Whereas, Arbor Day is now observed throughout the Nation and the world; and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

Whereas, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community; and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Michael L. Alvarez, Mayor of the Town of Indian Trail, do hereby proclaim April 25th, 2015, as Arbor Day in the Town of Indian Trail, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

Furthermore, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 14th day of April, 2015



**PROCLAMATION
NATIONAL DONATE LIFE MONTH**

- WHEREAS, LifeShare Of The Carolinas is focused on saving lives by increasing participation in the North Carolina organ, eye and tissue donor registry; and
- WHEREAS, April is observed as National Donate Life Month with unwavering support from the nation's donation and transplantation community; and
- WHEREAS, LifeShare Of The Carolinas, the organ procurement organization that serves Cabarrus County, is a part of that community and has its own programs to highlight the importance of donating to save the lives of others; and
- WHEREAS, Over 3,000 North Carolina residents and 105,000 people nationwide are in need of life-saving transplants; and
- WHEREAS, Residents of Cabarrus County have been touched by donation as recipients of life-saving transplants and as members of donor families who have literally given others a second chance at life; and
- WHEREAS, It is an honor and privilege to have some of those residents in attendance at the Board of Commissioners Meeting of Cabarrus County to present the Board with a Donate Life flag.

NOW, BE IT RESOLVED, we, the members of the Cabarrus Board of County Commissioners do hereby proclaim the month of April, 2010 to be

NATIONAL DONATE LIFE MONTH

In Cabarrus County and urge our residents to give serious thought to the importance of eye, organ and tissue donation and if so desired, to join the North Carolina Donor Registry and further, to notify their family members that they have done so.

Adopted this the 15th day of March, 2010.

A handwritten signature in blue ink, appearing to read 'H. Jay White, Sr.', is written over a horizontal line.

H. Jay White, Sr., Chairman
Cabarrus County Board of Commissioners



Town of Indian Trail
Minutes of Town Council
March 24, 2015
Civic Building
06:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: Gordon B. Daniels, David W. Drehs, Christopher King, and Gary M. Savoie.

Absent Members: David Cohn

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt and Planning Director Rox Burhans.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and led in the Pledge of Allegiance. Mayor Alvarez made the following announcements: Mr. Cohn may not make the meeting. This Saturday, March 28, is the Town's annual Hop-To-IT Easter Egg Hunt! We encourage everyone to join us for free activities, crafts, face painting and a visit from the Easter Bunny from 10 a.m. to 12 p.m. on the front lawn of the Indian Trail Cultural Arts Center, located at 100 Navajo Trail. Also on Saturday, March 28, is a fun event at the Cultural Arts Center! Come enjoy a special evening of culture and painting from 6-8 p.m. where you'll create a beautiful painting that you can take home! Contact Susan Didier at 704-821-2541 for more information about either event. Mark your calendars! The Town's annual Trash and Recycling Drop-Off Day is from 9 a.m. to 12 p.m. on

Saturday, April 11, at the Union Town Center Food Lion Parking Lot on Highway 74. Check on the Town's website - www.IndianTrail.org - under the "News & Events" tab for a complete list of acceptable items.

ADDITIONS AND DELETIONS

Gary M. Savoie made a motion to approve adding to the agenda Law Enforcement Assessment item as 7a and remove Law Enforcement Update from the agenda
Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

Christopher King made a motion to approve the agenda.
Council voted unanimously in favor of the motion.

PRESENTATIONS

NONE

PUBLIC COMMENTS

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC referred to her public comments made at the March 10, 2015 meeting advising she has not had any response to her questions. She is requesting an explanation of the \$405,000 budget amendment approved at the last meeting; the opportunity to review the paperwork associated with it and suggested that Council should show some concern for an explanation.

Hugh Duxbury, 3205 Water Reach Lane, Indian Trail, NC advised that he is here to inform Council that the Sun Valley High School NJROTC Cadets have been invited back to participate in the Pearl Harbor Parade in Hawaii and explained they are conducting a fundraiser by having a 5k on May 16, 2015, asking for assistance from the town with the 5k and advised that sponsorships and tee shirts were available as well.

Art Spurr, 4100 Woodcreek Court, Indian Trail, NC expressed his appreciation for the Town Engineers coming out and explaining to him exactly what improvements will be made. He expressed concerns about the blind spot. He advised that some of the tractor trailers are actually stopping on the road for several minutes causing traffic back up. He stated that the Crooked Creek flooding is a large problem, every development is dumping their water into it resulting in the loss of property which should be an Army Corp of Engineers project and requested Council address this issue.

Roger Fish, 1001 Magna Lane, Indian Trail, NC provided some history of where Council meetings were held in 1907, 1940's and 1960's at businesses and homes in the 1980s they met in the Library. Fast forward to now the Civic Building is being used which was originally a garage. He feels it seems appropriate that we have a town hall for a population of 35,000.

PUBLIC COMMENTS FOR FY 2015/2016 BUDGET DEVELOPMENT

Art Spurr, 4100 Woodcreek Court, Indian Trail, NC expressed his concern of the last Town Council meeting and all that went on. He stated that his concerns included the debt we are about to incur. He feels the Council is not listening to the residents and he does not want to go into debt for the building. When the 4 cent increase was voted on it was sold as paying for the parks with literature showing two beautiful parks which are not completed. That's what you promised, you should finish it. He would like a town hall but we don't need to go into debt. He asked Council to spend the citizen's money wisely.

LAW ENFORCEMENT UPDATE - this item was removed as result of a motion made in Additions and Deletions

Mr. Fivas stated that staff will look into the concerns of the budget amendment stated during public comments tomorrow.

a. Law Enforcement Assessment update -this matter was added as a result of a motion made in Additions and Deletions

Mr. Savoie stated that the study shows that we should not start our own police force and the number of deputy's needs to be increased.

Gary M. Savoie made a motion to approve adding two additional deputy's for the FY 2015/2016 and have staff work with Union County Sheriff's Office on the Grant positions.

Mr. Drehs and Mr. Savoie had a lengthy conversation. Mr. Drehs requested that we put this on the agenda at the next meeting so the public can comment on it.

Mr. Fivas stated that this would not be the official decision for adding the deputies. The final decision would come through the budget process.

Mr. Savoie amended his motion.

Gary M. Savoie made a motion to approve having staff add two deputy's when working on the make up for the FY 2015/2016 budget so we can see those numbers and work with the Union County Sherriff's Office on the grant deputy's that was mentioned at the last meeting.

Council voted unanimously in favor of the motion.

Mr. Savoie feels that Lieutenant Coble's comments are well stated and significant so he feels they should be added to the study.

Gary M. Savoie made a motion to approve adding Lieutenant Coble's documents, as a permanent record as an appendix of the PERF Law Enforcement draft so that they are always there for people to see later on and make the draft final.

Council voted unanimously in favor of the motion.

CONSENT AGENDA

- a. Approval of March 10, 2015 draft minutes
- b. Approval of future Sanitary Sewer Easement for Crooked Creek Park
- c. Approval of change order for W. M. Warr contract for Oakwood Lane

Gary M. Savoie made a motion to approve the Consent Agenda.

Council voted unanimously in favor of the motion.

PUBLIC HEARINGS

- a. CZ-2014-002 The Shoppes at Hanfield Village

Rox Burhans provided an overview stating it is to establish a Conditional General Business District and advised that the applicant requested we not present the entire case

Mayor Alvarez opened Public Comments

John Ross, Eagle Engineering, 2013A Vanburen Avenue, Indian Trail advised he is here to answer any questions.

Trip Melton, 2007Terrapin Street, Indian Trail, NC stated that he represents 3 properties across from the location and they are in favor of it and would like to see it move forward, as well as the EDAC committee.

Andy Morrison, 8631 Elmsworth Lane, Indian Trail, NC also a member of the EDAC and stated he is in support of this project.

Mayor Alvarez closed the Public Comments.

David W. Drehs made a motion to approve to continue the public hearing to April 14, 2015.

Council voted unanimously in favor of the motion.

BUSINESS ITEMS

- a. Council consideration of approval of US-74 Aesthetic Improvements

Mr. Fivas advised staff provided Council with photos and cost of strain poles. He clarified that you may not get the biggest bang for your buck by purchasing these poles but we can have some conversation with NCDOT to improve the landscaping, signage and other beautification items that would not be as expensive.

Mr. Drehs stated it's not worth the money but he would like to see beautification on the intersections, Mr. King, Mr. Savoie and Mr. Daniels agreed.

Mr. Fivas asked if Council would like us to take over the four corners, by consensus Council agreed.

Mr. Savoie would like a quote of what it would cost to beautify each corner.

David W. Drehs made a motion to approve having staff conduct conversations with NCDOT to discuss beautification

Council voted unanimously in favor of the motion.

- b. Council consideration of approval of Resolution authorizing the filing of an application for a Financing Agreement to the Local Government Commission

Gary M. Savoie made a motion to approve the Resolution authorizing the filing of an application for a Financing Agreement to the Local Government Commission.

Council voted unanimously in favor of the motion.

- c. Council consideration of approval for Pre Construction Manager @ Risk Agreement

Gary M. Savoie made a motion to approve the Pre Construction Manager @ Risk Agreement

Council voted unanimously in favor of the motion.

- d. Council Approval of Construction Manager @ Risk Agreement Exhibit 1 General Conditions of the Contract

Gary M. Savoie made a motion to approve the Construction Manager @ Risk Agreement Exhibit 1 General Conditions of the Contract

Council voted unanimously in favor of the motion.

- e. Council approval of Construction Manager @ Risk Agreement For Construction Manager at Risk Contract Fixed Guaranteed Maximum Price

Gary M. Savoie made a motion to approve the Construction Manager @ Risk Agreement For Construction Manager at Risk Contract Fixed Guaranteed Maximum Price

Council voted unanimously in favor of the motion.

DISCUSSION ITEMS

NONE

MANAGERS REPORT

Mr. Fivas echoed comments made earlier in the meeting on Hop To IT.

COUNCIL COMMENTS

Mr. King and Mr. Drehs had no comments.

Mr. Savoie thanked everyone for coming to the meeting and staff for all they do.

Mayor Alvarez apologized to Mr. Daniels for raising his voice and informed Mr. Fivas about a road issue.

Mr. Daniels thanked everyone for coming out.

CLOSED SESSION

NONE

ADJOURN

Christopher King made a motion to adjourn
Council voted unanimously in favor of the motion.

APPROVED:

Michael L. Alvarez, Mayor

Attest: _____
Peggy Piontek, Town Clerk

Town of Indian Trail

Memo

TO: Mayor and Town Council
FROM: Joe Fivas
CC: Marsha Sutton, Alicia Massey
DATE: April 14, 2015
SUBJECT: Month End March 2015



According to GS 105-350(7) it is the duty of the tax collector to submit to the governing body at each of its regular meetings a report of the amount he/she has collected on each year's taxes with which he is charged, the amount remaining uncollected, and the steps he/she is taking to encourage or enforce payment of uncollected taxes.

Attached is the month end report for March 2015 collections. The tax department is using all collection remedies as provided by general statute to collect delinquent taxes including but not limited to garnishments, attachments and NC Debt Setoff.

Description	Count	Principal			Future	Penalty	Total
		Arrears/Other	Fiscal 2014	Fiscal 2015			
Billing	31454	0.00	0.00	7,290,698.03	0.00		7,290,698.03
Payments	29152	19,014.82-	0.00	7,150,246.44-	0.00	7,150.14-	7,176,411.40-
Reversals	22	0.00	0.00	2,824.58	0.00	45.69	2,870.27
Adjustments	1883	0.00	0.00	2,307.10-	0.00	823.58-	3,130.68-
Apply Over	0	0.00	0.00	0.00	0.00	0.00	0.00
Rev Appl Ovr	0	0.00	0.00	0.00	0.00	0.00	0.00
Penalty	<u>3896</u>					<u>11,252.05</u>	<u>11,252.05</u>
Totals	<u>66407</u>	<u>19,014.82-</u>	<u>0.00</u>	<u>140,969.07</u>	<u>0.00</u>	<u>3,324.02</u>	<u>125,278.27</u>



TO: Mayor and Town Council
FROM: Joe Fivas
DATE: April 14, 2015
SUBJECT: Renewal of Deer Urban Archery 2016 Season

Indian Trail has participated in the Urban Archery Season for the past several years by Council approval. The application is attached for your review, if approved we will submit the application for processing.

JAF



⊠ North Carolina Wildlife Resources Commission ⊠

Gordon S. Myers, Executive Director

Deer Urban Archery Season Renewal Form

Name of Municipality: Town of Indian Trail

February 3, 2015

County: Union

Participation in the **2016 Season** (dates are *Jan. 9 to Feb. 13*) **Yes** **No**

It is Wildlife Management policy to provide a complete list of participating municipalities to the hunting public in the *Regulations Digest*.

Please indicate a phone number and/or Internet address for listing in the *2015-2016 Inland Fishing, Hunting and Trapping Regulations Digest*:

Phone: _____

Internet address: _____
(Please Print)

Are there any changes to the map submitted with your participation letter? **Yes** **No**

If yes, please attach new map to this form. (No larger than 11" X 17")

Name of Municipality Representative: _____
(Please Print)

Signature of Municipality Representative: _____

Thank you for your interest in the management of our state's wildlife resources. Please complete and return this form to: Division of Wildlife Management, 1722 Mail Service Center, Raleigh, N.C. 27699-1722 by **April 1, 2015.**

David T. Cobb, Ph.D., Chief
Division of Wildlife Management
(919) 707-0050



TO: Mayor and Town Council

FROM: Kelly Barnhardt,
Director, Community & Economic Development

DATE: April 14, 2015

SUBJECT: Amendments to EDAC Bylaws

Currently, there are two ex-officio members of Economic Development Advisory Committee (EDAC) which are the Monroe-Union County EDC and the Union County Chamber of Commerce. This amendment to the bylaws would allow the President of South Piedmont Community College (SPCC) to be the third ex-officio member to EDAC.

Staff Recommendation:

Town Council to approve the amended bylaws for EDAC.

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE (EDAC)

BY-LAWS

TOWN OF INDIAN TRAIL, NC

I. PURPOSE

Section 1 - Mission

The mission of the Economic Development Program is to advance the economic development of the Indian Trail community to benefit all citizens and businesses in the Town of Indian Trail.

Section 2 — Role of the Economic Development Advisory Committee

The role of the Economic Development Advisory Committee, hereafter referred to as the EDAC, is to act in an advisory capacity to the Town's Economic Development staff on the direction of the Economic Development Program. The EDAC may make recommendations to the Town Council regarding the Economic Development Program. The EDAC may, at the request of staff, participate in the recruitment and retention of companies or work with the development community to identify and formulate product (i.e. land, buildings) in Indian Trail. The EDAC may become involved in other tasks as requested by Town staff. Additional subcommittees or task forces may be created as needed.

II. APPOINTMENT AND TERMS

The EDAC shall consist of twelve (12) members who have been duly appointed by the Town Council for designated terms. Eight members will either be Indian Trail business leaders and/or owners or those who specialize in economic development or have a business development background. Three members will be the Council appointees for the Alliance of South Charlotte Communities. The terms, described as follows, shall begin with the calendar year 2014. Members may serve an unlimited number of terms. Eight members shall serve staggered, two-year terms. Seats one through four shall be appointed to serve an initial three-year term. Seats five through eight shall be appointed to serve an initial two-year term. It is the intent of EDAC to include as a representative at least one downtown Indian Trail business owners.

If a vacancy on the EDAC occurs by reason of death, resignation, or any other cause, the seat shall be filled, upon recommendation of the staff liaison and EDAC Chairman, by the Town Council in an expeditious manner for the duration of the unexpired term.

III. OFFICERS AND DUTIES

Section I - Officers

The officers of the EDAC shall consist of a Chairperson and a Vice-Chairperson.

Section 2 – Chairperson

The Chairperson shall be elected by a majority vote of the membership of the EDAC from among its members. The term of the Chairperson shall be for one year and until a successor is elected, beginning with the first regular January meeting of each calendar year. The Chairperson shall be eligible for reelection.

The Chairperson (unless absent or excused), shall chair each meeting of the EDAC and shall be a full voting member. The Chairperson shall decide upon all points of order and procedure unless otherwise directed by a majority of the EDAC in session at the time. The Chairperson shall represent the EDAC in execution of the Economic Development Program when called upon by staff or directed by the EDAC.

Section 3 – Vice-Chairperson

A Vice-Chairperson shall be elected from among the members in the same manner and for the same term as the Chairperson. The Vice-Chairperson shall serve as Acting Chairperson in the absence of the Chairperson and in such capacity, shall have the same powers and duties as the Chairperson.

IV. EX-OFFICIO MEMBERS

The Union County Chamber of Commerce Executive Director or their appointee shall be an Ex-Officio member of the EDAC. The Monroe-Union County Economic Development Director or their appointee shall be an Ex-Officio member of EDAC. The President of South Piedmont Community College (SPCC) shall be an Ex-Officio member of EDAC.

Ex-Officio members will not be counted for quorum purposes and will not vote. Ex-Officio members are encouraged to participate in discussion at meetings and assist with other aspects of the Economic Development Program.

V. STAFF

A Town staff member will act as liaison to the EDAC. The staff liaison is considered a non-voting position and serves as staff to the EDAC.

VI. MEETINGS

Section 1 – Open Meetings Law

The EDAC of the Town of Indian Trail, NC, shall be considered a “public body” and is subject to all rules and regulations for public bodies contained in North Carolina’s Open Meetings Law. The EDAC may need to discuss specific economic development projects and therefore shall meet in closed session under an exception to the Open Meetings Law. The staff liaison, in consultation with the Town’s legal counsel, shall recommend when the EDAC meets in closed session and shall be responsible for adherence to all laws regarding closed sessions.

Section 2 - Regular Meetings

Regular meets of the EDAC shall be held monthly, beginning in October 2014, on the first Tuesday of every month at 7:30 a.m. Notice of a meeting, with information on agenda items shall be supplied before each meeting to all members and the media.

Section 3 – Special or Called Meetings

Special meetings of the EDAC may be called at any time by the Chairperson or Acting Chairperson in the Chair's absence. Notice of the time and place of a called meeting shall be given to all members and the media at least forty-eight hours prior to the meeting by the Chairperson or staff liaison. The Chairperson or staff liaison will attempt to contact each member of the EDAC as soon as possible after a special or called meeting is set.

Section 4 – Quorum

A quorum of the EDAC shall be required to open any meeting and to conduct business. A quorum shall be a minimum of six (6) members.

Section 5 – Participation

Members of the EDAC are strongly encouraged to participate and attend EDAC meetings. Participation is essential for a successful Economic Development Program. Any member, who shall fail to attend at least 75% of the regular and special meetings of the EDAC during any one-year period, shall be subject to removal. The Chairperson shall notify the Town Council of any member who shall so fail to attend. The vacancy can be filled, upon recommendation of the Committee liaison and Chairperson, by the Town Council.

VII. VOTING; CONDUCT OF MEETINGS

Section 1 – Voting

Voting, as the discretion of the Chairperson, shall be by voice or show of hands. All matters to be voted on by the EDAC shall be by a duly made motion and second. It is the duty of all EDAC members present at a meeting to vote on all issues coming before the EDAC unless such member has been specifically excused from voting on an issue. Any non-excused member who abstains from voting shall be counted as having cast a "yes" vote.

Section 2 – Conduct of Meetings

All meetings shall be open to the public. The order of business at meetings shall generally be as follows:

- (a) Open Meeting & Declare a Quorum
- (b) Approval of Minutes
- (c) Old Business
- (d) New Business
- (e) Adjournment

The Chairperson shall have the authority to amend the order of business at any meeting. Items of business for discussion at the meeting shall appear on the agenda.

VIII. RULES OF CONDUCT FOR MEMBERS

No member of the EDAC shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the EDAC which may result in a private benefit to themselves, their immediate relatives or their business interest. A member may be excused from voting on a particular issue under the following circumstances:

- a. If the member has a direct financial interest in the outcome of the matter at hand;
- b. If the matter at hand involves a business entity in which the member is an officer or director;
or
- c. If the matter at hand involves the member's own official conduct.

If an EDAC member determines that he/she may have a conflict of interest on a particular issue, he/she shall declare the nature of such conflict and ask to be excused from deliberating and voting on the issue related to the conflict. The remaining EDAC members, by majority vote, shall determine whether or not such conflict exists and whether the member may be excused from further deliberations on the matter. If a member is excused from voting, he/she shall leave the meeting table and not participate in any further discussion on the matter. In no instance may a member be excused from voting merely due to an unwillingness to vote on the issue at hand and where no conflict of interest is found to exist.

A challenge to the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any member of the EDAC. Any challenge made to the EDAC shall be supported by competent evidence and shall be submitted at a properly convened meeting of the EDAC. The EDAC shall hear all evidence. In order to find that a member does have a conflict of interest, a majority vote of the remaining members shall be required.

IX. ADOPTION AND AMENDMENTS

These rules shall at all times be consistent with all other ordinances of the Town of Indian Trail and the State of North Carolina. These By-Laws, within the limits allowed by law, may be amended by the Town Council upon recommendation by the EDAC.

Amended this 14th day of April, 2015

Michael Alvarez, Mayor

Peggy Piontek, Town Clerk



Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Scott J. Kaufhold, P.E., Director of Engineering and Public Works

COUNCIL DATE: April 14, 2015

SUBJECT: CRTPO Grant/Town Match for Indian Trail Road Corridor Study

Background Information:

The Town received Transportation Planning Grant Funds from CRTPO to conduct a corridor study along Indian Trail Road. The grant is \$40,000 requiring a \$10,000 local match from the Town.

Staff recommends accepting the CRTPO Grant and approval of the matching funds.

Required Actions:

Council Approval



Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Scott J. Kaufhold, P.E., Director of Engineering and Public Works

COUNCIL DATE: April 14, 2013

SUBJECT: CRTPO Grant/Town Match Traffic Counts

Background Information:

The Town received Transportation Planning Grant Funds from CRTPO to conduct traffic counts along roadways and intersections. The grant is for \$25,000 requiring a \$5,000 local match from the Town.

Staff recommends accepting the grant and approving the matching Town funds.

Required Actions:

Council Approval



TO: Mayor and Town Council

FROM: Jason Tryon,
Assistant Director, Parks & Recreation

DATE: April 14, 2015

SUBJECT: Approval of Bid for Fence & Budget Amendment

In January, the Town Council requested to begin working on the completion of the Dog Park at Crooked Creek Park. Town staff has received informal bids for the construction of a fence around the Dog Park and for the construction of a small fence enclosure around a maintenance area for Crooked Creek Park. The fence is 5' and 7' foot black chain link fence with a number of gates for easy access. The price also includes the cost to install an electric key card system for the Dog Park.

Staff Recommendation:

- 1) Staff is requesting the Town Council to authorize the Town Manager to sign a contract for the lowest overall fence bid from American Fence & Supply for up to \$35,000. This cost includes about a 5 % contingency cost for the project.
- 2) Town Council to approve the amended Capital Project Ordinance for Crooked Creek Park found in agenda item 8(h). This includes total amendments from 8(g) & 8(h).
- 3) Town Council to approve the Budget Amendment associated with the project in the amount of \$35,000.

TOWN OF INDIAN TRAIL BUDGET TO BUDGET AMENDMENT REQUEST

DATE: 4/15/15

DEPARTMENT: _____

Account Number	Account Description	(Transfer In / Out)	Amount
10-00-4120-397-000	Contract Services	Out	5,000 ⁰⁰
10-00-4130-292-000	Software < 5,000	Out	4,000 ⁰⁰
10-00-4150-192-006	Legal-Planning	Out	2,000 ⁰⁰
10-20-4570-321-000	Telephone	Out	500 ⁰⁰
10-20-4570-397-000	Contract Services	Out	1,000 ⁰⁰
10-40-4260-354-000	Grounds Maint.	Out	2,000 ⁰⁰
10-40-4260-359-000	maint of Repairs	Out	2,000 ⁰⁰
10-40-4260-391-000	Advertising	Out	1,000 ⁰⁰
10-40-4260-397-000	Contract Services	Out	2,000 ⁰⁰
10-40-4910-321-000	Telephone	Out	2,000 ⁰⁰
10-40-4910-397-000	Contract Services	Out	2,000 ⁰⁰
10-40-4920-493-000	Community Events	Out	6,500 ⁰⁰
10-80-6130-375-000	Public Outreach	Out	5,000 ⁰⁰
10-00-9840-980-000	Transfer to Cap. Proj.	In	35,000 ⁰⁰

EXPLANATION:
 Transfer of funds from the general fund to Crooked Creek Capital project as approved at the 4/14/15 Council meeting

REQUESTED BY: _____

FINANCE: Maucha H Sutton

TOWN MANAGER: [Signature]

For Finance Dept Only:

EFFECTIVE DATE: _____ JOURNAL NO. ASSIGNED: _____

FISCAL YEAR: _____ ENTERED: _____

PERIOD: _____ DATE: _____



TO: Mayor and Town Council

FROM: Kelly Barnhardt,
Director, Parks & Recreation

DATE: April 14, 2015

SUBJECT: Approval of a Change Order, Capital Project Ordinance, & Budget Amendment for Crooked Creek Park

In January, the Town Council requested staff to begin working on completion of the Dog Park at Crooked Creek Park. This Change Order would allow Sossomon, Inc to complete concrete and other construction work associated with the Dog Park.

The official Change Order is for \$53,400. Town staff will transfer the sales tax due to this project from the General Fund back to this project. This would then require additional funds needed for this specific construction work to be \$17,649.51, which includes a \$10,000 line item to allow for any additional closeout items.

Staff Recommendation:

- 1) Town Council to allow Town Manager to approve a Change Order for the Crooked Creek Park in the amount of \$53,400.
- 2) Town staff will transfer the sales tax due to this project from the General Fund back to this project.
- 3) Town Council to approve the amended Capital Project Ordinance for Crooked Creek Park.
- 4) Town Council to approve the Budget Amendment associated with the project in the amount of \$53,400.

STATE OF NORTH CAROLINA
TOWN OF INDIAN TRAIL

ORDINANCE #

**AN ORDINANCE AMENDING THE CAPITAL PROJECT ORDINANCE
FOR CROOKED CREEK PARK AT INDIAN TRAIL**

BE IT ORDAINED by Town Council of the Town of Indian Trail, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is a community park.

SECTION 2. The officers of the Town are hereby directed to proceed with the capital project within the term of the bond resolution and budget contained herein.

SECTION 3. Amounts appropriated for this project are hereby amended as follows:

	Current Budget	Amended Budget
Design	\$451,174.00	\$451,174.00
Construction	\$5,506,100.00	\$5,594,500.00
Engineering Services	\$ 2,500.00	\$2,500.00
Total	<u>\$5,959,774.00</u>	<u>\$6,048,174.00</u>

SECTION 4. Revenues anticipated to complete this project are hereby amended as follows:

	Current Budget	Amended Budget
Proceeds from Park Bonds	\$4,500,000.00	\$4,500,000.00
Powell Bill Fund	\$222,500.00	\$222,500.00
Transportation Improvement Fund	\$220,000.00	\$220,000.00
Stormwater Utility Fund	\$228,591.00	\$228,591.00
Street Bonds	\$220,000.00	\$220,000.00
Capital Reserve Fund	\$568,683.00	\$568,683.00
General Fund		\$88,400.00
Total	<u>\$5,959,774.00</u>	<u>\$6,048,174.00</u>

SECTION 5. The Finance Director is hereby directed to maintain within the capital project fund sufficient detailed accounting records to satisfy the requirements of an annual independent audit. The terms of the bond resolution also shall be met.

SECTION 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

SECTION 7. The Finance Director is directed to report, on a quarterly basis, on the financial status of the project element in Section 3 and on the total revenues received or claimed.

SECTION 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on the capital project in every budget submission made to this Council.

SECTION 9. Any unexpended funds appropriated shall be reserved by the Town Council for use as provided by applicable law or regulation.

SECTION 10. The Finance Director is authorized from time to time to transfer as a loan from the General Fund in an amount necessary to met obligations until such time as funding is received. When Funds are received, repayments to the General Fund may be made.

SECTION 11. Copies of this capital project ordinance shall be made available to the Clerk and the Finance Director for direction in carrying out this project.

**AMENDED BY THE TOWN COUNCIL OF INDIAN TRAIL
this the 14th day of April, 2015.**

Michael Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk

TOWN OF INDIAN TRAIL Page 1 of 2
BUDGET TO BUDGET AMENDMENT REQUEST

DATE: 4/15/15

DEPARTMENT: _____

Account Number	Account Description	(Transfer In/ Out)	Amount
10-00-4120-391-000	Advertising	Out	2,000 ⁰⁰
10-00-4120-395-000	Staff Train & Educ	Out	2,000 ⁰⁰
10-00-4120-397-000	Contract Services	Out	7,000 ⁰⁰
10-00-4120-511-000	Off Furn & Equip	Out	1,000 ⁰⁰
10-00-4125-353-000	Vehicle Maint	Out	2,000 ⁰⁰
10-00-4130-510-000	IT Hardware > \$5,000	Out	1,000 ⁰⁰
10-00-4150-192-003	Legal - Comm & Econ Dev	Out	1,000 ⁰⁰
10-00-4150-192-006	Legal - Planning	Out	7,500 ⁰⁰
10-20-4570-397-000	Contract Services	Out	1,000 ⁰⁰
10-40-4260-240-000	Const & Repairs	Out	1,000 ⁰⁰
10-40-4260-354-000	Grounds Maint	Out	4,000 ⁰⁰
10-40-4260-397-000	Community Forestry	Out	7,000 ⁰⁰
10-40-4260-557-000	Tools & Equip	Out	1,000 ⁰⁰
10-40-4910-397-000	Contract Serv.	Out	2,900 ⁰⁰
10-40-4920-493-000	Community Events	Out	10,000 ⁰⁰
10-80-6140-351-000	Bldg Maint/Upgrades	Out	2,000 ⁰⁰

EXPLANATION:

X X X

REQUESTED BY: _____

FINANCE: _____

TOWN MANAGER: _____

For Finance Dept Only:

EFFECTIVE DATE: _____ JOURNAL NO. ASSIGNED: _____

FISCAL YEAR: _____ ENTERED: _____

PERIOD: _____ DATE: _____



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

PLANNING AND NEIGHBORHOOD SERVICES

Planning Board Transmittal for the April 14, 2015 Town Council Public Hearing

Case: ZT2015-001 Amendment to UDO Chapters 520, 530, 1610 and 7210 Related to Breweries, Distilleries and Wineries			
Reference Name	Chapters 520, 530, 1610 and 7210 of the Unified Development Ordinance		
Planning Board Meeting Date	March 17, 2015		
Members Present	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Vice Chair Larry Miller <input checked="" type="checkbox"/>
	Cathi Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input type="checkbox"/>	Steven Long <input type="checkbox"/>
	Alan Rosenberg <input type="checkbox"/>	Jorge Aponte <input checked="" type="checkbox"/> Alternate 1	Dr. Shamir Ally <input checked="" type="checkbox"/> Alternate 2
	Sidney Sandy <input type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval		
Member Making the Motion	Board Member Dr. Shamir Ally		
Second the Motion	Board Member Jorge Aponte		
Vote	6-0		

Purpose of the Amendment: A request to amend Chapters 520, 530, 1610 and create new Chapter 7210 of the Unified Development Ordinance (UDO) to allow breweries, distilleries and wineries to locate within Central Business Districts, General Business Districts, Regional Business Districts, Industrial Districts, and applicable Village Center Overlay and Downtown Overlay Districts by right and subject to specific restrictions where applicable.

Town Council Action: Receive Planning Board Recommendation and public comments and:

1. Concur with the findings and transmittal of the Planning Board to
2. Concur with the findings and approve as modified by Council; or
3. Do not make the findings and disapprove the amendment.

Analysis

Currently, brewery, distillery and winery uses are not listed within the Town's list of permitted uses. This proposed amendment will enable these businesses to locate within the Town of Indian

Trail subject to certain requirements. The proposed amendment includes: 1) Definitions for breweries, distilleries and wineries, as well as taprooms and taste rooms; 2) Adding the uses to the use tables for the Business and Commercial Zoning Districts and the Industrial Zoning Districts, permitting the uses by right and with specific requirements where applicable, and as a special use permit in certain instances; and 3) Creating Use Standards which set forth special requirements for the uses when locating within specific zones to ensure compatibility and minimize impacts.

Planning Board

The Planning Board heard this item at its March 17, 2015 public meeting. Planning Board Members asked questions regarding any negative environmental impacts created by the brewing process, whether the proposed amendment limits the number of businesses, tax rates for distilled spirits, and whether any public outreach had been conducted to date. The Planning Board voted unanimously to transmit a recommendation to approve to the Town Council. Please see the attached draft minutes for the March 17, 2015 Planning Board meeting, and link to the audio file in [Granicus](#).

The following consistency statements were found:

1. The proposed UDO amendment is consistent with the following goals:
 - ***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 Contact

Gretchen Coperine

gcoperine@planning.indiantrial.org

Attachment 1- Planning Board Report

Attachment 2- Draft Ordinance

Attachment 3 – Planning Board Draft Minutes of March 17, 2015

TC ATTACHMENT 1- PLANNING BOARD REPORT



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

PLANNING AND NEIGHBORHOOD SERVICES

Zoning Staff Report

Case: ZT 2015-001 Breweries, Distilleries and Wineries		
Reference Name	Amendment of Chapter 520; Chapter 530; Chapter 7210; Chapter 1610	
Applicant	Town of Indian Trail and Tibor Pavlusik	
Submittal Date	January 28, 2015	
Location	Town-wide	
Tax Map Number	N/A	
Plan Consistency	Town of Indian Trail Comprehensive Plan	Consistent With Goals of the Adopted Comprehensive Plan
Recommendations & Comments	Planning Staff	Recommends Approval of Proposed Text Amendment.

Project Summary

This is a request to amend Chapters 520, 530, 1610 and add new Chapter 7210 to the Unified Development Ordinance (UDO) to permit Breweries, Distilleries and Wineries in appropriate districts subject to Use Standards where applicable. These uses are currently not identified within the UDO table of permitted uses and therefore a text amendment proposal has been submitted to accommodate them.

Staff Recommendation

Staff recommends, based on the guidance of the adopted plans, that the text amendment be supported by recommending its approval to the Town Council.

Background

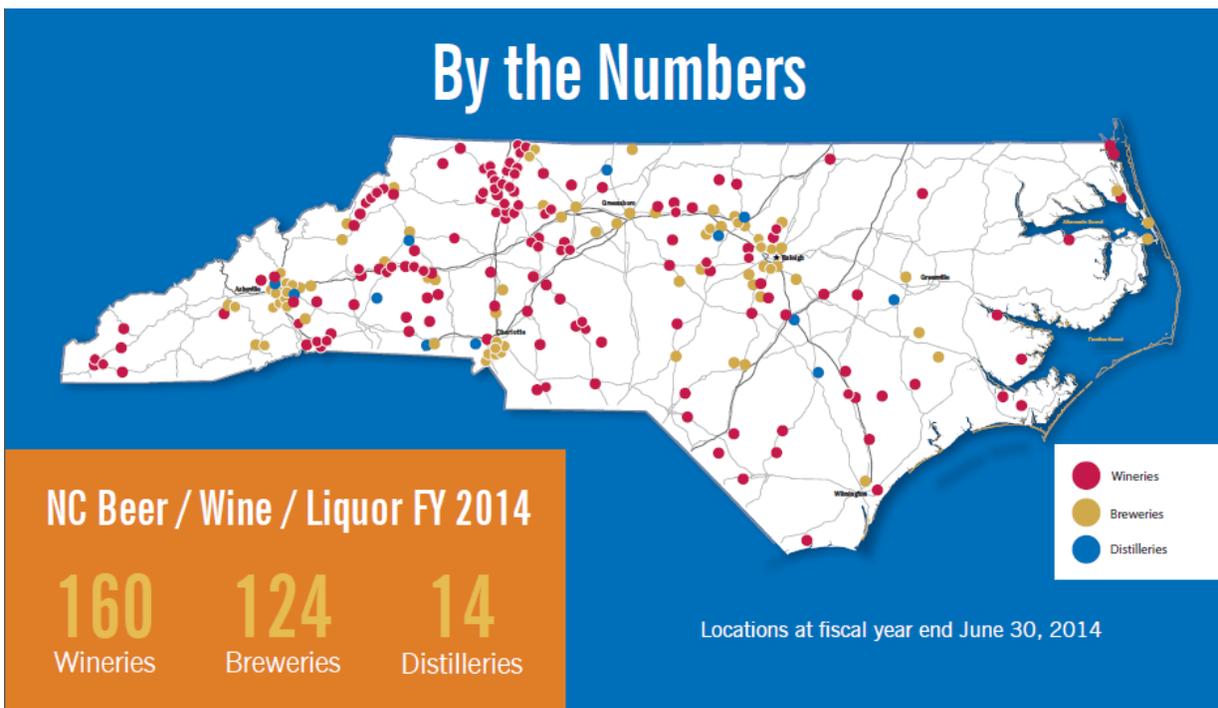
This text amendment proposal was originally initiated by a Charlotte area entrepreneur, Mr. Tibor Pavlusik, to help facilitate development of an Indian Trail distillery business within an industrial zoning district (no specific location). Recognizing the emerging trend in distilled spirits, beer and 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. Mr. Pavlusik is in agreement with the proposed text included herein.

These additional aspects 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. Examples of these “mixed” businesses in the Charlotte area include Rock Bottom Brewery in Uptown Charlotte, Old Mecklenburg Brewery near South Boulevard in Charlotte, and others.

Prior to discussing the specific aspects of the proposed amendment, it’s important to recognize the economic impact the craft alcohol industry has had on a national and local level. Staff’s research found the following trends/statistics:

- The craft brewing industry contributed \$33.9 Billion to the U.S. economy in 2012, and more than 360,000 jobs. (Brewers Association, 2012)
- There were 1,211 microbreweries and 1,165 brewpubs in the U.S. in 2013. By comparison, there were 89 commercial breweries of any type in 1970. (Brewers Association, 2013)
- There was a 400% increase in micro-distilleries in the U.S. between 2005 and 2012. (APA, March 2014)
- Wineries producing between 1,000 and 5,000 cases per year grew 16.5% between 2011 and 2014. (APA, March 2014)



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

Current and Proposed Legislation (Senate Bill 24)

Recent proposed legislation in the Senate (Senate Bill 24) proposes to allow the sale of spirits produced at distilleries for off-premise consumption (i.e., self distribution). It also proposes to allow liquor tasting at trade shows, conventions, beverage festivals, street and holiday festivals and similar events. Currently, liquor tasting events are only permitted at the distillery that produces the spirit.

The amendment before you is consistent with current regulations in that it would permit only on-premise tastings at the respective distillery when combined with an associated restaurant or similar use, in accordance with all Federal regulations and requirements. It does not propose to permit off-premise sales of distilled spirits, which is presently handled exclusively by State ABC stores.

Analysis

In consideration of the above noted trend in brewing and distilling of alcoholic beverages and its potential economic impact on the local economy, Staff has drafted comprehensive UDO language to permit distillery, brewery, and winery uses within both industrial and select commercial districts. To effect this, amendments are required to UDO Sections 520 and 530 (use tables), Section 1610.100 (definitions) and Section 7210 (use standards). While the proposed amendments are comprehensive in nature, they are prepared in a manner where the scope of work can be reduced or increased by staff relatively easily based on feedback from the Planning Board and/or Town Council.

As previously noted, these craft establishments are fairly common within the Charlotte area and North Carolina, with an establishment recently opening as close as the Town of Mint Hill near Idlewild Road (Barking Duck Brewery). In preparing the proposed text amendment, Staff consulted the ordinances of other communities with facilities on the ground as well as national planning resources to gain insight in preparing a suitable ordinance amendment. The following will summarize this research.

Research

A complete benchmark table containing Staff's findings of neighboring municipalities can be found in Attachment 1. In particular, it shows how the City of Charlotte, the Town of Matthews and the Town of Mint Hill classify breweries, distilleries and/or wineries, identifies which zoning districts the uses are permitted, and identifies what performance standards or special restrictions (if any) may be applied to a particular use.

Generally, the research shows how municipalities attempt to minimize any land use incompatibility in the location of brewery and distillery uses. Where applicable, use standards have been used to ensure a integration within the community of the uses and the structures in which they are housed. The above-mentioned municipalities classify brewery and distillery uses into two (2) types of zoning districts: commercial or industrial. In some cases these uses are also permitted within urban scale, mixed-use districts that would be comparable to Indian Trail's Village Center Overlay. Additional performance standards are required in certain areas to ensure size compatibility and harmonious integration of industrial functions within commercial zones as well as commercial uses within industrial districts. See Attachment 1 for a complete list of requirements.

One notable example of a thriving brewery and distillery use can be found in the Town of Chapel Hill. Top of the Hill (picture below) includes a distillery, brewery and a restaurant, bar and special event space all located in a central downtown location. The brewery and distillery use is permitted as an accessory use to an existing restaurant within the commercial area, without any additional requirements. Chapel Hill has seen incredible success of the uses, as they are located within a former publishing company building giving re-purpose to an underutilized structure. According to Staff at the Chapel Hill, this venture has furthered their Town's economic development efforts and there have been no negative effects within the community. In fact, its success is thought to come in great part because of its location within a very mixed, pedestrian friendly zone.



Proposed Amendments

Based on Staff’s findings, we attempted to strike a balance between the industrial production aspects of the brewery, distillery and winery industry and the emerging trend of having associated commercial restaurants and tasting rooms within the same facility. It is Staff’s intent to ensure industrial uses in commercial zones and commercial uses in industrial zones fit in accordance with their surrounding areas. To that extent, we offer the following amendments for the Board’s consideration, also included as Exhibit A of Attachment 2 (Ordinance).

UDO Chapter 1610.100, Definitions

C. Breweries, Distilleries and Wineries (including taproom and taste room)

a. Breweries (including mirco-breweries and cideries)

An establishment, whether as a principal or accessory use, which manufactures or produces beer regardless of alcohol content.

b. Distillery (including micro-distillery)

An establishment, whether as a principal or accessory use, which manufactures or produces distilled spirits.

c. Winery (including vineyard)

An establishment, whether as a principal or accessory use, which manufactures or produces wine or sparkling wine.

E. Taproom or Taste Room

An area maintained predominately for the purpose of tasting, selling and consumption of the alcohol beverages manufactured on the premises or at a production facility of an associated use, including the sale of take home containers such as kegs, bottles and cans as may be allowed under Federal, State and County law.

UDO Chapters 520 and 530, Business and Commercial and Industrial Zoning Districts Use Tables

BUSINES AND COMMERCIAL

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Eating and Drinking Establishments							
<u>Breweries, Distilleries and Wineries</u>	<u>P/S*</u>	-	<u>P/S*</u>	<u>P/S*</u>	<u>P/S*</u>	<u>P/S*</u>	<u>*See Special Requirements under UDO Section 7210</u> <u>SUP for outdoor operations per UDO Section 7210</u>

INDUSTRIAL

USE GROUP	Industrial Districts		Use Standard
Use Category	LI	HI	
<u>Breweries, Distilleries and Wineries</u>	<u>P/S*</u>	<u>P/S*</u>	<u>*See Special Requirements under UDO Section 7210</u> <u>SUP for outdoor operations per UDO Section 7210</u>

The tables above 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. (See proposed UDO Chapter 7210, which follows).

At this time, 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.

7210. Distilleries, Breweries and Wineries

Chapter 7210. Breweries, Distilleries and Wineries

The following regulations shall apply to all Brewery, Distillery and Winery Uses as described in UDO Section 1610.100.

- A. Uses within the Industrial Zoning District [Light Industrial (LI) and Heavy Industrial (HI)], and applicable overlay zoning districts:**
- 1. Uses in the HI District shall not be open to the general public for activities such as onsite tours, product tasting room activities, and/or other food and beverage service activities; and**
 - 2. Uses shall not produce odors, gas, dust or any other pollutants detrimental to the health, safety or general welfare of persons living or working in the surrounding properties; and**
 - 3. Size limitations for non-production related activities in the LI District (i.e., tap or tasting room, food service and similar) shall not exceed 50% of the total floor area. For non-production related activities exceeding 50% of the total floor area, a Special Use Permit shall be required; and**
 - 4. Parking requirements shall be calculated in accordance with Chapter 1020.010, *Parking Ratios* under the “Industrial” use category for “Manufacturing and Production.” Parking requirements for uses in the LI District that include a taproom or tasting room and/or a food and beverage service area shall be calculated under the “Restaurant” use category and shall ensure vehicular access, parking and circulation areas that are designed to minimize conflicts with the access, parking and circulation for adjacent industrial establishments; and**
 - 5. Outdoor storage shall comply with the provisions of UDO Section 7180, *Outdoor Storage*; and**

6. Outdoor activities, such as live or recorded music, shall not be audible from any occupied residential home and/or from within the enclosed building of any adjacent business establishment; and
 7. Uses shall comply with all applicable Federal, State and County regulations.
- B. Uses within Commercial Zoning Districts [Regional Business District (RBD), General Business District (GBD), Central Business District (CBD), and applicable overlay zoning districts:**
1. Shall include at least one of the following associated uses: restaurant, taproom or tasting room; and
 2. Uses shall not produce odors, gas, dust or any other pollutants detrimental to the health, safety or general welfare of persons living or working in the surrounding properties; and
 3. Size limitations for production related activities (i.e., production of alcohol or alcoholic beverages) shall not exceed 50% of the total floor area. For production activities exceeding 50% of the total floor area, a Special Use Permit shall be required; and
 4. Parking requirements for production related activities shall be calculated in accordance with Chapter 1020.010, *Parking Ratios* under the “Industrial” use category for “Manufacturing and Production.” Parking for non-production related activities (i.e., taproom or tasting room, food service, and similar) shall be calculated under the “Restaurant” use category and shall ensure vehicular access, parking and circulation areas that are designed to minimize conflicts with the access, parking and circulation for adjacent establishments; and
 5. For uses located within new buildings, the street facing or front facing façade(s) shall maintain a commercial appearance with fenestration through store fronts, windows and doors. Uses located within existing buildings shall comply with this requirement as much as possible; and
 6. Outdoor storage shall comply with the provisions of UDO Section 7180, *Outdoor Storage*; and
 7. Uses located within new buildings shall not have outdoor storage or loading docks located within a front yard. For uses located within existing buildings, outdoor storage or loading docks may be located within the front yard if provided by the existing building and site layout; and
 8. Outdoor loading or distribution activities outside RBD between the hours of 10pm and 7am shall require a Special Use Permit; and
 9. Outdoor activities, such as live or recorded music, shall not be audible from any occupied residential home and/or from within the enclosed building of any adjacent business establishment; and
 10. Uses shall comply with all applicable Federal, State and County regulations.
- C. Uses within the Downtown Overlay O-DD and Village Center Overlay O-VCD:**
1. Shall comply with the requirements of the base zoning district as stated in UDO Section 7210 A or B; and
 2. Any outdoor storage operations shall require a Special Use Permit.

Rationale for Proposed Chapter 7210

Proposed Chapter 7210 will provide specific use standards for uses locating within industrial, commercial and overlay districts within the Town of Indian Trail (the Town).

Staff's intent with the above-proposed Chapter 7210 is as follows:

- Ensure compatibility with surrounding uses;
- Protect the identity and purpose of the zoning districts in which the uses locate;
- Promote economic development; and
- Protect existing residential, commercial, and industrial uses and zones by minimizing any negative effects such as noise, and aesthetics.

To this extent, Staff has drafted general requirements for all zones such as parking requirements, environmental requirements for the health and safety of the community, and limitations for outdoor storage activities. At this time, Staff is of the opinion that the existing outdoor storage provisions of the UDO adequately address any concerns with regarding to storage uses and does not propose specific language regarding separation requirements for outdoor storage (i.e., grain silos, etc). More specific requirements based on individual zoning districts are explained below.

Industrial Zoning Districts: Industrial districts within the Town are intended to accommodate manufacturing, production and wholesale uses. In the Light Industrial (LI) district, Staff felt it appropriate to enable some non production activities (tasting room, restaurant, and other commercial activities, etc.), while protecting the character of the district by imposing size limitations for non-production activities. A Special Use Permit approval by the Board of Adjustment (i.e. public hearing, etc) would be required to allow these non-production activities to exceed more than half the size of the entire establishment. The Heavy Industrial (HI) district is intended for heavy production, processing and assembly uses. In order to protect the true industrial nature of the zone, non-production activities would not be permitted in the Heavy Industrial district.

Business and Commercial Zoning Districts: By comparison to industrial areas within the Town, business and commercial zones are intended to accommodate retail and commercial uses conveniently located to residential areas so as to provide goods and services to residents. The use standards listed for breweries, distilleries and wineries wishing to locate in a commercial zone aim to protect the commercial character of these zones. In particular, production uses must have a non-production component (i.e., tasting room, restaurant or similar use), shall have size limitations for production related uses, and shall have limited hours for outdoor loading and distribution activities. In order to protect the aesthetics of the commercial areas, in certain instances breweries in commercial zones shall not have outdoor storage or loading docks in a front yard.

Downtown Overlay and Village Center Overlay: The overlay districts are intended to accommodate a mix of land uses, with broad-reaching guidelines to encourage integrated development of pedestrian oriented areas (including business, office, entertainment and residential options). Taking into account the intended mixed-use nature of the overlay districts and aiming to protect existing residential uses or zones, Staff proposes additional requirements for uses located within the overlay districts, including requiring a Special Use Permit for any outdoor storage operations.

Required Consistency Findings

The Planning Board is required to make two consistency findings, one for consistency with Town adopted plans and another regarding the benefit of the public. Staff is of the opinion the following findings can be made:

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 recommends 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.

Staff Contact

Gretchen Coperine

Senior Planner

gcoperine@planning.indiantrail.org

Attachment 1: Benchmark Table - Surrounding Municipalities

Attachment 2: Draft Ordinance with Exhibit A (Draft Text Amendment)

PB ATTACHMENT 1: BENCHMARK TABLE

**ATTACHMENT 1
 BREWERIES, DISTILLERIES, WINERIES
 BENCHMARK TABLE OF NEIGHBORING MUNICIPALITIES**

Jurisdiction	Use Definition	Zoning Districts	Restrictions
Charlotte	Breweries	U-I (Urban Industrial) I-1 (Light Industrial) I-2 (Heavy Industrial)	<ul style="list-style-type: none"> • Maximum 60,000 square feet • Primary vehicular access shall be provided commercial roads (no residential or private roads) • Outdoor production located no closer than 300 feet from residential use or zone
Charlotte	Breweries	TOD (Transit Oriented Development) MUDD (Mixed Use Development District) UMUD (Uptown Mixed Use District) PED (Pedestrian Overlay District) TS (Transit Supportive Overlay) B-1 and B-2 (Business Districts)	<ul style="list-style-type: none"> • Establishment must include at least one of the following uses associated with it: restaurant, nightclub, bar or lounge • Must meet minimum size: associated restaurant, nightclub bar or lounge shall be 20% of total square footage of the brewery or 1,500 square feet whichever is less • Size restriction 15,000 square feet for brewery and associated uses • Use can be up to 25,000 square feet if located in building built prior to 1980 to encourage re-development of older, vacant buildings • Fenestration (windows and doors) along 30% of facade if located on public right-of-way, private street or rapid transit line to engage the street • Primary vehicular access shall be provided commercial roads (no residential or private roads)
Matthews	Microbreweries	ENT (Entertainment District) B-1, B-3, B-H (Business Districts) HUC (Historic Urban Core) I-1, I-2 (Industrial Districts) MUD (Mixed Use District) TS (Transit Supportive District)	<ul style="list-style-type: none"> • Maximum 5,000 square feet if located in the HUC districts • Maximum 7,500 square feet if located in the Business, Industrial, MUD, TS and ENT districts • HUC, MUD, TS and ENT: tap room oriented toward the street, minimum 500 square foot tap room which open 25% of the time the brewery is open • No loading or distribution between 9pm and 7am if located within 500 of dwelling unit or institutional use
Matthews	Distilleries	I-1 and I-2 (Industrial Districts)	<ul style="list-style-type: none"> • Maximum of 3,000 square feet in I-1 districts • May be more than 3,000 square feet if within I-2 • Minimum 500 foot separation from dwelling unit • Must not create smells or odors detectable from the right-of-way
Mint Hill	Brewery Tap Room	General Industrial	<ul style="list-style-type: none"> • Permitted by right – no special requirements listed

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.

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on April 14, 2015 and after receiving the transmittal, public comment, and deliberation, concurred with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BE IT ORDAINED ON April 14, 2015 BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 – UDO CHAPTERS 520, 530, 7210, and 1610 are hereby amended as shown in Exhibit A of this Ordinance; and

Section 2- This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS April 14, 2015.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk

EXHIBIT A

520.020 Allowed Uses

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Eating and Drinking Establishments							
<u>Breweries, Distilleries and Wineries</u>	<u>P/S*</u>		<u>P/S*</u>	<u>P/S*</u>	<u>P/S*</u>	<u>P/S*</u>	<u>*See Special Requirements under UDO Section 7210</u> <u>SUP for outdoor operations per UDO Section 7210</u>
Restaurants	P	P	P	P	P	P	
Private Club/Tavern	-	-	S	S	-		
Entertainment Sports (indoor basketball, soccer, batting)							
Small	-	-	P	P	P	S	
Medium	-	-	S	P	P	S	
Large	-	-	-	S	S	-	
Financial Services							
Banks	P	P	P	P	P	P	
Consumer Investment Services	P	P	P	P	P	P	
Consumer Loan Offices	P	P	P	P	P	P	
Payday Loan Stores	-	-	S	S	-	-	
Pawn Shop	-	-	S	S	-	-	
Savings and Loan Association	P	P	P	P	P	P	

530.020 Allowed Uses

USE GROUP	Industrial Districts		Use Standard
Use Category	LI	HI	
Other			
Agricultural Operations	P	P	
<u>Breweries, Distilleries and Wineries</u>	<u>P/S*</u>	<u>P/S*</u>	<u>*See Special Requirements under UDO Section 7210</u> <u>SUP for outdoor operations per UDO Section 7210</u>
Emergency Services	P	P	
Utilities, Minor	P	P	
Utilities, Major	S	S	
Wireless Communication Facilities			
Co-located	P	P	See Chapter 7160
Freestanding Towers	P	P	See Chapter 7160

DIVISION 700. SUPPLEMENTARY USE REGULATIONS

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Chapter 7210. Breweries, Distilleries and Wineries

The following regulations shall apply to all Brewery, Distillery and Winery Uses as described in UDO Section 1610.100.

- A. Uses within the Industrial Zoning District [Light Industrial (LI) and Heavy Industrial (HI), and applicable overlay zoning districts:**
1. Uses in the HI District shall not be open to the general public for activities such as onsite tours, product tasting room activities, and/or other food and beverage service activities; and
 2. Uses shall not produce odors, gas, dust or any other pollutants detrimental to the health, safety or general welfare of persons living or working in the surrounding properties; and
 3. Size limitations for non-production related activities in the LI District (i.e., tap or tasting room, food service and similar) shall not exceed 50% of the total floor area. For non-production related activities exceeding 50% of the total floor area, a Special Use Permit shall be required; and
 4. Parking requirements shall be calculated in accordance with Chapter 1020.010, *Parking Ratios* under the “Industrial” use category for “Manufacturing and Production.” Parking requirements for uses in the LI District that include a taproom or tasting room and/or a food and beverage service area shall be calculated under the “Restaurant” use category and shall ensure vehicular access, parking and circulation areas that are designed to minimize conflicts with the access, parking and circulation for adjacent industrial establishments; and
 5. Outdoor storage shall comply with the provisions of UDO Section 7180, *Outdoor Storage*; and
 6. Outdoor activities, such as live or recorded music, shall not be audible from any occupied residential home and/or from within the enclosed building of any adjacent business establishment; and
 7. Uses shall comply with all applicable Federal, State and County regulations.
- B. Uses within Commercial Zoning Districts [Regional Business District (RBD), General Business District (GBD), Central Business District (CBD), and applicable overlay zoning districts:**
1. Shall include at least one of the following associated uses: restaurant, taproom or tasting room; and
 2. Uses shall not produce odors, gas, dust or any other pollutants detrimental to the health, safety or general welfare of persons living or working in the surrounding properties; and
 3. Size limitations for production related activities (i.e., production of alcohol or alcoholic beverages) shall not exceed 50% of the total floor area. For production activities

exceeding 50% of the total floor area, a Special Use Permit shall be required; and

4. Parking requirements for production related activities shall be calculated in accordance with Chapter 1020.010, *Parking Ratios* under the “Industrial” use category for “Manufacturing and Production.” Parking for non-production related activities (i.e., taproom or tasting room, food service, and similar) shall be calculated under the “Restaurant” use category and shall ensure vehicular access, parking and circulation areas that are designed to minimize conflicts with the access, parking and circulation for adjacent establishments; and
5. For uses located within new buildings, the street facing or front facing façade(s) shall maintain a commercial appearance with fenestration through store fronts, windows and doors. Uses located within existing buildings shall comply with this requirement as much as possible; and
6. Outdoor storage shall comply with the provisions of UDO Section 7180, *Outdoor Storage*; and
7. Uses located within new buildings shall not have outdoor storage or loading docks located within a front yard. For uses located within existing buildings, outdoor storage or loading docks may be located within the front yard if provided by the existing building and site layout; and
8. Outdoor loading or distribution activates outside RBD between the hours of 10pm and 7am shall require a Special Use Permit; and
9. Outdoor activities, such as live or recorded music, shall not be audible from any occupied residential home and/or from within the enclosed building of any adjacent business establishment; and
10. Uses shall comply with all applicable Federal, State and County regulations.

C. Uses within the Downtown Overlay O-DD and Village Center Overlay O-VCD:

1. Shall comply with the requirements of the base zoning district as stated in UDO Section 7210 A or B; and
2. Any outdoor storage operations shall require a Special Use Permit.

1610.100 Other Use Group

The “other” use group includes the following:

A. Agriculture, Crop

The use of land for the production of row crops, field crops, tree crops; timber, bees, apiary products, or fur-bearing animals.

B. Agriculture, Animal

The feeding, breeding, raising or holding of cattle, swine, poultry or other livestock, whether held in a confinement area or open pasture.

C. Breweries, Distilleries and Wineries (including taproom and taste room)

a. Breweries (including micro-breweries and cideries)

An establishment, whether as a principal or accessory use, which manufactures or produces beer regardless of alcohol content.

b. Distillery (including micro-distillery)

An establishment, whether as a principal or accessory use, which manufactures or produces distilled spirits.

c. Winery (including vineyard)

An establishment, whether as a principal or accessory use, which manufactures or produces wine or sparkling wine.

D. Outdoor Advertising

The use of a site for the placement of off-premise signs

E. Taproom or Taste Room

An area maintained predominately for the purpose of tasting, selling and consumption of the alcohol beverages manufactured on the premises or at a production facility of an associated use, including the sale of take home containers such as kegs, bottles and cans as may be allowed under Federal, State and County law.

F. Wireless Communication Antenna and Tower

Facilities related to the use of the radio spectrum for the purposes of transmitting or receiving radio signals, and may include, but are not limited to radio towers, television towers, telephone exchanges, micro-wave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities. The wireless communication antenna and tower category includes all associated equipment unless the written context clearly indicates otherwise. The term associated equipment may include, but is not limited to equipment shelter or platform, lighting, monopole, tower, mounting hardware, and supporting electrical or mechanical equipment.

DRAFT

**TC ATTACHMENT 3: DRAFT PLANNING BOARD
MINUTES OF MARCH 17, 2015**

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 None.

not voting:

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 that Town Council meeting on March 10th and hopes it 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 commanding 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:

- are produced
- 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 an addition added to industrial and commercial tables, the actual uses. 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 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:

Date: _____

Secretary:
