



**Town of Cornelius
Land Development Code Advisory Board**

**Agenda
January 27, 2020
5:30 PM
Room 204**

Call To Order

Determination of Quorum

Presentations

1. Microbrewery Buffers

Approval of Minutes

1. September 23, 2019 Minutes

New Business

1. Transient Occupancy
2. Session Law 2019-111, Chapter 160D

Next Meeting

Adjournment

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 27, 2020

To: LDCAB Members

From: Becky Partin

Senior Planner

Action Requested:

Mr. Knox (Trey) Ramsey would like the Town to change the buffer requirement for microbreweries.

Manager's Recommendation:

Hear presentation from Mr. Ramsey and provide direction to Staff.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 27, 2020

To: Chair and LDCAB Members

From: Summer Smigelski, Planning Admin.

Action Requested:

Review and Approve Minutes

Manager's Recommendation:

ATTACHMENTS:

Name:	Description:	Type:
 09232019MinutesLDCAB.docx	September 23, 2019 Minutes	Backup Material

Minutes

TOWN OF CORNELIUS LDCAB

September 23rd, 2019

5:30 PM

Members Present

Cheryl Crawford, Chair
John Hettwer
David Gilroy
Bob Bruton
Michael Miltich
Karen Tovar
Joe Dean
David Dunn

Members Absent

Norris Woody, Vice Chair
Keith Eicher
Laura Pegram

Staff Present

Wayne Herron, Deputy-
Manager/Planning Director
Becky Partin, Senior Planner
Summer Smigelski, Admin.

VISITORS

See Sign In Sheet.

DETERMINATION OF QUORUM

Chair Crawford called the meeting to order at 5:33 PM and determined a quorum was present.

APPROVAL OF MINUTES

The Board unanimously approved the August 26th, 2019 Minutes.

Motion made by Mayor Pro Tem Miltich. Seconded by Ms. Tovar. All in favor, motion approved.

In Favor: Ms. Crawford, Mr. Hettwer, Mr. Dunn, Commissioner Gilroy,
Ms. Tovar, Mr. Bruton, Mayor Pro Tem Miltich, Mr. Dean

Opposed: None

TA 02-19 Breweries

Ms. Partin presented TA 02-19 to the board. On May 30, 2019 Governor Cooper signed into law H.B. 363, "Craft Beer Distribution & Modernization Act". An Act to confirm the State's support of the 3-tier system for distribution of malt beverages and the franchise laws, to make adjustments to modernize the exemptions to the 3-tier system, and to promote the growth of small and mid-sized independent craft breweries. Law allows a malt beverage wholesaler to sell, deliver, and ship at wholesale up to 50,000 barrels of malt beverages manufactured by the brewery per year to unaffiliated retail permittees. The brewery may sell, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 100,000 barrels of malt beverages produced by it per year. Current Definition: Brewery, Large - An establishment where beer and malt beverages are made on the premises at an annual rate of 15,000 or more barrels (~465,000 gallons) per year and may contain a taproom. Brewery, Micro - An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (~465,000 gallons) per year. The brewer may sell to a retailer or directly to a customer.

Current Conditions:

BREWERY, LARGE

- A. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed twenty-five percent (25%) of the gross floor area of all buildings on a lot.

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- B. A Type 'A' screening buffer is required where a large brewery is adjacent to a residentially zoned property.

BREWERY, MICRO

- A. Production cannot exceed 15,000 barrels (~465,000 gallons) of beer per year.
- B. Shall provide a taproom, except if located in IC.
- C. Outdoor storage of goods and materials shall not be permitted in the Neighborhood Mixed Use, Town Center, Village Center Districts, or Waterfront Mixed Use.
- D. Outdoor storage of goods and materials used in assembly, fabrication, or processing in the Business Campus, Corporate Office, and Highway Commercial Districts shall be screened from view, and shall not exceed twenty-five percent (25%) of the gross floor area of all buildings on a lot.
- E. Must not operate outside the facility between the hours of 9:00 pm and 7:00 am.
- F. A Type 'A' screening buffer is required where a microbrewery is adjacent to a residentially zoned property.

Recommendation:

Change the barrel production limit in current definitions & remove large breweries from BC district:

- Brewery, Large - An establishment where beer and malt beverages are made on the premises at an annual rate of ~~15,000~~ 100,000 or more barrels (~~~465,000 gallons~~) per year and may contain a taproom.
- Brewery, Micro - An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than ~~15,000~~ 100,000 barrels (~~~465,000 gallons~~) per year. The brewer may sell to a retailer or directly to a customer.

Proposed Conditions:

BREWERY, LARGE

- A. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed twenty-five percent (25%) of the gross floor area of all buildings on a lot.
- B. A Type 'A' screening buffer is required where a large brewery is adjacent to a residentially zoned property.

BREWERY, MICRO

- A. Production cannot exceed ~~15,000~~ 100,000 barrels (~~~465,000 gallons~~) of beer per year.
- B. Shall provide a taproom, except if located in IC.
- C. Outdoor storage of goods and materials shall not be permitted in the Neighborhood Mixed Use, Town Center, Village Center Districts, or Waterfront Mixed Use.
- D. Outdoor storage of goods and materials used in assembly, fabrication, or processing in the Business Campus, Corporate Office, and Highway Commercial Districts shall be screened from view, and shall not exceed twenty-five percent (25%) of the gross floor area of all buildings on a lot.
- E. ~~Must not operate outside the facility between the hours of 9:00 pm and 7:00 am.~~
- F. A Type 'A' screening buffer is required where a microbrewery is adjacent to a residentially zoned property.

After discussion the board agreed to recommend approval for changes to TA 02-19 Breweries. Commissioner Gilroy recuse himself from the vote.

Motion made by Mayor Pro Tem Miltich. Seconded by Mr. Bruton. All in favor, motion approved.

In Favor: Ms. Crawford, Mr. Hettwer, Mr. Dunn,
Ms. Tovar, Mr. Bruton, Mayor Pro Tem Miltich, Mr. Dean

Opposed: None

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September 23rd, 2019

Transient Occupancy Update

Mr. Herron presented a legislative update to the board

Mr. Herron opened for discussion and asked that the committee provide direction for staff.

After discussion the Board asked for staff to bring back more examples.

Accessory Structure Placement

Ms. Partin presented a request that the Planning Department received to consider an amendment to the Land Development Code to allow accessory structures in the front yard - specifically sheds. The property owner states that the front yard of lakefront lots is the lake side, making the street side of the lot the rear yard - according to the property owner.

Yard, Front: A space extending the full width of the lot between the building and the front lot line or the fronting street right-of-way measured perpendicular to the building at the closest point to the front lot line. Typically, this yard is required to remain open and unoccupied, with the exception of certain encroachments such as bay windows, sidewalks, street trees, street furniture, fences, walls, and landscaping. No lot shall be deemed to have frontage on or along any water front or any other similar features.

Accessory Structure: A structure subordinate or incidental to the principal structure. Accessory structures include detached garages (with or without dwelling units), storage buildings, pools, pool houses, piers and other water related structures, etc.

Accessory buildings, pools and other similar structures in all residential zoning districts shall be constructed in the rear yard only and shall be set back a minimum of ten feet (10') from the side and rear property lines, except in accordance with Lake Norman buffer requirements specified in the "Table of Dimensional Requirements" in this Chapter or the recorded plat, if so noted. The Planning Director may permit the placement of an accessory building in a side yard, if no practical alternative exists.

Ms. Partin opened for discussion and asked that the committee provide direction for staff.

Based on board discussion, staff will bring back a draft for consideration.

Open Space

Ms. Partin presented potential changes that may result in higher quality and larger open spaces in new developments. Open Space requirements to identify potential changes that may result in higher quality and larger open spaces in new developments. Identified a couple of approved Cornelius developments where open space lacked desired placement and/or aesthetics in the development. Applying codes from Davidson, Mooresville, Huntersville to these plans identified potential opportunities for changes to the Code.

Staff presented recommended changes to Increase the amount of required improved open space. Require improved open space to be used in an active fashion. Specify open space to be located within 500' of each residential property.

Ms. Partin opened for discussion and asked that the board provide staff direction.

Commissioner Gilroy: "I like the direction it just needs more work."

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Staff will bring back to the board based on discussion.

Next Meeting

October 28th, 2019

Adjournment

Commissioner Miltich made a motion to adjourn the meeting at 7:01 pm. Ms. Tovar seconded. All in favor and motion approved.

In Favor: Ms. Crawford, Mr. Hettwer, Mr. Dunn, Commissioner Gilroy,
Ms. Tovar, Mr. Bruton, Mayor Pro Tem Miltich, Mr. Dean

Opposed: None

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REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: January 27, 2020

To: LDCAB Members

From: Becky Partin

Senior Planner

Action Requested:

Staff will present information on the following:

- Transient Occupancy History in Cornelius
- Current Land Development Code
- Cornelius Special Legislation
- State Law & Update from the UNC School of Government
- Current Short Term Rental Market in Cornelius
- Enforcement Issues
- Example Ordinances from Other Cities

Manager's Recommendation:

Hear presentation and provide direction to staff.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

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Date of Meeting: January 27, 2020

To: LDCAB Members

From: Becky Partin

Senior Planner

Action Requested:

In 2019, Session Law 111 was enacted which creates a new chapter in the state statutes, Chapter 160D, whose purpose is to reorganize, consolidate, modernize, and clarify statutes regarding local planning and development regulation. Part II of the act becomes effective January 1, 2021 and as a result of some of the changes, staff will be bringing text amendments (as appropriate) for your consideration later this year.

Manager's Recommendation:

Hear update.

ATTACHMENTS:

Name:

Description:

Type:

No Attachments Available
