

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF ZONING, PLANNING AND APPEALS**

CASE NUMBER: 19-ZPA-05-001

HEARING DATE: June 13, 2019

PROPERTY ADDRESS: 3300 Three Oaks Road

PETITIONER: Spirit Water

OWNER: Joseph Trawinski

PIN NUMBER: 19-11-200-049

REQUEST:

1. Conditional Use for a Brewpub
2. Variation to Reduce the Required Number of Parking Spaces (from 47 to 27 spaces)

MEMBERS PRESENT: Khoury, Jasper, Kretschmer, Phippen, Williams, O’Laughlin and Graziano

MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Brian Simmons
Director of Community Development

Chairman Khoury called the meeting to order at 7:30 PM. After approving previous meeting minutes, Chairman Khoury called Village Case No.19-ZPA-05-001. Member Graziano arrived at 7:32 P.M.

Director Simmons stated the Petitioner, Spirit Water, is proposing to open a brewpub/brewery in the existing commercial retail building located at 3300 Three Oaks Road. As proposed the petitioner is purchasing the eastern half of the building formerly occupied by Country Tile and Carpet and Marlene’s Hair Salon. The petitioner is seeking to convert the former retail space into a brewpub/tap room and the existing warehouse into a brewery/distillery. Under the Unified Development Ordinance brewpubs require conditional use approval within the B-2 Shopping Center Business District. The petitioner is also seeking a parking variation to reduce the required parking on the subject property from forty-seven (47) spaces to twenty-seven (27) spaces. The ZPA hearing was properly noticed in the May 28, 2019, edition of the Northwest Herald newspaper. In addition, the Petitioner has completed the required written notice to property owners within 250 feet and staff posted a public hearing sign on the Subject Property.

The Petitioners were present to answer questions.

Chairman Khoury opened the floor to Public Comment.

With no comment from those present, Chairman Khoury closed the Public Comment portion of the meeting.

Discussion:

Member O’Laughlin asked if the Cary Fire Protection District had any issues with the building location for emergency access. Director Simmons stated the Fire Department has no issues.

Member Kretschmer asked if offsite overflow parking is an issue if there is no sidewalk along Three Oaks Road. Director Simmons stated a sidewalk exists to the property line and a sidewalk will be installed this summer to finish the gap to the parking lot.

Member Jasper asked if the property is on Village water and sewer. Director Simmons stated the property is on Village water and septic. Director Simmons stated the plans for the project call for the septic to be retired and a sewer connected to the existing system on the Aldi side of the property.

Member Jasper asked if after the septic is retired would it allow for an expansion of the parking lot. Director Simmons stated an expansion would allow for five or six additional spaces.

Member Jasper asked if there was to be food served at the brewpub. Director Simmons stated not at this time.

Mr. Chevli, Petitioner reviewed for the ZPA Board the history of his company and the plan for the expansion and move into Cary.

Member Pippen asked Mr. Chevli for details regarding the overflow parking discussions with Aldi. Mr. Chevli stated they would approach Aldi when and if additional parking is needed.

Member Jasper asked for additional details regarding parking space needs. Mr. Chevli reviewed present usage at their current location. Mr. Chevli agreed to open discussion with Aldi regarding overflow parking.

Member Jasper asked for details on the size of deliveries coming into their current business location. Member O'Laughlin asked if the location is large enough to handle large deliveries. Director Simmons stated there is a large dock door available for truck deliveries.

Member Williams ask for details on any food catering and deliveries to the business. Mr. Chevli stated food deliveries come to the business and small portable toaster ovens can be used for frozen pizzas, but no plans are in place for additional food service.

Member Williams asked about the plans for an outdoor serving area. Mr. Chevli stated future plans call for a small patio for outdoor seating.

Member Pippen asked if there was any feedback from neighboring properties. Mr. Chevli stated there has been none.

Member Jasper suggested the motion be amended to revisit the parking variance in three years to allow for a reconsideration of the number of parking spaces needed. Director Simmons stated a variance cannot be approved as a temporary measure. He stated in the staff report a condition of the approval could be written to allow for an expansion of the parking lot at a later date.

Member O'Laughlin stated his agreement with Member Jasper to the condition change.

Director Simmons will make the change to item number four on the condition report to read " Should the Village of Cary determine a parking shortage exists on the property, the petitioner shall either execute a shared parking agreement with a nearby property in accordance with the appropriate provisions of the Village Code to accommodate overflow parking, and submit a copy of the agreement to the Community Development Department, or shall obtain a building permit to construct additional parking on-site to accommodate the increased demand."

Chairman Khoury entertained a motion.

Member O’Laughlin moved, seconded by Member Williams, to recommend to the Village Board of Trustees approval of a conditional use for brewpub and parking variance to reduce the required parking spaces from forty-seven (47) to twenty-seven (27) spaces for the property located at 3300 Three Oaks Road, subject to the conditions listed in the staff report.

Aye: Khoury, Jasper, Graziano, Pippen, Kretchmer, O’Laughlin, Williams

Nay: None

Abstain: None

Absent: None

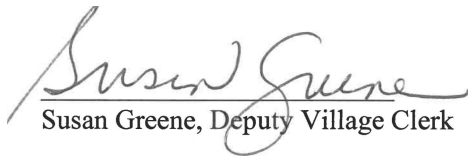
Motion Passed: 7-0

Chairman Khoury entertained a motion to adjourn at 8:07 pm. Member O’Laughlin moved, seconded by Member Graziano to adjourn at 8:07 pm.

All Ayes by Voice Vote

Motion Passed

Respectfully Submitted,


Susan Greene, Deputy Village Clerk