Agenda Item: Zoning Motion 2021-736, UDO Text Amendment to allow distilling or manufacturing of alcohol and alcoholic beverages as a permitted use with prescribed conditions in the B-1 zoning district and reduce the minimum separation from any dwelling unit from 500 feet to 50 feet.

DATE: August 2, 2021
FROM: Robert Will, Senior Planner

Background/Issue:

The applicant, Oaklore Distilling Company, is requesting to allow distilleries in the B-1 zoning district under certain prescribed conditions (they are currently only permitted in the I-1 and I-2 zoning districts). These conditions exist in the current UDO section 155.506.45.(B) and include a limitation on the gross floor area of the manufacturing facilities, distance separating the facility from any dwelling unit, and restrictions on noxious smells or fumes.

Additionally, the applicant is requesting a reduction in the separation distance from any dwelling unit from the existing requirement which is 500 feet to a distance of 50 feet.

Staff Recommendation:
Staff recommends holding the public hearing in order to receive comments from the Board, the public, and the Planning Board.
ZONING APPLICATION FOR UNIFIED DEVELOPMENT ORDINANCE TEXT CHANGE AS PROVIDED IN THE UDO AT 155.401.3

APPLICATION NUMBER 2021-736  DATE FILED June 30, 2021
APPLICATION’S NAME Oaklore Distilling Company, LLC c/o Colin R. McGrath, Esq., Poyner Spruill LLP
APPLICATION’S MAILING ADDRESS 301 Fayetteville Street, Suite 1900, Raleigh, NC 27601
APPLICATION’S PHONE NUMBER/EMAIL ADDRESS 919.783.2951/cm McGrath@poynerspruill.com

I request consideration of the following change in text of the Matthews Unified Development Ordinance:

Requested text change is:

☑ a change in wording to existing Section(s)
☑ an addition to Section(s)
☐ a deletion of wording at existing Section(s)

Below is the text requested to be changed, added or deleted:

Existing Section See Exhibit A attached.  Proposed Section See Exhibit A attached.

See Exhibit A attached.

(continue on additional page(s) as necessary)
What is the intended effect of this request?

The intent of these combined text amendments is to provide greater flexibility in the location of small-scale distilleries within the Town of Matthews. Given the safety, economic value, and entertainment aspect of modern distillery activity, allowing distilleries in the B-1 zoning district subject to the prescribed conditions above will further the Town’s goal of increasing the diversity of businesses within the Town and will regulate these smaller facilities more like microbreweries. Further, reducing the existing separation requirement from any dwelling unit to 50 feet strikes an appropriate balance between buffering this land use from residential property and encouraging distilleries, especially small-scale distilleries, in areas within the Town with which this use is compatible. Distilling of alcohol which exceeds 3,000 square feet gross floor area will remain permissible only in the I-2 district, appropriately limiting those truly industrial-scale operations to compatible districts.
Exhibit A – Proposed Text Changes

Section 155.05

Add Distilling or manufacturing of alcohol and alcoholic beverage, subject to § 155.506.45 as a permitted use with prescribed conditions (“PC”) in the B-1 zoning district in the Tables of Allowed Uses.

Section 155.506.45(B)(6)

Existing Language

The distilling of alcohol and alcoholic beverages in the I-1 district shall not exceed three thousand (3,000) square feet gross floor area. Manufacturing facilities greater than three thousand (3,000) square feet shall only be in the I-2 district.

Proposed Change

The distilling of alcohol and alcoholic beverages in the B-1 or I-1 districts shall not exceed three thousand (3,000) square feet gross floor area. Manufacturing facilities greater than three thousand (3,000) square feet shall only be in the I-2 district.

Section 155.506.45(B)(7)

Existing Language

Any distilling or manufacturing of alcohol and alcoholic beverages shall be separated by a minimum of five hundred feet (500') from any dwelling unit in existence at the time the manufacturing facility receives any related building permit for construction or upfit. Within the ENT district, no minimum separation is required between a brewpub and a dwelling unit.

Proposed Change

Any distilling or manufacturing of alcohol and alcoholic beverages shall be separated by a minimum of five hundred feet (500') fifty (50') from any dwelling unit in existence at the time the manufacturing facility receives any related building permit for construction or upfit. Within the ENT district, no minimum separation is required between a brewpub and a dwelling unit.