



**MINUTES OF THE REGULAR MEETING OF THE TOWN
OF LAKE LURE ZONING AND PLANNING BOARD**

TUESDAY, SEPTEMBER 20, 2022
9:30 A.M.

Present: Thomas McKay, Chairman
Randall Nelson, Vice Chair
Dave Keenan
Charlie Ellis
Mac Hillabush

Scott Doster, Town Council Liaison

Absent: N/A

Staff: Michael Williams, Community Development Director
Richard Carpenter, Development and Environmental Review Specialist

The meeting was called to order at 9:37 a.m.

I. ROLL CALL

Board Chair Thomas McKay opened with a prayer and invocation. All Board members were present.

II. APPROVAL OF THE AGENDA

Mr. Dave Keenan made a motion to approve the agenda, as presented. Mr. Randy Nelson seconded. All members voted in favor.

III. APPROVAL OF THE MINUTES

Mr. Nelson made a motion to accept the minutes from August 16, 2022 regular Zoning and Planning Board meeting. Mr. Ellis seconded and all voted in favor.

IV. PUBLIC COMMENT

There were no comments from the public.

V. OLD BUSINESS

- A. Continue review Section 36-72(5) regarding regulating food trucks (Mobile Food Vendors) and review staff-proposed revision of 36-72(5) with goal to prepare Zoning Ordinance amendment recommendation to Town Council.**

Director Williams explained that he emailed the Board members examples of mobile food vendor ordinances from Hendersonville and Chapel Hill, which are also included in the meeting package.

Director Williams explained that this subject was discussed at the most recent Town Council work session meeting and provided the Board with a summary of the Council's conversation. Commissioner Doster explained that the Council was interested in holding a conversation regarding changes to the mobile food vendor ordinance and there was consensus to allow the Zoning and Planning explore suggested amendments. It was noted that Council was open to a lot of the recommendations that the Zoning and Planning Board broached previously. Commissioner Doster noted that it was agreed upon that if a mobile food vendor is set up, the mobile food vendor must be removed after business along with any accessories (benches, etc.). Director Williams noted that the Council discussion involved support for commercial property allowance of food trucks with standard regulations. Director Williams stated that there did not seem to be any issues with the accessory use of mobile food vendors on some private properties. Director Williams expressed that the ordinance should be crafted to fit the needs of Lake Lure.

Mr. Nelson asked if Council would like to make it easier for mobile food vendors' to be granted allowance to operate in the Town. It was noted that it appears there is Council support for easier allowance standards for mobile food vendors.

Mr. Ellis noted that one level of examination might be permanent entrepreneurial vendors and another might be agreement with land owners for special or seasonal events. Mr. Ellis asked if Council had an opinion of this. Director Williams explained that Council seemed to supportive.

Board members discussed how events are distinguished and it was noted that one way to distinguish events are if they are permitted.

Chair McKay asked if there is a demand for mobile food vendors. Development and Environmental Review Specialist Richard Carpenter provided an example of an upcoming new business that have expressed their wishes to have frequent mobile food vendors.

Director Williams noted that specific zones would be examined to determine allowance of mobile food vendors.

Commissioner Doster noted that private versus for-profit mobile food vendors were discussed by Council and that vendor permits could have timeframes.

Mr. Ellis noted that the current zoning allowance of food and beverage would not need to change. Board members and Community Development staff agreed.

The Board discussed event use, group applications through event organizers, streamlining the permitting process, and fees.

Chair McKay asked if there has been any push back. Director Williams answered no.

Commissioner Doster noted Council expressed support for giving discount to local brick and mortars.

Mr. Ellis noted that the Hendersonville ordinance notes that location and vendor permits are good for one year, and are renewed annually. Mr. Ellis also suggested adding language to the ordinance that verifies that all state and health department guidelines are followed.

Director Williams asked that the board review the Hendersonville and Chapel Hill ordinances and note any likes or dislikes to consider when amending the Lake Lure ordinance. Mr. Nelson expressed that he liked the Hendersonville ordinance. Commissioner Doster expressed that he liked how Chapel Hill outlined safety and provisions in their ordinance. Mr. Nelson expressed that he liked how Chapel Hill outlines the zoning details. Mr. Hillabush expressed support for the clarity found in the Chapel Hill ordinance. The Board discussed the event related portion of the Chapel Hill ordinance. Mr. Ellis agreed with Hillabush about the clarity and simplicity of the Chapel Hill ordinance, and recommended polling individuals who operate food trucks. Mr. Hillabush noted that one thing not addressed in the Chapel Hill ordinance is the local brick and mortar vendor stations and expressed support for the pre-established local food vendors. Director Williams agreed with Mr. Hillabush but noted that brick and mortars should still be required to complete the permitting process.

The Board discussed clearly defining and expanding the definition of mobile food vendor (truck, cart, trailer, etc.). It was noted that Chapel Hill defines that a mobile food vendor must be registered with DMV. Director Williams stated that peddler's ordinance would need to be addressed. The Board further discussed definitions and carts versus trucks. Specialist Carpenter noted that mobile food carts would be required to obtain a health department waiver.

Mr. Ellis mentioned the allowance of mobile food vendors on Town owned, public land use. The Board held discussion on the matter. Commissioner Doster noted that Council approval would be required and requested waivers would be handled much like those waived by Council for the Farmers Market.

Commissioner Doster expressed support for reduced price for brick and mortar. Mr. Hillabush expressed that the permitting price is too high for a single event. Board members expressed that the allowance of mobile food vendors ultimately improve events in the Town.

Mr. Keenan noted that safety and regulations should match the existing code. Director agreed.

Director Williams agreed to craft an ordinance based on the Board's discussion for review next month.

B. Discuss any suggestions or concerns relating to current sign ordinance but postpone ordinance revision to next month.

Director Williams explained that the sign ordinance discussion will be tabled until next month.

VI. NEW BUSINESS

A. Review staff-proposed Zoning Ordinance change to address “gatehouses, guardhouses and security gates” (currently, not addressed by our Ordinance. Rumbling Bald Resort is proposing new guardhouse) and consider for recommendation to Town Council to amend Ordinance.

Director Williams explained that gatehouses, guardhouses and security gates need to be addressed because the existing ordinances do not define or address them. Director Williams suggested defining these in the Ordinance.

Ellis asked if this would be a text amendment and Director Williams said yes. Director Williams explained it would be a new code section following Section 36-231 fences, walls, and hedges. Director Williams reviewed his recommendation that was crafted with the help of Fire Chief Dustin Waycaster. Mr. Ellis recommended using the term unencumbered rather than unfettered.

Mr. Keenan made a motion to recommend the suggested language to Town

Council. Mr. Ellis seconded and all voted in favor.

VII. AUGUST DEPARTMENT REPORT

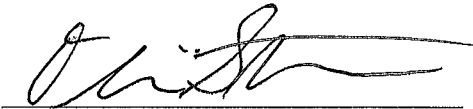
Mr. McKay asked for an update on the cell tower. Director Williams provided an update.

Director Williams also provided an update on the Community Development Department and expressed the importance of enforcing standards and regulations. Board members expressed appreciation for the department.

VIII. ADJOURN

Mr. Ellis made a motion to adjourn the meeting. Mr. Keenan seconded and all voted in favor. The meeting was adjourned at 11:14 a.m.

ATTEST



Olivia Stewman, Town Clerk



Thomas McKay, Board Chair