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Town of Maggie Valley
Special Called Planning Board Meeting
April 25, 2022
MINUTES

Members Present: Chairman Eric Helfers, Members: Jeff Lee, Janet Banks, James Heffron, and Bill Sebastyn

Staff Present: Town Planner Kaitland Finkle and Town Clerk Vickie Best

Others Present: Allen Alsbrooks, David Williamson, and Alderman Tammy Wight (6:07pm)

1. Call to Order

Chairman Helfers called the meeting to order at 5:36 pm on Monday April 25, 2022, in the Town Hall Boardroom.

2. Pledge of Allegiance

The Pledge of Allegiance was said by all.

3. Roll Call/Quorum Determination

All members are present. A quorum is determined.

4. Disclosure of Conflicts/Approval of Agenda

There being no conflicts of interest **MR. LEE MOVED TO APPROVE THE AGENDA, MR. HEFFRON SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.**

5. OLD BUSINESS

a. Future Land Use Plan Update (May 17 is Election Day)

The members wanted to move forward with the meeting although May 17 is Election Day.

There will be a zoom meeting conducted by Withers/Revenel on the Updated Land Use Plan.

b. Food Truck Text Amendment

1) The wording has changed from Food Trucks to Mobile Food Vending. 2) Permission must be provided in writing from the property owner. 3) The Zoning Permit will be tied to the property. There must be a principal use already located on the property. The ordinance allows one Mobile Food Vending per business- per property. Egress/Ingress must be compliant.

Mr. Heffron questioned how a bike with a cart vending food would fit in. The ordinance will cover all mobile food vendors.

The ordinance will apply within the Extra Territorial Jurisdiction (ETJ).

If the business is closed, Ms. Banks questioned if the food truck must close. As currently written, the mobile food vending should only occur during business hours while the primary use business is operating.

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Chairman Helfers questioned how the food truck issue got birthed.

Workshops on Food Trucks were held, and then a pilot program was implemented during the last months of 2021. No Food Trucks came to Maggie Valley during the pilot program. Following up to the Food Truck granted permission as a Special Event at the Tube World, Mr. Dave Angel, owner of Elevated Mountain Distillery wanted to be allowed to have Food Trucks year-round. Council then decided to look at the lack of regulations under Outdoor Sales which has historically been used to address Food Trucks.

Staff then provided a sample ordinance from Fuquay. (Fuquay-Varina is a town in southern Wake County, North Carolina. The Fuquay Ordinance provided a starting point for two Aldermen, Tammy Wight and Jim Owens to begin their deliberations. At the second meeting, when Aldermen Tammy Wight and Owens met; Alderman Owens provided research from his studies of Food Trucks.)

Council and staff are now at the version presented here today.

The Planning Board members discussed parking. **Excerpt:** (e. Parking. Mobile food vendors shall not occupy parking spaces required to fulfill the minimum requirements of the principal use unless the hours of operation of the principal use do not coincide with those of the mobile food vendor. No mobile food vendor shall occupy or interfere with any handicapped parking. Mobile food vendors shall only be located at the host site one (1) night immediately prior to operating for set up, operating hours, and one (1) night immediately following operating for break down. Mobile food vending units are only allowed to remain at the host site overnight with the express written permission of the property owner).

The members discussed a Food Truck operating without the primary business being open. The members were fine with this notion and would like to see this changed in the draft.

As an incentive to operate more days than just the weekends; weekdays will not be counted as days on the property.

Mr. Sebastyn questioned Food Trucks having coolers outside the truck to serve drinks. "Often condiments are outside the truck on a table."

Mr. Heffron had no issue allowing coolers and condiments outside the food truck and would like to see this changed in the draft.

Chairman Helfers briefly discussed Elevated Mountain Distillery's need for a food truck on the weekends. Planner Finkle agreed that enforcement could be tricky if days must be counted, as well as mobile food vending being allowed to stay overnight. Mr. Angel may want to get his own food truck for Elevated Mountain Distillery as part of his business plan.

Mr. Lee and Chairman Helfers felt food trucks should be allowed to remain onsite overnight.

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Ms. Banks stated that she feels it is a clever idea to have food trucks facilitated, rather than hampering them. The increased food options may encourage brick and mortar restaurants to up their game.

Excerpt: D. Health & Sanitation Standards.

a. Permits & Licenses. All equipment required for the operation, all food preparation, storage, and sales/distribution shall be in compliance with applicable County, State, and Federal sanitary regulations. Each operator/vendor shall be responsible for obtaining food preparation and handling permit(s) by a County Health Department or other such regulating agency. The operator/vendor shall have obtained all other proper licenses from the County, State, and local agencies and shall be clearly and visibly displayed with the mobile food vendor. A copy of the signed application and Town of Maggie Valley Mobile Food Vending Permit shall be on site for review by Town personnel. If any necessary licenses are revoked or suspended from the County, State, or local agencies, the issued Town permit will be revoked or suspended accordingly.

All food trucks must have the proper licenses and permits onsite.

Again, Ms. Banks added that Food Trucks could help all businesses by creating additional foot-traffic near their location.

A brief discussion evolved about developing a food truck center.

Chairman Helfers questioned allowing neighborhood commonly owned properties such as Raven Ridge, Brannon Forest, or Maggie Valley Country Club having a food truck for a neighborhood event. Would a permit be required?

Excerpts: F. Exceptions. Mobile food vendors may operate outside of the standard requirements when in compliance with the following applicable procedures:

- a. Mobile food vendors are permitted at Town Sanctioned Events, including those hosted on the Festival Grounds
- b. Mobile food vendors are permitted on commonly owned property within a residential development in order to serve residents and guests at a neighborhood activity or function.
- c. Private catering services in which the principal use is the preparation of food and meals off premises and where such food and meals are delivered to another location for consumption at a private event and is not sold directly to the general public, is not subject to the standards of mobile food vending. Similarly, a mobile food vendor may operate as a catering service without a special event permit, provided the mobile food vendor is serving the participants of such private event only and not selling food to the general public.

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A permit would not be required for neighborhood events.

Mr. Heffron added that attractions would be different. A special event permit would be required. A property owner may apply to have a mobile food vending court in a nonresidential district if a site plan were submitted, and conditional zoning were approved.

When questioned about a food truck setting for extended periods of time on a commercial parcel, the nuisance ordinance would come into play.

Mr. Lee stated that letters b and e will also cover those types of cases.

Excerpts: b. Equipment. All equipment required for the operation of the mobile food vendor shall be located on or within the mobile food vending unit. Accessory items such as a waste receptacle or table for condiments is permitted outside of the unit during operating hours.

e. Designated Person Present. The mobile food vending operator or a designated person knowledgeable of the operation and regulations pertaining to a mobile food unit shall be present at all times except in the case of an emergency.

Chairman Helfers concurred, it is difficult to find a place to eat on Monday and Tuesday.

The hours of operation are the same as the Noise Ordinance, meaning sound and operations stop at 11 pm.

Signage will be limited to one-fold-up sandwich board. No feather signs will be allowed.

Excerpts: c. Signs. Signage on the mobile food vending unit shall be permitted. One (1) freestanding sandwich board sign shall be permitted in association with the mobile food vendor. No other freestanding or off-premises signs are permitted.

d. Hours of Operation. Open hours are permitted between 7:00 AM and 11:00 PM.

a. Operating Hours. The sponsored event shall take place during normal business hours or extended hours as long as the host site that has invited a mobile food vendor to participate is open to the public. The operation of the mobile food vending unit shall cease upon the business or nonprofit closing its operation for the sponsored event.

The exception statement covers fund raising events.

People have the right to come before Council for a special event that does not meet all the guidelines.

After opening the floor to comments, Allen Alsbrooks directed the members attention to the second page letter e. Should it state that someone must be onsite during operational hours?

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MS. BANKS MADE A MOTION TO APPROVE THE DRAFT MOBILE FOOD VENDING ORDINANCE/GUIDELINES WITH SUGGESTED CHANGES. MR. HEFFRON SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

c. Recommendation on UDO

The draft UDO will go online on the Town's website, at the beginning of May.

Chairman Helfers had cautionary concerns about chapters 1, 2, 3, and 5.

The non-conforming section has been flagged as needing to be updated. This should go into the comprehensive plan. This is an extremely critical issue. "We have tons of non-conforming vacant and underutilized parcels."

Planner Finkle asked that the members submit their written comments. Homeowners Associations are beginning to call about the proposed UDO.

Ms. Banks pointed out several clerical errors that need correcting.

When parking standards were discussed for manufactured home parks, it was discussed that one parking space could be onsite, while having the ability to have shared parking elsewhere.

Jonathan Creek Road near Soco Road is proposed for mixed use and a gateway district.

Special granted legislation allows Maggie Valley to annex to the entrance to I-40 due to the location of the Wastewater Treatment Plant but only properties in Town or the ETJ have zoning.

Mr. Alsbrooks stated that this is a good opportunity to remind the board that the current future land use map was created in 2007. A lot has changed since 2007. The gateway on the east side of US-19/US-276 intersection is a hodge-podge of uses. Not all these parcels are within Haywood County's authority. As you head east, Service Master is on the right. These are established businesses that should remain conforming. If they need sewer, then you can say what can be done with the property.

The new traffic circle going in at the intersection of Soco Road and Jonathan Creek Road will tremendously change the area.

Again, the Town Center is an outlined zoning district, but is not mapped at this time. The Town Center is a floating district.

Mr. Heffron questioned if both the Town Center and the Gateway will be determined. The Town Center will remain a floating district. The new Future Land Use Map will identify possible areas for the Town Center to be located.

6. NEW BUSINESS

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- a. William West C/TR and Eagle Inter Vivos Trust, 1105 Jonathan Creek Road (8607-24-3974) Initial Zoning- if Annexed.

The West annexation and need to be zoned reflects the need for municipal sewer. The future land use map shows this area as high density residential. This will allow three homes or seven multi-family dwelling units on the parcel. Please note, this does not included roads, turnarounds, setbacks, etc.

There is currently a 1,305 square foot home on the parcel constructed in 1967.

There was previously an adopted amendment to the R3 district taking out mobile homes and mobile home parks. This should make it easier to recommend R3 zoning. Commercial zoning would be non-consistent to the Land Use Map.

MS. BANKS MADE A MOTION REFERENCING THE CONSISTENCY STATEMENT TO RECOMMEND R3 ZONING. MR. SEBASTYN SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

b. Martha Ann McIntyre and Melinda M Beatty, 10 Amity Place (8607-36-8571) & Martha Ann McIntyre and Glenn Richard McIntyre, 209 Martha Way (8607-36-9299)

c. Martha Ann McIntyre and Glenn Richard McIntyre, 209 Martha Way (8607-36-9299) Initial Zoning

Initial Zoning- if Annexed -for both the above parcels.

These petitions for annexation are also sewer driven. These parcels are out of Maggie Valley's Service District. Both parcels are approximately 1.67 acres each.

Parcels outside the corporate limits and service district may receive sewer service, but will pay a higher fee for the service.

The members decided to not send a recommendation and allow the Aldermen to move forward. MS. BANKS MADE A MOTION TO NOT RECOMMEND ZONING AT THIS TIME. CHAIRMAN HELFERS SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

7. Other business

► After Council adopts the Food Truck Ordinance, this will be a valuable tool because the facts of the ordinance are clear and concise. There will be no more dealing with opinion or emotions.

► Planner Finkle reminded the members that they can always table an issue for 30-days if a majority of the members feel it is necessary.

► Planner Finkle stated that she never encourages the applicant to attend the Planning Board meeting. The public hearings are for the Board of Aldermen to conduct, after being properly noticed to gather public comment. The Planning Board meetings are not the proper place to gather public comment. The Board of Aldermen appoint the Planning Board to provide a recommendation based on adopted Planning Documents. Council's role is to gather public comments, including those of the applicant with an attorney present.

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Chairman Helfers responded that the Planning Board is the first-time applicants can speak before having to go before Council. Public input leads to better defined ideas.

It was Mr. Helfers opinion that it will be a three-year process to get the UDO the way it should be written. Everyone's issues should be addressed. Mr. Helfers has issues with short term rentals. Mr. Helfers believes that short term rentals can destroy neighborhoods, yet some neighborhoods were established to have short term rentals.

Mr. Helfers went on to say that we need to listen to these people, look at the zoning opportunities and what is best for the Town. After a neighborhood compatibility meeting, then bring the issue to Council.

► Several members questioned if the Town was planning to get support for Planner Finkle. It is uncertain at this time if Planner Finkle will receive assistance or not.

► Several members discussed dates they would be out of Town and unable to attend within 30-days Council has instructed the Planning Board to forward their recommendation or Council could move forward without a recommendation.

Ms. Banks stated that a workshop could be held on May 26 at 5:30 pm and a recommendation could be drafted at that meeting.

► Going back to public comments, the Chairman always asked at the beginning of the meeting if anyone needs to be recused for conflict of interest.

If what people have to say is not germane to the issue, the members do not take it into account. Chairman Helfers stated that this board would like to hear what people have to say. Mr. Lee agreed, adding that it gives the Aldermen a "heads up" as to what is coming to them.

Mr. Heffron would not have considered allowing an ax throwing business in a plaza if the applicant were not here to explain the safety precautions.

By-right requests do not require public comments. The Planning Board is to make their recommendations without influence.

Mr. Sabastyn responded that food trucks warranted the discovery of facts.

Chairman Helfers maintained that without public comment, the Planning Board would be limited to the zoning map and the UDO and not be able to hear the nuance of the issue. Planner Finkle added that the Planning Board is not tasked with looking at the grey areas.

Chairman Helfers stated that the City of Asheville has twenty-eight boards. They listen to their community.

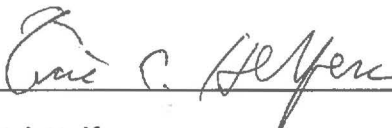
The members went on to discuss poor citizen participation and why workshops are good.

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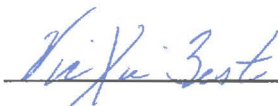
Mr. Lee stated that the members could go through the agenda and mark whether they would like to have public comments on each item.

8. Adjourn

ON MOTION OF CHAIRMAN HELFERS, WITH ALL IN FAVOR, THE MEETING ADJOURNED AT 8:21 PM.



Chairman Rick Helfers



Vickie Best, Town Clerk, CMC

