

Town of Weaverville
Planning and Zoning Board
Minutes – Tuesday, February 6, 2018

The Planning and Zoning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, February 6, 2018 within Council Chambers at Weaverville Town Hall.

Present: Chairman Doug Theroux, Vice-Chairman Gary Burge, Board Members Catherine Cordell, Leslie Osborne and Peter Stanz, Alternate Board Members John Chase and Steve Warren, Town Attorney Jennifer Jackson and Planning Director James Eller.

1. Call to Order.

Chairman Doug Theroux called the meeting to order at 6:00 pm.

Chairman Theroux noted to the members of the audience the procedure which would be followed for those in attendance who wished to address the Board on matters reflected on the agenda.

2. Approval of the Minutes from the January 2, 2018 Meeting of the Board.

Mr. Eller noted a statement made by Ms. Osborne to be redacted. Ms. Osborne motioned to approve the minutes as amended. Mr. Burge seconded and all voted unanimously.

3. Discussion Related to a Preliminary Plat for a Minor Subdivision Located at 11 Moore Street.

Mr. Eller presented to the Board the application and plat for a minor subdivision at 11 Moore Street. Said application and plat called for the creation of one lot for a single family residence from the existing 2.7 acre lot. Following a conversation related to the contents of the application and plat, consensus was granted that the setback lines should be shown within the property lines in addition to the shown zoning designation of the property.

4. Consideration of a Motion Establishing a Recommendation to the Planning Director Related to the Aforementioned Minor Subdivision.

Mr. Burge motioned to favorably recommend to the Planning Director the minor subdivision plat for 11 Moore Street with one revision being the setbacks shown within the property lines. Mr. Stanz seconded and all voted unanimously.

5. Discussion Related to a Proposed Text Amendment Regarding the Land Use of Mobile Food Vendors and the Additional Standards Placed Thereon.

Mr. Eller noted that staff received an application in December for a text amendment related to the additional standards placed upon mobile food vendors. The nature of the application called for mobile food vendors to be permitted in the C-1 Zoning District absent the requisite special event permit and reducing the location requirements from existing residential structures within residentially zoned districts. Mr. Eller noted that

additional language had been crafted following the concerns and input of the Planning and Zoning Board discussed during the January meeting.

Chairman Theroux noted that an additional standard should be added related to a permit fee found within the schedule of fees adopted annually by Town Council in conjunction with the fiscal year budget.

Mr. Eller clarified to the Board that the application was withdrawn from consideration at the Board's last meeting due to the additional language that was requested of staff. The same application is being submitted once again in conjunction with the additional language crafted reflective of the concerns of the Planning and Zoning Board expressed during the January meeting.

Chairman Theroux reminded those in attendance the previously established procedure for addressing the Board and called upon the applicant to speak to their proposal.

Jon Varner, applicant and owner of Eluvium Brewing Company at 11 Florida Avenue, introduced himself to the Board and spoke on behalf of the application. Mr. Varner suggested that a mobile food vendor would bring more commercial activity downtown and spoke to the concern of competition to the existing restaurants.

Chairman Theroux asked if the applicant had considered adding a traditional kitchen within the existing structure. Mr. Varner responded that he was awaiting the result of the ruling on the application for a text amendment to fully explore his options.

Mr. Burge asked if the reduction in the spatial requirement related to existing residential structures within residential districts would be sufficient to house a mobile food vendor at the desired location on the subject property. Mr. Varner deferred to Mr. Eller who affirmed.

Mike Vanhose of Blue Mountain Pizza spoke to the Board in opposition of the application. Mr. Vanhose noted taxation of brick and mortar restaurants, limited parking availability, and access to restrooms as concerns.

Joey Cagle of Blue Mountain Pizza seconded the comments of Mr. Vanhose.

Louis Accornero spoke to the Board in opposition of the application. Mr. Accornero expressed a desire to promote permanent development in downtown and suggested that the brewery develop a relationship with existing restaurants to have food delivered.

Judy Glicken of Well Bread Bakery spoke to the Board in opposition of the application. Ms. Glicken noted volume of traffic along Main Street, one way traffic pattern of Florida Avenue, limited parking availability, and the proximity to a loading zone for the bakery as concerns.

Ruben Tirado of Well Bread Bakery spoke to the Board in opposition of the application. Mr. Tirado noted the general congestion of downtown, limited parking availability, the proximity to a loading zone for the bakery, and emergency vehicle access as concerns.

Ms. Osborne asked Mr. Varner to describe the parking availability for Eluvium Brewing. Mr. Varner described an area directly in front of the building as well as an adjacent private parking lot dedicated to his business and the tenants of the Shope's Furniture building.

Ms. Cordell asked Mr. Accornero to describe the parking availability for the four restaurants contained within building under his ownership. Mr. Accornero described private parking availability for Twisted Laurel, All Good Coffee, Maggie B's and noted that Well Bread Bakery relied solely on public parking spaces.

Mayor Root spoke to the Board regarding their work on the issue of permitting mobile food vendors in the C-1 Zoning District, noted the necessity of a vibrant downtown and described historical references to issues which were perceived to be detrimental to downtown.

Doug Dearth, who had previously signed up to speak, yielded his time to Patty Keeran of Glass Onion. Ms. Keeran suggested that allowing food trucks would create an uneven playing field for the existing brick and mortar restaurants and requested some clarification on the issuance of special event permits.

Ms. Jackson noted that a special event permit is only applicable when said event causes the closure of streets or sidewalks.

Alan Sheppard, owner of 11 Florida Avenue where Eluvium Brewing is located, spoke to the Board in favor of the application. Mr. Sheppard noted that some of the parking problems referenced by others are created by the employees of the existing restaurants and cautioned the perspective of protectionism expressed by others who had previously spoken.

With public comment concluded, Mr. Eller asked Chairmen Theroux if he may offer clarifications to some of the comments which were made based upon the proposed ordinance. Mr. Eller noted that it was not a disagreement with the position of those who had spoken but information for the Board's consideration in the event that they had similar concerns. Speaking to the concern of restroom availability, Mr. Eller noted that a standard placed upon mobile food vendors linked their hours of operation to the primary use or structure on a property and ensured the availability of restroom facilities. Speaking to the concern of parking availability, Mr. Eller noted that several of the proposed standards ensured that a mobile food vendor would be housed entirely on private property absent the issuance of a special event permit. Speaking to the concern of general congestion in the C-1 Zoning District, Mr. Eller noted that zero lot line construction is permitted by right within same. Speaking to the concern of traffic and loading zones, Mr. Eller noted that Florida Avenue, Main Street and Merchants Alley were all public streets and therefore open to all members of the public. Speaking to the concern of additional dining options in the C-1 Zoning District, Mr. Eller noted that a restaurant is permitted by right within same.

Chairman Theroux reviewed and framed the topic for consideration as the revision of existing standards placed upon mobile food vendors to permit within the C-1 Zoning District absent a special event permit when said standards are met. Chairman Theroux also noted the Board's responsibility to establish a recommendation to Town Council based upon their conversations and deliberations over the past two meetings related to the topic.

Mr. Stanz commented on the statements made related to existing brick and mortar establishments and asked that all consider that Eluvium Brewing is itself a brick and mortar business.

6. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Text Amendment.

Mr. Stanz motioned to favorably recommend to Town Council the amended additional standards placed upon mobile food vendors. Ms. Cordell seconded and all voted unanimously.

Ms. Jackson noted to those in attendance that the issue would now progress to Town Council and that members of the public could express their concerns during the requisite public hearing.

7. Discussion Related to a Proposed Amendment of Code Related to the Prohibition of Storage or Shipping Containers as an Accessory Structure within Residentially Zoned Districts.

Mr. Eller noted that, due to statutory limitations in place, design standards related to any structure covered by the North Carolina Residential Building Code may not be imposed. Mr. Eller stated that it was his position that the language before the Board for their consideration represented an improvement over existing regulations but noted that they do not solve the circumstances Council directed staff to investigate based upon the aforementioned statutory limitations.

Mr. Warren affirmed Mr. Eller's position on the statutory limitations in place for residential structures.

Ms. Jackson suggested the redaction of a statement found in proposed Section 36-139(c) and consensus was achieved for same.

Mr. Eller noted to the Board that proposed section 36-139(d) concerning Landscaping buffering was crafted in an attempt to address the circumstances at Salem Road and Kyfields but noted that due to lot configuration this language would not address that particular instance.

Ms. Jackson asked Mr. Eller if he would recommend the removal of the aforementioned language. Mr. Eller suggested that the buffering requirement described would potentially cause more problems than it solved and would be particularly detrimental to the corridors of Moore and Church Streets.

Mr. Warren asked Mr. Eller if there were other sections of the code which may address concerns over light and noise trespass. Mr. Eller responded that noise and light ordinances exist in other sections of the code.

Chairman Theroux suggested that present language related to the height of accessory structures be clarified and Ms. Jackson recommended a revision be made in Section 36-139(b).

8. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Rezoning.

Mr. Burge motioned to favorably recommend to Town Council the additional standards placed upon accessory structures as amended per aforementioned discussion and additional standards placed upon storage containers. Mr. Stanz seconded and all voted unanimously.

9. Any Other Business to Come Before the Board.

No further business was discussed or conducted by the Board.

10. Adjournment.

Ms. Osborne motioned to adjourn. Ms. Cordell seconded and all voted unanimously.



Doug Theroux, Chairman
Planning and Zoning Board

ATTEST:

James Eller _____

James W. Eller

Planning Director / Deputy Town Clerk