

Planning Board Minutes

April 16th, 2015

At the Special Called Meeting of the Planning Board for the Town of Canton held at the Municipal Building Board Room, April 13th, 2015 at 5:30pm the following proceedings were held.

A. Call to Order:

Chairperson Linda Nanney called the meeting to order at 5:30p.m.

B. Roll Call:

Linda Nanney stated the members present as Bill Edwards, Phil Smathers, Bill Sutton, Roland Osborne, Vicki Eastland, and Hanni Muerdter. Mrs. Hanni Muerdter is an ETJ Representative (of Rough Creek Watershed & Buncombe County). Also in attendance was Alderwoman Carole Edwards, who serves as the Mayor and Board Ex-Officio on this Planning Board, Town Manager Hendler-Voss and Town Clerk Burrell.

C. Minutes:

At this time, Manager Hendler-Voss presented Minutes from the last Planning Board Meeting held on March 5th, 2015. Mr. Sutton commended Manager Hendler-Voss on the quality of both the Minutes presented as well as, the overall detail and preparation put into the information provided at the previous meeting (on Food Trucks & Stand-Alone Commissaries).

Roland Osborne made a motion to approve the Minutes from the March 5th Planning Board, as presented. Phil Smathers seconded the motion and the vote was unanimous to approve the March 5th Minutes as presented by Manager Hendler-Voss.

D. New Business:

1. Request for a Conditional Use Permit for a Stand-Alone Commissary

Manager Hendler-Voss reported that following the recent amendments to the Code of Ordinance – *Section 2. Chapter 4 (Zoning), Section 9-4025 (General Business) § (d) Conditional Use* – “Mobile Food Unit Commissaries” are allowed in

Commercial Districts with the following requirements:

1. Stand-alone commissaries shall meet all state and federal food safety requirements, specifically *15A NCAC 18A.2600, Rules Governing the Food Protection and Sanitation of Food Establishments* and the *2009 FDA Food Code*;
2. No more than one (1) stand-alone commissary shall be permitted within a distance of two (2) miles, measured in a single straight line as the crow flies; &
3. Stand-alone commissaries shall be approved by the Planning Board.

Manager Hendler-Voss reported that Mrs. Tina Tuten, who was recently approved for a Food Truck, was at this time requesting a *Conditional Use Permit* to locate a stand-alone commissary at the property located at 6 New Clyde Highway, Canton, NC 28716. Manager Hendler-Voss stated that the property could be referenced as the old Mr. Payroll building. He additionally stated that the referenced property was located within the C2 - General Business Zone.

Mrs. Tuten, who was in attendance, stated that she and her partner would be utilizing the stand-alone commissary for the purposes of food storage, restocking, cleanup, and restroom facilities associated with their food truck/trailer. She stated it was her intention to locate her food truck/trailer next to this property on a daily basis for the purpose of selling her goods. Chairperson Linda Nanney asked if Mrs. Tuten's food truck would be parked there over night. Mr. Tuten responded that it would not. She added that of an evening the food truck /trailer would be stored off-site at another location.

Both Mr. Bill Sutton and newly appointed member, Hanni Muerdter, questioned the requirement that "no more than one (1) stand-alone commissary shall be permitted within a distance of two (2) miles, measured in a single straight line as the crow flies". Bill Sutton stated that meant then, that this would more or less be the only stand-alone commissary allowed within the Town. Manager Hendler-Voss stated that was correct. He again discussed that typically a community wishes to limit the number of "stand-alone" commissaries, as they are typically located in buildings which Town staff and planners feel could have a bigger and better use (i.e. for location of a business versus the idea of food storage, preparation, etc). Vicki Eastland stated that more often than not it is related to a

proposed utilitarian (land) use idea. Manager Hendler-Voss added that is typically why a municipality would encourage cooperation between food trucks (i.e. in need of commissaries) and local brick and mortar restaurants for commissary designations or partnerships between a number of food trucks at one commissary. He stated it just so happens that at this time Mrs. Tuten is the only food truck/trailer making application. Mrs. Tuten stated that she would not be opposed to working cooperatively in the future with another food truck or brick and mortar restaurant if the opportunity arose; however, at this time she planned to operate out of her sole stand-alone.

There being no more discussion, Vicki Eastland made a motion to approve the issuance of a *Conditional Use Permit* to Mrs. Tuten for the purpose of locating a "stand-alone" commissary at the property referenced as 6 New Clyde Highway, Canton, NC 28716. Roland Osborne seconded the motion and the vote was unanimous to approve a *Conditional Use Permit* be issued to Mrs. Tuten for a "stand-alone" commissary to be located at the property referenced above.

2. Request for a Subdivision of Property (Pin#: 8658-59-6218) located within the Watershed Protection District

Assistant Town Manager/Town Clerk Burrell presented a request by the property owner, of the above referenced parcel (Pin#: 8658-59-6218), to subdivide out a 0.88 acre from a larger parent 41.27 acre tract.

Assistant Town Manager Burrell reported that the property referenced is located in the Town of Canton's ETJ, particularly that which is referenced as WP – Watershed Protection District. Mr. Burrell added that in most cases dealing with a "simple subdivision" which conformed to requirements of the zone in which it was located he could approve such a request at the staff level; however, due to the size of the parent parcel (41.27) it was required to come before the Planning Board and ultimately the Town Board for approval. Mr. Burrell stated that there are currently two residents located on the 41.27 tract, one of which is located on the 0.88 acres (46 Joshua Lane) being requested for subdivision. Additionally, Mr. Burrell stated that the 0.88 acres had been subdivided out approximately 10 years ago and deeded to the son of the property owners. Since then, the parcels had been recombined. Mr. Burrell stated at

this time the owners of the property wished to again subdivide the same 0.88 acres out to be given/sold to their daughter.

Mr. Burrell provided Haywood County GIS Mapping which showed the previously subdivided and again requested 0.88 acre tract. The question was asked by Mr. Bill Sutton if there would need to be some verbiage included in the deed or on the survey map showing a dedicated right-of-way or driveway access for the 0.88 acre parcel and/or the for access to the property located behind said 0.88 acre parcel. Mr. Burrell stated that no driveway access would need to be delineated on the map and additionally stated that the current property owners of the parent tract accessed their existing home, located at 391 Bula Lane, by way of Bula Lane and their own designated drive.

ETJ Representative, Hanni Muerdter, asked if the proposed use met the requirements and/or regulations related to the WP – Watershed Protection District. Mr. Burrell stated that in fact it did. He stated currently a home was present on the property (0.88 acres to be subdivided) and there was no proposed use associated with this subdivision that would violate any conditions set to protect the Watershed Property or the surrounding area.

There being no more discussion, Roland Osborne made a motion to recommend approval of the subdivision (requested 0.88 acres be allowed to be subdivided from larger, parent 41.27 acre tract). Vicki Eastland seconded the motion and the vote was unanimous to recommend to the Mayor and Board approval of the requested subdivision.

J. Adjournment:

With no additional items to discuss, at 7:00pm, Phil Smathers made a motion to adjourn the Planning Board meeting. Mr. Sutton seconded the motion and the vote was unanimous to adjourn.

Other Members present were as follows: Town Manager; Seth Hendler-Voss, Assistant Manager/Town Clerk; Jason Burrell.

Town Clerk; Jason Burrell