



PLANNING BOARD RECOMMENDATION

Project #: P23-50-ZTA

Meeting Date: September 14th, 2023

PETITION REQUEST: Zoning Text Amendment – Mobile Food Vendor Updates

APPLICANT/PETITIONER: City of Hendersonville

PLANNING BOARD ACTION SUMMARY:

Staff gave a presentation on the request providing an analysis of existing conditions and staff's recommended text revisions. Additionally, staff presented the feedback from the Legislative Committee level and reviewed the guidance from the Comprehensive Plan and the criteria for considering a Zoning Text Amendment. Planning Board considered this item for approximately 26 minutes.

Noone from the public spoke on the proposed changes.

The Planning Board discussed and showed support for the provisions presented by staff.

The Planning Board's main points of discussion were:

1. Ms. Flores asked what would happen if ownership of the property changed. Staff stated that the zoning permit would be in place even if the ownership were to change. Staff would review the site again only if there was a change of use requested.
2. Mr. Brown asked about the hours of operation placed on food trucks located within 100' of residential and if those limits are used elsewhere. The Chair stated that the City has used this timeframe before and that the animated sign ordinance has time limits. Staff also stated that the time frames align with the noise ordinance.
3. Discussion was made on the distance from combustible materials. Staff stated this requirement aligns with fire requirements and is meant to distance the mobile food vendors from outside flammable materials such as a propane tank for a building.

MOTION:

Mr. Brown made a motion to approve the petition. The motion passed 7-0 with the following language:

COMPREHENSIVE PLAN CONSISTENCY AND REASONABLENESS STATEMENT:

The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan’s Strategy LU-3.5. of minimizing negative impacts from growth and land use changes on existing land uses by reflecting current and ongoing trends in the community concerning mobile food vendors

REASONABLENESS STATEMENT

We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

[Rationale for Approval]

- 1. The proposed text amendment creates flexibility for property owners and mobile food vendor operators while still limiting potential impacts to the greater community.*
- 2. The proposed text amendment reflects real world conditions and potentially allows non-conforming mobile food vendors to come into compliance.*
- 3. The proposed text amendment reduces duplicated standards and focuses primarily on zoning/site specific requirements.*

BOARD ACTION

- **Motion/Second:** Brown/ Hanley
- **Yeas:** Hanley, Robertson, Robinson, Martin, Brown, Flores, Waters
- **Nays:** N/A
- **Absent:** Cromar, Peacock
- **Recused:** N/A