

Agenda
October 4, 2022

REGULAR MEETING OF TOWN OF COLUMBUS
BOARD OF PLANNING AND ADJUSTMENT

RULES FOR PERSONS ADDRESSING BOARD MEMBERS

1. Each speaker will identify himself or herself by giving his or her **name and place of residence**.
2. Each speaker will be limited to speaking one time on any topic. When you are finished speaking, please step away from the podium and be seated.
3. Each speaker will be limited to **three (3) minutes** and each group's representative will be limited to a **maximum of ten (10) total minutes**. Each group is encouraged to designate a single spokesperson for their group.
4. Each speaker will confine himself or herself to the general question before the Council and avoid irrelevant comments.
5. Each person entering the Council Chamber will wear a mask until they get to their seat.

PUBLIC MEETING
(6:00 PM)

Planning Board

1. Planning Board Call to Order
 2. Roll Call
 3. Approval of the minutes of the August 2, 2022 and September 6, 2022 Regular Planning Board Meeting
 4. Presentation About Senior Apartments from Givens Affordable Communities
 5. Consideration of Rules for Food Trucks
 6. Board Member Comments
 7. Adjourn
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1 **COLUMBUS PLANNING BOARD & BOARD OF ADJUSTMENTS**
2 **Minutes of Regular Meeting**
3 **Tuesday, August 2, 2022**
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5 The Town of Columbus Planning Board and Board of Adjustments met on Tuesday, August 2,
6 2022, at 6:00 p.m. in the Columbus Town Hall Council Chambers.
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8 **Roll Call:** Catherine Elliott, Chair
9 Jimmie Buell
10 Mark Blanton
11 Virginia Greene
12 Ernie Kan, Voting Alternate Member
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14 **Staff Present:** Timothy J. Barth, Town Manager
15 Daisy Trejo, Customer SVC
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17 The meeting was called to order at 6:02 p.m. A roll call was taken, and the chairman
18 acknowledged all present except Marshall Watkins.
19

20 **Public Comment**
21 There was no public comment.
22

23 **Approval of the minutes of the July 12, 2022, Regular Planning Board Meeting**
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25 Mrs. Elliott made a motion to approve the July 12, 2022, Planning Board minutes as written. Mr.
26 Blanton seconded, and the motion carried unanimously.
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28 Mrs. Elliott made a motion to add an agenda item to the meeting regarding 64 Peniel Road. Mr.
29 Blanton seconded, and the motion carried unanimously.
30

31 **64 Peniel Road-Property**

32 Danielle Freudenthal, the property owner of 64 Peniel Road, was present at the meeting. Ms.
33 Freudenthal asked what the town would allow. Ms. Freudenthal added that the property is a 20-
34 acre lot, and they thought of creating some. Mrs. Elliott stated that one of the concerns in the
35 property is that the committee did not want many driveways coming out of Peniel Road due to
36 concerns of speed limit and traffic.

37 Ms. Freudenthal added that she has talked to Mr. Barth about using the sewer right away in the
38 back of the property for an entrance and exit. Mrs. Elliott asked if they had an engineer looking
39 at the property. Mrs. Danielle stated no engineer had looked at the property. Ms. Freudenthal
40 wanted to wait to talk to the Planning Board first. Mrs. Kan said Peniel is a highway, and the
41 state must approve the driveways. Mr. Barth added that if the property owners do a road where
42 there is already a curve cut or a sewer line maintained by the town, he does not think there
43 should be an issue with the state. Mrs. Kan stated to talk to the state before they start planning
44 anything regarding the property's future. Ms. Freudenthal added if people can pull into the
45 existing driveway and then continue to the right, there would be a possibility for 3-4 lots. Mrs.
46 Elliott asked what the property is zoned. Mr. Barth stated it is zoned R-2, which is medium

47 density residential which allows a quarter acre lots if you have water and sewer, but if you have
48 only water or sewer services, then it's a 15,000 square foot lot. Mr. Barth added property owners
49 need to hire someone to look at the land and see what the elevation is and maybe bring one of the
50 public works from Columbus to talk over water and sewer connections. Mrs. Freudenthal stated
51 she would speak to the state and see what available options she has. Mrs. Freudenthal asked what
52 the committee was looking for concerning homes. Ms. Buell added to go by Holly Hill Dr and
53 look around to see more houses like that and get an idea of some houses around the town. Mrs.
54 Elliott asked if the city or state would maintain the sewer right away. Mr. Barth stated property
55 owner would need to ask permission from the city, and the town will probably have suggestions
56 on how to keep up with it. Mr. Barth said to let him call an organization that has DOT engineers
57 and find out who the property owners will need to talk to.

58

59 **Consideration of Rules for Food Trucks**

60 Ms. Buell stated the ordinance does not necessarily state food trucks; It says stand. Ms. Buell
61 added maybe change the wording to a food truck. Mr. Blanton said the language would need to
62 be specific because the snow cone is not a food truck. Mrs. Kan stated to look at businesses we
63 have in town and protect them. Mrs. Kan added the businesses here are paying taxes where
64 mobile food trucks are not. Mrs. Elliott asked when the Mountain View food truck was in front
65 of the post office did they paid or filed for a permit. Mr. Barth added that the town did not know
66 food would be sold at the event. Mrs. Greene asked what kind of civil fine food trucks can get if
67 they do not follow the town's ordinance. Mr. Barth added the issue would be more civil. Mr.
68 Blanton asked if food vendors need a 180-day permit and if they have another license for the 4th
69 of July festival. Mr. Barth added that the 4th of July has its permit for food vendors. Mrs. Greene
70 asked who keeps up with the 180-day permit. Mr. Barth stated there are not enough vendors that
71 use the 180-day permit period. Mrs. Elliott said it needs to be under control. Mrs. Kan stated
72 food truck pay taxes in their designated counties. Mr. Blanton stated the taxes on reportable
73 income. Ms. Buell added Tryon ordinance states that the property owner must sign the food truck
74 location. Ms. Buell added the ordinance states that food trucks have a valid health permit and be
75 placed in a conspicuous location for public inspection. Mrs. Kan added that she would like to add
76 to the food truck ordinance parking accommodation. Mrs. Elliot added that trash receptacles
77 should be added to the ordinance for food trucks to take their trash. Mr. Barth said to add the
78 whole section of food trucks into the town's ordinance. Mrs. Elliot added she would like to use
79 the Tryon ordinance as a temple for future food truck ordinances. Mrs. Elliott stated to look at
80 the ordinances from the Town of Tryon and see what they need to add and delete from it, and
81 next meeting, they will talk about it and make it fit for the town's regulations.

82

83 **Board Member Comments**

84 Mrs. Elliott added the sign from Samco Properties located at Food Lion was moved and placed
85 on the big sign space. Mrs. Elliott stated she would like to see the same thing happening in
86 Columbus Commons. Mrs. Kan asked if Mr. Barth had checked in with Taco Bell to fix the
87 sidewalk. Mr. Barth added that he had not contacted them. Mrs. Elliott asked if Town Council
88 approved the Steps to Hope proposal. Mr. Barth stated yes, it had been approved. Mrs. Kan
89 stated the property in 60 Courthouse needs some treatment. Mr. Barth stated he would send a
90 letter to the property owner. Mrs. Elliott added that the zoning signs need to be ordered, and the
91 Board of Adjustment needs to be recorded.

92 There being no other business to discuss, Mrs. Elliott made a motion to adjourn. Mr. Blanton
93 seconded, and the meeting was adjourned at 7:08 PM.

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Catherine Elliott, Chairman

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Daisy Trejo, Customer SVC

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1 **COLUMBUS PLANNING BOARD & BOARD OF ADJUSTMENTS**
2 **Minutes of Regular Meeting**
3 **Tuesday, September 6, 2022**
4

5 The Town of Columbus Planning Board and Board of Adjustments met on Tuesday, September
6 6, 2022, at 6:00 p.m. in the Columbus Town Hall Council Chambers.
7

8 **Roll Call:** Catherine Elliott, Chair
9 Jimmie Buell
10 Mark Blanton
11 Virginia Greene
12 Marshall Watkins
13 Ernie Kan, Voting Alternate Member
14

15 **Staff Present:** Timothy J. Barth, Town Manager
16 Daisy Trejo, Customer SVC
17

18 The meeting was called to order at 6:02 p.m. A roll call was taken, and the chairman
19 acknowledged all present.
20

21 **Public Comment**
22 There was no public comment.
23

24 **Approval of the minutes of the August 2, 2022, Regular Planning Board Meeting**
25

26 Mrs. Elliot made a motion to table the minutes until next meeting. Mr. Blanton second and the
27 motion carried unanimously.
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29 **Consideration of Rules for Food Trucks**

30 Mrs. Elliot stated she had brought Transylvania Ordinance and Saluda permit for the food truck
31 ordinance. Mrs. Elliott added she had made a list to put in the ordinance for the town, such as
32 zone, setbacks and separations, power, possibly hours, waste receptacles, and signage. Ms. Buell
33 added that the board needs to think if they will allow a food truck to set up at any time or a
34 specific time. Mr. Blanton stated he would like the idea of a food truck to move at the end of the
35 day. Mr. Watkins said he does not think the board should choose where and where not can a food
36 truck be put because if a business is having an event, they might want to have some food trucks.
37 Mr. Watkins added that 80% of the electricity from food trucks comes from generators. The
38 board made these changes, please see the attachment.
39

40 **Board Comments**

41 Ms. Buell stated the McDonald's light is exceptionally bright. Mrs. Kan added that the signs
42 from Samco are still there, and smaller signs from Mel and Lo's have been placed all around.
43 Mrs. Kan said at the corner of the church, there is a lot of businesses signs from South Carolina.
44 Mr. Barth stated he would look at it and take care of it. Mrs. Elliott said next Planning Board
45 meeting is on October 4.
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Catherine Elliott, Chairman

Daisy Trejo, Customer SVC

CHAPTER ~~115~~ MOBILE FOOD SERVICES

Section

General Provisions

~~115.01~~ Intent

~~115.02~~ Definitions

Permitting and Regulations

~~115.10~~ Permitting

~~115.11~~ Regulations

Suspension of Permit and Penalties

~~115.20~~ Suspension and Revocation of Permit

~~115.21~~ Penalties

GENERAL PROVISIONS

~~§ 115.01~~ INTENT.

~~Allowing Mobile Food Service businesses to operate in Tryon promotes diversification of the town's economy and employment opportunities. Mobile Food Services support the incubation and growth of entrepreneurial/start up businesses.~~ All Mobile Food Services shall comply with the regulations of this chapter, as well as those of the Polk County Health Department. Mobile Food Services for Town Sponsored special events and locations are at the discretion of the town council.

~~§ 115.02~~ DEFINITIONS.

MOBILE FOOD SERVICE OR FOOD TRUCK A readily movable trailer or motorized wheeled vehicle, currently registered with the N.C. or S.C Division of Motor Vehicles, designed and equipped to serve food. *and beverages. NO alcohol beverages will be permitted.*

REGULATORY FEE The fee assessed to cover the cost of regulating a particular business activity that is assessed to the particular business being regulated.

PERMITTING AND REGULATIONS

~~§ 115.10~~ PERMITTING.

(a) A Mobile Food Service permit shall be required prior to the operation of a food truck within the Town limits and ETJ. A ^{Permit fee} regulatory fee, as set in the Town's Fee Schedule, will be assessed to cover the costs associated with regulation of Mobile Food Services. All food truck operators shall obtain ~~an annual permit~~ *a semi-annual (180 days)* from the Town of ~~Tryon~~ *Columbus*, unless otherwise exempted in this chapter.

(b) A Mobile Food Service permit is valid for ~~one (1) year~~ *180 days* from the month in which the permit was issued. This permit shall be posted in a visible location on the food truck.

The mobile food service ^{→ Site plan shall be submitted with appropriate setbacks}
(c) ~~The food truck operator~~ shall have the signed approval of the property owner for each location at which the food truck operates. This approval must be made available with the permit application.

Mobile food service vendors ~~shall~~ ^{be posted}
(d) ~~Food trucks~~ shall provide documentation of approval from the North Carolina Department of Health and Human Services. A valid health permit must be maintained for the duration of the Mobile Food Service permit and shall be placed in a conspicuous location for public inspection.

~~§ 115.11~~ REGULATIONS.

(a) Food truck operators shall only operate within the ~~Central, Transitional, and General business districts, and the P-1 Open Space district~~ ^{Highway Commercial District and portions of} at the following locations:

Central Business District

~~Central Business District:~~

- ~~- Depot Street Parking lot~~
- ~~- Parking lot across from Rogers Park amphitheater~~
- ~~- Any other town owned location with Town Management approval~~
- Any privately owned property with owner approval. Any food truck on privately owned property must be positioned at least one hundred and fifty (150) feet from the customer entrance of an existing restaurant during its hours of operation.

~~Transitional and General Business Districts and P-1 Open Space District:~~

- ~~- Any property, town or privately owned, with owner approval. Any food truck in these districts must be positioned at least two hundred (200) feet from the customer entrance of an existing restaurant during its hours of operation.~~

(b) A trash receptacle shall be provided for customers. Town trash receptacles are not to be used for this purpose. ~~All associated equipment, including trash receptacles, must be within three (3) feet of the food truck.~~

All on Board

(c) Temporary connections to potable water are prohibited. ~~All~~ plumbing and electrical connections shall be in accordance with the State Building Code.

(d) No liquid, grease or solid wastes may be discharged from the food truck. Absolutely no waste may be disposed of in tree pits, storm drains, or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sanitary sewer system.

(e) Food trucks must have the following fire extinguisher on board during hours of operation: minimum Class 2A, 10B, and C rated extinguisher. If food preparation involves deep frying, a Class K fire extinguisher must also be on the truck. All National Fire Protection Association (NFPA) standards shall be met to include fire extinguishers and fire suppression hood systems shall be maintained.

(f) Lighting shall be such that minimizes the glare on roadways and surrounding properties. ~~and shall comply with~~ town ordinance

(g) No signage shall be allowed other than signs permanently attached to the food truck and one (1) temporary sign ~~on the same property the food truck is operating on.~~ No sign allowed on Road or Right-of-way.

(h) The noise level from the food truck shall comply with the municipality's noise ordinance.

(i) ~~No vendor shall remain on site at one property for more than twelve (12) consecutive hours.~~ operate from 7am to 10 pm. No food trucks need to take should stay on site; except if the property owner is the food truck owner.

(j) Food trucks shall be positioned at least three (3) feet away from any fire hydrants, any fire department connection, utility box or vault. The food truck shall not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. A food truck shall not impede ingress and egress from driveway entrances, handicapped parking spaces and ramps, building entrances and exits.

SUSPENSION AND REVOCATION OF PERMIT

§ 115.20 SUSPENSION AND REVOCATION OF PERMIT.

- (a) The permit issued for the food truck business may be revoked if the vendor violates any of the provisions contained in this article.
- (b) If at any time evidence of the improper disposal of liquid waste or grease is discovered, all permits for the mobile food service shall be rendered null and void, and the operation will cease.
- (c) If at any time, the Environmental Health Department revokes or suspends the issued food vending permit, all Town permits shall be revoked or suspended simultaneously.
- (d) The town manager may revoke a permit if he or she determines that the food truck vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.
- (e) The town manager reserves the right to temporarily suspend food truck permits during times of special events in the downtown area.

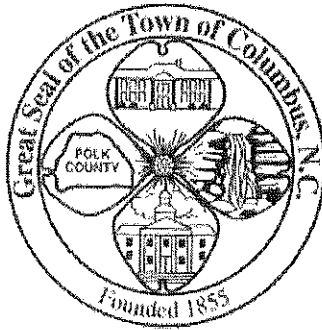
§ 115.21 PENALTIES.

- (a) This section shall be enforced by law as provided in G.S. 160A-175 or G.S. 14-4 or as provided in this code.
- (b) Operation without a valid permit shall be subject to a penalty in the amount of one-half (½) the permit cost stated in the Town of ~~Troy~~ fee schedule.

COLUMBUS

Effective Date.

This article shall become effective ---/---/2022



MEMORANDUM FOR PLANNING BOARD MEETING

To: Columbus Planning Board
From: Timothy J. Barth, Town Manager
Re: Presentation About Senior Apartments from Givens Affordable Communities
Date: October 4, 2022

Background

Two representatives of Givens Affordable Communities requested to be on the agenda to discuss senior apartments on the lot behind Open Road near the hospital.

The persons attending include:

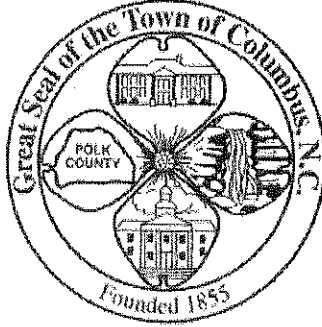
Teresa Stephens – Vice President, Givens Affordable Communities

Andrew Crosson – Project Development Coordinator, Givens Affordable Communities

Matt Sprouse – Siteworks Studios

Warren Sugg – Civil Design Concepts

If you have questions or concerns, please do not hesitate to contact me.



MEMORANDUM FOR PLANNING BOARD MEETING

To: Columbus Planning Board
From: Timothy J. Barth, Town Manager
Re: Consideration of Rules for Food Trucks
Date: October 4, 2022

Background

At the September 6 meeting there was a great deal of discussion about provisions that needed to be included in a mobile food vendor ordinance.

I have made the changes that were discussed at the September meeting in the Tryon ordinance and it is attached. Please review and see if there is anything I missed, or if there is something else that needs to be included.

If you have questions or concerns, please do not hesitate to contact me.

**AN ORDINANCE TO AMEND THE UNIFORM DEVELOPMENT ORDINANCE OF THE TOWN OF COLUMBUS
TO ESTABLISH SECTION 8.13K: MOBILE FOOD SERVICE GUIDELINES**

WHEREAS, the Town of Columbus ordinances do not address mobile food services and,

WHEREAS, the new ordinance contains health and sanitation requirements to safeguard the public and,

WHEREAS, the Town of Columbus Planning Board has recommended the adoption of the following mobile food service guidelines

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF TRYON:

Section 1. Section 8.13K be added to the Unified Development Ordinance of the Town of Columbus as follows:

Mobile Food Services Ordinance

Intent.

All Mobile Food Services shall comply with the regulations of this chapter, as well as those of the Polk County Health Department. Mobile Food Services for Town or County special events and locations are at the discretion of the town council.

Definitions.

Mobile Food Service or Food Truck means a readily movable trailer or motorized wheeled vehicle, currently registered with the N.C. Division of Motor Vehicles, designed and equipped to serve food and beverages. No alcoholic beverages will be permitted for sale.

Permitting.

(a) A Mobile Food Service permit shall be required prior to the operation of a food truck within the Town limits and ETJ. A permit fee as set in the Town's Fee Schedule, will be assessed to cover the costs associated with regulation of Mobile Food Services. All food truck operators shall obtain a semi-annual (180 days) permit from the Town of Tryon, unless otherwise exempted in this chapter.

(b) A Mobile Food Service permit is valid for one 180 days from the month in which the permit was issued. This permit shall be posted in a visible location on the food truck.

(c) The mobile food service operator shall have the signed approval of the property owner for each location at which the food truck operates. The application for a mobile food vendor site shall include a site plan detailing all of the setback and separation measurements. If seeking approval for multiple food vendors, spaces for each desired vendor shall be denoted on the site plan with appropriate setbacks shown for each space. This approval must be made available with the permit.

(d) Mobile food service vendors shall provide documentation of approval from the North Carolina Department of Health and Human Services. A valid health permit must be maintained for the duration of the Mobile Food Service permit and shall be placed in a conspicuous location for public inspection.

Regulations.

(a) Food truck operators may operate within the Highway Commercial District and portions of the Central Business District with the following restriction:

- Any privately owned property with owner approval. Any food truck on privately owned property must be positioned at least one hundred and fifty (150) feet from the customer entrance of an existing restaurant during its hours of operation.

(b) A trash receptacle shall be provided for customers. Town trash receptacles are not to be used for this purpose.

(c) Temporary connections to potable water are prohibited. All on board plumbing and electrical connections shall be in accordance with the State Building Code.

(d) No liquid, grease or solid wastes may be discharged from the food truck. Absolutely no waste may be disposed of in tree pits, storm drains, or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sanitary sewer system.

(e) Food trucks must have the following fire extinguisher on board during hours of operation: minimum Class 2A, 10B, and C rated extinguisher. If food preparation involves deep frying, a Class K fire extinguisher must also be on the truck. All National Fire Protection Association (NFPA) standards shall be met to include fire extinguishers and fire suppression hood systems shall be maintained.

(f) Lighting shall be such that minimizes the glare on roadways and surrounding properties and in compliance with the Town UDO.

(g) No signage shall be allowed other than signs permanently attached to the food truck and one (1) temporary sign. No sign shall be allowed on the vehicular or pedestrian Right-of-way.

(h) The noise level from the food truck shall comply with the municipality's noise ordinance.

(i) Vendors shall only operate between the hours of 7am to 11pm. No food trucks shall remain on the lot where they set up for business over night, except if the owner of the food truck owns the lot where the food truck is parked.

(j) Food trucks shall be positioned at least three (3) feet away from any fire hydrants, any fire department connection, utility box or vault. The food truck shall not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. A food truck shall not impede ingress and egress from driveway entrances, handicapped parking spaces and ramps, building entrances and exits.

(k) The town reserves the right to allow or prohibit operation on town property on any date and time.

Suspension and revocation of permit.

(a) The permit issued for the food truck business may be revoked if the vendor violates any of the provisions contained in this article.

(b) If at any time evidence of the improper disposal of liquid waste or grease is discovered, all permits for the mobile food service shall be rendered null and void, and the operation will cease.

(c) If at any time, the Environmental Health Department revokes or suspends the issued food vending permit, all Town permits shall be revoked or suspended simultaneously.

(d) The town manager may revoke a permit if he or she determines that the food truck vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.

(e) The town manager reserves the right to temporarily suspend food truck permits during times of special events in the downtown area.

Penalties.

(a) This section shall be enforced by law as provided in G.S. 160A-175 or G.S. 14-4 or as provided in this code.

(b) Operation without a valid permit shall be subject to a penalty in the amount of one-half (½) the permit cost stated in the Town of Tryon fee schedule.

Section 2. All provisions of the Columbus Unified Development Ordinance inconsistent with the language herein adopted are hereby repealed.

Section 3. This Ordinance shall become effective upon adoption.

Adopted the 20th day of October, 2022.

Pat McCool, Mayor

ATTEST: _____
Monica Greene, Town Clerk