

DATE: December 17, 2013

TO: Honorable Mayor & City Council

FROM: Richard Grady, Chairman, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of December 16, 2013

AGENDA ITEM NO. 8 - PUBLIC HEARING

ZONING CASE 2013-33

APPLICANT: CITY OF PLANO

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning District and Uses), Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading), Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations), and related sections of the Zoning Ordinance for the creation of regulations for food truck parks and commissaries.

APPROVED: 6-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval as follows (Additions are indicated in underlined text; deletions are indicated in strikethrough text):

Amend Section 1.600 (Definitions) of Article 1 (General Regulations), to add the following term and definition for food truck park and commissaries, such portion of section to read as follows:

1.600 (Definitions)

Food Truck Park - An area designed to accommodate two or more mobile food establishments and offering food and/or beverages for sale to the public as the primary use of the property.

Commissaries - An establishment other than a restaurant in which food, containers, or supplies are kept, handled, prepared, packaged, or stored for transportation by mobile food establishments, and that serves as an operating base where a mobile food establishment may be stored, parked, serviced, cleaned, supplied, and maintained. Commissaries must comply with other provisions of the Code of Ordinances.

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow food truck parks and commissaries in the following zoning districts:

Food truck parks by specific use permit in all nonresidential zoning districts, except for the Neighborhood Office (O-1) and General Office (O-2) zoning district.

Commissaries by right in the Light Industrial-1 (LI-1), Light Industrial-2 (LI-2), and Commercial Employment (CE) districts

2.502 (Schedule of Permitted Uses)

Nonresidential Zoning Districts

Permitted Uses	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial	UMU – Urban Mixed-Use
<u>Food Truck Park</u>	<u>Service</u>			S R	S R	S R	S R	S R	S R	S R	S R	S R	S R	S R	S R
<u>Commissaries</u>	<u>Wholesale</u>						P		P	P					

Amend Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) to establish parking requirements for food truck park, such portion of subsection to read as follows:

3.1107 (Schedule of Off-Street Parking)

<u>Food Truck Park</u>	<u>One space per 100 square feet of dining area only</u>
------------------------	--

Amend Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) to read as follows:

3.1504 (Residential Adjacency Standards)

7. Food Truck Park

A food truck park shall not be permitted within 150 feet of a residential district.

FOR CITY COUNCIL MEETING OF: January 13, 2014 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

RA/dc

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 16, 2013

Agenda Item No. 8

Public Hearing: Zoning Case 2013-33

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning District and Uses), Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading), Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations), and related sections of the Zoning Ordinance for the creation of regulations for food truck parks and commissaries.

REMARKS:

Staff has received inquiries from two developers interested in using nonresidential properties as food truck parks. Therefore, in October 2012, City Council directed staff to consider amendments to the city's ordinances for this use. Food truck parks consist of trucks or trailers, also known as mobile food establishments or commonly referred to as food trucks, which provide food cooked onsite and served to the public for on or offsite consumption. The properties typically have minimal improvements on the site such as picnic tables, gravel surfaces, and portable toilets (if provided). Currently, the Zoning Ordinance has no regulations pertaining to food truck parks.

Food trucks are defined in the City of Plano Code of Ordinances as "mobile food establishments" and are regulated by Chapter 9 (Food Code). Private property owners can allow itinerant vendors, such as food trucks, to occupy their property up to 45 days in a calendar year under Chapter 11 (Licenses and Business Regulations). Food trucks which deliver meals and snacks to construction job-sites throughout Plano are permitted annually through the Health Department. Food trucks may also be permitted for special events as allowed by the city, and may not exceed 14 consecutive days per event. A limit of eight temporary permits per calendar year per vendor, group, or organization is allowed.

ISSUES:

Amendments to the Zoning Ordinance for food truck parks should be limited to creating regulations related to land use and zoning. The city's Code of Ordinances currently regulates food preparation, health, sanitation, and building codes.

The following are issues for consideration.

Term and Definition

In order to regulate the use of food truck parks, an appropriate definition needs to be added to the Zoning Ordinance since this use is not currently addressed. Staff recommends food truck parks be defined as:

Food Truck Park: An area designed to accommodate two or more mobile food establishments and offering food and/or beverages for sale to the public as the primary use of the property.

The new term and definition will be added to Section 1.600 (Definitions) of Article 1 (General Regulations) of the Zoning Ordinance. Staff believes this term and definition is appropriate based on similar definitions found in other municipalities' ordinances including San Antonio, Fort Worth, Austin, and Salt Lake City, which generally define food truck parks as more than one mobile food establishment in an area or premises.

Zoning Districts

Staff recommends allowing food truck parks by specific use permit in all nonresidential zoning districts, except for the Neighborhood Office (O-1) and General Office (O-2) zoning districts where they would not be allowed. Restaurants are currently permitted by right in all nonresidential zoning districts except for the O-1 and O-2 districts where they are permitted by specific use permit. Since food truck parks and restaurants are similar uses - establishments that provide food for sale to the public for consumption - staff believes it is appropriate to allow food truck parks in the same zoning districts as restaurants. However, staff is concerned that not all properties within each of these districts may be appropriate as a food truck park. A specific use permit allows for a case-by-case site specific review. Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) would be amended accordingly to reflect the specific use requirement for this use.

Residential Adjacency Standards (RAS)

It is possible that a food truck park could be located next to residential zoning districts. Staff is concerned that it may not be appropriate to have food truck parks adjacent to residential districts given the potential impacts this use could have on nearby residences (i.e. noise, lighting, debris). Therefore, staff recommends amending Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) to prohibit this use within 150 feet of residentially zoned properties, similar to other uses that have outdoor activity (car wash, fuel dispensing, automotive and motorcycle repair, and uses with individual service speakers).

Parking

Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) requires a minimum number of off-street parking spaces for each development. It is staff's understanding that most food truck park sites have minimal improvements in order to keep operational and project overhead costs low. Staff believes the required parking should be one space per 100 square feet of dining area only. This parking ratio is the same for restaurants, except that the parking ratio is applied to the dining area only for the food truck parks instead of the gross building square footage as required for restaurant buildings. A food truck park may provide offsite parking as allowed by the existing provisions in the Zoning Ordinance.

Surface

Per Subsection 3.1105 (Parking Area Standards) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations), regularly used parking spaces, loading areas, driveways, and maneuvering aisles shall be paved with a concrete or asphalt surface. Some food truck parks do not provide improved surfaces; instead, they may have gravel and/or turf surfaces for their parking areas (both for the food trucks and required off-street parking).

Staff found in researching other cities' ordinances that regulate surface improvements that both Dallas and San Antonio had surface requirements as follows:

- City of San Antonio: Mobile food vendor courts shall require an all-weather surface.
- City of Dallas: Mobile food vendors must be located only on an improved surface and where operations are allowed by the Dallas Development Code.

Staff recommends that improved surfaces be provided (i.e. asphalt or concrete) as required in Subsection 3.1105 for the parking and access to parking of food trucks; all remaining areas of the lot may be an unimproved surface. This recommendation is consistent with farmers' market uses in Plano where all vendor facilities are required to be located on concrete or asphalt surfaces. Additionally, paving helps facilitate surface drainage, prevents properties from being "rutted out" by vehicles where surface water ponding may occur, and minimizes the dust generated by vehicles driving on unimproved surfaces where food is being consumed by the public.

Temporary Food Trucks as Accessory Uses

Staff anticipates that some food trucks may be interested in operating temporarily in areas outside of food truck parks, such as at institutional uses (schools, religious facilities) and retail shopping centers for special events, festivals, and other occasions. Food trucks can sell on existing improved properties with an itinerant vendor permit as presently allowed by the city's Code of Ordinances. The Code of Ordinances has criteria for food preparations, site plan approval, and restrooms.

Commissaries for Food Trucks

The city's Code of Ordinances, Chapter 9 (Food Code) defines commissaries as a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored. Health Department

regulations require mobile food vendors to be serviced at commissaries on a regular basis. The Zoning Ordinance is silent to this use, and staff has allowed commissaries similar to warehouse uses in the Light Industrial-1 (LI-1) zoning district. While the Code of Ordinances recognize restaurants as a permissible base for mobile food vendor trucks, staff is concerned, from a land use perspective, that restaurants should not be allowed to function as a commissary where trucks are cleaned, restocked, and stored. Staff researched other cities' ordinances which define commissaries as:

- Fort Worth: Commissary means a fixed food service establishment permitted and regularly inspected by the director.
- San Antonio: Commissary shall mean a food processing establishment or food service establishment approved by the director in which food, containers, or supplies are kept, handled, prepared, packaged, or stored for transportation by mobile food establishment vendors.
- Dallas: Commissary means a food establishment that serves as an operating base for a mobile food establishment and where food, containers, or supplies are kept, handled, prepared, packaged, or stored for use by a mobile food establishment and a mobile food establishment is stored, parked, serviced, cleaned, supplied, and maintained.

Staff recommends that Commissaries be added to Section 1.600 (Definitions) of Article 1 (General Regulations) and defined as:

An establishment other than a restaurant in which food, containers, or supplies are kept, handled, prepared, packaged, or stored for transportation by mobile food establishments, and that serves as an operating base where a mobile food establishment may be stored, parked, serviced, cleaned, supplied, and maintained. Commissaries must comply with other provisions of the Code of Ordinances.

Staff recommends allowing commissaries by right in the LI-1, Light Industrial-2 (LI-2), and Commercial Employment (CE) districts similar to Warehouse/Distribution Center, Wholesale/Storage Warehouse, and Office-Showroom-Warehouse uses.

RECOMMENDATION:

Recommended for approval as follows (Additions are indicated in underlined text; deletions are indicated in strikethrough text):

Amend Section 1.600 (Definitions) of Article 1 (General Regulations), to add the following term and definition for food truck park and commissaries, such portion of section to read as follows:

1.600 (Definitions)

Food Truck Park - An area designed to accommodate two or more mobile food establishments and offering food and/or beverages for sale to the public as the primary use of the property.

Commissaries - An establishment other than a restaurant in which food, containers, or supplies are kept, handled, prepared, packaged, or stored for transportation by mobile food establishments, and that serves as an operating base where a mobile food establishment may be stored, parked, serviced, cleaned, supplied, and maintained. Commissaries must comply with other provisions of the Code of Ordinances.

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow food truck parks and commissaries in the following zoning districts:

Food truck parks by specific use permit in all nonresidential zoning districts, except for the Neighborhood Office (O-1) and General Office (O-2) zoning district.

Commissaries by right in the Light Industrial-1 (LI-1), Light Industrial-2 (LI-2), and Commercial Employment (CE) districts

2.502 (Schedule of Permitted Uses)

Nonresidential Zoning Districts

Permitted Uses	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial	UMU – Urban Mixed-Use
<u>Food Truck Park</u>	<u>Service</u>			R/S	R/S	R/S	R/S	R/S	R/S	R/S	R/S	R/S	R/S	R/S	R/S
<u>Commissaries</u>	<u>Wholesale</u>						P		P	P					

Amend Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) to establish parking requirements for food truck park, such portion of subsection to read as follows:

3.1107 (Schedule of Off-Street Parking)

<u>Food Truck Park</u>	<u>One space per 100 square feet of dining area only</u>
------------------------	--

Amend Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) to read as follows:

3.1504 (Residential Adjacency Standards)

7. Food Truck Park

A food truck park shall not be permitted within 150 feet of a residential district.

Zoning Case 2013-33

An Ordinance of the City of Plano, Texas, amending Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning District and Uses), Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading), Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to create regulations for food truck parks and commissaries; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 13th day of January, 2014, for the purpose of considering a change in the Zoning Ordinance; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 13th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Section 1.600 (Definitions) of Article 1 (General Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to include the following definition for food truck park and commissaries, such section to read in its entirety as follows:

1.600 (Definitions)

Food Truck Park - An area designed to accommodate two or more mobile food establishments and offering food and/or beverages for sale to the public as the primary use of the property.

Commissaries - An establishment other than a restaurant in which food, containers, or supplies are kept, handled, prepared, packaged, or stored for transportation by mobile food establishments, and that serves as an operating base where a mobile food establishment may be stored, parked, serviced, cleaned, supplied, and maintained. Commissaries must comply with other provisions of the Code of Ordinances.

Section II. Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow food truck parks and commissaries of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to allow food truck parks and commissaries, such section to read in its entirety as follows:

Section 2.500 Permitted Uses

Subsection 2.502 Schedule of Permitted Uses

Nonresidential Zoning Districts

Permitted Uses	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial	UMU – Urban Mixed-Use
Food Truck Park	Service			S R	S R	S R	S R	S R	S R	S R	S R	S R	S R	S R	S R
Commissaries	Wholesale						P		P	P					

Section III. Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to establish parking requirements for food truck park, such portion of subsection to read as follows:

Section 3.1100 Off-Street Parking and Loading

Subsection 3.1107 Schedule of Off-Street Parking

Food Truck Park	One space per 100 square feet of dining area only
-----------------	---

Section IV. Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to read as follows:

Section 3.1500 Residential Adjacency Standards

Subsection 3.1504 Residential Adjacency Standards

7. Food Truck Park

A food truck park shall not be permitted within 150 feet of a residential district.

Section V. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section VI. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section VII. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VIII. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section IX. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 13TH DAY OF JANUARY, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY