

ITEM: Mobile Food Court Discussion

PLANNER: Lisa Ritchie, AICP, Senior Planner

APPLICANT: City of Louisville

REQUEST: Planning Commission discussion on Mobile Food Court regulations

SUMMARY:

Over the past few years, the City has reviewed and adopted regulations associated with operation of mobile food vehicles, mobile retail food establishments, mobile vending carts and ice cream vendors (collectively referred to as food trucks). To date, these regulations have not included specific allowances for food truck courts. Food truck courts may be possible under the existing regulations, but each operator would need to apply for a separate permit, operators would need the consent of nearby restaurants on an annual basis, and the regulations do not account for different impacts associated with operating in a more permanent nature. Recently, an application for a Planned Unit Development and Special Review Use was submitted requesting approval of a development that includes a food truck court. Staff is seeking input from Planning Commission regarding general food truck court regulations that could be appropriate throughout the entire City, and not specifically to the application under review.

BACKGROUND:

In 2014 and 2015, the City adopted ordinances establishing allowances and regulations for food trucks. In 2017, these regulations were amended based on experience with actual operations and to streamline permitting requirements. To date, staff finds that these new regulations are working well and do not propose changes to that portion of the 2017 ordinance at this time. These regulations are found in [Sec. 17.16.310](#) of the Louisville Municipal Code.

DISCUSSION:

Staff has attached an initial draft ordinance for discussion. The draft ordinance is not intended as a final draft for recommendation to City Council, but is provided for Commission comment and direction. A final draft will be brought back for public hearing and formal recommendation to City Council. The draft ordinance would allow a site with more than two food trucks to operate in a permanent nature, establishes zone districts where this use is permitted by Special Review Use, and creates application requirements and review criteria. This new section would not apply to food trucks operating as part of a city-permitted special event or a private catered event, even if there is more than one food truck operating at the site.

There are a few barriers in the existing code to operating mobile food courts. The first is the requirement that each operator obtain permission from existing restaurant operators within 150 feet. This could be waived for any operator located within an existing

approved mobile food court location, so that food trucks may rotate without each of them obtaining authorization.

Another is that the existing regulations do not contemplate a permanent site or the possible impacts, as individual food trucks operate in a transient manner. Establishment of new regulations could account for impacts that may occur due to establishment of a permanent site with associated activities.

The draft ordinance provided for discussion includes a new definition in Sec. 17.08, a new category in the Use Groups in Secs. 17.12.030, 17.14.050 and 17.72.090 and 100, along with a new subsection in the existing section of the code that includes the specific regulations. The following language is suggested for Planning Commission consideration:

Proposed definition

Mobile food court means a commercial development where two or more mobile retail food establishments, mobile food vehicles, mobile vending carts, or ice cream vendors congregate to offer food or beverages for sale to the public and includes customary outdoor areas for eating and drinking. Operations associated with a private catered event or a city-permitted special event are not considered a mobile food court.

Zone Districts

Staff suggests that this use require approval of a Special Review Use in the following zone districts, and not be permitted in the remainder ("R" constitutes the requirement for Special Review Use).

District Regulations: Sec 17.12.030

Use Groups	Districts														
	A	A-O	B-O	* AO-T	R-RR	SF-R	SF-E	R-R R-E R-L	SF-LD SF-MD SF-HD	R-M	R-H	C-N	C-C	C-B	I
Mobile Food Court	No	R	R		No	No	No	No	No	No	No	R	R	R	R

Mixed Use Zone Districts: Sec. 17.14.050

Use Groups	Districts	
	CC	MU-R
Mobile Food Court	R	R

Planned Community Zone Districts: Sec. 17.72.090 and 100

These sections regulate uses in the Planned Community Zone Districts. Staff proposes not permitting in PCZD-Residential and requiring a Special Review Use approval in PCZD-Commercial and PCZD-Industrial.

Staff recommends that mobile food courts only be allowed Special Review Use, as this would allow for review of operations and site planning for each proposal to ensure it is appropriate for the context of its location. Mobile food courts could have external

impacts beyond those of a typical commercial business or restaurant. The Special Review Use process requires review and approval by Planning Commission and City Council in some cases, and allows administrative review in other cases. Among the criteria to allow administrative review ([Sec. 17.40.105](#)) is a requirement that the use is not adjacent to residentially zoned property. The following is the purpose statement for Special Review Uses:

Sec. 17.40.010. - Purpose.

Although each zoning district is primarily intended for a predominant type of use (such as dwellings in residential districts), there are a number of uses which may or may not be appropriate in a particular district depending upon, for example, the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effects. These factors may dictate that the circumstances of development should be individually reviewed. It is the purpose of this chapter to provide review of such uses so that the community is assured that such uses are compatible with their locations and surrounding land uses and will further the purposes of this title.

Standards for Mobile Food Courts

Staff suggests a new subsection that includes the specific standards applicable to mobile food courts. These could include:

1. Requirements that operators within a mobile food court follow all existing regulations in Sec. 17.16.310, which include requirements for tax licenses, public health certification, fire district permits, and operating requirements.
2. Hours of operation could be reduced or expanded and amplified music may be allowed if authorized through the SRU. The section would also exempt operators within a mobile food court from obtaining consent from nearby restaurants.
3. Require that all activities associated with the mobile food court occur on private property and not on right-of-way.
4. Require that each vendor pad be equipped with electrical connections. Use of generators would not be permitted.
5. Require a site plan for review that shows:
 - a. The location and orientation of each vendor pad;
 - b. The location of all proposed dining areas and areas designated for gathering and activities;
 - c. The location of any paving, trash enclosures, landscaping, planters, fencing, or any other site requirement by the international building code or Boulder County Public Health Department;
 - d. The location of permanent electrical and other necessary utility connections;

- e. The circulation of all pedestrian, bicycle, and vehicle traffic;
- f. The location of any fixed or movable seating and tables;
- g. The location of restrooms;
- h. The location of vehicular and bicycle parking

Setbacks

Some communities include setbacks for vendor pads in certain circumstances, such as when the property is adjacent to residential development. Staff believes a setback could be appropriate when a mobile food court is adjacent to residential development and suggests the vendor pads meet the parking setbacks or other setback determined necessary to control the external effects of the proposal.

Staff seeks Planning Commission input on if a setback for all circumstances or only some circumstances is appropriate. Options for setbacks could include:

1. Equivalent setback to the minimum building setback in the zone district. This ranges from 10 to 60 feet, depending on the street type and adjacent property type.
2. Equivalent setback to the minimum parking setback in the zone district. This ranges from 10 to 30 feet, depending on street type and adjacent property type.
3. Alternative setback, such as 10 feet for front property lines and 5 feet for side and rear property lines.
4. No specific setback, but review the overall site design under the approval criteria for SRUs and possibly specific criteria related to mobile food courts.

Approval Criteria

The Special Review Use regulations in the LMC include criteria and conditions for approval in [Sec. 17.40.100](#). These would also apply to an application for a mobile food court. The review criteria follows:

1. That the proposed use/development is consistent in all respects with the spirit and intent of the comprehensive plan and of this chapter, and that it would not be contrary to the general welfare and economic prosperity of the city or the immediate neighborhood;
2. That such use/development will lend economic stability, compatible with the character of any surrounding established areas;
3. That the use/development is adequate for internal efficiency of the proposal, considering the functions of residents, recreation, public access, safety and such factors including storm drainage facilities, sewage and water facilities, grades, dust control and such other factors directly related to public health and convenience;
4. That external effects of the proposal are controlled, considering compatibility of land use; movement or congestion of traffic; services, including arrangement of signs and lighting devices as to prevent the occurrence of nuisances; landscaping and other similar features to prevent the littering or accumulation of trash, together with other factors deemed to effect public health, welfare, safety and convenience;

5. That an adequate amount and proper location of pedestrian walks, malls and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities.

In addition to the above criteria, the LMC also allows the city to impose modifications or conditions to the following development features to the extent such modifications or conditions are necessary to insure compliance with the approval criteria. These include:

1. Size and location of the site;
2. Internal traffic circulation and access to adjoining public streets;
3. Location and amount of off-street parking;
4. Fencing, screening and landscaped separations, including open space;
5. Building bulk and location;
6. Signs and lighting;
7. Noise, vibration, air pollution and other environmental influences.

Staff believes that the existing provisions in the LMC to allow approval of a SRU are sufficient for mobile food court operations. However, staff seeks input from Planning Commission if other specific standards or criteria should be considered.

NEXT STEPS:

Following the Planning Commission discussion, staff will finalize a draft ordinance to allow mobile food courts and bring the ordinance to Planning Commission and City Council for adoption through public hearings.

ATTACHMENTS:

1. Draft Ordinance