

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 04/09/2024
Agenda Item: 3**

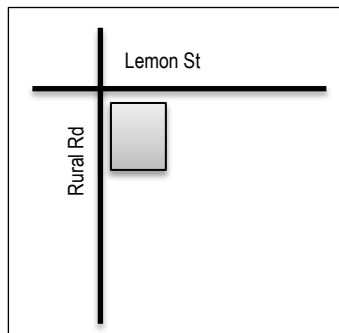
ACTION: Request a Use Permit to allow temporary outdoor vending for **FOOD TRUCK PROJECT**, located at 1101 South Rural Road. The applicant is Neah Designs LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: FOOD TRUCK PROJECT (PL240048) is a proposed outdoor food truck establishment consisting of a 171 square foot food truck with interior kitchen components. The site is located on the southeast corner of Rural Road and Lemon Street in the CSS, Commercial Shopping and Services District within the TOD, Transportation Overlay District. The site consists of two parcels (APNs 132-73-095A & 132-73-096B) with the El Paisano Mini Mart convenience store located on the northernmost parcel and related parking and a refuse container on the southern parcel. The proposed food truck would be located on a portion of the southern parcel. The request includes the following:

ZUP240021 Use Permit to allow temporary outdoor vending.



Property Owner
Applicant
Zoning District
Site Area
Building Area
Lot Coverage
Vehicle Parking
Bicycle Parking
Hours of Operation

Rural Center LLC
David Chavez, Neah Designs LLC
CSS, TOD (Corridor)
11,456 s.f.
2,636 s.f. (El Paisano Mini Mart)
23% (50% max. allowed)
7 spaces (7 min. required)
4 spaces (3 min. required)
12 p.m. to 9 p.m., Daily

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lucas Jensen, Planner I (480) 350-8023

Department Director: Jeff Tamulevich, Community Development Director
Legal review by: N/A
Prepared by: Lucas Jensen, Planner I
Reviewed by: Michelle Dahlke, Principal Planner

COMMENTS

The proposed 171 square foot food truck is equipped with an internal kitchen operated by propane gas and a gas-powered generator. The business model for the food truck is for takeout food only. There will be no tables and chairs for outdoor seating and dining provided. The proposed food truck will be located on three (3) of five (5) existing parking spaces located on the southernmost parcel that serve customers of the El Paisano Mini Mart. A total of ten (10) existing parking spaces are provided on the site overall. Per Section 4-603 of the Zoning and Development Code (ZDC), convenience stores require one (1) parking space per 300 square feet of net floor area, which equates to a total of eight (8) parking spaces. Given the location of the site within the TOD, a 25% parking reduction is permitted, which results in seven (7) required parking spaces. As such, the proposed location of the food truck will not result in a parking deficiency for the convenience store as seven (7) spaces will be provided. There is currently a deficiency of three (3) bicycle spaces on the site. To address this, two new bicycle racks, which will accommodate four (4) bicycles, will be provided on the north end of the parking spaces in front of the convenience store.

Conditions of approval have been included regarding the addition of the required bicycle racks, and to address lighting standards for the food truck establishment.

PUBLIC INPUT

Upon completion of this report staff has not received any public comments or inquiries regarding this request.

USE PERMIT

The proposed use requires a Use Permit to allow temporary outdoor vending within the CSS, Commercial Shopping and Services zoning and TOD, Transportation Overlay District.

Section 6-308(E) Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic*; The property is located in a Transportation Overlay District and is anticipated to serve the needs of pedestrians and patrons of the business which reduces the need for additional parking. Seven (7) parking spaces are required and provided on site for the convenience store use.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; Emissions associated with a food truck establishment are not expected to impact ambient conditions of the surrounding area given the proximity to an arterial road.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan*; The proposed food truck establishment aligns with the General Plan 2050 and Downtown Rio Salado ASU Character Area Plan by providing the opportunity for street-level pedestrian interaction on the property.
4. *Compatibility with existing surrounding structures and uses*; The proposed food truck establishment is compatible with uses permitted in the CSS zoning district. Additionally, other restaurant uses are located to the south and east of the property.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; The nature of the use is not expected to create a nuisance. The applicant has indicated the addition of cameras on site to deter and capture any disruptive behavior.

REASONS FOR APPROVAL:

Based on the information provided by the applicant, the public input received and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL: (Non-standard conditions are identified in bold)

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

1. The Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.
3. Hours of operation to end no later than 9:00 p.m. daily.
4. **Provide four (4) bicycle parking spaces on the paving island on the north side the property in front of the convenience store per City of Tempe Public Works Department bicycle rack detail T-578 standard.**
5. **This project shall follow requirements of ZDC Part 4, Chapter 8, Lighting, unless otherwise conditioned.**
6. **The use shall conform to the temporary outdoor vending general regulations of the Zoning & Development Code.**
7. **At no time shall the vessels block drive aisles, driveways, refuse enclosures, and fire lanes.**
8. **All food truck order and pick-up windows and doors shall be illuminated to a minimum-security lighting level from dusk to dawn with five (5) foot-candles of light at finish grade, during hours of operation.**

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

USE PERMIT:

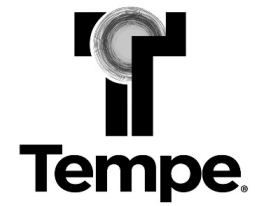
- The Use Permit is valid for Rural Center LLC and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- Any intensification or expansion of use shall require a new Use Permit.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.

HISTORY & FACTS:

None relevant to this request.

ZONING AND DEVELOPMENT CODE REFERENCE:

[Section 6-308, Use Permit](#)



DEVELOPMENT PROJECT FILE

for

FOOD TRUCK PROJECT (PL240048)

ATTACHMENTS:

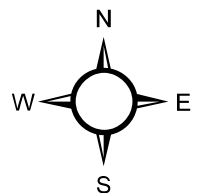
1. Aerial Map
2. Zoning Map
3. Context Photos
- 4-6. Applicant's Letter of Explanation
7. Site Plan



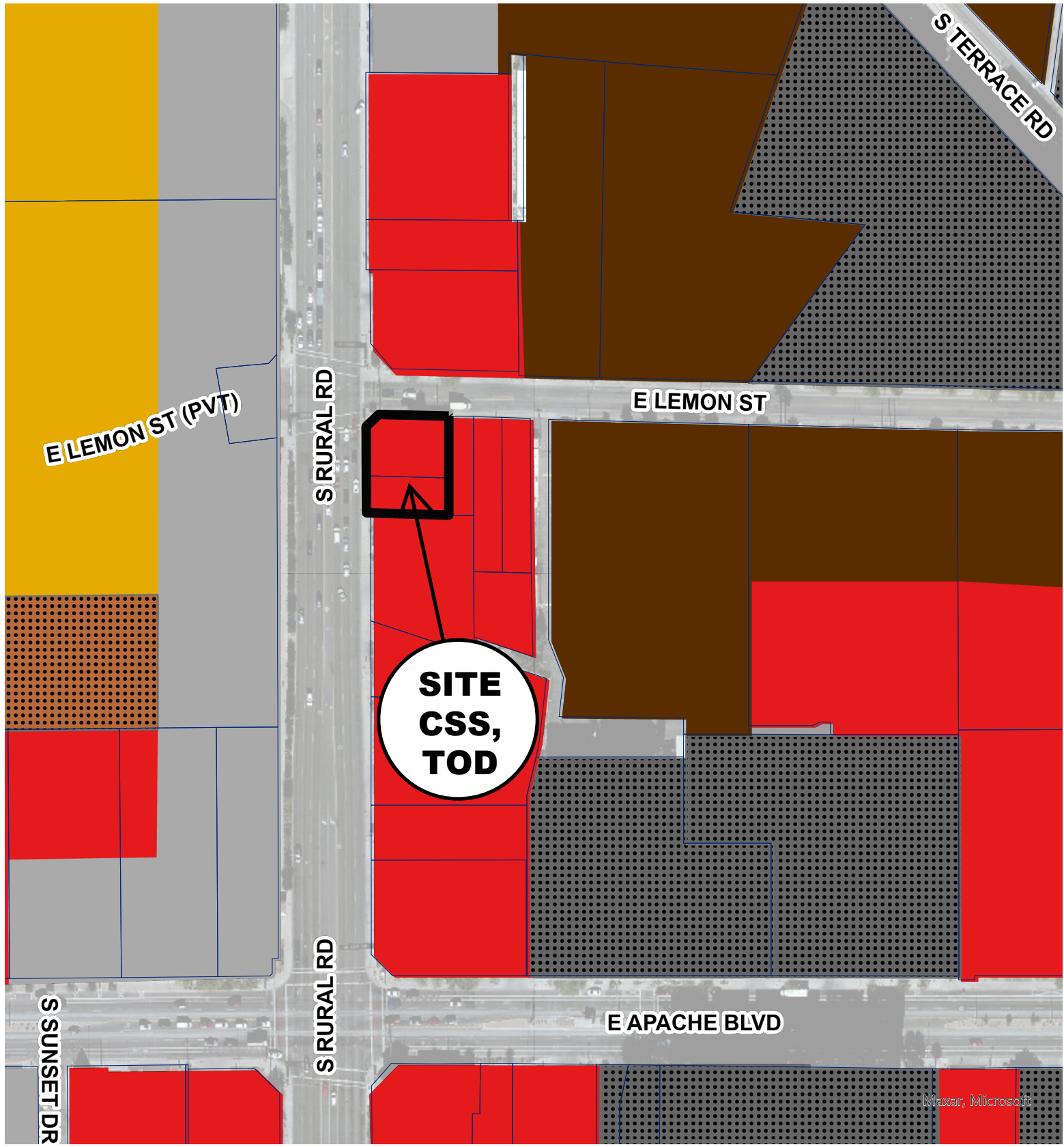
Food Truck Project



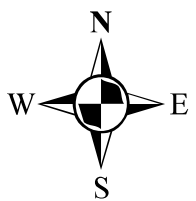
Aerial Map



Food Truck Project



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|--|--|--|--|
| | Mixed Use High (MU-4) | | Single-Family Residential (R1-6) |
| | Mixed Use Educational (MU-ED) | | Multi-Family Residential Limited (R-3) |
| | Commercial Shopping and Services (CSS) | | Multi-Family Residential General (R-4) |



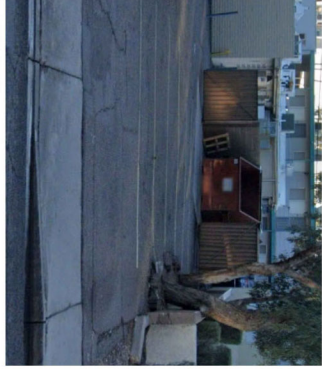
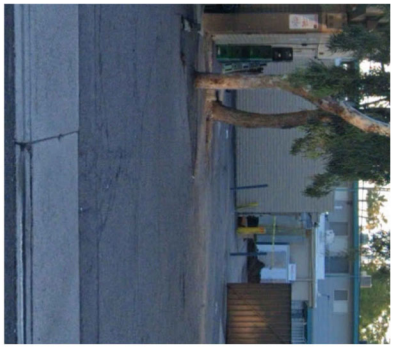


IMAGE 1

IMAGE 2



IMAGE 3

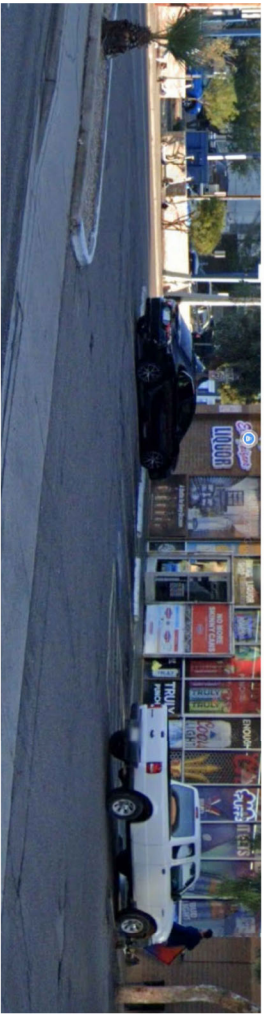
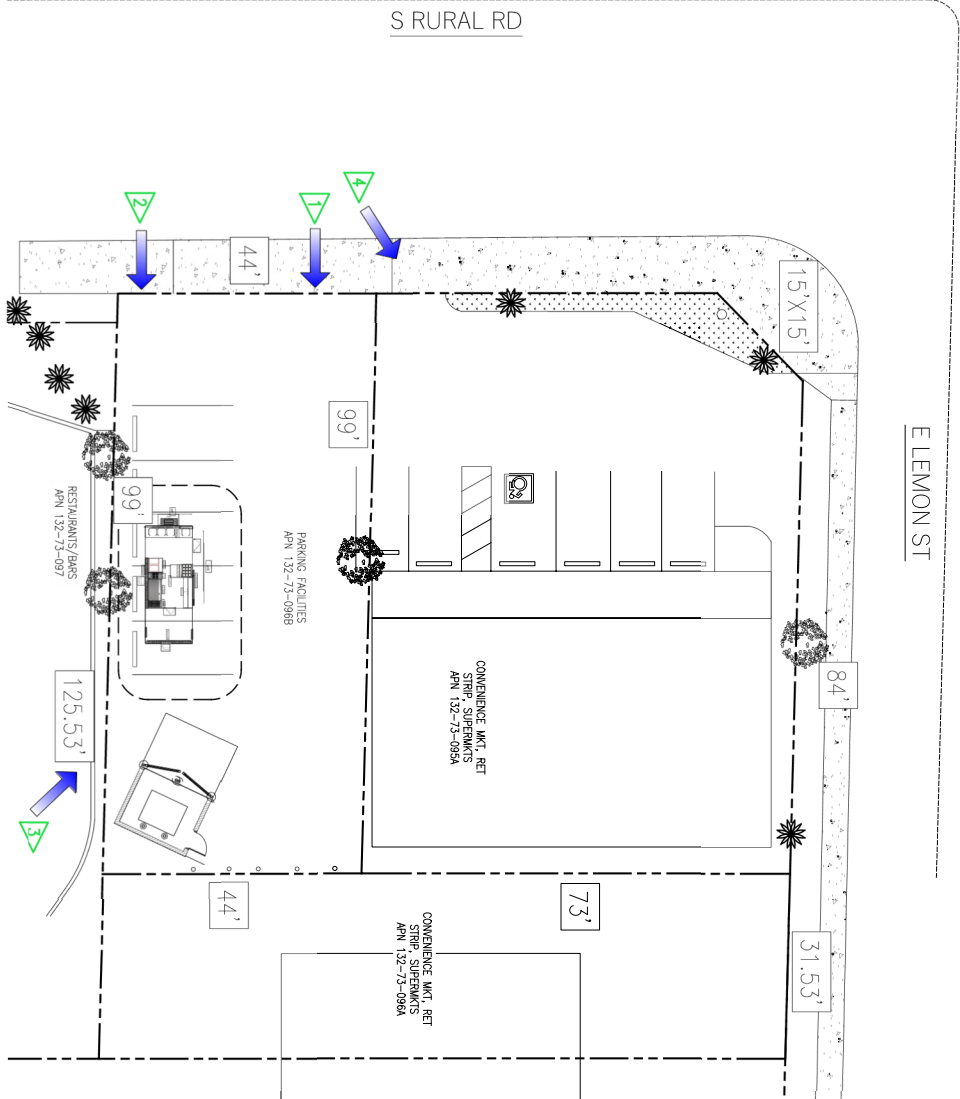


IMAGE 4



| No. | Revisions | Date | By |
|-----|-----------|------|----|
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CITY STAMP
Attachment 3

CONSTRUCTION DOCUMENTS FOR:
FOOD TRUCK PROJECT
1101 S RURAL RD
TEMPE 85281

CONTRACT #
DRAWING BY:
DATE: 1/23/2024
SCALE:
PER PLAN

SHEET: **CP**

PROJECT NARRATIVE:

ESTABLISHMENT OF A FOOD TRUCK WHICH IS CONSIDERED A TEMPORARY OUTDOOR VENDING OF BOX SIZE 8'X20' THAT IS 160 SF, ALSO INCLUDES A HITCH IN THE FRONT WITH PROPANE GAS AND CONDENSER IN TOP HUNG, AND 2 HOODS (ONE IN THE SIDE AND ONE IN THE REAR), EVERYTHING INCLUDED IS 171 SF, WILL ALSO HAVE IN THE INTERIOR GRIDDLE, 2 BURNER, FRYER, STEAMTABLE, PREP TABLE, WORK TABLE, 3 COMPARTMENT SINK, AND A SEPARATE SINK.

TO PROVIDE SERVICES OF TAKE OUT ONLY FOOD (NO TABLES/CHAIRS)

THERE ARE 10 EXISTING PARKING SPACES FOR THE LIQUOR STORE, AND JUST 7 ARE REQUIRED, THE FOOD TRUCK WILL USE 3 OF THESE 10 PARKING SPACES WHICH WILL BE LEFT 7,

FOOD TRUCK WILL BE THERE PARKED ALWAYS BUT HOURS OF OPERATION WILL BE FROM 12 PM TO 9 PM.

THE FOOD TRUCK WILL USE PROPANE GAS TO COOK AND ALSO A GENERATOR TO PRODUCE ALL THE ELECTRICITY

FIVE USE PERMIT CRITERIA:

A. ANY SIGNIFICANT VEHICULAR OR PEDESTRIAN TRAFFIC IN ADJACENT AREAS;

DEVELOP A TRANSPORTATION MANAGEMENT PLAN THAT OUTLINES STRATEGIES TO MITIGATE POTENTIAL TRAFFIC IMPACTS. THIS PLAN MAY INCLUDE, PROVIDING DESIGNATED LOADING AND UNLOADING ZONES TO MINIMIZE CONGESTION, AND PROMOTING ALTERNATIVE TRANSPORTATION OPTIONS SUCH AS PUBLIC TRANSIT, CYCLING, OR RIDESHARING.

REGULARLY MONITOR TRAFFIC CONDITIONS IN ADJACENT AREAS AND EVALUATE THE EFFECTIVENESS OF IMPLEMENTED MEASURES. MAKE ADJUSTMENTS TO THE TRANSPORTATION MANAGEMENT PLAN AS NEEDED BASED ON OBSERVED TRAFFIC PATTERNS AND COMMUNITY FEEDBACK.

THE RESTAURANT FEATURES AMPLE DRIVEWAY SPACE AND DESIGNATED ENTRY AND EXIT POINTS, ENSURING SMOOTH AND EFFICIENT TRAFFIC FLOW FOR VEHICLES ENTERING AND EXITING THE PREMISES

PARTNERING WITH NEARBY PARKING FACILITIES, OR PROMOTING ALTERNATIVE TRANSPORTATION OPTIONS

B. NUISANCE ARISING FROM THE EMISSION OF ODOR, DUST, GAS, NOISE, VIBRATION, SMOKE, HEAT OR GLARE AT A LEVEL EXCEEDING THAT OF AMBIENT CONDITIONS;

WE ARE COMMITTED TO MAINTAINING ENVIRONMENTAL STANDARDS, AND OUR FOOD TRUCK WILL ACTIVELY WORK TO AVOID EMITTING ODOR, DUST, GAS, NOISE, VIBRATION, SMOKE, HEAT, OR GLARE AT LEVELS EXCEEDING THOSE OF AMBIENT CONDITIONS

C. CONTRIBUTION TO THE DETERIORATION OF THE NEIGHBORHOOD OR TO THE DOWNGRADING OF PROPERTY VALUES, WHICH IS IN CONFLICT WITH THE GOALS, OBJECTIVES OR POLICIES OF THE CITY'S ADOPTED PLANS FOR GENERAL PLAN;

THE FOOD TRUCK'S EXTERIOR AND SURROUNDINGS ARE WELL-MAINTAINED AND AESTHETICALLY PLEASING. THIS INCLUDES REGULAR UPKEEP OF LANDSCAPING, SIGNAGE, AND BUILDING EXTERIORS.,

THE FOOD TRUCK OPERATES IN COMPLIANCE WITH ALL RELEVANT REGULATIONS AND PERMITS, INCLUDING ZONING LAWS, BUILDING CODES, HEALTH AND SAFETY STANDARDS, AND ENVIRONMENTAL REGULATIONS.

PROVIDE HIGH-QUALITY SERVICE AND AMENITIES TO PATRONS, WHICH CAN CONTRIBUTE POSITIVELY TO THE NEIGHBORHOOD'S REPUTATION AND PROPERTY VALUES.

D. COMPATIBILITY WITH EXISTING SURROUNDING STRUCTURES AND USES

THE SIZE AND SCALE OF THE FOOD TRUCK ARE APPROPRIATE FOR THE SURROUNDING AREA. THIS INVOLVES CONSIDERING FACTORS SUCH AS BUILDING HEIGHT, SETBACK REQUIREMENTS, AND OVERALL FOOTPRINT TO MINIMIZE VISUAL IMPACT AND MAINTAIN COMPATIBILITY WITH NEARBY STRUCTURES.

THE FOOD TRUCK'S INTENDED USE IS COMPATIBLE WITH EXISTING BUSINESSES TO ENSURE ALIGNMENT WITH LOCAL ORDINANCES AND COMMUNITY NEEDS.

ENGAGE WITH THE LOCAL COMMUNITY AND STAKEHOLDERS TO GATHER FEEDBACK AND ADDRESS ANY CONCERNS REGARDING COMPATIBILITY WITH EXISTING SURROUNDING STRUCTURES AND USES. THIS INVOLVES ACTIVELY SEEKING INPUT FROM RESIDENTS, BUSINESS OWNERS, AND COMMUNITY ORGANIZATIONS TO IDENTIFY POTENTIAL AREAS OF CONFLICT AND DEVELOP SOLUTIONS COLLABORATIVELY.

E. ADEQUATE CONTROL OF DISRUPTIVE BEHAVIOR BOTH INSIDE AND OUTSIDE THE PREMISES, WHICH MAY CREATE A NUISANCE TO THE SURROUNDING AREA OR GENERAL PUBLIC.

PROVIDE COMPREHENSIVE TRAINING TO STAFF MEMBERS ON CUSTOMER SERVICE, CONFLICT RESOLUTION, AND HANDLING DISRUPTIVE BEHAVIOR. ESTABLISH CLEAR POLICIES AND

PROCEDURES FOR ADDRESSING DISRUPTIVE BEHAVIOR BOTH INSIDE THE FOOD TRUCK AND IN ITS IMMEDIATE VICINITY.

WE COULD INSTALL SECURITY CAMERAS TO DETER MISCONDUCT AND ASSIST IN IDENTIFYING INDIVIDUALS INVOLVED IN DISRUPTIVE INCIDENTS.

DISPLAY VISIBLE SIGNAGE BOTH INSIDE AND OUTSIDE THE FOOD TRUCK OUTLINING EXPECTED BEHAVIOR, RULES, AND CONSEQUENCES FOR DISRUPTIVE CONDUCT. THIS CAN SERVE AS A REMINDER TO PATRONS AND HELP SET EXPECTATIONS FOR APPROPRIATE BEHAVIOR.

CONTINUOUSLY MONITOR AND EVALUATE THE EFFECTIVENESS OF MEASURES IMPLEMENTED TO CONTROL DISRUPTIVE BEHAVIOR. SOLICIT FEEDBACK FROM STAFF AND PATRONS, AND MAKE ADJUSTMENTS TO POLICIES AND PROCEDURES AS NEEDED TO MAINTAIN A SAFE AND WELCOMING ENVIRONMENT.

