

# Bexley Board of Zoning and Planning

## Planning Staff Report – July 25, 2024

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### Special Permit: Food Truck in Association with Tavern Use

**Application #:** BZAP-24-20

**Location:** 2511 E. Main Street

**Zoning:** Mixed Use Commercial (MUC) District and Main Street (MS) District

**Request:**

Special Permit:

- The applicant is seeking a Special Permit to allow a food truck to be located at the rear of the site.

**Applicant:** Matthew Eshelbrenner

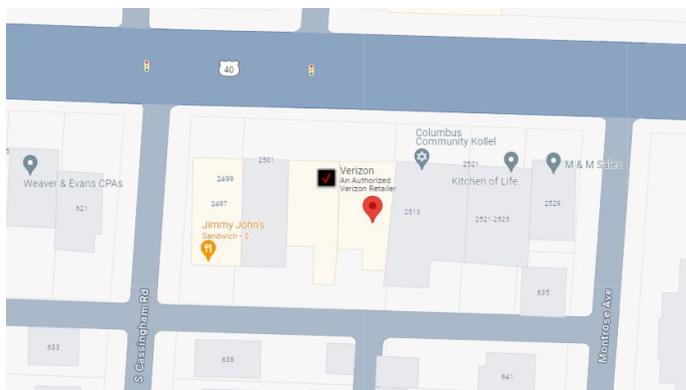
**Owner:** Bexley Hospitality

#### A. STAFF EVALUATION

The proposal is to allow a permanent location for the use of rotating food trucks at the rear portion of the site. This is being proposed as a component of a new tavern use in an existing building.

Since this is an existing building with minor exterior modifications, only a portion of the Main Street District (MS) Design Standards (1154.13) are applicable, and the relevant standards have been considered in this application review.

#### B. BACKGROUND



The site is located on the south side of East Main Street, west of Montrose Avenue. The site is part of a series of commercial buildings and has been various uses over time.

**Zoning:** The project is located in the Mixed Use Commercial District (MUC) (1254.03) and the Main Street District (MS) (1254.06).

#### C. CONSIDERATIONS

This is a tenant space in an existing building that is being reused as a Tavern, which is a permitted use in the MUC District (1254.09). The applicant is requesting to have a permanent location for rotating food trucks on the site, in part to fulfill the requirements of their liquor license. The following are the primary issues related to BZAP review:

**Code Aspects**

There are several Business Regulation Code sections that can be applied to this request.

- *832.04 Retail Sale of Food Items from Mobile, Non-Permanent, Food Carts:* While food carts can be construed differently from food trucks, in the absence of definitions for either in the code, staff believes this code section is best to address this request. This code section requires that a permit be issued by the city for sales of food in a “mobile, non-permanent” facility.
- *820.07 Sale for Outdoor Consumption Prohibited:* This prohibits the sale of food “between the hours of 11:30 p.m. and 6:00 a.m.” if it is intended to be eaten on the premises outside the building or “on the streets or public ways adjacent thereto.”
- *1262.03 Calculating the Number of Spaces Required; 1254.13 Main Street District (MS) Design Standard (ll. through nn.):* Based on the square footage of the use and the various parking reductions, the applicant is in conformance with the parking code, even when removing this rear space for use by a food truck. This is also located in one of only a few areas on Main Street where numerous businesses on one site share the same lot, aiding in managing demand for various uses throughout different parts of the day.

**Site Impacts**

- The applicant is proposing the food truck for the rear of the site where it will not be visible from Main Street.
- The proposed food truck location is entirely on private property.
- The applicant has proposed permanent electric/water/gas hook-ups for the food trucks to eliminate the need for generators or other noise and pollution creating devices.
- There is a one-way alley between the rear of the property and residential uses to the south, with both residential lots having alley-served garages across from the proposed food truck location.
- There is a perpendicular alley directly across from the proposed food truck location to the south.

**Main Street District (MS) District Design Standards**

The proposed development meets the standards of applicability for review under this section (*1254.13(a) through (d)*). The application has been evaluated according to the applicable design standards as follows:

MS District Design Standards		Met / Not Met
(e)	A principal building shall be oriented to address and be nearly parallel to a primary street. Nearly parallel means within 15 degrees of being parallel.	Met
(f)	The minimum building setback along public rights-of-way is zero (0) feet and the maximum building setback is ten (10) feet, except where a Public-Private Setback Zone is provided. Where a Public-Private Setback Zone is provided, a maximum setback of twenty (20) feet is permitted for up to 50% of the building frontage, provided that a major portion of such setback shall be used to create outdoor pedestrian spaces and landscape features.	N/A – existing building
(g)	The width of a principal building along a primary building frontage shall be a minimum of sixty (80) percent of the lot width.	N/A – existing building
(h)	A principal building shall have its main front door facing and directly accessed from Main Street.	Met
(i)	A principal building shall have four-sided architecture utilizing consistent design and materials on each side.	N/A – existing building
(j)	A building frontage that exceeds a width of 50 feet shall include vertical	N/A – existing

	piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of 15 feet to 35 feet along the entire building frontage. The use of windows and design features shall be used to break up large expanses of building walls on all exposed sides of a building.	building
	(k) For a primary building frontage of a commercial use, a minimum of 60 percent of the area between the height of two feet and ten feet above grade shall be in clear window glass that permits a full, unobstructed view of the interior to a depth of at least four feet. For the secondary building frontage, the pattern of window glass shall continue from the primary building frontage a minimum distance of ten feet.	Met
	(l) For any new installation or replacement of upper story windows, the new/replacement windows must be clear/non-tinted glass.	N/A – existing one-story building
	(m) At least 30% of the second and third floor building frontages (as measured from floor to ceiling) must be window glass. This requirement may be waived if historic documentation (e.g. historic photos) from when the building was first constructed can be provided that shows a different percentage of window glass was used on the second and third floor building frontages. In such cases, the historic percentage must be maintained.	N/A – existing one-story building
	(n) All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.	TBD
	(o) No outdoor vending machines shall be located as to be visible from Main Street or any side street	Met
	(p) Backlit awnings are not permitted.	TBD
	(q) Sidewalks are required along all public streets. Sidewalks shall be clear of obstructions and align with adjacent sidewalks.	Met
	(r) The recommended minimum width of public sidewalks on Main Street is eight feet (8'), however protrusions into the public right-of-way and sidewalks for outdoor pedestrian seating and other landscape features are encouraged, provided that a minimum clear sidewalk width of six feet (6') is maintained.	N/A – existing streetscape in larger site
	(s) Landscape plantings, features, and pedestrian amenities shall be developed to create and accent pedestrian areas, and to soften the use of hardscape within the pedestrian zone.	N/A – existing streetscape in larger site
	(t) Street trees shall be required along all street frontages. The minimum number of shade trees required is determined by the formula of one tree per 30 lineal feet, or fraction thereof, of frontage.	Met
	(u) At the time of planting a new shade tree shall have a minimum 2.5 inch caliper trunk and new shrubs for screening shall have a minimum height of 24 inches, and be maintained at that height or greater.	TBD
	(v) In areas without a grass tree lawn, a 2' brick accent strip shall be installed adjacent to the curb line.	N/A
	(w) For all street tree planting beds, a minimum exposed space of 60 square feet shall be provided and edged in granite curbing.	N/A
	(x) Landscape plantings shall be developed to break up expanses of pavement within off-street parking areas.	N/A – existing streetscape in larger site

	(y) All such landscape plantings and features shall be properly maintained, weeded, and watered, and any loss of plant materials shall be replaced in keeping with the approved landscape plan, or within minor modification to the landscape plan according to City Staff approval. The installation and operation of an irrigation system may be required for any planting area. In such cases, the irrigation system must remain operable.	TBD
	(z) The use of landscape features such as pedestrian furniture, decorative railings, tree guards, trash receptacles, bollards and similar such accessories shall reference the Main Street Design Guidelines.	N/A – existing streetscape in larger site
	(aa) A fence shall be provided along a lot line that borders a residentially zoned or used property at a height of 8 feet, as per the requirements in Section <u>1264.05</u> .	N/A
	(bb) A surface parking lot or vehicular circulation area shall be screened from all abutting public streets with a minimum 4-foot solid masonry or stone wall; or a minimum 4-foot decorative metal tube or solid metal bar fence (excluding chain link, wire mesh or other similar material), with a minimum 3-foot wide landscaped area along the parking lot side of the fence.	N/A – existing streetscape in larger site
	(cc) Landscaping is needed for surface parking lots in order to further screen parking from the view of public rights-of-way, provide mitigation for stormwater through reducing, slowing and cooling runoff, and to create visual relief from large pavement areas. This landscaping might be in well-designed border plantings that frame the lot or within landscape beds large enough to sustain plant growth.	N/A – existing streetscape in larger site
	(dd) Dumpsters shall be located behind the principal building and be screened from public view on all 4 sides, to the height of the dumpster.	Met
	(ee) Ground-mounted mechanical equipment shall be located behind the principal building and be screened from public view. Materials and design for ground-mounted screening shall be a masonry wall one foot taller than the utility/mechanical unit it screens and be compatible with the building materials and architectural design.	TBD
	(ff) The height of any parking lot light pole/fixture shall not exceed 18 feet above grade.	Met
	(gg) When located within 25 feet of a residential district the height of a light fixture shall not exceed 14 feet above grade.	Met
	(hh) All lighting must use cut-off type fixtures, to limit glare, and avoid directing light onto neighboring property, streets, or toward the night sky.	Met
	(ii) Paved areas for vehicular use, including parking, stacking and circulation aisles are not permitted between the principal building and a street right-of-way line. This standard does not apply to existing buildings unless they are expanded by fifty (50) percent or more in gross floor area.	N/A – existing building with no expansion
	(jj) Additional curb cuts are not permitted	Met
	(kk) The maximum number of off-street parking spaces shall be one stall per 200 square feet of net floor area (5 per 1000), except for institutional uses.	N/A – existing parking area
	(ll) Minimum parking ratios are as established in the code.	Met

**D. STAFF RECOMMENDATION**

Staff finds the application to be largely in conformance with the Main Street Design Standards and the overall zoning requirements, and recommends issuance of a special permit for operation of a food truck with the following conditions:

1. The food truck will be in the location shown in exhibits submitted for the July 25, 2024, BZAP meeting;
2. The applicant will install and maintain, in good operating order, electric/water/gas hook-ups as needed for food truck operation. No external generators or other devices that create noise or engine emissions are permitted;
3. No food will be sold for outdoor consumption on the site or adjacent rights-of-way between 11:30PM and 6AM;
4. Only one food truck is allowed on the premises at any given time, unless additional temporary permitting is received from the city.