

**REQUEST**

Text amendment to Sections 2.201, 9.802, 9.804, 9.1002, 9.1004, 9.1102, 9.1104, 11.402 and Table 9.101.

**SUMMARY OF PETITION**

The petition proposes to:

1. add a new definition for "commercial kitchen";
2. add "commercial kitchen" as a use by-right in the U-I (urban industrial), I-1 (light industrial), I-2 (general industrial), CC (commercial center), B-2 (general business) and B-D (distributive business) zoning districts; and
3. allow outdoor storage (parking of food trucks and trailers associated with a commercial kitchen) as an accessory use to a commercial kitchen by-right in the U-I (urban industrial), I-1 (light industrial), and I-2 (general industrial) zoning districts, and with prescribed conditions in the CC (commercial center), B-2 (general business), and B-D (distributive business) zoning districts.

**PETITIONER**

Dave Hegnauer

**AGENT/REPRESENTATIVE**

Keith J. Merritt, Hamilton Stephens Steele & Martin, PLLC

**COMMUNITY MEETING**

Meeting is not required.

**STAFF**

**RECOMMENDATION**

Staff recommends approval of this text amendment upon the resolution of outstanding issues related to outdoor storage (parking of mobile food trucks and trailers).

Plan Consistency

The petition is **consistent** with *Centers, Corridors and Wedges Growth Framework* recommendation for broadening the economy to include emerging industries.

Rationale for Recommendation

- The growth and expansion of mobile food truck and catering businesses has resulted in the growing need for commissary or commercial kitchens to serve as locations for commercial food service providers to prepare, package, and store food at proper food temperatures, in a sanitary environment, and to store products and equipment.
- This petition supports commercial kitchens by clarifying they are allowed by right in the B-2, B-D, CC, U-I, I-1 and I-2 zoning districts.
- Commercial kitchens are consistent with other typical retail-based businesses allowed in the proposed zoning districts.
- The petition allows accessory outdoor storage (parking of mobile food trucks/trailers) for a commercial kitchen in the U-I, I-1 and I-2 zoning districts, which are consistent with other heavier commercial and industrial uses allowing outdoor storage.
- Allows accessory outdoor storage (parking of mobile food trucks/trailers) for a commercial kitchen in the CC, B-2, and B-D zoning districts, with prescribed conditions.
- However, allowing accessory outdoor storage of third-party trucks/trailers in the CC district, would result in the addition of an accessory use more appropriate in a heavier commercial or industrial area and not compatible with CC uses, especially residential.
- Accessory outdoor storage of any type is not permitted in the CC zoning district. The outdoor storage of mobile food trucks/trailers

is not consistent with the development context for the CC zoning district.

## PLANNING STAFF REVIEW

- **Background**

- This text amendment has been submitted by a private entity to resolve a notice of violation (NOV) issued to The City Kitchen, a commercial kitchen, operating at 9545 Pinnacle Drive. The Pinnacle Drive property is zoned CC (commercial center), and the zoning site plan allows restaurant, retail, office and climate controlled self-storage uses.
- A notice of violation (NOV) was issued by Code Enforcement to The City Kitchen in November 2018. The NOV states that the commercial kitchen for mobile food vendors is not a permitted use in the CC zoning district. In addition, the accessory outdoor storage of third-party mobile food trucks/trailers is not permitted in the CC zoning district.

- **Proposed Request Details**

The text amendment contains the following provisions:

- Adds a definition for “commercial kitchen”: A commercial shared use kitchen used on a contract basis by food service providers to prepare, fabricate, package and store food, food products and equipment.
- Adds commercial kitchen as a use allowed by-right in the CC, B-2, B-D, U-I, I-1, and I-2 zoning districts.
- Allows outdoor storage (parking of vehicles such as mobile food trucks and trailers) as an accessory use by-right in the U-I, I-1, and I-2 zoning districts.
- Allows outdoor storage (parking of vehicles such as mobile food trucks and trailers) associated with a commercial kitchen as an accessory use with prescribed conditions in the CC, B-2, and B-D zoning districts. The prescribed conditions are:
  - The mobile food trucks and trailers must be utilized by the food service providers contracting to use the commercial kitchen;
  - The mobile food trucks/trailers must be owned or leased by the food service provider contracting to use the commercial kitchen;
  - The mobile food trucks/trailers must be registered and licensed by the State of North Carolina and be in operating condition; and
  - One parked vehicle is allowed for every 500 square feet of the commercial kitchen; and
  - The parking area used for mobile food trucks and trailers shall not reduce the number of required parking spaces for the business use.

- **Public Plans and Policies**

- The *Centers, Corridors and Wedges Growth Framework* provides policy guidance to broaden the economy to include emerging businesses.

- **TRANSPORTATION CONSIDERATIONS**

- No comments submitted.

## DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Not applicable
- **Charlotte Water:** No comments submitted.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**

1. Delete outdoor storage (parking of mobile food trucks and trailer) as an accessory use in the CC zoning district and all prescribed conditions.

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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