



CITY OF EMPORIA

PUBLIC HEARING

1. Conditional Use Permit Request – Mobile Food Unit

AGENDA
EMPORIA PLANNING COMMISSION
Regular Meeting
TUESDAY, AUGUST 8, 2017 - 6:30 P.M.

ROLL CALL

APPROVAL OF MINUTES

July 11, 2017 ~ Public Hearing & Regular Meeting

APPROVAL OF AGENDA

NEW BUSINESS

17-07– Conditional Use Permit Request – Mobile Food Unit

PUBLIC COMMENT

PUBLIC HEARINGS

1. Zoning Code Amendment Request – Mobile Food Units

The Planning Commission held three Public Hearing on Tuesday, July 11, 2017, at 6:30 p.m. in the Council Chambers of the Municipal Building, located at 201 South Main Street, Emporia, Virginia. Commissioner Saunders presided over the hearing.

The following Commissioners were present:

Mr. Chris Thompson
Mr. Thomas L. Vaughan
Mr. James C. Saunders

Mr. Williams S. Newsome, III
Mr. Clifton Threat

1. Zoning Code Amendment Request – Mobile Food Units

Mr. Thrower stated that Daniel Grizzard has submitted a zoning code amendment application to add “Mobile Food Units” as a permitted use in the DT Downtown District. He also stated that Mr. Grizzard is requesting the City allow this use on Alvin Pair’s vacant lot on E. Atlantic Street. He further stated that the parcel is identified as City Tax Map Number 143-A-0-24 and is currently zoned DT Downtown District. He advised that the requested use is not currently listed as a permitted use in any zoning district within the City.

He reported that as stated in Sec. 90-80 (a) of the City’s zoning code the Downtown District “is hereby recognized as an integral part of the city’s unique character and the goal of this section is to promote the conservation and preservation of the city’s downtown areas and to encourage retail, general commercial business establishment and other appropriate mixed uses to which the public requires direct and frequent access and is characterized by constant heavy traffic and by noises of congestion. He also reported that this DT downtown district includes such uses as retail stores, banks, offices, restaurants and taverns in the central area of the city.”

He advised that the Virginia Department of Health (VDH) defines a “Mobile Food Unit” as a “food establishment mounted on wheels, readily moveable from place to place at all times during operation and shall include, but not limited to, pushcarts, trailers, trucks, or vans. He also advised that the unit, all operations, and all equipment must be integral to and be within or attached to the unit.” He further advised that Mobile Food Unit vendors are required to obtain a permit through VDH prior to commencing operations.

Mr. Thrower provided the following recommendation:

He stated that in reviewing the purpose and intent of the DT Downtown District, as well as other permitted uses in the DT Downtown District, he recommended that Sec. 90-80 (b) of the City’s zoning code be amended to list “Mobile Food Units with Conditional Use Permit” as a permitted use in the DT Downtown District. He also stated that requiring a conditional use permit will help ensure proper development standards are met and that potential impacts to surrounding properties are addressed through conditions. He further stated that it will also allow time for staff to research how other localities regulate Mobile Food Units through conditions or by ordinance.

He advised that the Planning Commission will need to make their recommendation to City Council regarding this request. He also stated that City Council will consider this request and your recommendation at its July 18, 2017 meeting.

Mr. Saunders asked if there was anyone present who wished to speak regarding this matter.

With there being no comments to come before the Planning Commission, Mr. Saunders declared the public hearing closed.

MINUTES
PLANNING COMMISSION
CITY OF EMPORIA MUNICIPAL BUILDING
July 11, 2017

Note to Reader: Although the printed agenda document for this Planning Commission meeting is not part of these minutes, the agenda document provides background information on most all of the items discussed by the Commission at this meeting. The Secretary of the Planning Commission maintains the agenda document. One may see a copy of the agenda for this meeting by contacting the Secretary.

The Planning Commission held a Regular Meeting on Tuesday, July 11, 2017 at 6:30 P.M. in the Council Chambers of the Municipal Building located at 201 South Main Street, Emporia, Virginia. Commissioner Saunders presided over the meeting.

ROLL CALL

Upon roll call, the following Commission members indicated their presence:

Mr. Thomas L. Vaughan	Mr. Chris Thompson
Mr. Williams S. Newsome	Mr. Clifton Threat
Mr. James C. Saunders	

Absent: Mr. Woodrow L. Bryant, Jr.
Mr. Edward V. Lankford, IV
Mr. William C. Slate, III
Mr. William Powell

Others present: Brian S. Thrower, City Manager
Lori R. Jarratt, Secretary

APPROVAL OF MINUTES

Mr. Newsome made a motion to approve the June 13, 2017 Public Hearing and Regular Meeting Minutes as amended, seconded by Mr. Vaughan which passed as follows:

Mr. Vaughan	aye	Mr. Thompson	aye
Mr. Newsome	aye	Mr. Threat	aye
Mr. Saunders	aye		

APPROVAL OF AGENDA

Mr. Thrower stated that there was the addition of a **Public Hearing** on the agenda.

Mr. Thompson moved to approve the agenda as amended, seconded by Mr. Threat which passed as follows:

Mr. Vaughan	aye	Mr. Thompson	aye
Mr. Newsome	aye	Mr. Threat	aye
Mr. Saunders	aye		

NEW BUSINESS

17-04. Zoning Code Amendment Request – Mobile Food Units

Mr. Saunders advised that this items was the subject of the public hearing previously held.

Mr. Vaughan made a motion to recommend to City Council the approval of the Zoning Code Amendment Request – Mobile Food Units, seconded by Mr. Newsome.

Mr. Saunders inquired that if the conditional use permit could be pulled once the code is amended. Mr. Throrer advised that if the code was amended as a permitted use with a conditional use permit and then City Council came back and passed a formal ordinance that governed which districts mobile food units are permitted in by right with specific conditions then a conditional use permit would not be necessary.

Ms. Saunders inquired about the difference in the permitted uses of food truck and an ice cream truck. Mr. Throrer advised that it would be defined the same way the health department defines and also the same way that he proposed.

Mr. Newsome inquired as to how you would put a conditional use permit on a mobile ice cream truck. Mr. Throrer advised that is the ice cream truck is not sitting in one spot then it would fall under a general business license. He also advised that the request will be a stationary on private property and an ice cream truck is steadily moving in the road.

The votes were as follows:

Mr. Vaughan	aye	Mr. Thompson	aye
Mr. Newsome	aye	Mr. Threat	aye
Mr. Saunders	aye		

PUBLIC COMMENT

Mr. Saunders asked if anyone would like to address the Planning Commission.

With there being no comments to come before the Planning Commission, Mr. Saunders closed the public comment portion of the meeting.

ADJOURNMENT

With no further business to come before the Planning Commission, Mr. Threat made a motion to adjourn the meeting.

James C. Saunders

Date

Lori Jarratt, Secretary

Date



CITY OF EMPORIA

Memorandum

August 4, 2017

TO: Planning Commissioners

FROM: Brian S. Thrower, City Manager *BST*

SUBJECT: Conditional Use Permit Request – Mobile Food Unit

ITEM #: 17-07

Daniel Grizzard has submitted a conditional use permit application to operate a mobile food unit on Alvin Pair's vacant lot on E. Atlantic Street. The parcel is identified as City Tax Map Number 143-A-0-24 and is currently zoned DT Downtown District. The requested use is allowed in the DT Downtown District with conditional use permit.

As stated in Sec. 90-80 (a) of the City's zoning code the Downtown District "is hereby recognized as an integral part of the city's unique character and the goal of this section is to promote the conservation and preservation of the city's downtown areas, and to encourage retail, general commercial business establishment and other appropriate mixed uses to which the public requires direct and frequent access and is characterized by constant heavy traffic and by noises of congestion. This DT downtown district includes such uses as retail stores, banks, offices, restaurants and taverns located in the central area of the city."

The Virginia Department of Health (VHD) defines a "Mobile Food Unit" as a "food establishment mounted on wheels, readily moveable from place to place at all times during operation and shall include, but not be limited to, pushcarts, trailers, trucks, or vans. The unit, all operations, and all equipment must be integral to and be within or attached to the unit." Mobile Food Unit vendors are required to obtain a permit through the VDH prior to commencing operations.

Recommendation

I recommend Mr. Grizzard be granted a conditional use permit to operate a mobile food unit on Alvin Pair's vacant lot on E. Atlantic Street for twelve months with an expiration date of August 21, 2018. Mr. Grizzard will need to re-apply for a conditional use permit next year, if he so desires. This will allow the City time to determine whether any adverse impacts have resulted from the operations. I also recommend the following conditions be attached to the issuance of the conditional use permit:

- 1) Mobile food unit shall have a minimum setback of 25 feet from the sidewalk.
- 2) Mobile food unit operator shall not sell anything other than food and non-alcoholic beverages and items incidental to the product and its consumption;
- 3) Mobile food unit operator shall not set up more than (1) covered 10X10 table to provide condiments to patrons. Seating for patrons shall not be allowed;
- 4) Mobile food unit operator shall ensure patrons do not loiter on the property;
- 5) Mobile food unit operator shall not play any music that is audible outside of the unit;
- 6) Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. daily;
- 7) Mobile food unit shall be removed from the property each day;
- 8) Mobile food unit operator shall not place or utilize any signage that is not permanently affixed to the unit;
- 9) Mobile food unit operator shall provide at least (1) trash receptacle and properly dispose of all trash, compost, and garbage that is generated by the use. The area in and around the unit must be kept clean and free of all debris, food, drinks, and any and all trash and/or refuse which may produce an unsightly and/or unsanitary condition;
- 10) Mobile food unit operator shall not allow any liquid wastes to be discharged from the unit;
- 11) Mobile food unit operator shall obtain written permission from the property prior to operating and provide a copy to the City;
- 12) Mobile food unit operator shall obtain a business license from the City prior to operating;
- 13) Mobile food unit operator shall obtain a permit from the Health Department prior to operating and provide a copy to the City;

Should any of the aforementioned conditions not be met or continue to be met, City Council, at its own discretion or by recommendation of staff, may revoke the permit at any time. City Council may also revoke the permit for activities or conditions deemed a public nuisance resulting from the use of the property.

You will need to make your recommendation to City Council regarding this request. City Council will consider this request and your recommendation at its August 15, 2017 meeting.

Attachments

Application

Photo of Property

Zoning Map

Tax Map Sheet

Sec. 90-80 DT Downtown District



CITY OF EMPORIA
 Planning Department
 201 South Main Street
 Emporia, Virginia 23847
 (434) 634-3332
 (434) 634-0003 /fax



LAND USE AMENDMENT APPLICATION
Information must be typed or printed and completed in full.
Attach additional pages where necessary.

LAND USE INFORMATION

Application Type: (Circle One): Variance Rezoning **Conditional Use Permit**
 Special Exception **Amendment** Appeal
 Telecommunications Tower Co-location on existing tower

Description of Request: Mobil Food unit

Existing Zoning: DT Proposed Acreage: _____

APPLICANT/AGENT INFORMATION

Applicant(s): Daniel Grizzard Home/Cell# (434) 594-1582
 Address: 1084 Greenplains R.d. Work# _____
 Agent(s): _____ Home/Cell# _____
 Address: _____ Work# _____
 Email Address: DPG 78 Bird@gmail.com

PROPERTY OWNER INFORMATION

Property Owner's Name and address (see note on last page):
Alvin Pair
Drx Bread R.d.

Property Owner's Mailing Address (If this address is different from that listed in the Assessor's Office.):

Property Tax Parcel Number: Phone# (434) 637-3431

Is the applicant: Property Owner Contract Purchaser Other: _____

If you are the agent for the property owner, do you have consent of the owner attached? **Y/N**

SUBJECT PARCEL INFORMATION

Location of Property

East Street - DT-

Street Address

Tax parcel ID number

General Description of Property

VACANT Lot EAST ATLANTIC

Current Zoning (circle one)

R-1 R-2 R-3 R-PRD R-3MHS C-1 C-2 I-1 I-2 DT Other _____

Proposed Zoning (for rezoning request)

R-1 R-2 R-3 R-PRD R-3MHS C-1 C-2 I-1 I-2 DT

Existing Use(s) of Property

A. Explain fully the proposed use, type of development, operation program, reason for this request, etc.:

would like to setup mobile food unit that will be pulled out daily.

B. Section(s) of the City Code that pertain to this request

C. State how this request will not be materially detrimental to adjacent property, the surrounding neighborhood or City in general. Include where applicable; information concerning use of public utilities/services, relationship to the comprehensive plan effect of request on public schools, traffic impact, means of access to nearest public road, existing and future area development, etc.

D. Has any previous application for a land use amendment been filed in connection with these parcels? List case numbers and explain any existing use permit, special exception, conditional use or variance previously granted on the parcels in question. If this application is to amend an existing special use permit, special exception, or other applicable amendment, please explain the request (proposed change in structure(s) including all signs).

N/A

E. Proffers and Conditions

List any conditions or proffers currently associated with this property.

Will Need Electrical Connect

If the applicant proffers any conditions (§ 15.2-2297 of the Code of Virginia), they must:

- 1) Have a reasonable relationship to the rezoning
- 2) Not include a cash contribution to the City of Emporia
- 3) Not include mandatory dedication of property
- 4) Not include payment for construction of off-site improvements

Proffers may be amended in writing prior the Planning Commission public hearing.

If this is an application for a **conditional zoning**, the following conditions are voluntarily proffered:

F. Please list any and all restrictive covenants, deed restrictions and other special considerations:

G. If required by the Zoning Administrator, attach a site plan / plot plan / survey plat / building dimensions / densities showing the location(s) of existing and proposed structures to be erected and applicable setback lines and distances including all zoning district requirements.

Notes:

- (1) Special use permits shall be for an indefinite period of time unless the Planning Commission imposes a condition specifying a shorter duration. Such permits shall run with the land unless the City of Emporia imposes a more restrictive condition with regard to the succession to rights in such a permit.

- (2) The City of Emporia may include, as part of the ordinance granting any conditional use permit, suitable regulations and safeguards as it may deem appropriate. Once a special use permit is approved subject to such conditions, they shall be deemed to be a part of the zoning ordinance and may be enforced by the zoning administrator. Conditions attached to a special use permit may only be amended or deleted by subsequent application for the purpose.
- (3) This application for a conditional special use permit must be accompanied by two (2) copies of any required site plans or plot plans.

H. If requesting a variance, explain the unique physical hardship or extraordinary situation (size, shape, topography, etc.) that is justification for the request:

I. Explain how the zoning ordinance prohibits or unreasonable restricts the use of the property.

J. Applicant Remarks

K. The required fee must accompany this application. A fee schedule is attached for your convenience. Checks must be made payable to: "Treasurer, City of Emporia".

L. Enclosed with the application, a copy of the appropriate county tax map with the property marked and, if available, a surveyed plat of the entire parcel.

M. Enclose with this application any required plans or plats (plans must be folded).

N. Enclose with this application any additional information to assist with review and determination.

O. I/We hereby certify that to the best of my/our knowledge all the above statements and the statements contained in any exhibits transmitted are true and that the adjacent property owners listed herewith are the owners of record as of the date of the application:

Date: _____, 20 17

SIGNATURE OF AGENT* _____
(Name of person other than, but acting for, the property owner and responsible for this application.)

AGENT'S NAME _____
(Typed or printed)

SIGNATURE OF APPLICANT** *Daniel Grizzard*
(Same name as used in Item 2, Page 1)

APPLICANT'S NAME Daniel Grizzard
(Typed or printed)

Notes: Incomplete application will not be accepted. Any request that requires plans must be accompanied by those plans at the time submission of the application.

For Office Use by the City of Emporia Dept. of Planning and Zoning and/or the Planning Commission

Zoning Subdivision Code (90-14 or 66-8): Fee Paid:

Copy of Receipt attached

Action Taken:

Planner / Zoning Administrator

Date

Planning Commission

Date

City Council

Date

PERMIT FEES

VARIANCE	\$300.00
REZONING	\$400.00 + 50/lot
CONDITIONAL USE PERMIT	\$300.00
TELECOMMUNICATIONS TOWER (CONDITIONAL USE)	\$1,500.00 per plus review by private consultant if deemed necessary for final approval
CO-LOCATION ON EXISTING TOWER (CONDITIONAL USE)	\$300.00 per plus review by private consultant if deemed necessary for final approval
SPECIAL EXCEPTION	\$300.00
AMENDMENT TO CONDITIONAL USE	\$300.00
RENEWAL OF CONDITIONAL USE	\$300.00
REQUEST FOR PRIVATE ROAD- NAME/SIGN	\$100.00
REQUEST TEXT AMENDMENT	\$400.00
APPEAL	\$300.00
AMENDMENT TO PROFFERED REZONING	\$300.00

City of Emporia
Emporia VA 23847
LIEN AGENT:

Conditional Use Permit

PERMIT NUMBER: 0000157 - 2017
USBC: 2012
APPLICATION DATE: 5/17/2017
ISSUANCE DATE: 5/31/2017
RENEWAL DATE: 5/31/2017
DATE: 5/31/2017

OWNER NAME/ADDRESS
PAIR ALVIN B JR
P O BOX 822
EMPORIA VA 23847
PHONE:

SITE ADDRESS
EAST ATLANTIC STREET
DANIEL GRIZARD-BITE ME DOG
EMPORIA, VIRIGNIA 23847

CONTRACTOR NAME/ADDRESS
OWNER
PHONE: 000 000 0000

RE ACCOUNT#: 15940
TAX MAP NO.: 143A 0 24

DESCRIPTION OF CONSTRUCTION LOCATION
LOT: BLOCK:

SECTION: BLDG NO.:

SET-BACKS:

FRONT: BACK:
RIGHT: LEFT:
CNTR : FRTGE:

HEALTH PERMIT NO.:
FLOODPLAIN:
AREA:
RIGHT-OF-WAY:

DISTRICT:
SUB-DIVISION:
ZONE:
S/E CUP NO.: SITE PLAN:

DIRECTIONS TO SITE:

USE GROUP:
CNST.TYPE:

USE CODE:
NATURE/WRK: zoning compliance-set mobile food unit on vacant lot

SQ FEET:

Conditional Use Permit

JOB VALUE:

PERMIT FEE:

ALL WORK TO CONFORM TO THE CURRENT EDITION OF THE STATE BUILDING CODE.

PERMIT HOLDER SHALL CALL FOR ALL REQUIRED INSPECTIONS AS REQUIRED BY STATED & LOCAL LAW.

TOTAL FEES:

REQUIRED SIGNATURES

PROPERTY OWNER SIGNATURE: _____

DATE: _____

AGENT SIGNATURE: _____

DATE: _____

PLANNER/ZONING ADMINISTRATOR: _____

DATE: _____

PLANNING COMMISSION: _____

DATE: _____

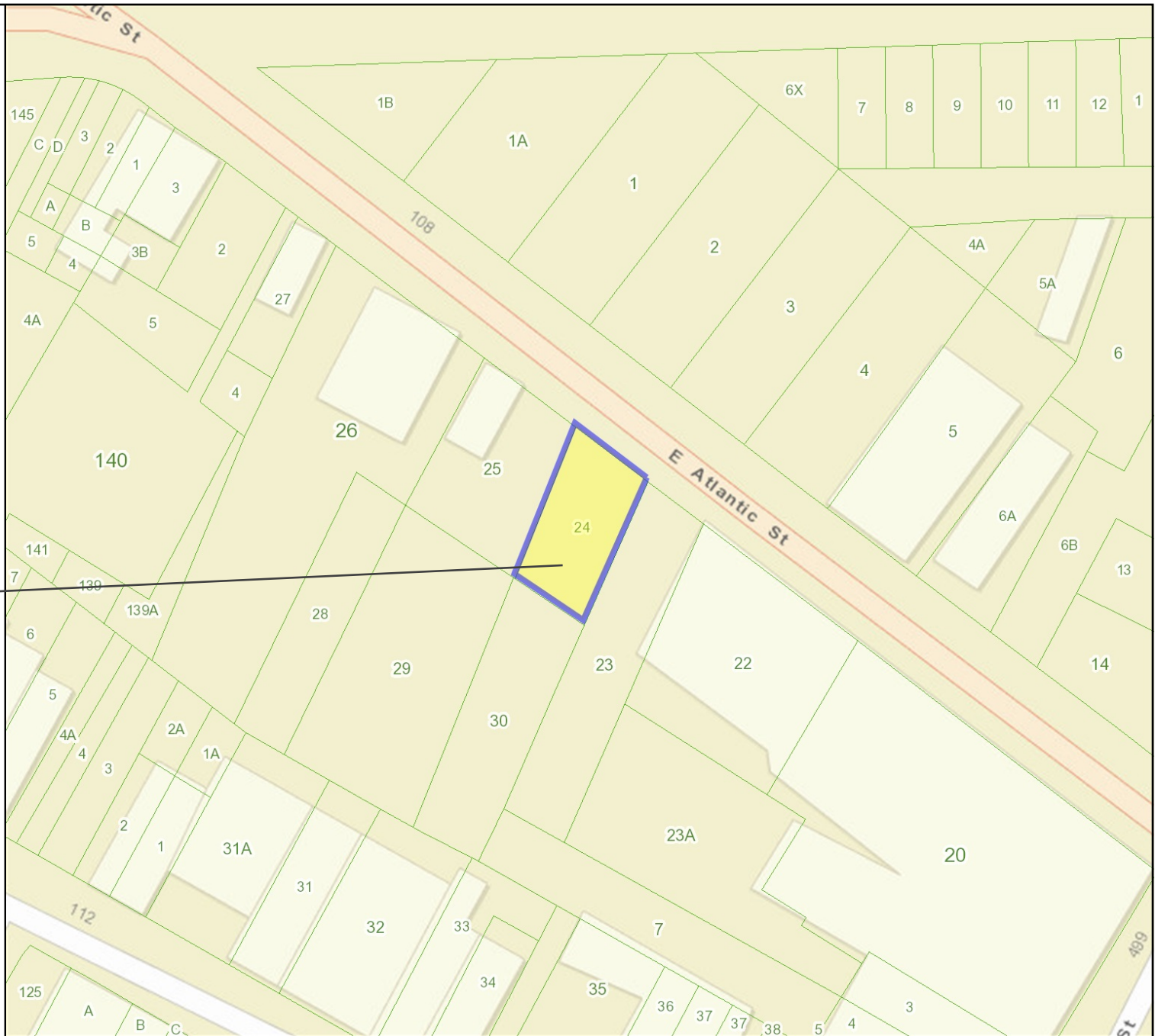
CITY COUNCIL: _____

DATE: _____

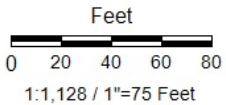
City of Emporia, Virginia

Legend

- City Boundary
- Parcels
- Streams and Rivers
- Water Bodies



Subject Property



Title: 143-A-24

Date: 8/4/2017

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Emporia is not responsible for its accuracy or how current it may be.



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CANAR

City of Emporia, Virginia

Map Pin	Tax Map Number	Address	Deed Book Reference
143-A-24	143 -A -0 -24	0 EAST ATLANTIC STREET Emporia, Va 23847	IN09000118

Owner Information	
Owner	PAIR ALVIN B JR
Owner's Address:	P O BOX 822 EMPORIA VA 23847

Summary			
Property Information			
Residential	No Data	Well	No Data
Commercial	No Data	Spring	No Data
Class	COMMERCIAL/INDUSTRIAL	Paved Road	Y
Zone	DOWNTOWN DIST	Improvement Value	0
Property Use	PARKING AREA	Land Value	7000
Description Land Area	No Data	Sale Price	20000
Size Main Land Area	No Data	Sale Date	01/27/2009
Computed Main Land Area	0	Account Number	15940
Public Water	No Data	Dirt Road	No Data
Public Sewer	No Data	Road	No Data
Septic System	No Data	Sidewalk	No Data
Underground Utility	No Data	Topography	LEVEL
Gutter	Y		

Improvement Information			
Year Built	No Data	Split Foyer	No Data
Year Remodeled	No Data	Central Heat	No Data
Year Assessed	2016	Central Air	No Data
Number Stories	0	Roof Type	No Data
Number Rooms	0	Exterior Type	No Data
Number Bedrooms	0	Basement Type	No Data
Number Bathrooms	0	Exterior Condition	No Data
Number Fireplaces	0	Foundation Type	No Data
Number Chimneys	0	Floor Type	No Data
Split Level	No Data	Wall Type	No Data
Building Description	No Data	Heat Fuel Type	No Data
Square Footage	0	Subdivision	ATLANTIC ST. EAST

Previous Owner**Previous Owner 1**

Previous Owner	SYKES KAY SANDRA JOYNER
Datebase Reference	221 P569
Previous Owner's Address	1280 SUSSEX DR EMPORIA VA 23847
Date of Transfer	01/27/2009
Sale Price	0

Previous Owner 2

Previous Owner	JOYNER, W D ESTATE
Datebase Reference	84 P281
Previous Owner's Address	No Data
Sale Price	0

(b) *Uses permitted.* Permitted uses in a DT district shall be as follows:

Art galleries and studios.

Assembly halls.

Automotive sales and service with the screening of impound/storage areas with conditional use permit.

Bakeries.

Banks and financial institutions.

Banquet facility.

Barber and beauty shops.

Bed and breakfast and tourist homes.

Billiard parlors and pool rooms.

Bookstores.

Bowling alleys.

Business offices and display rooms.

Child care centers.

Churches.

Clubs and lodges.

Convenience stores.

Delicatessen.

Department stores.

Drugstores.

Dry goods or notion stores.

Flower, gift, record and tobacco shops.

Furniture stores.

Grocery stores.

Hardware stores.

Hotels/motels.

Household appliance stores.

Jewelry stores.

Laundromats and dry cleaners.

Libraries.

Machinery sales and service with conditional use permit.

Magazine and news stands.

Mobile Food Units with conditional use permit.

Newspaper printing establishments.

Nightclubs with condition use permit.

Pet service and supply establishments.

Photographer.

Post office.

Printing establishments.

Professional and public offices.

Recreation centers.

Repair, sale and service of bicycles, locks, lawn mowers and other small engines or appliances.

Radio and telecommunication stations with conditional use permit.

Residential uses, single and multi-family, above ground level floors.

Residential use, apartment, on the ground level floor with conditional use permit provided the dwelling is located at the rear of the structure and is occupied by the current property owner(s) or business owner(s) of a business operating in the structure. Furthermore, the residential area should not be visible from the commercial space and shall not occupy more than 50 percent of total ground floor area as shown in a floor plan provided to the city for review.

Restaurants, excluding drive-in or curbside service types.

Shoe repair shops.

Tailors.

Taxicab establishments.

Theaters.

Variety stores.

Wearing apparel stores.

Wine and beer shops.