



## STAFF REPORT

### PLANNING & DEVELOPMENT DEPARTMENT JANUARY 11, 2022

**Application #:** 2022-02  
**Project Name:** Mobile Food Vendors and Mobile Food Vendor Courts  
**Application:** Land Use Code Amendment  
**Representative:** City of Fruita  
**Request:** This is a request for approval of amendments to Title 17 of the Fruita Municipal Code concerning the addition and inclusion of mobile food vendors and mobile food vendor courts.

#### **BACKGROUND:**

This proposed Land Use Code includes a number of different sections of the Land Use Code in order to create more transparent regulations concerning mobile food trucks and create a process to allow the use of a Mobile Food Vendor Court. City Council provided Staff direction on this topic at their November 30, 2021, workshop. The amendments include defining a Mobile Food Vendor and what a Mobile Food Vendor Court is. Currently, the Land Use Code does not contain a definition of a mobile food vendor, this amendment would include a definition.

The proposed additions to the Land Use Code also include language on how a Mobile Food Vendor Court could be allowed as a permanent type of use in zone districts that allow food service (i.e., restaurants), the changes would require that the application be reviewed in the same fashion as a Site Design Review process. This would help ensure that signage, parking, access, landscaping, wastewater discharge, sanitary facilities, and utilities are adequate to the proposed use.

It should be noted that mobile food trucks may still operate as a temporary use, similar to how they have been permitted in the past. The other addition is to allow mobile food trucks to operate as an accessory use to a primary use. This means that an existing business (permanent use), may allow for a mobile food truck to operate on their property without additional permits through the city as an accessory use. By way of example, the Wave Drinks business (formally Quench Drinks) does not prepare food on site at its location, however, a complimentary use to their business is to have a mobile food vendor on their property. By removing the requirement for a temporary use permit every time a mobile food vendor wants to do business on their property, the opportunity for mobile food vendors becomes simplified.

## **REVIEW OF LAND USE CODE REQUIREMENTS:**

**17.09.080 (B) Approval Criteria. Amendment to this Title may be made upon a finding that the amendment is consistent with the city's goals, policies and Comprehensive Plan.**

Allowing Food Trucks, or mobile food vendors, has been in the Land Use Code for several years. Although mobile food vendors are not specifically addressed in the Master Plan, it is important to continue to be flexible while implementing the intentions of creating and maintaining a vibrant, pedestrian-oriented downtown.

The Master Plan calls out five (5) Plan Themes, one of which is 'A Thriving Downtown' which states, "*The City of Fruita supports a thriving downtown with strong local businesses, an inviting streetscape, and events and places that encourage the community to gather. Flexible design standards support creative uses of downtown spaces, and higher-than-existing surrounding residential densities creates a variety of housing units and types for residents to frequent businesses*" (Page 5, Fruita In Motion Comprehensive Plan).

Additionally, it is a commitment of Staff to continue to review the Land Use Code to help ensure that the regulations reflect the best promotion of Fruita's Core Services. Staff believes these amendments meet this criterion.

## **REVIEW COMMENTS:**

No reviewer expressed concerns regarding this proposed Land Use Code amendments. The Mesa County Building Department and the Lower Valley Fire District are aware of these amendments and will continue to be part of future reviews.

## **PUBLIC COMMENTS:**

At this time, no written public comments have been received regarding this proposed Land Use Code amendment.

## **LEGAL NOTICE:**

### 17.07.040 (E)(3)

When a proposed amendment to the zone district regulations pertains to an entire zone district or all zone districts, notice shall be given only by publication in a newspaper of general circulation within the city, at least 15 days prior to the public hearing and posting of the notice at least five (5) days prior to the hearing at the Fruita City Hall, 325 East Aspen, Fruita, CO 81521, with no posting on any specific property or mailing required.

Legal Notice in Paper- December 22, 2021 (20 days prior to public hearing)  
Posted Legal Notice- December 17, 2021 (25 days prior to public hearing)

**STAFF RECOMMENDATION:**

Staff recommends **approval** of the proposed Land Use Code amendments.

**SUGGESTED MOTION:**

Mr. Chair, I move we recommend (**approval**/denial) of the proposed Land Use Code amendments to the Fruita City Council concerning mobile food vendors and mobile food vendor courts.

**FRUITA PLANNING COMMISSION:** January 11, 2022.

**FRUITA CITY COUNCIL:** February 15, 2022.