



## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** December 20, 2023  
**PREPARED BY:** Scott Dunlop, Director  
**DEPARTMENT:** Development Services

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### AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a Food Court Establishment at 13538 N. FM 973.

### BACKGROUND/SUMMARY:

This property is in our ETJ but regulated by the Shadowglen Development Agreement. It is the former temporary location of Compass Rose and at the intersection of N. FM 973 and Shadowglen Trace. When Compass Rose was located on the property, they constructed paved parking and installed drainage, landscaping, and utility services. Once their permanent location was opened, they removed the trailers, but the other improvements remained. The property owner would like to allow food trucks to be located on the property where the school trailers used to be.

Under the Shadowglen Development Agreement, only listed uses are permitted and anything not listed must be approved by the Planning and Zoning Commission and City Council. Specifically stating "(kk) Uses as determined by the Commission and/or the Council which are closely related and similar to those listed and that are not likely to create more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted, such permitted uses being generally retail trade, service industries that store and distribute goods and materials, and are in general dependent on raw materials refined elsewhere." When the Shadowglen DA was written, Food Courts were not a part of our zoning code so they weren't considered when compiling the list of permitted uses in Shadowglen. The list of permitted uses is provided in the backup.

Following the requirements for Food Courts within the city limits, this property meets all but 1 of the requirements: they are not permitted within 300' of any property that permits residential use. Additionally, at the Commission's or Council's request, permanent seating, canopies, restrooms, and dumpster enclosures can be required. These are the restrictions within the city limits though and do not strictly apply in this case but can be used as reference when considering the use. The full list of requirements for Food Courts in the city limits is also provided in the backup. For the proximity to residential use, the nearest residential use property line is the Flats at Shadowglen at 292' measuring from where the food trucks would be placed to the residential property line. However, measuring from the area of the food trucks to the residential buildings provides a distance of 532' to the Flats at Shadowglen as well as 492' to the nearest home on Silverstream Lane.

When considering the use, the Commission may:

1. Provide a maximum number of food trucks permissible on the property
  - a. The property owner has requested and shown 6 food trucks
2. Provide the location/area where food trucks may be located on the property
  - a. The property has shown the food trucks located only within the gravel area
3. Provide for the provision of seating, canopies, restrooms, and dumpster enclosures
  - a. The property owner has shown seating and says they'll have portapotties which may be upgraded to larger air-conditioned comfort stations

The Planning and Zoning Commission voted 6-0 to recommend approve with a limit to 5 food trucks and limiting portapotties to 6 months before they are changed to comfort stations.

**LEGAL REVIEW:** No  
**FISCAL IMPACT:** No  
**PRESENTATION:** No  
**ATTACHMENTS:** Yes

- Letter request
- Dev. Agreement Comm. Permitted Uses
- In-City Food Court regulations
- Proximity to Existing Residential

**STAFF RECOMMENDATION:**

The City Staff recommends that the City Council approve a Food Court Establishment at 13538 N. FM 973 with considerations determined by the City Council for a maximum number of food trucks, location of food trucks, and amenities.

<b>PLANNING &amp; ZONING COMMISSION:</b>	<b>Recommend Approval</b>	<b>Disapproval</b>	<b>None</b>
	<b>X – with modifications</b>		

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