

Town of Little Elm

JUNE 4, 2024

TOWN COUNCIL

INTEGRITY | CUSTOMER SERVICE | EFFICIENCY | INNOVATION



LITTLE ELM

PUBLIC HEARING
Simply French Commissary
Kitchen (SUP-24-000839)

Location



Background

The subject property is part of large scale Planned Development (PD) originally zoned 2001 through Ordinance No. 521, for office and retail uses

In 2009, Ordinance No. 953 amended the office/retail area of the existing PD, establishing Light Commercial zoning and changed site development standards:

- Rear yard setback;
- Landscaping standards; and,
- Establishing standards for multi-Tenant Monument signs.

The subject property was developed in 2022 and the single commercial retail building shell was constructed in 2023.

- The building is designed to have up to 5 tenants with 2 of the suites already leased out, a martial arts studio and Medstar Family Care Center.

Background

In February 2024, the applicant reached out regarding opening a commissary kitchen, in addition to other functions permitted by right, such as a grab-and-go restaurant and an ancillary training space.

A commissary kitchen is allowed in Light Commercial zoning districts through a Specific Use Permit (SUP).

A commissary kitchen is defined in the Zoning Ordinance as:

“A facility that is the home base for a restaurant-equipped vehicle that serves as a mobile food vendor. The commissary also is used for the storage and partial production of food items that are delivered to customers by the mobile food vendor located away from the commissary location.”

Since the use of the space as a culinary classroom and grab-and-go restaurant is allowed by right, finish out work was allowed to proceed concurrently with the SUP request process.

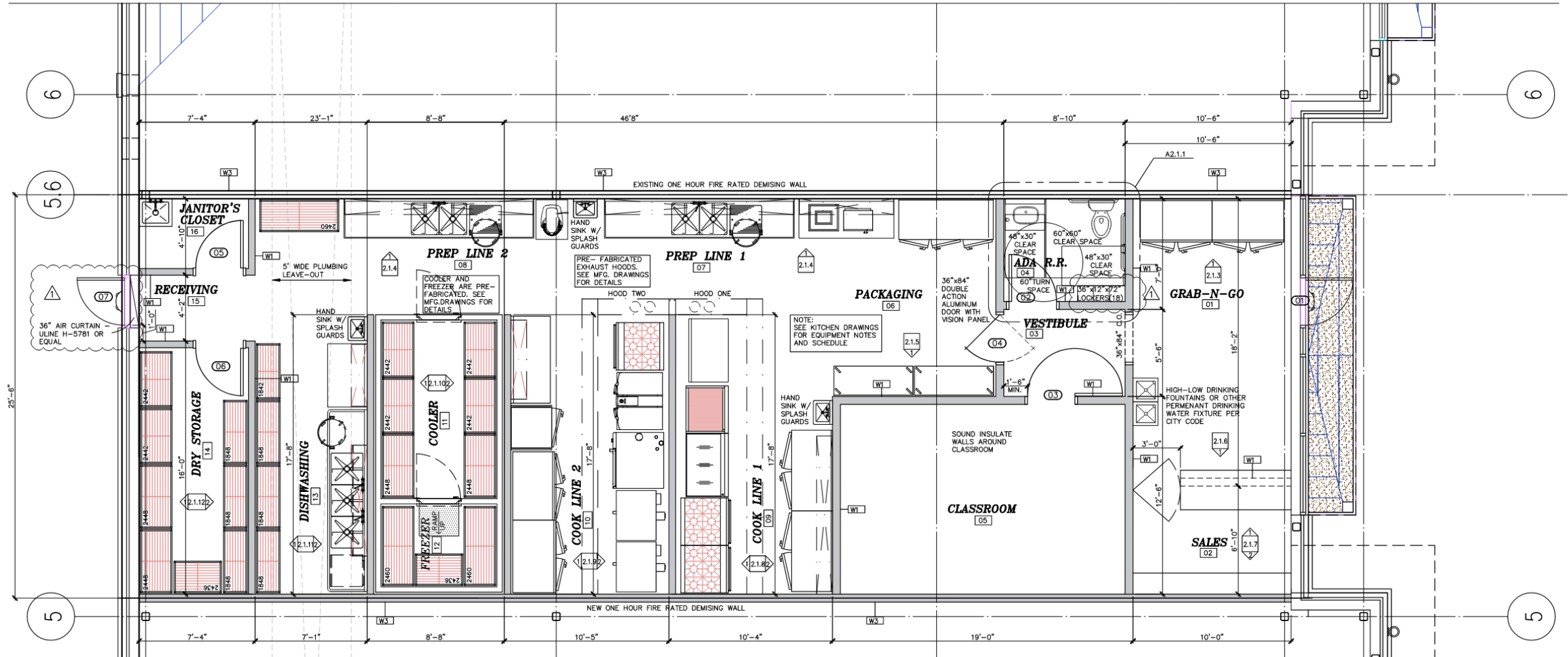
Proposal

To rent out the kitchen space in order to allow mobile food vendors (such as food trucks) to prepare food and have a brick and mortar location within Little Elm.



Per Ordinance No. 1630, adopted in 2021:

Mobile food vendors must be tied to a host business within Little Elm and prepare their food there.



Use

In addition to the commissary kitchen;

- Grab-and-Go Counter
 - the business will also have a “grab-and-go” counter where those renting the kitchen can also leave pre-prepared meals for individuals to walk-in and purchase.
- Ancillary Event Space
 - A small space which allows for culinary classes, private meals, or similar ancillary events.
 - This use is ancillary to the main use of the business and does not fall under the intent of the recently added banquet hall definition since hosting events is not the primary purpose of this establishment.

Approval of this SUP would allow the applicant to rent out kitchen space and allow mobile food trucks to load and unload food and small restaurant equipment on property.

If, in the future, this use wants to move or expand into another suite, changing location or increasing the square footage, it will require a SUP amendment as this SUP only permits 1,912 square feet.

Specific Use Permit

Section 106.02.17 allows the Town to evaluate and consider the intensity of a proposed use **within the context of the proposed location based on compatibility and suitability within the existing area context.**

- This section allows the Council to:
 - evaluate each request on a case by case basis
 - oversee the development and operation of uses that could be a potential nuisance to nearby businesses or residents
 - place a set of controls, or unique conditions, as is deemed necessary based on situational suitability for each request to ensure its operation does not result in a nuisance to any of the adjacent properties.

As with any zoning request, the SUP runs with the land.

- Once approved, unless a time limit is established, an SUP is a permanent allowance of that particular use on that particular property, in perpetuity.

Nuisance Prevention

To mitigate potential noise and odor nuisances the business description and narrative state that there will be no:

- Emptying of food truck grease traps,
- Cleaning, or maintenance of food trucks on the property; or
- Overnight parking of food trucks will not be allowed.

Applicant is not anticipating a significant amount of overnight delivery of food supplies, or early/late loading and unloading of trucks, but these operations will still be subject to the Town's noise ordinances which has stated hours and decibel levels.

Staff does not anticipate the creation of an odorous nuisance since the use will be similar to that of a restaurant allowed by right.

- The property has two dumpsters and access to a third due to proximity of other shared dumpsters allowed through the existing PD.

Nuisance Prevention



Fire, Engineering and Building

Some uses of the whole business can operate by right without an SUP, the plans have already been under review by the Fire and Building Departments and have been approved for finish-out.

Comprehensive Plan

Commissary kitchen is listed under “Retail Use” the Town’s Schedule of Uses, which aligns with the current and future zoning of Light Commercial.

Recommendation

At their regular meeting on April 18, 2024, the Planning and Zoning Commission held a public hearing and discussed traffic, kitchen operations, and potential impact on the surrounding tenants.

The Commission unanimously (5-0) recommended approval subject to the following conditions:

1. No overnight parking for food trucks.
2. Food truck parking and loading are only allowed at the back of the building.
3. No emptying of grease traps and/or cleaning and maintenance of food trucks on site.

Discussion