

**EXETER PLANNING COMMISSION
JULY 21, 2022**

A-1 Call to Order

The City of Exeter Planning Commission met in a regular session on Thursday, July 21, 2022, at 5:30 p.m.

A-2 Roll Call

Roll call showed present for the meeting Commissioners Lopez, Riddle, Whitmire, Vice Chair Stewart, and Chair Bonner present. Assistant City Planner Tristan Suire was also present.

A-3 Minutes of Meeting March 17, 2022

Commissioner Whitmire moved and Commissioner Riddle seconded a motion to approve the minutes of March 17, 2022, as presented.

AYES: Whitmire; Riddle; Lopez; and Stewart

ABSTAIN: Bonner

A-4 Public Comment

Vice Chair Stewart opened the floor for the public comment portion of the meeting. Planning Secretary Shonna Oneal reported there were no public comments. There being no public comments this portion of the meeting was closed.

B-1 PUBLIC HEARING to consider an amendment to the Exeter Land Use Element of the General Plan redesignating approximately 8 acres located on S. Kaweah Ave., from the “Industrial” designation to the “Highway Commercial” designation (APNs 135-190-040, 135-190-036, 135-190-037, and 135-190-039) and an amendment to the Exeter Zoning Ordinance to add “RV park” to the conditionally permitted use list of the CH (Highway Commercial) district and Adopt Resolution 2022-04 recommending approval of General Plan Amendment 2022-02, Industrial to Highway Commercial and Zoning Ordinance Amendment 2022-03, a text amendment to Section 17.30.04 of the Exeter Municipal Code, to the Exeter City Council; and an amendment to the Exeter Zoning Ordinance, Rezoning property located on S. Kaweah Ave., from the I (Industrial) district to the CH (Highway Commercial) district (APNs 135-190-040, 135-190-036, 135-190-037, and 135-190-039) and Adopt Resolution 2022-05 recommending approval of Zoning Ordinance Amendment 2022-04, I to CH district, to the Exeter City Council – Assistant Planner Tristan Suire

Resolution 2022-04 recommending approval of a Zoning Ordinance Amendment 2022-03 and General Plan Amendment 2022-02 rezoning and redesignating 7.93 acres located on the West Side of state highway 65, approximately 450’ South of Firebaugh Avenue from the I (industrial) district to the CH (highway commercial) district, Griggs

Resolution 2022-05 recommending approval of Zoning Ordinance Amendment 2022-04 to the Exeter city council, Griggs

Assistant City Planner Tristan Suire provided a report for the Commission’s review and consideration highlighting the proposed project and recommended conditions of approval. Vice Chair Stewart opened the public hearing at 5:55 p.m., receiving no public comment, Vice Chair Stewart closed the public hearing at 5:55 p.m. Commissioners posed questions and Mr. Suire and City Administrator provided responses thereto. Following discussion, it was moved by Commissioner Whitmire, seconded by Commissioner Lopez to adopt Resolution 2022-04 and Resolution 2022-05 subject to the conditions presented.

AYES: Whitmire; Lopez; Riddle; Stewart; and Bonner

ABSENT: None

B-2 PUBLIC HEARING to consider a text amendment to Section 17.26.04 of the Exeter Zoning Ordinance to add “Marital arts studio” to the conditionally permitted use list of the CS (Service Commercial) district and Adopt Resolution 2022-06 recommending approval of Zoning Ordinance Amendment 2022-05, to the Exeter City Council - Assistant Planner Tristan Suire

Resolution 2022-06 recommending approval of a Zoning Ordinance Amendment 2022-05 to the City Council of the City of Exeter, amending the list of conditionally permitted uses within the C-S (service commercial) District, to add “Martial Arts Studio” to Exeter Municipal Code Sec. 17.26.04

**ACTION MINUTES
EXETER PLANNING COMMISSION
PAGE 2, JULY 21, 2022**

Assistant City Planner Tristan Suire provided a report for the Commission's review and consideration highlighting the proposed project and recommended conditions of approval. Vice Chair Stewart opened the public hearing at 6:07 p.m., receiving no public comment, Vice Chair Stewart closed the public hearing at 6:08 p.m. Commissioners posed questions and Mr. Suire provided responses thereto. Following discussion, it was moved by Chair Bonner, seconded by Commissioner Riddle to adopt Resolution 2022-06 subject to the conditions as presented.

AYES: Bonner; Riddle; Lopez; Whitmire; and Stewart
ABSENT: None

B-3 Food Truck Ordinance Informational Session

Assistant City Planner Tristan Suire provided a PowerPoint presentation for the Commission's review and consideration on the initial discussion of a Food Truck Ordinance. Commissioners posed questions and Mr. Suire and City Administrator provided a response thereto. Commissioners provided feedback as to what they would like to see included in the Food Truck Ordinance, to be brought back at a future meeting.

C- Director's Report-

Assistant City Planner Tristan Suire provided an update on City projects, developments, and permits.

City Administrator provided an update on City projects and developments.

D-Adjournment- The Planning Commission meeting adjourned at 7:47 p.m.

Planning Commission Secretary, Hilary Robello

City of Exeter Agenda Item Transmittal

Date: September 15, 2022

Agenda Item Number: B1

Wording for Agenda: PUBLIC HEARING to consider adopting Resolution 2022-07 approving Conditional Use Permit 2022-04, a Martial Arts Studio within the C-S (Service Commercial) District, at a property located on the northeast side of F Street, southeast of E. Maple Street at 221 S. F Street (APN: 135-122-016).

Submitting Department: Planning Department
Contact Name and Phone Number: Greg Collins, City Planner
Tristan Suire, City Planner
Phone: 559-734-8737
Email: greg@weplancities.com, tristan@weplancities.com

For action by:
 City Council
 Planning Comm.

Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Review:

**City Administrator
(Initials Required)**



Department Recommendation:

Staff recommends that the Planning Commission adopt Resolution 2022-07, approving Conditional Use Permit No. 2022-04, to operate a martial arts facility within the Service Commercial District.

Summary:

The City has received a request to operate a martial arts studio located at 221 S. F Street. Currently, conditionally permitted martial arts studios are being included in the CS (Service Commercial) district by text amendment, which is being considered by the City Council on September 13, 2022. The text amendment would add the use "martial arts studio" to the list of conditionally permitted uses in the CS (Service Commercial) district. The subject property contains an existing principal structure fronting onto S. F Street, a large unpaved yard with metal unenclosed cover structures, a latched gate in front of the S. F Street access, and a small accessory structure southeast of the principal structure. The site has access from S. F Street, as well as alley access from the back of the property. The current condition of the property is good, and the site appears well maintained.

Background and Discussion:

The applicants, Sarah Peltzer and Fabricio Machado, have applied for a Conditional Use Permit in order to allow the conditionally permitted use "Martial arts studio" within the Service Commercial district, at 221 S. F Street. The conditional use permit is required in addition to a business license to operate a martial arts studio within the Service Commercial district. The Service Commercial district is being amended to add the use "martial arts studio" to the list of conditionally permitted uses, and approval would be conditioned on the adoption of the zoning ordinance text amendment regarding the use.

The subject property consists of a single parcel that currently contains two structures and was previously used for automobile and miscellaneous storage. A recent examination of the site indicates that the current condition of the property is improved greatly from its previous condition, with a fresh coat of paint, new gate replacing the chain link fence, and the visual nuisances removed. The maintenance and improved condition of the property demonstrates a good faith effort on the part of the property owner to make the space viable for commercial use.

The subject property is bounded by property zoned CS (Service Commercial) to the north, as well as on the other side of F street to the west. To the east is property zoned R-1-6 (Single Family Residential – 6,000 sq. ft.). Property to the south is zoned for CS (Service Commercial) use, however, is currently occupied by legal non-conforming residential dwellings.

The S. F Street public right-of-way, which the subject property fronts onto, contains existing curb, gutter, sidewalk, gravel parkway, and access onto the property. There are limited parallel parking spaces available for on-street parking along S. F Street. However, ample diagonal on-street parking is available along E. Maple Street, within a short walking distance. The alley behind the subject property is paved with well-maintained accesses on both sides, and provides an opportunity for alley loaded, on-site parking along the rear of the property.

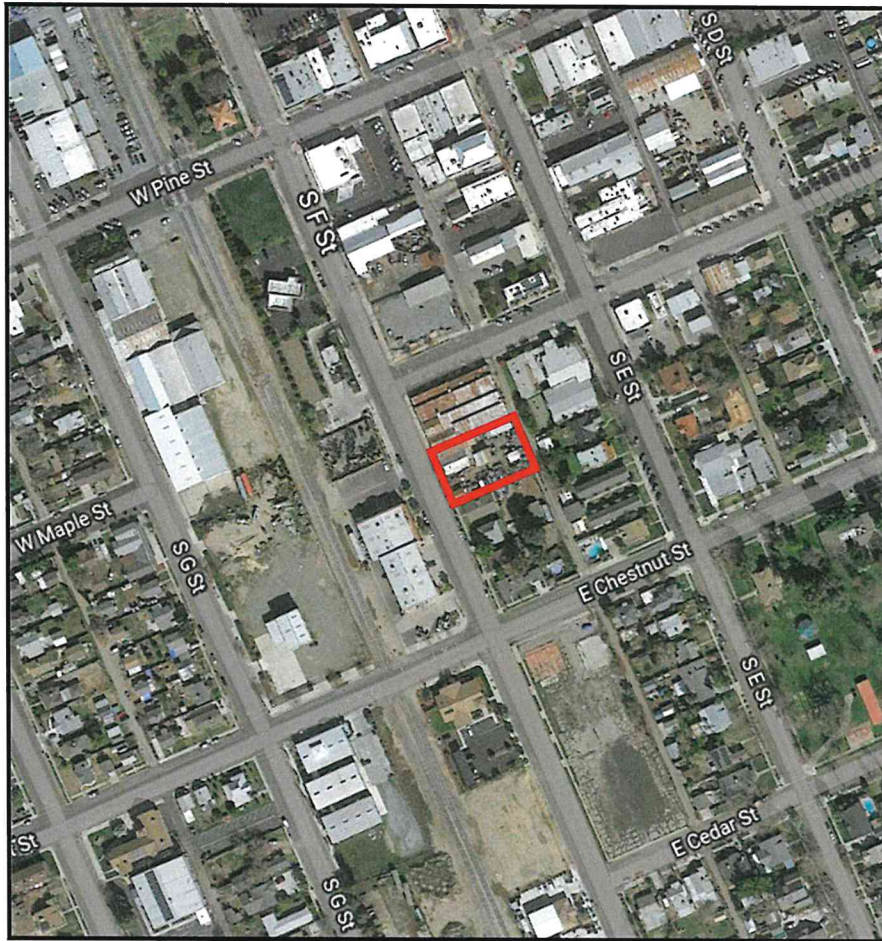
Conclusion:

Staff recommends that the Exeter Planning Commission approve Resolution 2022-07, approving Conditional Use Permit 2022-04 subject to conditions. This will allow the applicant to apply for a business license to operate a martial arts studio on the site.

Facts:

- Applicant: Sarah Peltzer and Fabricio Machado
- Location: Northeast side of S. F Street, southeast of E. Maple Street, 221 S. F Street, APN: 135-122-016
- Request: The applicant is requesting a conditional use permit to operate a martial arts facility at the location of a reconditioned former storage site.
- Design: The applicant is not proposing any development on the subject property, on-site alley-loaded parking has been proposed to the rear of the property, and all other existing structures will remain in their current location. Classes and performances will take place primarily within the principal structure, and the existing accessory structure will continue to be used for storage.
- Historic Use: The subject property is currently developed; however, the property is not currently in use. Formerly, the site acted as storage for automobiles, furniture, appliances, and other unsightly stockpiles. It has since been restored to a usable condition.
- Site: The conditional use permit would apply to only to the subject property, APN: 135-122-016, 221 S. F Street, and would run with the property.

See pictured from above:



See pictured from F Street facing northeast:



Zone: The current zoning is CS (Service Commercial), development standards for this district are as follows:

Front Yard:	15 feet
Side Yard:	0 feet
Rear Yard:	0 feet
Parking:	based on land use, not specified.

Gen. Plan: The subject site is designated "Central Commercial" by the Land Use Element.

Land Use: The site contains a principal structure, as well as at least two accessory structures, a storage shed and metal covering, the site is not currently in use. Surrounding land uses are as follows:

North:	RC vehicle hobby shop
South:	Single family residential
East:	Single family residential, Church
West:	Tire repair/replacement

Infrastructure: The subject property is served by a 6" water line and 14" sewer line located in the alley to the northeast, and has curb, gutter, and sidewalk improvements along the public right-of-way in the front, with drop inlets at the corners of the block to an 18" storm drain pipeline underneath F Street.

Landscaping: Applicant has not proposed any new landscaping or irrigation for the proposed project, there is no existing landscaping on the subject property.

CEQA: The proposed project is categorically exempt under the California Environmental Quality Act Cal. Code of Regs. Tit. 14, Section 15061(b)(3).

Prior Council/Board Actions: N/A

Attachments: Resolution 2022-07.

Recommended motion to be made by the Planning Commission: I move to adopt Resolution 2022-07 as presented.

RESOLUTION 2022-07

A RESOLUTION BEFORE THE PLANNING COMMISSION OF THE CITY OF EXETER APPROVING AN APPLICATION FOR CONDITIONAL USE PERMIT 2022-04, A MARTIAL ARTS STUDIO WITHIN THE C-S (SERVICE COMMERCIAL) DISTRICT, AT A PROPERTY LOCATED ON THE NORTHEAST SIDE OF F STREET, SOUTHEAST OF E. MAPLE STREET AT 221 SOUTH F STREET (APN: 135-122-016)

WHEREAS, the City of Exeter (“City”) controls the discretionary review of all uses on the conditional use list of Exeter’s zone districts through the Conditional Use Permit process pursuant to Chapter 17.49 of the Exeter Municipal Code; and

WHEREAS, decisions regarding Conditional Use Permits are based upon meeting the required municipal code standards, improvement standards, all testimony received during the public hearing, and the discretion of the Planning Commission; and

WHEREAS, Conditional Use Permit 2022-04 is a request submitted by Sarah Peltzer and Fabricio Machado, to operate and maintain a martial arts facility within the C-S (Service Commercial) district. The project site is located on the northeast side of F Street, southeast of E. Maple Street, 221 S. F Street., (APN:135-122-016); and

WHEREAS, the proposed use is in accordance with the purpose and objectives of the Exeter Zoning Ordinance and the purpose of the Service Commercial district; and

WHEREAS, the location of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public interest, health, safety, convenience, or welfare, or be materially injurious to properties or improvements in the vicinity; and

WHEREAS, the proposed site is adequate in size, shape, and location to accommodate the use in the Service Commercial district; and

WHEREAS, the subject site is zoned C-S, Service Commercial, the purpose of which is defined by Section 17.26.01 of the Exeter Municipal Code, “to provide for wholesale and heavy commercial uses and service establishments that are not suited for other commercial zones”, the proposed use is consistent with the General Plan; and

WHEREAS, pursuant to Exeter Municipal Code Section 17.26.04 Conditional Uses, the proposed project is classified as “Martial arts studios”, permitted with the approval of a Conditional Use Permit; and

WHEREAS, on September 15, 2022, the Planning Commission conducted a duly noticed and regularly scheduled meeting to consider Conditional Use Permit No. 2022-04; and

WHEREAS, the project has been determined exempt from the requirements of the California Environmental Quality Act (CEQA) per categorical exemption Article 19 §15301, Class 1, “Existing Facilities”; and

WHEREAS, the project proposes the designation of new alley loaded parking improvements;
and

WHEREAS, the applicants will be required to obtain a business license prior to operation of the proposed business; and

NOW, THEREFORE BE IT RESOLVED, that based upon the evidence in the Staff Report and the Exeter Municipal Code, the Planning Commission hereby finds the foregoing recitals and findings are true, and approves Conditional Use Permit No. 2022-04, subject to the following conditions:

- 1) Before installation or erection of any signage, the applicant must submit an application for sign permit(s) and be approved. All signs shall be compliant with the City of Exeter sign standards.
- 2) All lighting must be installed with canopies, hoods, or other devices designed to direct lighting down and away from the street, and compliant with all improvement standards of the City of Exeter.
- 3) Any graffiti shall be removed within 24 hours.
- 4) The subject site shall be well maintained by ensuring that the landscaping is effectively watered, mowed, pruned, fertilized, and weeded; that the signs are properly painted and displayed; and that any irrigation systems are regularly inspected to insure against leaks, overspray and water times that are not conservation effective.
- 5) All connections made to the existing electrical grid must be done via undergrounded connections, no hanging power lines, or above ground electrical connections are permitted.
- 6) All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.

The foregoing resolution was adopted upon a motion of Commission member _____; seconded by Commission member _____ at a regular meeting of the Exeter Planning Commission on September 15, 2022, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairman

Secretary

City of Exeter Agenda Item Transmittal

Date: September 15, 2022

Agenda Item Number: B2

Wording for Agenda: Public Hearing to consider adopting Resolution 2022-08 approving Conditional Use Permit 2022-03 amending Conditional Use Permit 2018-02 to expand outdoor operations within the CC (Central Commercial) District, at a property located on the west side of N. E Street, north of E. Pine Street (APN 138-102-019) for Bellcraft Brew Co., an existing business located at 130 N. E Street.

Submitting Department: Planning Department
Contact Name and Phone Number: Greg Collins, City Planner
Tristan Suire, City Planner
Phone: 559-734-8737
Email: greg@weplancities.com, tristan@weplancities.com

For action by:
 City Council
 Planning Comm.

Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Review:

**City Administrator
(Initials Required)**



Department Recommendation:

Staff recommends that the Planning Commission adopt Resolution 2022-08, approving Conditional Use Permit 2022-03, an amendment to Conditional Use Permit 2018-02, to allow expansion of the existing outdoor alcoholic beverage service area, and proposed fencing, subject to conditions of approval.

Summary:

The City has received a request for a Conditional Use Permit amendment and fence permit for the existing business, BellCraft Brew, Co., located on the west side of N. E Street, north of E. Pine Street at 130 N. E Street. Currently, the business is a brewery, which operates in accordance with Conditional Use Permit No. 2018-02. The conditional use permit amendment would allow the business to expand the footprint of the existing outdoor alcoholic beverage service area to include a roughly 800 square foot area located in the immediately adjacent lot. The applicant has also proposed fencing along the front of the property and gating the proposed outdoor service area. The subject property contains an existing principal structure fronting onto N. E Street, which currently serves as a taproom for the brewery. The adjacent property is a narrow, paved lot with no existing structures. The access to the site and the three parking stalls provided in front of the building will be maintained, no proposed fencing will impede access to the entrance to the business or parking stalls. The proposed fence facing N. E Street will have two gates, one four-foot-wide gate, and one twelve-foot-wide gate and the proposed fence along the alley to the rear of the property will have one sixteen-foot-wide gate, to ensure ample emergency access and egress. The site has access from N. E Street, as well as alley access from the back of the property. These gates will typically be closed, and customers will access the expanded outdoor area through a six-foot-wide gate in the existing outdoor service area. The current condition of the property is good, and the site appears well maintained.

Background and Discussion:

The applicants, Brent and Melissa Bell, have applied for a Conditional Use Permit in order to amend Conditional Use Permit 2018-02, to allow expanded operations at 130 N. E Street. The conditional use permit is required in addition to the business license to operate a brewery in the Central Commercial district, and the applicant has also applied for a fence permit with the Public Works Department. Any approval of conditional use permit amendment would be conditioned on adherence to all previous conditions of approval applied to the site.

The subject property consists of two parcels that currently contain one structure which is currently used as a brewery and taproom with outdoor patio, and an adjacent paved, vacant lot, which displays a mural on the wall to the north. A recent examination of the site indicates that the current condition of the property is well-kept, with noncompliant fencing along the frontage with N. E St., opened to allow access to parking, and rear alley access closed off by proposed fencing. The applicant has requested the conditional use permit amendment so the fencing can be brought into compliance.

The subject property is bounded by property zoned CC (Central Commercial) to the north, south, east, and west. The General Plan designates the surrounding properties as Central Commercial to the north, south, and east, and Public Facilities to the west.

The N. E Street public right-of-way, which the subject property fronts onto, contains existing curb, gutter, sidewalk, street trees and lights, benches, and access onto the property. There are three existing parking stalls on site in front of the building, and ample diagonal on-street public parking provided off-site along N. E Street, within a short walking distance. The alley behind the subject property is paved with well-maintained accesses on both ends, and three alley loaded parking stalls are provided perpendicular with the alley, which have recently been made accessible by a change in the fence line.

Conclusion:

Staff recommends that the Exeter Planning Commission approve Resolution 2022-08, approving Conditional Use Permit 2022-03 amending Conditional Use Permit 2018-02, subject to conditions. This will allow the applicant to bring the existing fencing into compliance.

Facts:

Applicant: Brent and Melissa Bell

Location: Southwest side of N. E Street, northeast of E. Pine Street at 130 N. E Street, APN: 138-102-019

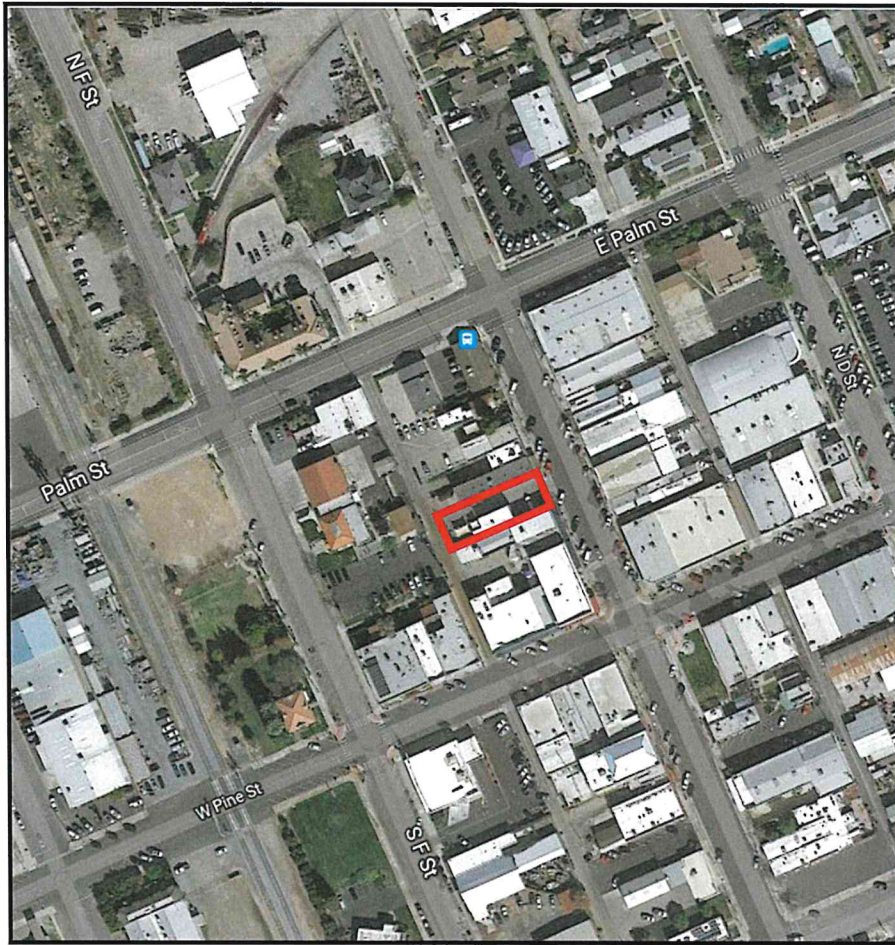
Request: The applicant is requesting a conditional use permit amendment to allow expansion of the existing outdoor alcoholic beverage service area, and proposed fencing to complement the existing brewery, tasting room, and outdoor alcoholic beverage service area.

Design: The applicant has proposed fencing improvements on the subject property, all existing structures will remain in their current location. The proposed fencing along the front property line will not preclude access to parking, and all proposed fences include gates to allow ample ingress/egress.

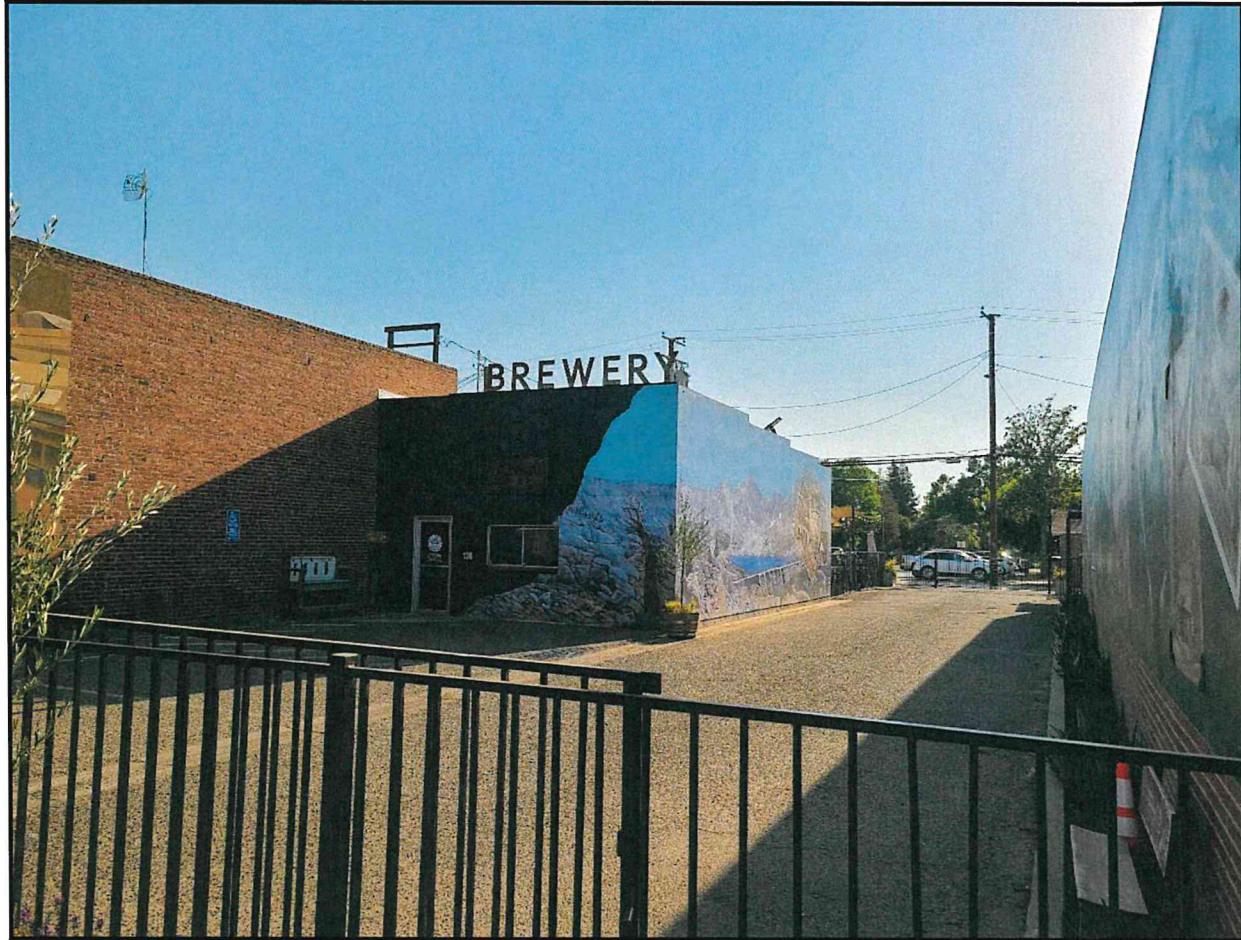
Historic Use: The subject property is currently developed and has operated as a brewery and taproom since 2019.

Site: The conditional use permit would apply only to the subject property, APN: 138-102-019, 130 N. E Street, and would run with the property.

See pictured from above:



See pictured from E Street facing southwest:



Zone: The current zoning is CC (Central Commercial), development standards for this district are as follows:

Setbacks:

Front Yard: 0 feet

Side Yard: 0 feet

Rear Yard: 0 feet

Parking: based on land use, one stall per three seats.

Gen. Plan: The subject site is designated "Central Commercial" by the Land Use Element.

Land Use: The site contains a principal structure, as well as fencing surrounding the subject property and outdoor service areas. Surrounding land uses are as follows:

North: Rockyard Tavern

South: Family Treasures Home Décor

East: Exeter Coffee Co.

West: Exeter City Hall

Infrastructure: The subject property is served by a 6" water line and 6" sewer line located in the alley to the southwest, and has curb, gutter, and sidewalk improvements along

the public right-of-way in the front, with drop inlets at the corners of the block to an unknown diameter storm drain pipeline underneath Palm and Pine Streets.

Landscaping: Applicant has not proposed any new landscaping or irrigation for the proposed project, there is no existing landscaping on the subject property.

CEQA: The proposed project is categorically exempt under the California Environmental Quality Act Cal. Code of Regs. Tit. 14, Section 15301 (Class 1, Existing Facilities)

Prior Council/Board Actions: N/A

Attachments: Resolution 2022-08

<p>Recommended motion to be made by the Planning Commission: I move to adopt Resolution 2022-08 as presented.</p>
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RESOLUTION NO. 2022-08

**A RESOLUTION BEFORE THE PLANNING COMMISSION, CITY OF EXETER, APPROVING
CONDITIONAL USE PERMIT 2022-03 AMENDING CONDITIONAL USE PERMIT 2018-02,
TO EXPAND OUTDOOR OPERATIONS WITHIN THE C-C (CENTRAL COMMERCIAL)
DISTRICT, AT A PROPERTY LOCATED ON THE WEST SIDE OF N. E STREET, NORTH OF
E. PINE STREET (APN: 138-102-019)**

WHEREAS, the City of Exeter (“City”) controls the discretionary review of all uses on the conditional use list of Exeter’s zone districts through the Conditional Use Permit process pursuant to Chapter 17.49 of the Exeter Municipal Code; and

WHEREAS, decisions regarding Conditional Use Permits are based upon meeting the required municipal code standards, improvement standards, all testimony received during the public hearing, and the discretion of the Planning Commission; and

WHEREAS, The amendment to Conditional Use Permit 2018-02 is a request submitted by Brent and Melissa Bell, to amend the existing conditional use permit to allow expansion of the existing outdoor alcoholic beverage area within the C-C (Central Commercial) district. The project site is located on the west side of N. E Street, north of E. Pine Street at 130 N. E Street., (APN:138-102-019); and

WHEREAS, the proposed use is in accordance with the purpose and objectives of the Exeter Zoning Ordinance and the purpose of the Central Commercial district; and

WHEREAS, the location of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public interest, health, safety, convenience, or welfare, or be materially injurious to properties or improvements in the vicinity; and

WHEREAS, the proposed site is adequate in size, shape, and location to accommodate the use in the Central Commercial district; and

WHEREAS, the subject site is zoned C-C, Central Commercial, the purpose of which is defined by Section 17.24.01 of the Exeter Municipal Code, “to serve as the central district of Exeter”, the proposed use is consistent with the General Plan; and

WHEREAS, pursuant to Exeter Municipal Code Section 17.24.03 Conditional Uses, the proposed project is classified as “Brewery”, permitted with the approval of a Conditional Use Permit; and

WHEREAS, on September 15, 2022, the Planning Commission conducted a duly noticed and regularly scheduled meeting to consider the amendment to Conditional Use Permit No. 2018-02; and

WHEREAS, the project has been determined exempt from the requirements of the California Environmental Quality Act (CEQA) per categorical exemption Article 19 §15301, Class 1, “Existing Facilities”; and

WHEREAS, the project proposes the installation of new fencing with gates to partition the expanded area proposed for outdoor alcoholic beverage consumption.

NOW, THEREFORE BE IT RESOLVED, that based upon the evidence in the Staff Report and the Exeter Municipal Code, the Planning Commission hereby finds the foregoing recitals and findings are true, and approves the amendment to Conditional Use Permit No. 2018-02, subject to the following conditions:

- 1) Before installation or erection of any signage, the applicant must submit an application for sign permit(s) and be approved. All signs shall be compliant with the City of Exeter sign standards.
- 2) All lighting must be installed with canopies, hoods, or other devices designed to direct lighting down and away from the street, and compliant with all improvement standards of the City of Exeter.
- 3) Any graffiti shall be removed within 24 hours.
- 4) The subject site shall be well maintained by ensuring that the landscaping is effectively watered, mowed, pruned, fertilized, and weeded; that the signs are properly painted and displayed; and that any irrigation systems are regularly inspected to insure against leaks, overspray and water times that are not conservation effective.
- 5) All gated exits must remain unlocked for egress during hours of operation.
- 6) No existing and proposed gates or fencing shall be permitted along the access with N. E Street.
- 7) All existing and proposed fencing shall be so arranged as not to impede or otherwise block access to on-site parking.
- 8) All existing and proposed fencing shall be of a transparent quality, meaning at least 50% see-through, and no taller than six (6) feet in height, so as not to obstruct views of murals located on the walls adjacent to the subject property.
- 9) All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.

The foregoing resolution was adopted upon a motion of Commission member _____; seconded by Commission member _____ at a regular meeting of the Exeter Planning Commission on September 15, 2022, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairman

Secretary

City of Exeter Agenda Item Transmittal

Date: September 15, 2022

Agenda Item Number: B3

Wording for Agenda: PUBLIC HEARING to receive public comment and consider text amendments to sections 17.20.02, 17.22.02, 17.24.02, 17.26.02, 17.30.02, 17.32.02, 17.40.02, and 17.64.1 of the Exeter Zoning Ordinance to add "Mobile food vendors" to the list of permitted uses in non-residential districts and add "Mobile Food Vendors" as a section of the Special Uses Chapter, for future recommendation of approval to the Exeter City Council.

Submitting Department: Planning Department
Contact Name and Phone Number: Greg Collins, City Planner
Tristan Suire, City Planner
Phone: 559-734-8737
Email: greg@weplancities.com, tristan@weplancities.com

For action by:
 City Council
 Planning Comm.

Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Review:

**City Administrator
(Initials Required)**



Department Recommendation:

Staff recommends that the Planning Commission receive public comment and consider text amendments to sections 17.20.02, 17.22.02, 17.24.02, 17.26.02, 17.30.02, 17.32.02, 17.40.02, and 17.64.1 of the Exeter Zoning Ordinance to add "Mobile food vendors" to the list of permitted uses in non-residential districts and add "Mobile Food Vendors" as a section of the Special Uses Chapter, for future recommendation of approval to the Exeter City Council.

Summary:

The Planning Commission has directed staff to research and draft an ordinance to address the operation of mobile food vendors within the City of Exeter. Currently, food trucks operate in the public right-of-way, however there are no provisions within the Exeter Municipal Code to regulate the administration, location, or operations of mobile food vendors. The text amendment would add a new section to the Exeter Municipal Code Chapter 17.64, "Special Uses", to establish the requirements that the City deems appropriate to impose on these businesses. The draft ordinance specifies different regulations based on zoning district and provides a permitting pathway for prospective food truck operators to follow. The draft ordinance requires additional input from the Planning Commission and is not yet in a finalized draft.

Background and Discussion:

Staff has prepared a draft ordinance based on direction from the Planning Commission during the meeting on July 21st. The initial direction included, but was not limited to, the following topics: regulations by zone, administrative review requirements, separate permitting pathway for special events, timing of operations, public vs. private property, and expectations related to other businesses. The current draft ordinance attempts to address these topics, and focusses on three areas: permitting pathways, operational standards, and renewal/enforcement protocols. There are two permitting pathways provided, one for special events and one for regular operations, both are processed administratively, however in the case of special events, additional requirements or coordination may be required. Operational Standards are distinguished first by zoning district, then further by whether the applicant intends to operate on private or public property. Finally, renewal and enforcement protocols detail the term limits, revocation process, and how decisions can be appealed.

The permitting pathways provided in the draft ordinance allow the applicants to distinguish themselves based on the duration of the business they intend to operate. For temporary operations, specifically associated with a holiday, event, or other gathering, a Special Events Permit will be required. These permits will require an applicant to enter into an agreement with the City to ensure that all regulations are followed, and that the operations are conducted in a safe and orderly fashion. Alternatively, applicants that wish to regularly operate within certain areas of the city will require a Mobile Food Vendor Permit. These permits will require an applicant to submit plans and an operational statement to staff, which will be reviewed for consistency with the operational standards included in the draft ordinance.

The operational standards provided in the draft ordinance are designed to ensure safety, health, and welfare of the residents of Exeter, and would represent the considerations staff would be making in determining whether to approve a given permit. There are some general standards that would apply to all mobile food vendors, regardless of district, for example, a health department certificate and business license/sellers permit on display, no canopies or seating permitted, and the necessity for waste disposal. Besides the general standards, additional standards apply to certain mobile food vendors depending on the zoning district they operate within, for example, prohibition of streetside/public right-of-way service in residential districts, hours of operation regulations in commercial districts, and additional insurance requirements in the industrial zone. Compliance with these operational standards would be monitored by Code Enforcement and reviewed annually at a minimum when the permit is renewed.

The renewal and enforcement protocols detail how compliance with operational standards is maintained. The Mobile Food Vendors Permit will lapse after a period of one year and can be renewed on the same schedule as a business license. Should a permit holder allow their permit to lapse, or should Code Enforcement determine that they are operating out of compliance with operational standards, then the permit will be revoked. The decision to revoke a Mobile Food Vendors Permit can be appealed by the applicant or interested parties to the Planning Commission, which must hold a public hearing to determine the status of the permit and provide a final decision.

Items which still require discussion include, but are not limited to, the need for a fee or other cost recovery measures for staff time spent reviewing applications or enforcing operational standards, the question of partnerships with existing restaurants or bars, operations from parking stalls, and other considerations.

Conclusion:

Staff recommends that the Exeter Planning Commission review and consider the draft Ordinance and provide further direction for revisions. The draft Ordinance is not yet finalized for review by the City Council, and Planning Commission should direct staff to return with a revised draft to further consider the details of the proposed ordinance.

Facts:

Applicant: Planning Department Staff

Location: Citywide

Request: Staff is requesting to amend the Zoning Ordinance to provide a permitting pathway and address the operation of mobile food vendors within the city.

Design: No project specific designs have been proposed, specific applicants will be required to submit staging plans for review to prevent design issues.

Historic Use: Historically, food trucks have operated within the City subject only to State regulations and operating only with a business license permit.

- Site: No project specific site is proposed. The foregoing ordinance amendment would apply to properties within the City Limits zoned for non-residential uses.
- Zone: The Zoning Ordinance Amendment would apply to the following zone districts: Professional Office, Neighborhood Commercial, Central Commercial, Service Commercial, Highway Commercial, Industrial, and Public Facilities
- Gen. Plan: The General Plan allows for commercial activity in commercial districts. The proposed Zoning Ordinance Amendment is consistent with the General Plan.
- Land Use: No project specific site is proposed. Mobile Food Vendors are only to be permitted to operate on lots with existing development.
- Infrastructure: No project specific site is proposed, no water supply, wastewater, or water runoff demands are anticipated, and mobile food vendors will be required to properly dispose of all wastewaters without City services.
- Landscaping: No project specific site is proposed, landscaping is not required for operation of a mobile food vendor business.
- CEQA: The proposed project is categorically exempt under the California Environmental Quality Act Cal. Code of Regs. Tit. 14, Section 15061(b)(3).

Prior Council/Board Actions: N/A

Attachments: Draft Ordinance XXX

Recommended motion to be made by the Planning Commission: I move to direct staff to revise the draft ordinance regarding text amendments to sections 17.20.02, 17.22.02, 17.24.02, 17.26.02, 17.30.02, 17.32.02, 17.40.02, and 17.64.1 of the Exeter Zoning Ordinance, based on Planning Commission direction and return at an upcoming regularly scheduled Planning Commission meeting for consideration of the revised draft ordinance for recommendation of approval to the Exeter City Council.

Draft

ORDINANCE XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EXETER AMENDING TITLE 17 - ZONING, OF THE EXETER MUNICIPAL CODE, BY ADDING TEXT AMENDMENTS TO SECTIONS 17.20.02, 17.22.02, 17.24.02, 17.26.02, 17.30.02, 17.32.02, 17.40.02, AND 17.64.1- PERMITTED USES SECTIONS FOR THE PROFESSIONAL OFFICE, NEIGHBORHOOD COMMERCIAL, CENTRAL COMMERCIAL, SERVICE COMMERCIAL, HIGHWAY COMMERCIAL, INDUSTRIAL, AND PUBLIC FACILITIES DISTRICTS, AS WELL AS ADDING A NEW SECTION ENTITLED “MOBILE FOOD VENDORS” TO THE SPECIAL USES CHAPTER

The City Council of the City of Exeter does ordain as follows:

Section 1. The City Council of the City of Exeter hereby amends Title 17 – Zoning, of the Exeter Municipal Code, by amending the text of the following sections of the Zoning Ordinance: 17.20.02, 17.22.02, 17.24.02, 17.26.02, 17.30.02, 17.32.02, 17.40.02, and 17.64.1; and

Section 2. The City Council of the City of Exeter has determined that the proposed amendment to the Municipal Code is consistent with the General Plan; and

Section 3. All ordinances and parts thereof of the City of Exeter Municipal Code in conflict herewith are hereby repealed; and

Section 4. This ordinance shall take effect (30) days after adoption. Prior to the expiration of fifteen (15) days from the passage hereof, this Ordinance shall be published once in a local paper of general circulation and delivered within Exeter, together with the names of the members of the City Council voting for and against the matter.

Section 5. Each of the provisions of this ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions or this ordinance.

Section 6. The City Council of the City of Exeter hereby codifies the amendments made to Chapter 17.20 of Title 17 (PO Zone (Professional Office)), Chapter 17.22 of Title 17 (CN Zone (Neighborhood Commercial)), Chapter 17.24 of Title 17 (CC Zone (Central Commercial)), Chapter 17.26 of Title 17 (CS Zone (Service Commercial)), Chapter 17.30 of Title 17 (CH Zone (Highway Commercial)), Chapter 17.32 of Title 17 (I Zone (Industrial)), Chapter 17.40 of Title 17 (PF Zone (Public Facilities)), and Chapter 17.64 of Title 17 (Special Uses), which are attached in Exhibit “A” of this Ordinance. Text additions are shown in underline format. Text deletions are shown in ~~strikeout~~ format (i.e., ~~strikeout~~). Changes in text are shown in **bold**.

The foregoing Ordinance XXX was considered by the City Council of the City of Exeter upon a motion of Council member _____, second by Council member _____ at a regular meeting of the Exeter City Council on the ____ day of _____, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor

ATTEST: _____
Secretary

Exhibit "A"

Section 1. Section 17.20.02 (Permitted Uses) of the Exeter Municipal Code is amended as follows:

"17.20.02 Permitted Uses

A. Offices which deal primarily with professional services, in which goods, wares and merchandise are not commercially created, sold, or exchanged, including medical offices, engineering, architecture, planning and landscape consulting, law, accounting, bookkeeping, and brokerage offices.

B. Prescription pharmacies in connection with a medical office building, medical clinic or hospital.

C. Medical and dental laboratories and clinics

D. Single and multi-family residential uses in accordance with the RM-3 district.

E. Utility and infrastructure improvements including water wells, communication equipment buildings, above ground water tanks, and storm drainage basins.

F. Public parks.

G. Mobile food vendors subject to the provisions of Section 17.64.14 of this Title.

~~G.~~ **H.** Accessory uses"

Section 2. Section 17.22.02 (Permitted Uses) of the Exeter Municipal Code is amended as follows:

"17.22.02 Permitted Uses

The following uses are permitted in the CN district.

A. Professional offices.

B. Retail stores and service establishments that supply commodities or services that meet the convenience needs of residents from one or more neighborhoods.

C. Bakery.

D. Bank.

E. Barber and beauty shops.

F. Drug stores.

G. Dry cleaning establishments.

H. Gift shops.

I. Medical clinics.

J. Food stores, delicatessens, and convenience stores.

K. Newsstand and magazine stores.

L. Restaurants.

M. Self-service laundry and dry-cleaning establishments.

N. Drainage basins, water well sites, and utility facilities, including electrical substations, elevated pressure tanks, and communication equipment buildings.

O. Mobile food vendors subject to the provisions of Section 17.64.14 of this Title.

Ø. **P.** Other uses that are added to this list by the Planning Director consistent with Chapter 17.02 General Provisions.”

Section 3. Section 17.24.02 (Permitted Uses) of the Exeter Municipal Code is amended as follows:

“17.24.02 Permitted Uses

A. Professional offices.

B. Parking lots.

C. Retail stores and service establishments.

D. Apparel, shoe, and jewelry stores.

E. Art and antique stores; art galleries, art supply stores, and art and craft schools

F. Automobile sales, new vehicles.

G. Automobile supply stores.

H. Bakery, food, and dairy product stores.

I. Banks and other lending institutions.

J. Barber and beauty shops.

K. Coffee, candy, florist, tobacco and health food stores.

L. Department, drug and appliance stores.

M. Fire and police stations.

N. Hardware stores

O. Hotels and motels

P. Liquor stores and bars

Q. Locksmiths

R. Florists

S. Farm equipment sales and service

T. Mortuaries

U. Restaurants, coffee shops and delicatessens

V. Theaters and auditoriums

W. Mobile food vendors subject to the provisions of Section 17.64.14 of this Title.

X. Garden shops

Y. Music and dance studios

Z. Reproduction and printing centers

AA. Glass stores with incidental repair and service

BB. Apartments over or behind permitted uses consistent with the standards of the RM-1.5 district.

CC. Other uses that are added to this list by the Planning Director consistent with Chapter 17.02 General Provisions.”

Section 4. Section 17.26.02 (Permitted Uses) of the Exeter Municipal Code is amended as follows:

“17.26.02 Permitted Uses

- A. Auto repair garages and associated operations
- B. Glass shops
- C. Gun shops
- D. Heating, air conditioning and sheet metal shops
- E. Household and office equipment and machinery repair
- F. Laundries and linen supply services
- G. Mobile food vendors subject to the provisions of Section 17.64.14 of this Title.**
- H. Lumber yards
- I. Machinery sales and rentals
- J. Motorcycle sales and repair
- K. Nurseries and garden supply stores
- L. Plumbing and sheet metal shops
- M. Printing, lithographic and engraving
- N. Public utility yards
- O. Refrigeration equipment sales and service
- P. Rug and carpet cleaning
- Q. Safe and vault manufacturing and repair
- R. Sign painting shops
- S. Stone and monument yards
- T. Storage garages and yards, warehouses and mini-storage facilities
- U. Tire sales and service, upholstery shop, radiator shops, body and fender shops
- V. Welding and blacksmith shops
- W. Wholesale establishments
- X. Offices and retail stores incidental to and on the same site with a service commercial establishment.
- Y. Utility and water works facilities
- Z. Other uses that are added to this list by the Planning Director consistent with Chapter 17.02 General Provisions.”

Section 5. Section 17.30.02 (Permitted Uses) of the Exeter Municipal Code is amended as follows:

“17.30.02 Permitted Uses

- A. Bus depots and transit stations
- B. Convenience stores
- C. Fruit stand
- D. Hotels and motels
- E. Parking lots
- F. Public utility structures, services, and facilities, including gas and electrical distribution and transmission substations, gas regulator stations and public service pumping stations
- G. Private clubs and lodges
- H. Repair garages associated with a service station
- I. Restaurants, including drive-in restaurants
- J. Service stations

K. Mobile food vendors subject to the provisions of Section 17.64.14 of this Title.

~~K. L.~~ Other uses that are added to this list by the Planning Director, which are consistent with Chapter 17.02 General Provisions”

Section 6. Section 17.32.02 (Permitted Uses) of the Exeter Municipal Code is amended as follows:

“17.32.02 Permitted Uses

- A. All uses permitted in the service commercial district.
- B. Agricultural packing houses, cold storage, box manufacturing and growing/harvesting of crops.
- C. Assembly of appliances, equipment, and other goods.
- D. Manufacturing of equipment, ceramic products, merchandise, food products, and other chemicals.
- E. Engine repair, paint and machine shops.
- F. Public utility and public service structures and facilities such as communication equipment buildings, electric distribution substations, electric transmission substations, gas regulator stations, public utility service yards, reservoir, and storage tanks.
- G. Lumber yards, feed and seed stores, and general storage yards.
- H. Sexually oriented businesses pursuant to Chapter 17.65 Sexually Oriented Businesses.
- I. Food lockers
- J. Food products manufacturing
- K. Cogeneration facility
- L. Gasoline service stations, including dispensing of diesel fuel and truck service.
- M. Recycling facilities.

N. Mobile food vendors subject to the provisions of Section 17.64.14 of this Title.

~~N. O.~~ Offices, retail stores and living quarters incidental to and on the same site as the industrial or service commercial use.

~~O. P.~~ Other uses that are added to this list by the Planning Director consistent with Chapter 17.02 General Provisions.”

Section 6. Section 17.40.02 (Permitted Uses) of the Exeter Municipal Code is amended as follows:

“17.40.02 Permitted Uses

- A. Recreation areas, parks, public open spaces, and playgrounds.
- B. Flood control channels, water pumping stations and reservoirs, irrigation ditches and canals; and storm water basins.
- C. Botanical Gardens
- D. School farms

E. Mobile food vendors subject to the provisions of Section 17.64.14 of this Title.

~~E. F.~~ Dog Parks”

Section 7. Chapter 17.64 (Special Uses) of the Exeter Municipal Code is amended as follows:

“17.64.14 Mobile Food Vendors

The purpose of this section is to establish procedures and operational standards for mobile food vendors in Exeter. The City Council finds that the operation of mobile food vendors can provide a benefit to the community by increasing local access to alternative food retailers, which in turn stimulates community and economic activity. However, mobile food vendors also pose various potential hazards to the public health, safety, and welfare of the residents of the City. Therefore, the intent of the City Council, by enacting this Section, is to provide businesses and persons engaged with mobile food vending operations with clear regulations to preserve the health, safety, and welfare of the community.

A. Definitions –

1. “Mobile food vendor” – means a person who is engaged in the service of a food facility, upon which prepackaged or non-prepackaged food and/or drinks are sold, offered for sale, or otherwise distributed as retail, not within the confines of an enclosed structure on a permanent foundation, specifically including sales from moveable, wheeled equipment or vehicles (i.e., trucks, trailers, bicycles, etc.).

B. Exemptions –

1. Catering trucks or personal vehicles used as a facet of an existing brick and mortar restaurant or Cottage Foods Operation (i.e., delivery services).
2. Operations permitted by Special Events Permit and operating for a duration of no longer than 12 hours in a given week.

C. Mobile Food Vendor Permit –

1. Applicability - No mobile food vendor shall operate, manage, lease, prepare food from, or otherwise engage in a mobile food vending business without an approved mobile food truck permit, in accordance with the provisions of this section, in addition to any and all other licenses or permits required under any other chapter of this Code.
2. Term and Renewal – All mobile food vending permits, unless suspended or revoked, shall lapse, and become void after a period of one (1) year from the date of approval. Upon expiration, the permittee must renew the permit by submitting new applications in conformance with this section, together with such renewal fees as may be established by resolution of the City Council.
3. Application and Fee – An application for mobile food vending permit shall be made to the Planning Department on a form prescribed by the Planning Department. A fee as set by resolution of the City Council shall accompany the application. The application shall include the following information:
 - a. Name and mailing address of applicant.

- b. Statement that the applicant is the owner of the property or is the authorized agent of the property owner.
 - c. An accurate, scale drawing of the staging plan for operations, which shall include the following:
 - i. Location of food preparation and point of sale area.
 - ii. Location of trash receptacles or other litter abatement means.
 - iii. Location of nearest restrooms.
 - iv. Location and dimensions of signs
 - d. Proof that any vehicles used in the operation of a mobile food vending business are registered and insured.
4. Permit Authority – No person shall hire or allow other to use their equipment or vehicles for mobile food vending within the City, unless that other person, whether as an employee, licensee, or independent contractor holds a valid mobile food vendor permit and complies with all provisions of this code.
 5. Approval – The City Planner and/or their designee is authorized to review applications and to issue ministerial approval of Mobile Food Vendor Permits herein described.
 6. Planning Commission Review – The City Planner and/or their designee is authorized to refer any application for Mobile Food Vendor Permit which is determined to be under unusual or exceptional circumstances to the Planning Commission for their discretionary review consistent with the procedures contained in Chapter 17.49 Conditional Use Permits.
 7. Appeals – All decisions made by the City Planner and/or their designee may be appealed to the Planning Commission consistent with the procedures contained in Chapter 17.06 Appeals.

D. Location Requirements –

1. Zones – Subject to the requirements of this Section, mobile food vendors with an approved mobile food vending permit are allowed in the following zoning classifications: Professional Office, Neighborhood Commercial, Central Commercial, Service Commercial, Highway Commercial, Industrial, and Public Facilities
2. Private Property – Mobile food vendors are permitted to operate on private property only with written authorization of the landowner to be submitted to the City at the time that an application is filed. Mobile food vendors may only operate during the active business hours of the site’s primary use (mobile food vending shall be an ancillary use to the primary business on-site).
3. Improvements – Mobile food vendors shall operate only from sites with full public improvements (curb, gutter, sidewalk, access drive, etc.), and only on paved surfaces.
4. Parking – Mobile food vendors shall operate only from valid parking stalls and shall park in a manner that the customer transaction area is not on a street, thoroughfare, drive aisle, or lane in which motor vehicles operate.

5. Minimum Distance from Restaurants – No mobile food vendor may operate within three hundred (300) feet from the front door of any restaurant during the hours of operation of that restaurant without approval of a Special Events Permit.
6. Minimum Distance from Residential – No mobile food vendor may operate within three hundred (300) feet from properties that are used for residential purposes without approval of a Special Events Permit.
7. Minimum Distance from Schools - No mobile food vendor may operate within three hundred (300) feet from a public-school property without approval of a Special Events Permit.
8. ADA Requirements – All ADA required parking stalls and pedestrian paths of travel shall not be impeded by the operations of any mobile food vendor.

E. Operational Requirements –

1. Time Limits – Mobile food vendors located in the public right-of-way, except those operating as part of an approved Special Events Permit, may remain parked in a given location for the posted limit of the parking stall or two (2) hours, whichever is less. Mobile food vendors located on private property must remove all equipment and vehicles associated with operation of the mobile food vending business from the property when not in operation, or during set-up and break-down. No mobile food vending equipment or vehicles may remain on the same property as their operation overnight.
2. Equipment – Mobile food vendors are prohibited from including as part of their operations any equipment not recognized as part of the preparation, service, or transport of the mobile food vending business, including furniture (tables and chairs), shade structures (except awnings), and freestanding signage. Trash receptacles are required to be provided within fifteen (15) feet of the customer transaction area.
3. Per Site Maximum- One mobile food vendor is allowed per site with the exception of operations conducted under an approved Special Events Permit.
4. Permit Display - Mobile food vendors must display at all times during operation both the approved Mobile Food Vendor Permit and permit from the Tulare County Environment Health Division.
5. Alcoholic Beverages – Mobile food vendors are prohibited from selling or providing alcoholic beverages as part of their operation, except in direct association with a bone fide and approved Special Events Permit in conjunction with the City of Exeter.
6. Noise – Mobile food vendors are prohibited from providing amplified noise, speakers, or music and/or audio.
7. Lighting – Mobile food vendors shall provide lighting for operations after dusk. All lighting shall be hooded and shall not be directed toward any public right-of-way. Lighting used as advertisement or signage is prohibited.
8. Signage- Mobile food vendors must obtain a sign permit consistent with the procedures contained in Chapter 69 Signs.

9. Litter Abatement – Mobile food vendors shall have adequate trash receptacle(s) available at all times during operation and shall keep the site occupied free and clear of all trash and litter of any kind.
10. Discharge – Mobile food vendors shall not discharge any liquid or dissolved substances into any site, or any drop inlet, gutter, or other component of the City’s wastewater infrastructure.
11. Special Events – Nothing in this Section shall be interpreted to prevent a special event from being established through a Special Events Permit, temporary Conditional Use Permit, or similar process.