



City of Yelm

EST. 1924

WASHINGTON

"Pride of the Prairie"

NOTICE OF DECISION

DATE: November 20, 2020
PROJECT NAME: Tacos Gaby Mobile Food Vendor
PROJECT LOCATION: 706 Yelm Ave. E, Yelm, WA
PARCEL NUMBERS: 22730110201
CASE NUMBER: 2020.0340.PR0010

NOTICE IS HEREBY GIVEN that the Community Development Department issued approval for a mobile food vendor at the above referenced location.

The complete decision may be viewed on the City's website at www.yelmwa.gov and choosing 'I Want To' then 'View' then 'Public Notices' from the menu system. A copy of the decision may also be obtained at the Community Development Department in City Hall at 106 2nd Street SE, Yelm, WA 98597 during normal business hours for a fee of 15 cents per page. For additional information, please contact the Community Development Department at (360) 458-3835.



City of Yelm

EST. 1924

WASHINGTON

"Pride of the Prairie"

MOBILE FOOD VENDOR APPROVAL 2020.0340.PR0010

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

INTRODUCTION

Gabriela Mendez (Mendez), filed application to the City of Yelm to locate a mobile food vending unit at the Shell Fuel Station located at 706 Yelm Avenue East, Yelm, WA.

The application materials included an Application, site plan, use agreement and restroom agreement.

Having fully considered the record, the Site Plan Review Committee enters the following:

FINDINGS OF FACT

1.

Mendez proposes to a mobile food vending unit, located at 706 Yelm Avenue East, identified by Assessor's Tax Parcel Number 22730110201. The mobile food vending unit will locate on the southeast property line of the parcel.

2.

The property is currently developed as the Shell Gas Station. Surrounding properties are developed as commercial uses. The mobile vending unit is approximately 180 square feet.

3.

The property is zoned Commercial District (C-1) which is codified at Chapter 18.36 YMC. The C-1 district is intended to provide for the location of business centers to serve the needs of the community for convenience goods. Service establishments are an allowed use in the C-1 zone. [Section 18.36.020 YMC].

4.

The project is exempt from SEPA review pursuant to Section 197-11-800 (1) WAC and Section 18.20.020 (A).

5.

Chapter 18.16 YMC requires a determination that the infrastructure facilities necessary to serve a proposed development are in place or planned for and properly funded with a reasonable expectation that the facilities will be in place at the time needed to preserve adopted levels of service.

Concurrency with sewer infrastructure is met when the project is within an area approved for sewer pursuant to the adopted sewer comprehensive plan for the City and improvements necessary to provide facilities and services are present to meet the needs of the proposed development.

The mobile food vendor unit is self-contained. Sewer connection is not required. Restroom facilities are located within 150 feet of the unit and the applicant has provided a restroom use agreement with the property owner.

Concurrency with water infrastructure is met when the project is within an area approved for municipal water service pursuant to the adopted water comprehensive plan for the City and improvements necessary to provide services are present.

The mobile food vendor unit is self-contained. Water connection is not required. Restroom facilities are located within 150 feet of the unit and the applicant has provided a restroom use agreement with the property owner.

Concurrency with transportation infrastructure is met when the project completes frontage improvements, makes off-site improvements required for the safe movement of traffic and pedestrians if impacted by traffic from the development, and pays a traffic facilities charge.

The site is served by Yelm Avenue East (SR507), and 103rd Avenue SE, both of which are constructed to current City standards.

Transportation facility charges are not required as the use is not located on the site permanently, but on and off the site at different times.

Concurrency with school infrastructure is met through the payment of a school impact fee at the time of construction.

The project does not generate new students and is therefore exempt from school impact fees.

Concurrency with fire protection is met through the payment of a fire impact fee at the time of construction.

The project does not include construction of new structures and therefore a fire impact fee is not required.

6.

Title 18 YMC is the Unified Development Code for the City of Yelm and establishes standards for development within the various zoning districts. The subject property is identified by the Zoning Map as being within the C-1 zoning district.

Service oriented establishments are allowed in the C-1 zoning district as a permitted use. [Section 18.36.020 (B) YMC]

Setback requirements for the C-1 zoning district are 15 feet front yard, 10 feet side yard, and 20 feet rear yard. [Section 18.36.040 YMC]

The proposed location of the mobile vending unit meets setback requirements.

Buildings in the C-1 zoning district may be up to 40 feet in height. [Section 18.36.040 YMC].

The mobile vending unit is less than 40 feet in height.

Minimum parking requirements for establishments serving food is 1 stall per 200 square feet. The unit is mobile and located at a site that has improved parking available. Adequate parking is available for both the Shell Station and the mobile food vending unit.

7.

Title 18 YMC provides guidance and regulation for site planning during development. Chapter 18.36 YMC establishes design standards for development. These standards are met by the Shell Gas Station.

Chapter 18.68 YMC establishes design standards for mobile food vendors.

General requirements allow for mobile food vendors to be located on private and City property, but not within the street right-of-way of SR 510 and SR 507, require that the business acquire a City of Yelm business license, and Thurston County Health Approval and may not impede pedestrian or vehicular movements within the public right-of-way.

The mobile food vending unit is located on private property and is located as to not impede vehicular or pedestrian movement.

The applicant does not have an active City of Yelm business license.

The applicant is currently working with the Thurston County Health department for approval.

Section 18.68.030 provides development and performance standards for mobile food vending units:

- A. The maximum size for mobile food unit, including accessory structures, is 300 square feet

The unit is less than 300 square feet.

- B. A canopy or umbrella may be included with the mobile food unit. The canopy or umbrella should be of vinyl, canvas, or similar durable material. All parts of the canopy or umbrella must have a minimum of seven feet of vertical clearance to the ground.

The site plan does not include information regarding canopy or umbrella, however the restroom agreement required states that outdoor seating will be required.

- C. Accessory seating and tables must meet the standards of the Americans with Disabilities Act.

The site plan does not show outdoor seating.

- D. Restroom facilities to be used by the mobile food employees shall be contained within the unit or located within 200 feet of the unit. If tables and chairs are provided for customer use, customer restroom facilities must be provided as required by the Thurston County health department. Written approval from the property owner of the restroom facility must be provided before approval of the mobile food vending application.

Restroom facilities are provided pursuant to the restroom agreement between the property owner and the mobile food vendor.

- E. Mobile food vendors must meet the setbacks to private property lines of the zoning district in which the use is located.

The location of the mobile vending unit meets the required setbacks.

F. Mobile food vendor units must be self-contained.

The mobile food vending unit is self-contained.

G. Electrical power generators are not permitted unless noise impacts can be mitigated.

The site plan does not show generator use.

H. Utility service connections are permitted. Electrical service connections may be permitted by an adjacent property owner when the following requirements are met:

1. Electrical lines are not allowed overhead or lying on the sidewalk.
2. The outlet location must be placed outside walkways which are accessible to the public.
3. Hookup must be permanently wired to the retail stand and meet National Electrical Code requirements as to type, size and grounding, terminating in an approved outside weatherproof type receptacle.

The applicant indicates that electrical power will be provided to the unit. The site plan does not show electrical service connection.

I. Mobile food vendors must keep the site clean and orderly at all times, and pick up all refuse or debris. All vendors must provide a refuse container for customer use.

The site plan does not show refuse facilities.

J. Mobile food vendors located within parking lots shall not occupy more than 15 percent of the parking spaces required for the primary use of the property, and provide safe vehicular maneuvering area for its customers.

The mobile food vending unit is not located within approved parking areas, and does not occupy required parking for the primary use.

K. Mobile food vendors located within public right-of-way must:

1. Be located at least 100 feet from an existing food establishment. This minimum distance may be reduced or waived if the existing establishment provides written statement approving the location.
2. Assure the public sidewalk remains accessible under the Americans with Disabilities Act.
3. Obtain and maintain liability and property damage insurance coverage, in the amount of \$1,000,000, naming the city as the co-insured, and sign an agreement to indemnify and hold the city harmless. (Ord. 1022 § 16, 2017).

The mobile food vending unit is not located within public right-of-way.

CONCLUSIONS OF LAW

A.

Section 18.13.020 (B) YMC allows the Site Plan Review Committee to approve a proposal when the preliminary site plan conforms to the standards, provisions and policies of the city as expressed in its various adopted plans and ordinances.

B.

The proposal, as submitted, is generally consistent with the development, construction, and design standards of the Unified Development Code if certain mitigating measures are applied.

C.

The applicant does not have an active City of Yelm business license.

The applicant has not provided Thurston County health approval.

The site plan does not include information regarding any canopy or umbrellas.

The site plan does not show outdoor seating.

The site plan does not show generator use.

The site plan does not show electrical service connection.

The site plan does not show refuse facilities.

DECISION

In accordance with the analysis above, the Site Plan Review Committee issues the following decision:

The Ministerial Site Plan Review is hereby approved as proposed, subject to the following conditions:

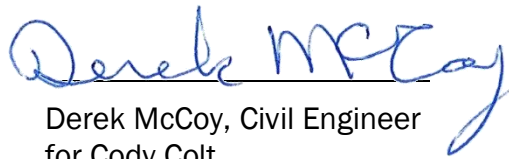
1. A City of Yelm business license is required.
2. Proof of Thurston County Health Department approval is required.
3. If a canopy or umbrella is used, it shall be made of vinyl, canvas, or similar durable material. All parts of the canopy or umbrella must have a minimum of seven feet of vertical clearance to the ground.
4. Accessory seating and tables must meet the standards of the Americans with Disabilities Act.

5. If electrical power generator is used, the applicant shall show how impacts to adjoining property owners will be mitigated.
6. If electrical service connections are used, electrical lines are not allowed overhead or lying on the sidewalk. The outlet location must be placed outside walkways which are accessible to the public. Hookup must be permanently wired to the retail stand and meet National Electrical Code requirements as to type, size and grounding, terminating in an approved outside weatherproof type receptacle.
7. A refuse container is required to be provided for customer use.
8. The applicant shall provide an updated site plan showing compliance with the above conditions.

Dated this 20th day of November, 2020



Grant Beck,
Community Development Director



Derek McCoy, Civil Engineer
for Cody Colt,
Public Works Director

Prepared this 16th day of November, 2020



Tami Merriman,
Associate Planner

APPEAL

The Site Plan Review Committee's decision in this matter may be appealed pursuant to Chapter 18.10 YMC, to the City of Yelm Hearing Examiner no later than 21 days from the date of this decision. An appeal must be in writing, contain specific factual objections, and include the appeal fee of \$1,250.00.