

Planning and Development Division



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March 1, 2022

Planning Commission Chair Jeffrey Hill
and Planning Commission Members
Galveston, Texas

Dear Commission Chair and Member:

Subject: Concessions Workshop of March 8, 2022

Background:

This workshop was scheduled as part of the City Council directive to Planning Commission to examine the City of Galveston's concessions (food truck) ordinances and provide recommendations to City Council.

Previously, Planning Commission held four workshops in regards to this subject. During the February 8, 2022 workshop Planning Commission made some recommendations and tasked Planning staff with actionable items in preparation for the next workshop on March 8, 2022. This memo summarizes the recommendations made by Planning Commission through all workshops to date, and includes as attachments the reference material requested by Planning Commission during the February 22, 2022 workshop.

Action from Previous Workshops:

1. Non-food/merchandise concessions can be allowed (Consensus reached);
2. Prorating late permits not advisable; annual expiration dates to remain (Consensus reached);
3. Concession parks or individual concessions permitted to allow flexibility (Consensus reached);
4. Temporary concessions process is required to meet the demand of numerous festivals and events throughout the year (Consensus reached);
5. Seating may be allowed in parks or individual sites (Consensus reached). Recommendation made to allow certain optional items as "premiums" for additional fees;
6. Concession trucks or parks need not provide restrooms (Consensus reached);
7. Concession trucks need not provide sanitation stations/hand-washing (Consensus reached);
8. Electrical hookups could be anything which is typically permitted under International Fire Code and/or International Building Code. Staff to verify with Fire Department and Building Department;
9. Recommendations made to add additional information required to temporary concessions application (See draft application, Attachment A);
10. Criminal background checks and reference to state law to be added for mobile vending per state law. Not required for concessions;
11. Outdoor display provision (Land Development Regulations, Article 2.602) shall not apply to concessions, as concessions are not permanent in nature)(Consensus reached);

12. 1,000 square feet per concession in parks to remain (Consensus reached);
13. Parking for concessions and concession parks per base zoning (Consensus reached; verify);
14. Draft Temporary Concessions application approved;
15. Draft concession ordinance recommended to go into effect 01/01/2023;
16. Draft concessions land use for Planning Commission review and discussion (Attachment A).
17. Proposed fee schedule as requested by Planning Commission (Attachment B).

Remaining Tasks:

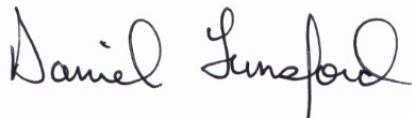
1. Discussion regarding push carts, commissary requirements, and permit procedures with Galveston County Health District staff scheduled for 03/08/2022 workshop

Directives to Staff:

2. Staff to solicit input from current concession owners in Galveston before 03/22/22 workshop;
3. 04/05/2022 workshop – final review and approval;
4. City Council workshop and action tentative for 05/26/22;

While Planning Commission is free to hold additional discussion, Planning Staff requests that the Commission specifically discuss and consider the above items at the March 8, 2022 workshop.

Respectfully Submitted,



Daniel Lunsford
Senior Planner

	R-0	R-1	R-2	R-3	MF	UN	NS	TN	C	CB	Res- Rec	LI	HI
Concession	-	-	-	-	-	-	-	L	L	L	L	L	L
Concession Park	-	-	-	-	-	-	-	L	L	L	L	L	L

Definitions (to be added into LDR Article 14)

Concession means an enterprise which operates in the open and or utilizes a non-permanent structure and that makes available for sale perishable or non-perishable goods or commodities, and which sells to the general public either directly or indirectly. For purposes of this regulation, structures that are manufactured for a use other than mobile vending may not be used. Concessions shall not operate from a vehicle such as a passenger (pickup) truck, flatbed trailer, mobile home, automobile, or passenger van.

Temporary Concession means any concession which does not possess a valid, annual City of Galveston concession permit.

Concession park means any parcel where two (2) or more concessions gather under a designated park manager.

Mobile concession means a concession that moves from location to location providing their services, and typically sells only pre-packaged foods and/or drinks.

A. Concession Limited Use Standards

1. Administration

- a. No person shall conduct or operate a concession in the city without a permit.
- b. Annual concession permits shall expire December 31st of each calendar year, and shall not be prorated nor any portion refunded. The permit is valid beginning on the date of completion of the application and payment of the concession fee.
- c. Temporary concession permits are valid only for the dates and/or events specified. Temporary permits shall only be valid for no more than fourteen (14) consecutive days;
 - i. Up to (4) temporary concession permits may be issued to a concession per calendar year
- d. The following shall be provided as required components of an annual concession permit:
 - i. Completed application, signed by both the applicant and the property owner(s) or owner(s) designated agent;
 - ii. Valid legal identification of the concession owner;
 - iii. Photos of the concession vehicle’s exterior;
 - iv. Proof of insurance or bond, in accordance with requirements established by the city;
 - v. Site plan, drawn to scale, for each concession property including location of the concession, approved electrical hookup, and trash receptacles.
 - vi. a Galveston County Health District permit required specific to each concession vehicle. Annual Galveston County Health District permits are required for annual concessions permits;
 - vii. A copy of the lease agreement between the concession and each property owner, up to three separate locations. A schedule of days, times, and locations shall be provided for multiple locations;
 - viii. Valid State of Texas sales and use tax permit with City of Galveston listed as origin of sales;
 - ix. Valid commissary agreement including food preparation space, ability to properly disposal of waste water, grease/oil, and trash, and source of potable water. A manifest of trips to the designated concession signed by the commissary shall be provided upon request from city staff (i);
 - x. Concession vehicles must conform to all applicable life safety code requirements as specified by the city Fire Marshal;



- i. Payment of the \$500 annual concession fee, as determined by City Council. A \$125 discount shall be applied for each location within a permitted concession park at the time of permitting.
- e. The following shall be provided as required components of the temporary concession permit:
 - i. Completed application, signed by both the applicant and the property owner(s) or owner(s) designated agent;
 - ii. Valid legal identification of the temporary concession owner;
 - iii. Photos of the concession vehicle's interior and exterior;
 - iv. Proof of insurance or bond, in accordance with requirements established by the city;
 - v. Valid Galveston County Health District permit required;
 - vi. Valid commissary agreement including food preparation space, ability to properly disposal of waste water, grease/oil, and trash, and source of potable water (i);
 - vii. Valid State of Texas sales and use tax permit listing City of Galveston as origin of sales;
 - viii. \$25 per day operation fee, plus a \$100 late fee for any temporary concession permits submitted less than ten (10) days before the associated event;
 - ix. Any concession operating under a valid annual concession permit is exempt from temporary concession fees provided that Development Services is notified of participation in an event no less than ten (10) days prior to the event. During this time, such a concession is permitted to operate at the designated location.
- f. Concession permit shall be displayed in a conspicuous location on the concession vehicle, visible from the street, and that is visible at all hours.
- 2. The area commonly known as Saengerfest Park and legally described as Abstract 628 M.B. Menard Survey Lots 11 & 12 Block 683 Galveston & North 0-9 Feet of Adjacent Avenue B and Abstract 628 M.B. Menard Survey Lots 13,14 & South 1/2 of Alley Galveston & North 0-9 Feet of Adjacent Avenue B may allow kiosks, push carts, or pop-up tents at the discretion of the property owner(s) thereof, or their agent(s).
- 3. City code regulations which govern city-recognized special events (such as but not limited to Mardi Gras, Lone Star Rally, and Dickens on the Strand) shall supersede these regulations.
- 4. For purposes of this article, structures that are manufactured for a use other than concessions shall not be permitted. Examples of acceptable vehicles include, but are not limited to, vehicle equipped with serving windows, merchandise display equipment, kitchen preparation areas, and advertisement display section.
- 5. Permit may be revoked, at the discretion of the city manager or designee, for any of the following violations:
 - i. inappropriate signage;
 - ii. incompatible concession design;
 - iii. violation of limited use standards;
 - iv. non-compliance with any city code or property maintenance code violation;
 - v. Any threat to the public health, safety, and/or welfare;

B. General

1. Location and Operations

- a. A permitted concession may move between up to three approved sites providing a separate lease agreement and schedule of locations and hours of operation are submitted with the permit application.
- b. Concessions are permitted on commercial lots in Commercial (C), Central Business (CB), Resort-Recreation (Res-Rec), Traditional Neighborhood (TN), Light Industrial (LI) and heavy Industrial (HI) zoning.
 - i. Concessions shall not be permitted within one hundred (100) feet of the district line of any single- or multiple-family zoning district. May be permitted without a distance requirement from a residential zoning district when the concession is located in a commercial zoning district;
 - ii. Concessions shall not be permitted within one hundred (100) feet of an existing brick and mortar business which sells similar goods or services. Measurement shall be from the window of the concession to the nearest public entry door of the business;
 - iii. A concession may not be located in the public right-of-way, state highway department right-of-way, or any driveway. Serving window(s) shall maintain a minimum setback of five (5) feet from the public right-of-way;



- iv. Concessions shall not operate within five hundred (500) feet of any preschool-12th grade public or private school between the hours of 7 am and 6 pm on school days.
- v. No more than one (1) concession shall be permitted on the same lot except in permitted concession parks;
- vi. Concessions shall not occupy required parking;
- vii. Concessions must remain mobile, and shall not be rendered immobile or permanently connected to city utilities for any reason. Concessions must be able to relocate within 8 hours of an emergency declaration;
- viii. Concessions may utilize any source of electricity which is properly permitted and in compliance with building and life-safety codes as determined by the City fire marshal;
- ix. Each concession must have a litter receptacle available, clearly marked and maintained for patron use. This litter receptacle must be at least a forty-four (44) gallon capacity and composed of a leak-proof, nonabsorbent material;
- x. Seating is not permitted; (ii)
- xi. All concession sales and display must occur within the concession vehicle. No outdoor display allowed.
- xii. Signage is limited to the face of the concession itself, except as provided in City Code. All other sign standards apply to concession vehicles.
- xiii. All outside items permitted must be removed and stored when the concession is not in operation (iii).
- xiv. Declared Natural Disaster. In the event of a disaster on Galveston Island, concessionaires may apply for a concession to the development services department in accordance with the following, and as allowed by the City Manager.
 - a. The following goods, services, and related items may be allowed during recovery from a declared natural disaster: Laundry, food, household goods, charitable activities, generators, mattresses, landscaping, retail goods, internet and wireless services.

A. Concession Park Limited Use Standards

1. General

- a. No person shall conduct or operate a concession in the city without a Certificate of Zoning Compliance and Limited Use Affidavit.
- b. No more than one concession shall be permitted per every 1,000 square feet of area;
- c. Seating for no more than four (4) persons may be provided for each concession in a concession park. Concession seating must be specifically indicated on site plan; (ii)
- d. All outside items permitted must be removed and stored when a concession is not in operation (iii).
- e. Concession parks shall not be permitted within one hundred (100) feet of the district line of any single-or multiple-family zoning district. Concession parks may be permitted without a distance requirement from a residential zoning district when located in a commercial zoning district;
- f. If provided, site lighting must conform to Article 7 of the City of Galveston Land Development Regulations;
- g. Concession parks over 10,000 square feet in area must provide two (2) off-street parking spaces per concession, regardless of zoning. All surfaces for vehicle parking are to be treated with a dustless surface and an adequate system of storm drainage (iv).

(v)

DRAFT

STAFF NOTES AND COMMENTS (yellow notations)

- i. Changed language to more thoroughly address commissary requirements for both temporary and annual concessions;
- ii. Clarified language regarding shade structures per previous Planning Commission discussion;
- iii. In coordination with the above, specified that allowed items (regardless of what they are: seating, non-permanent shade structures, A-frames, etc) must be stowed/stored when a concession is not in operation;
- iv. Added clarification of off-street parking. This is the same language typically used in the Land Development Regulations (LDR) as a limited use standard;
- v. Staff has invited Galveston County Health District staff and management to attend the 03/08/2022 workshop to address questions Planning Commission may have. Staff's notes from the 02/22/2022 workshop indicate that the Commission was specifically interested in GCHD requirements for commissaries and push carts.

PROPOSED 2023 CONCESSION FEES

BASE ANNUAL CONCESSION FEE	ANNUAL: 1 PARK	ANNUAL: 2 PARKS	ANNUAL: 3 PARKS
\$500	\$375	\$250	\$125 (min.)

Note this would only apply if the concession included the parks in their schedule and provided lease agreements during the initial application or renewal; no discounts, prorating, or refunds would be given after permit is issued. This intends to encourage concessions to coordinate with concession parks before they apply for permit.

PROPOSED TEMPORARY

CONCESSION FEE (Daily)	MAX. (14 Days)	OTHER
\$25	\$350	\$100 late fee (if submitted within 10 days of event)

Example:

A temporary concession which is present for the three major city events (Mardi Gras weekends, Lone Star Rally, and Dickens on the Strand) would pay :

Mardi Gras, First Weekend:	\$75.00
Mardi Gras, Second Weekend:	\$75.00
Mardi Gras, Fat Tuesday:	\$25.00
Lone Star Rally:	\$100.00
<u>Dickens on the Strand:</u>	<u>\$50.00</u>

Total **\$325.00 (+ \$100 per late submittal)**

Note that this would apply only to concessions *outside* of the event organizer's area, per current city ordinances which govern these events.