

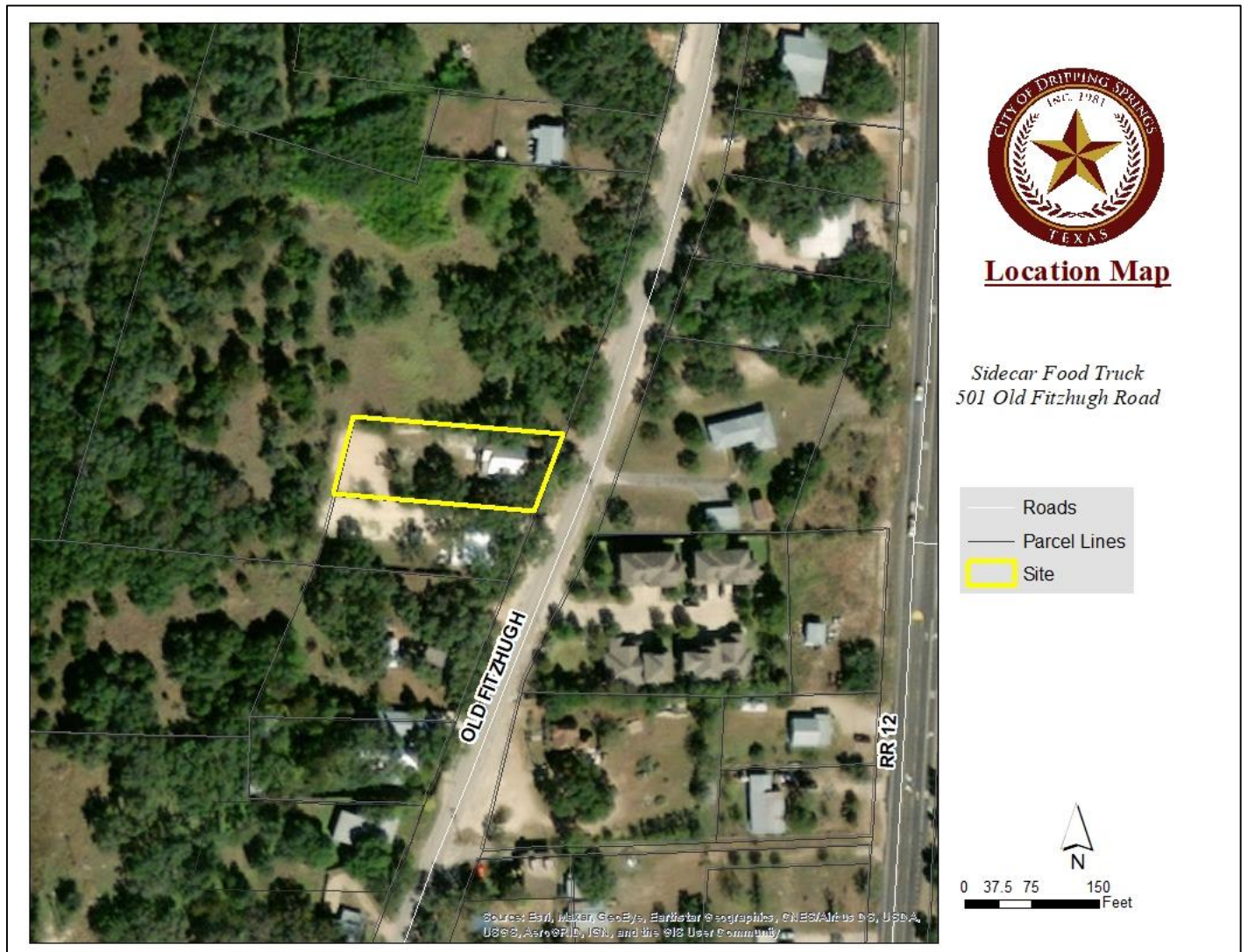


City Council Planning Department Staff Report

Planning & Zoning Commission Meeting: October 4, 2022
Project No: CUP2022-0004
Project Planner: Tory Carpenter, AICP – Senior Planner

Item Details

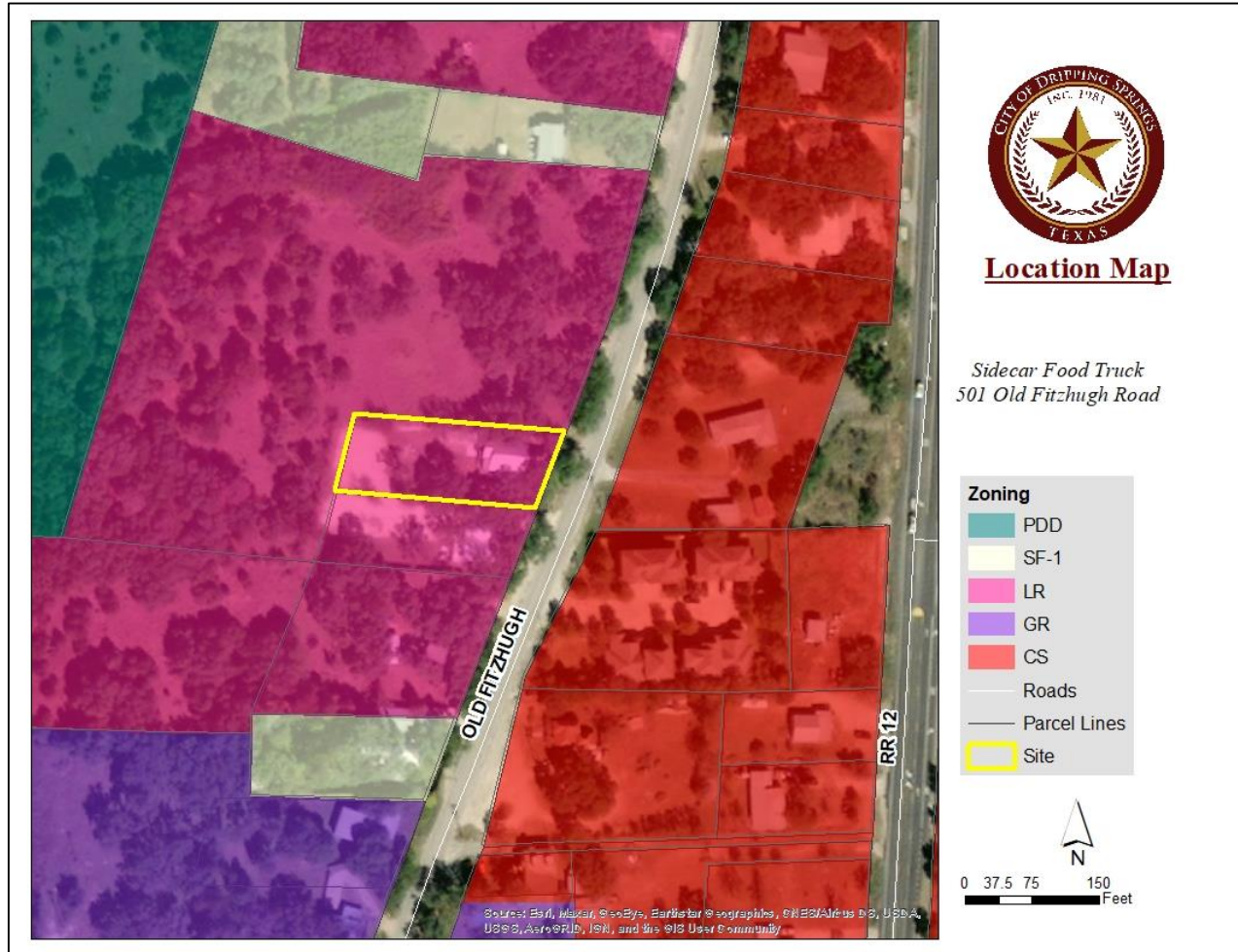
Project Name: Sidecar Tasting Room Mobile Food Vendor
Property Location: 501 Old Fitzhugh Road
Legal Description: 0.486 acres of the Philip A Smith Survey
Applicant: Nathan Pruitt
Property Owner: Sidecar Tasting Room
Request: Conditional Use Permit (CUP) for a Mobile Food Vendor within the Local Retail (LR) Zoning District and Old Fitzhugh Historic District



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| Direction | Setback Code requirement |
|-----------|--------------------------|
| Front | Ten Feet (10') |
| Rear | Ten Feet (10') |
| Side | Five feet (5') |

Surrounding Properties



The current zoning and existing uses of the adjacent properties to the north, south, east, and west are outlined in the table below:

| Direction | Zoning District | Existing Use | Comprehensive Plan |
|-----------|--------------------------|--------------|--------------------|
| North | Local Retail (LR) | Vacant | Not Applicable |
| East | Commercial Services (CS) | Haus of Jane | |
| South | Local Retail (LR) | Beauty Salon | |
| West | PDD | Heritage | |

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Approval Criteria for Conditional Use Permit Review (3.17.6-Zoning Ordinance)

| Approval Criteria | Staff Comments |
|--|--|
| <p>1. The proposed use at the specified location is consistent with the policies embodied in the Comprehensive Plan;</p> | <p>The following comprehensive goals support this request:</p> <p>1. Support expansion of business and professional services and</p> <p>2. Support Tourism.</p> |
| <p>2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;</p> | <p>The zoning district is Local Retail (LR), which permits commercial and retail uses. Mobile food vendors are permitted in the LR zoning district with the approval of a Conditional Use Permit (CUP).</p> |
| <p>3. The proposed use meets all supplemental standards specifically applicable to the use, as established in the Development Standards, Section 5;</p> | <p>The applicant will need to meet all development standards.</p> |
| <p>4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods, and (as required by the particular circumstances) includes improvements or modifications (either on-site or within the public rights-of-way) to mitigate development-related adverse impacts, including but not limited to the following:</p> | <p>A mobile food vendor at this location will provide additional dining options for the area. Additionally, it is walking distance from several residences and other retail uses.</p> |
| <p>a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;</p> | <p>The food truck is on a site with adequate vehicular and pedestrian access.</p> |
| <p>b. Off-street parking areas, loading areas, and pavement type;</p> | <p>The site has adequate parking.</p> |
| <p>c. Refuse and service areas;</p> | <p>The applicant will be required to provide trash can receptacles for the patrons.</p> |
| <p>d. Utilities with reference to location, availability, and compatibility;</p> | <p>The mobile food vendor is required to be plugged into an approved outlet. Restrooms will be shared with the business on site. The mobile food vendor will be required to comply with all Fire safety regulations.</p> |
| <p>e. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;</p> | <p>No Screening is proposed.</p> |
| <p>f. Control of signs, if any;</p> | <p>Signage will be done with a separate permit and will need to comply with the current sign ordinance in effect. Any variances will require approval.</p> |

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| g. Control of exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district; | The owner shall comply with the lighting ordinance. |
| h. Required yards and open space; | Not applicable. |
| i. Height and bulk of structures; | The mobile food vendor meets height requirements. |
| j. Hours of operation; | The mobile food vendor ordinance restricts the applicant from operating between the hours of 11:00pm to 6:00am. |
| k. Exterior construction material, building design, and building facade treatment; | Mobile food vendors do not have to comply with our exterior design ordinance, but they do have to comply with our sign ordinance and applicable Sign Codes. |
| l. Roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets; and | Not applicable. |
| m. Provision for pedestrian access/amenities/areas; | The mobile food vendor will be tied to the adjacent business which will provide tables and seating. |
| 5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity; and, | Staff finds that the proposed mobile food vendor use will not be detrimental or damaging to the surrounding properties, these properties being similarly commercially zoned. |
| 6. Noise; | No concerns noted. |
| 7. Odors; and | No concerns noted. |
| 8. Dust. | No concerns noted. |

Conditional Use Permit Requirements

A mobile food vendor at the above-mentioned location is allowed pursuant to the following regulations:

1. Decibel Level shall not exceed 65 decibels. Decibel level shall be measured at the property line.
2. Hours of operation are limited to the closing time of 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday.
3. The property adheres to all Fire and Life Safety Codes found in the International Fire Code
4. Should the City find the mobile food truck to create health and safety issues due to any reasons, the City Administrator may request that the Applicant remove any vehicle from the site. The Applicant shall comply with the City Administrator's request.
5. This Conditional Use Permit automatically renews for successive two (2) year periods unless an objection is raised by the City Administrator based on either:
 - a. A history of poor code compliance.
 - b. A revision to the Comprehensive Plan that renders the CUP incompatible.
6. The City administrator may revoke a CUP for failure to comply with municipal regulations and the conditions

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placed on the use.

The below excerpt of the Code are the procedures that P&Z should take for CUPS.

Chapter 30 Exhibit A Zoning Ordinance Sec 3.17.5 Procedures for CUPS:

- (a) P&Z Recommendation: Following the public hearing, the P&Z shall recommend approval, approval subject to modification, or denial of the proposal to the City Council. If the appropriateness of the use cannot be assured at the location, the P&Z shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the Conditional Use Permit request. At the time of this report, staff received two emails in support of the request.

Meetings Schedule

September 27, 2022 – Planning and Zoning Commission

October 4, 2022 - City Council Meeting

Attachments

Attachment 1 - Conditional Use Permit Application

Attachment 2 – Site Plan

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|-----------------------------|---|
| Recommended Action: | Approval of the request. |
| Alternatives/Options: | Denial of the Conditional Use Permit; approval of the Conditional Use Permit with no or alternate conditions. |
| Budget/Financial Impact: | None calculated at this time, but the City would receive additional sales tax revenue. |
| Public Comments: | Staff has received two emails in support of this request. |
| Enforcement Issues: | N/A |
| Comprehensive Plan Element: | Support the expansion of business and professional services Support Tourism related businesses |