



# City Council Planning Department Staff Report

**Planning & Zoning  
Commission Meeting:** November 1, 2022  
**Project No:** CUP2022-0005  
**Project Planner:** Tory Carpenter, AICP – Senior Planner

## Item Details

**Project Name:** Oro Bianco Mobile Food Vendor  
**Property Location:** 27713 Ranch Road 12  
**Legal Description:** Cannon Estates West lot 5  
**Applicant:** Adam Thompson  
**Property Owner:** James Kelsey  
**Request:** Conditional Use Permit (CUP) for a Mobile Food Vendor

## Staff Recommendation:

- Approval with the following conditions:
1. The applicant shall submit a site development permit prior to any additional site improvements; and
  2. Hours of operation are limited to between 7:00am and 9:00pm; and
  3. There shall be no amplified sound on the site; and
  4. The Conditional Use Permit shall be reconsidered by City Council within two years of its effective date; and
  5. The permit shall become effective with the issuance of the building permit.



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## Overview

The applicant is requesting a conditional use permit (CUP) to allow one mobile food vendor on the property. The food truck would sell coffee and gelato products from a single trailer located on the center of the site. The applicant will be required to provide a minimum of three parking spaces on the site.

Aside from an existing carport on the property, the site is vacant. Surrounding properties include several single-family residences, however, each of these residences are within a commercial zoning district. The properties to the south and west of the subject property is owned by the same owner as the subject property.

Direction	Setback Code requirement
Front	Ten Feet (25')
Rear	Ten Feet (25')
Side	Five feet (15')

## 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	Commercial Services (CS)	Single-Family	Not Shown
East	Commercial Services (CS)	Open Space	
South	Commercial Services (CS)	Single-Family	
West	Commercial Services (CS)	Vacant	

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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> <ol style="list-style-type: none"> <li>1. Support expansion of business and professional services and</li> <li>2. Support Tourism.</li> </ol>
<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 Commercial Services (CS), which permits commercial and retail uses. Mobile food vendors are permitted in the CS 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 food and beverage options for the area. While there are single-family residences in the immediate vicinity, staff is recommending conditions to limit adverse impacts.</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 applicant will be required to submit a site development permit to which will ensure adequate vehicular access and pedestrian improvements.</p> <p>Note that TXDOT may not approve the two driveways on this property as shown in the site plan.</p>
<p>b. Off-street parking areas, loading areas, and pavement type;</p>	<p>The applicant will be required to provide three parking spaces.</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 applicant has stated that they may utilize a generator or connect to the adjacent site's electrical system. Both options may be allowed by the City.</p> <p>The applicant has stated that they do not intend to tie into the public sewer service, but will instead have a self-contained wastewater receptacle within the food truck.</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</p>

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	variances will require approval.
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 per the mobile food vendor 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;	Staff is recommending restricting hours of operation to between 6:00am and 9:00pm.
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;	Staff is recommending conditions to limit hours of operation and to prohibit amplified speakers to limit adverse impacts with neighboring residences.
7. Odors; and	No concerns noted.
8. Dust.	No concerns noted.

### Conditional Use Permit Requirements

The following standards are applicable for all mobile food vendors within the City Limits. Note that the Conditional Use Permit can be approved with conditions that further restrict operations.

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 11:00 p.m.
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:

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- 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 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 has not received any public comments for this request.

## Meetings Schedule

October 25, 2022 – Planning and Zoning Commission

November 1, 2022 - City Council Meeting

## Planning & Zoning Commission Recommendation

At their October 25, 2022 meeting, the Planning & Zoning Commission voted to recommend approval of the request with staff recommended conditions.

## Attachments

Attachment 1 - Conditional Use Permit Application

Attachment 2 – Site Plan

Attachment 3 – Food Vendor Photos

Recommended Action:	Approval with the following conditions: <ol style="list-style-type: none"> <li>1. The applicant shall submit a site development permit prior to any additional site improvements; and</li> <li>2. Hours of operation are limited to between 7:00am and 9:00pm; and</li> <li>3. There shall be no amplified sound on the site; and</li> <li>4. The Conditional Use Permit shall be reconsidered by City Council within two years of its effective date; and</li> <li>5. The permit shall become effective with the issuance of the building permit.</li> </ol>
Alternatives/Options:	Recommend denial of the Conditional Use Permit; recommend 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 not received any public comments at this time.
Enforcement Issues:	N/A
Comprehensive Plan Element:	Support the expansion of business and professional services Support Tourism related businesses