



City Council Planning Department Staff Report

City Council Date: October 15, 2024
Project No: CUP2024-004
Project Planner: Tory Carpenter, AICP – Planning Director

Item Details

Project Name: Meaty Boys Mobile Food Vendor
Property Location: 121 Mercer Street
Legal Description: The Commons at Dripping Springs, Lot 4
Applicant: Jeff Carman
Property Owner: Central Texas Youth Ballet, LLC – Rena Reeder
Request: Conditional Use Permit (CUP) for a Mobile Food Vendor

Approval with the following conditions:

1. The applicant shall submit a site development permit prior to any additional site improvements;
2. The food truck must meet all setback requirements;
3. Hours of operation are limited to between 8:00am and 10:00pm;
4. Trash receptacles shall be provided for customer use;
5. The Conditional Use Permit shall be reconsidered by City Council within two years of its effective date; and
6. The permit shall become effective with the issuance of the building permit.
7. There shall be no portable toilets used on a long-term basis.
8. There shall be no amplified music.
9. Trash must be removed from the property at the end of each business day.
10. Patrons may not use neighboring restroom facilities without an agreement by the neighboring business owner.
11. The applicant shall provide an inclement weather evacuation plan to staff.

Staff Recommendation:



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Overview

The applicant is requesting a Conditional Use Permit (CUP) to allow one mobile food vendor on the property for a period exceeding 10 days. The proposed food truck would operate from a single trailer on the site, selling barbecue products.

Initially, the applicant applied for a temporary food permit during Founders Day. However, the food truck had been operating on the site for several weeks prior to the event. Following the issuance of a stop work order by City staff, the applicant removed the mobile food truck from the property.

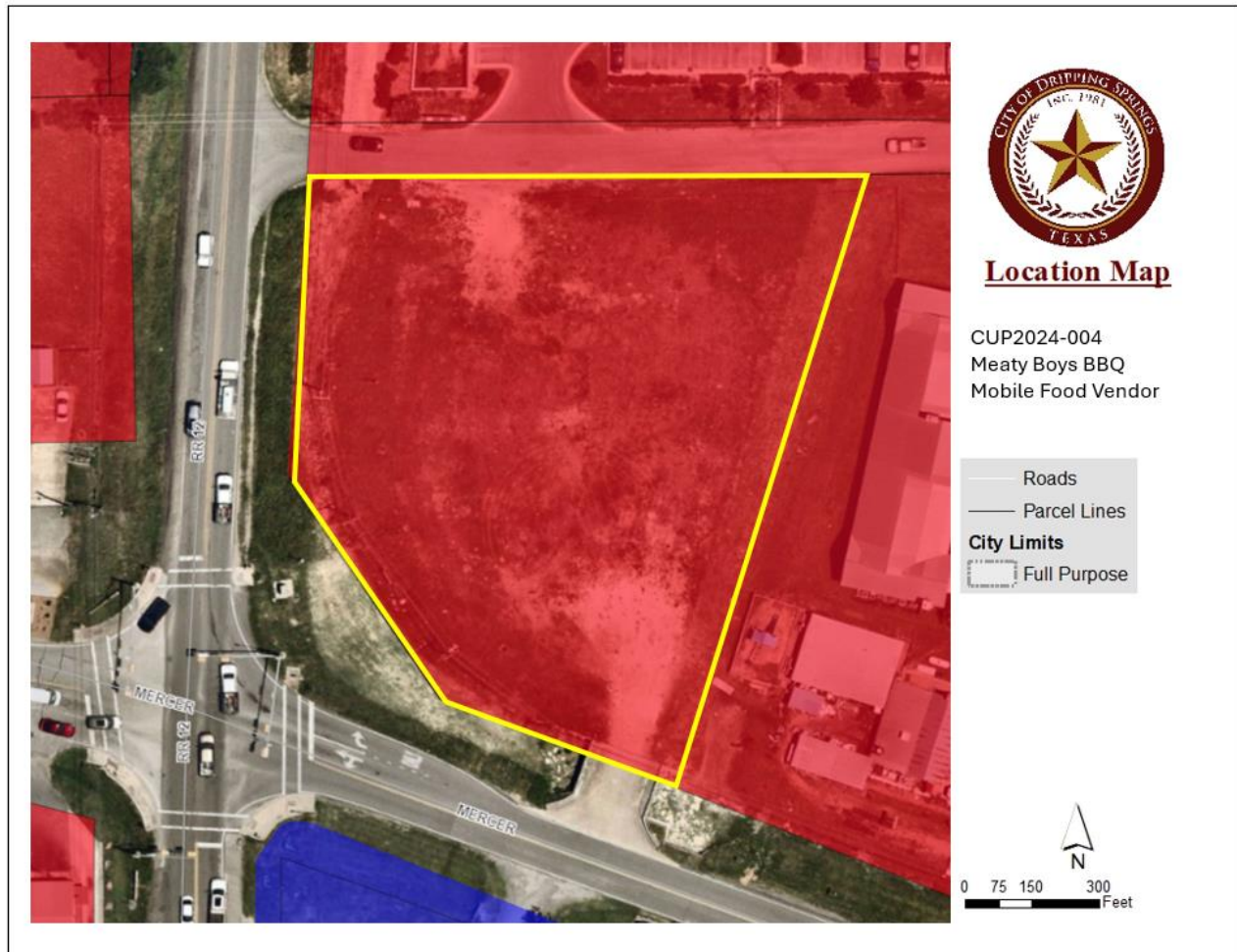
Although the lot is currently vacant, it has historically been used for seasonal Christmas tree sales, which included mobile food vendors under temporary special event permits.

The applicant has indicated that the business will primarily offer to-go orders but would like to provide seating for customers while they wait. They are willing to remove the seating if required by the Planning & Zoning Commission.

Based on previous discussions with City Council and the Planning & Zoning Commission, the applicant does not plan to install portable toilets on the site.

Direction	Setback Code requirement
Front	Twenty-Five Feet (25')
Rear	Twenty-Five Feet (25')
Side	Fifteen Feet (15')

Surrounding Properties



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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)	Medical Office	Not Identified
East	Commercial Services (CS)	Office / Restaurant	
South	Government/ Utility/ Institutional (GUI)	Veterans Memorial Park	
West	Commercial Services (CS)	Retail	

Staff Analysis

Since the applicant is proposing a single mobile food vendor, they are not required to follow the standards of mobile food courts, including restrooms and seating requirements. The applicant will, however, be required to provide three improved parking spaces on the site which will trigger a site development permit.

The site plan provided by the applicant indicates that the mobile food vendor will be located within the 25' building setback from Mercer St & RR 12. Staff suggest adding a condition that the site plan be revised to include show the mobile food vendor outside of the setback.

Refer to the approval criteria for additional staff analysis.

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

Approval Criteria	Staff Comments
1. The proposed use at the specified location is consistent with the policies embodied in the Comprehensive Plan;	The following comprehensive goals support this request: 1. Support expansion of business and professional services and 2. Support Tourism.
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;	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).
3. The proposed use meets all supplemental standards specifically applicable to the use, as established in the Development Standards, Section 5;	The applicant will need to meet all development standards.
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:	A mobile food vendor at this location will provide additional food and beverage options for the area. With the surrounding area being a combination of retail and office uses, staff is not concerned with adverse impacts to adjacent property owners.

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<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>There is currently adequate vehicular access to the site. The City will be constructing a sidewalk along Mercer Street this year.</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>There are adequate electric utilities on the site. Water is hauled on the site and refuse is pumped as needed.</p>
<p>e. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;</p>	<p>The site plan indicates that the mobile food vendor would be placed in the building setback. The mobile food vendor must be moved at least 25 feet from the building setback line.</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>
<p>g. Control of exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;</p>	<p>The owner shall comply with the lighting ordinance per the mobile food vendor ordinance.</p>
<p>h. Required yards and open space;</p>	<p>Not applicable.</p>
<p>i. Height and bulk of structures;</p>	<p>The mobile food vendor meets height requirements.</p>
<p>j. Hours of operation;</p>	<p>With the lack of residential uses in the area, staff is not concerned with hours of operation.</p>
<p>k. Exterior construction material, building design, and building facade treatment;</p>	<p>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.</p>
<p>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</p>	<p>Not applicable.</p>
<p>m. Provision for pedestrian access/amenities/areas;</p>	<p>The City will be constructing a sidewalk along Mercer Street this year</p>
<p>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</p>	<p>Staff finds that the proposed mobile food vendor use will not be detrimental or damaging to the surrounding properties, these properties being similarly commercially</p>

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property in the vicinity; and,	zoned.
6. Noise;	With the lack of residential uses in the area, staff is not concerned with noise of the site.
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:
 - 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.

Previous Meeting Action

At their regular meeting on August 27, 2024 the Planning & Zoning Commission voted unanimously to recommend denial of this request.

At the regular City Council meeting on September 17, 2024, the applicant stated that he was not aware he could attend the Planning & Zoning Commission meeting. City Council voted to return the item back to the Planning & Zoning Commission for reconsideration to allow the applicant to be present to answer any questions of the Commission.

At their special meeting on October 8, 2024, the Planning & Zoning Commission voted 5-1 to recommend approval with updated conditions which are outlined in staff's recommendation below.

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

August 27, 2024 – Planning and Zoning Commission
 September 17, 2024 - City Council Meeting

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October 8, 2024 – Planning & Zoning Commission Reconsideration

October 15, 2024 – City Council Reconsideration

Attachments

Attachment 1 - Conditional Use Permit Application

Attachment 2 – Applicant submittal materials

Recommended Action:	<ol style="list-style-type: none">1. The applicant shall submit a site development permit prior to any additional site improvements;2. The food truck must meet all setback requirements;3. Hours of operation are limited to between 8:00am and 10:00pm;4. Trash receptacles shall be provided for customer use;5. The Conditional Use Permit shall be reconsidered by City Council within two years of its effective date; and6. The permit shall become effective with the issuance of the building permit.7. There shall be no portable toilets used on a long-term basis.8. There shall be no amplified music.9. Trash must be removed from the property at the end of each business day.10. Patrons may not use neighboring restroom facilities without an agreement by the neighboring business owner.11. The applicant shall provide an inclement weather evacuation plan to staff.
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