



# City Council Planning Department Staff Report

**City Council Meeting:** November 19, 2024

**Project No:** CUP2024-004

**Project Planner:** Tory Carpenter, AICP – Planning Director

## Item Details

**Project Name:** Thai to-Go Mobile Food Vendor

**Property Location:** 301 W US 290

**Legal Description:** Part of lots 4, 5, and 6 Original Town of Dripping springs

**Applicant:** Tye Casas

**Property Owner:** William Warren

**Request:** Conditional Use Permit (CUP) for a Mobile Food Vendor

Approval with the following conditions:

1. The applicant shall receive approval of a Certificate of Appropriateness by the Historic Preservation Commission;
2. Hours of operation are limited to between 8:00am and 10:00pm;
3. Trash receptacles shall be provided for customer use;
4. The Conditional Use Permit shall be reconsidered by City Council within two years of its effective date;
5. The permit shall become effective with the issuance of the building permit;
6. There shall be no amplified music; and
7. Trash must be removed from the food truck site at the end of each business day.
8. The applicant shall provide a formal agreement with Pig Pen, specifying that patrons of the mobile food vendor are permitted to access restroom facilities at Pig Pen.

## Staff Recommendation:



# Planning Department Staff Report

## Overview

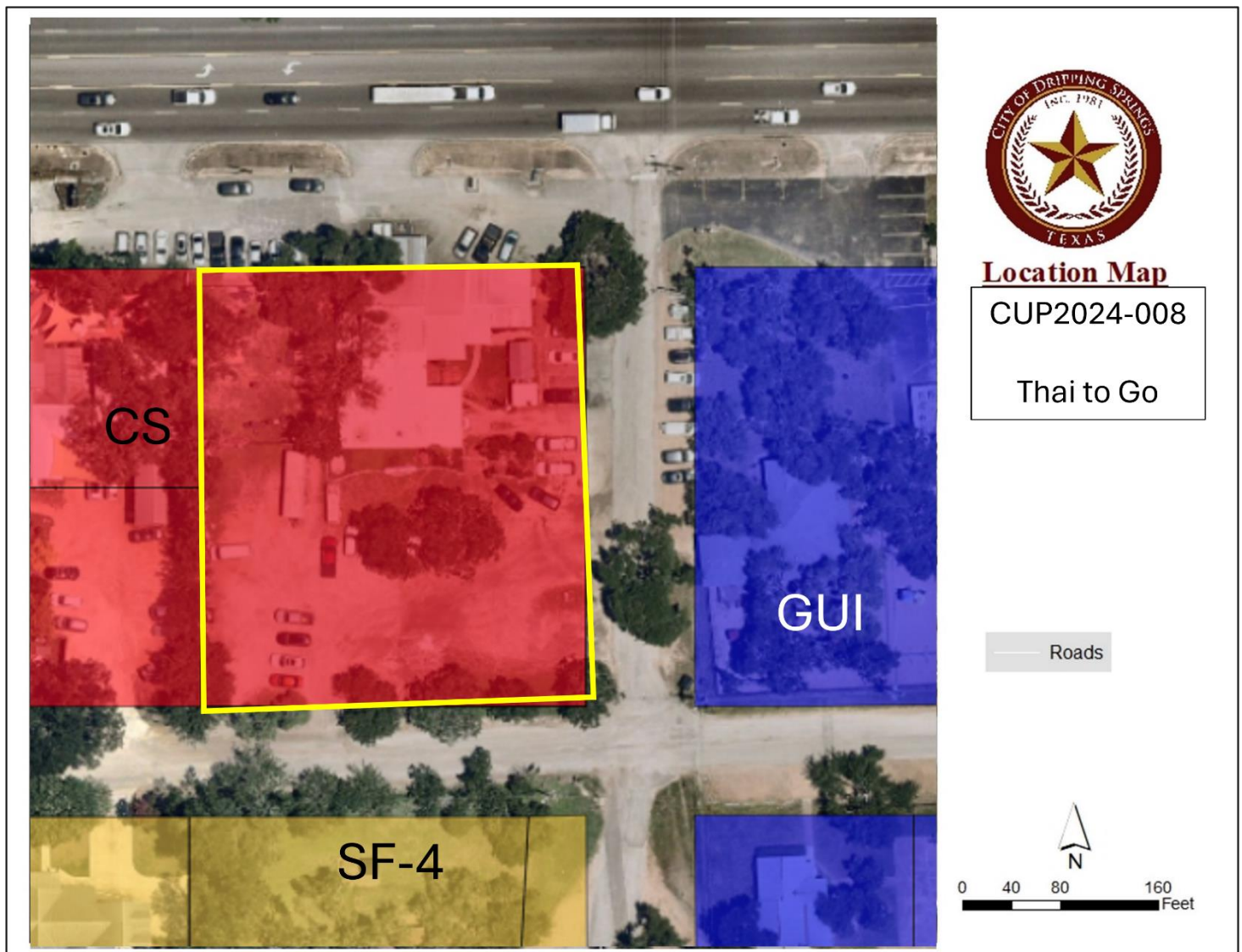
The applicant has submitted a request for a Conditional Use Permit (CUP) to allow a mobile food truck to operate on the site of Pig Pen Barbecue for more than 10 days. The food truck will primarily offer Thai food for to-go orders. However, patrons are permitted to use the outdoor dining area and restroom facilities provided by Pig Pen Barbecue.

The property is located within the Hays Street Historic District, and the applicant has also applied for a Certificate of Appropriateness, which will be considered by the Historic Preservation Commission. Adequate parking is available on-site to support both the existing restaurant and the food truck, with the three additional spaces designated for the mobile food truck as required.

| Direction | Setback Code requirement* |
|-----------|---------------------------|
| Front     | 10 Feet (10')             |
| Rear      | 10 (10')                  |
| Side      | 5 (5')                    |

\*Setback requirements follow the Hays Street Historic District standards and differ from typical historic requirements.

## Surrounding Properties



# Planning Department Staff Report

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)                    | Office       | Not Identified     |
| East      | Government/ Utility/<br>Institutional (GUI) | Church       |                    |
| South     | Single Family – Duplex<br>(SF-4)            | Residence    |                    |
| West      | Commercial Services (CS)                    | Restaurant   |                    |

## 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;   | <b>The following comprehensive goals support this request:</b><br><br>1. Support expansion of business and professional services and<br><br>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 meets the standards in Section 5 for parking, health and safety, and the duration of operation, which would be regulated by the CUP. The applicant has also obtained permission from the property owner to utilize existing facilities, such as restrooms and dining areas. |
| 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.                                   |
| 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;  | There is adequate access to the property, ensuring both vehicular and pedestrian safety, and no changes are necessary for emergency services access.  |
| b. Off-street parking areas, loading areas, and pavement type;  | The site provides the required number of parking spaces, and there are no conflicts anticipated with loading or service areas.  |

## Planning Department Staff Report

|   |   |
|---|---|
| c. Refuse and service areas;  | Waste disposal will be handled by the existing restaurant's refuse services.  |
| d. Utilities with reference to location, availability, and compatibility;   | The food truck utilizes existing electric utilities on the site. Water and wastewater is self-contained within the trailer.   |
| e. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;  | The truck will meet the minimum 10' setback requirement. While the truck will be visible from the street, it will need to meet historic preservation guidelines.                        |
| f. Control of signs, if any;  | 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.                                     |
| 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;  | The application did not indicate proposed hours of operation. Staff recommends a condition that hours be limited to between 8:00am and 10:00pm.   |
| 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 historic preservation guidelines.                  |
| 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;   | Pedestrian access to the site remains safe and convenient with the mobile food truck on-site.   |
| 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,   | The mobile food truck will operate in conjunction with an established restaurant, providing additional food options without disrupting the surrounding businesses or residential areas. |
| 6. Noise;   | The operation of the food truck is not expected to create excessive noise beyond typical restaurant activity.   |
| 7. Odors; and   | No concerns noted.  |
| 8. Dust.  | No concerns noted.  |

### Conditional Use Permit Requirements

# Planning Department Staff Report

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.

## 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 22, 2024 – Planning and Zoning Commission

November 19, 2024 - City Council Meeting

## Attachments

Attachment 1 - Conditional Use Permit Application

Attachment 2 – Applicant submittal materials

|                          |   |
|--------------------------|---|
| Recommended Action:      | <ol style="list-style-type: none"> <li>1. The applicant shall receive approval of a Certificate of Appropriateness by the Historic Preservation Commission;</li> <li>2. Hours of operation are limited to between 8:00am and 10:00pm;</li> <li>3. Trash receptacles shall be provided for customer use;</li> <li>4. The Conditional Use Permit shall be reconsidered by City Council within two years of its effective date;</li> <li>5. The permit shall become effective with the issuance of the building permit;</li> <li>6. There shall be no amplified music; and</li> <li>7. Trash must be removed from the food truck site at the end of each business day.</li> <li>8. The applicant shall provide a formal agreement with Pig Pen, specifying that patrons of the mobile food vendor are permitted to access restroom facilities at Pig Pen.</li> </ol> |
| Alternatives/Options:    | Recommend denial of the Conditional Use Permit; recommend approval of the Conditional Use Permit with alternate conditions.   |
| Budget/Financial Impact: | None calculated at this time, but the City would receive additional sales tax revenue.  |

## Planning Department Staff Report

|                             |   |
|-----------------------------|---|
| 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<br>Support Tourism related businesses |