



CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

• 512.858.4725 • www.cityofdrippingsprings.com

CONDITIONAL USE PERMIT APPLICATION

Case Number (staff use only): _____ - _____

NEW APPLICATION EXTENSION OF A PREVIOUSLY APPROVED CUP

CONTACT INFORMATION

PROPERTY OWNER NAME JCMC3 HOLDINGS LLC
STREET ADDRESS 211 MERCER
CITY Dripping Springs STATE TX ZIP CODE 78620
PHONE 512-626-0086 EMAIL ~~john~~ mcintosh; john@ymail.com

APPLICANT NAME JOHN MCINTOSH / DAVE NIEMEYER
COMPANY MCS BREWING LLC dba ACOPON BREWING
STREET ADDRESS 211 MERCER
CITY Dripping Springs STATE TX ZIP CODE 78620
PHONE 512-626-0086 EMAIL john@acoponbrewing.com

APPLICANT'S SIGNATURE

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that JOHN MCINTOSH is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.
(As recorded in the Hays County Property Deed Records, Vol. 4918, Pg. 378.)

[Signature]
Name

owner
Title

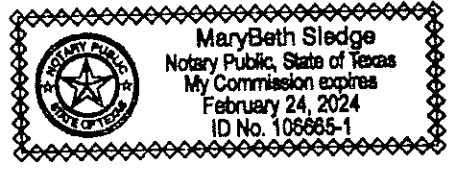
STATE OF TEXAS §
 §
COUNTY OF HAYS §

This instrument was acknowledged before me on the 19th day of October,
2020 by John McIntosh.

[Signature]
Notary Public, State of Texas

My Commission Expires: 2/24/2024

John McIntosh
Name of Applicant



PROPERTY INFORMATION

PROPERTY OWNER NAME	JCMC3 Holdings LLC
PROPERTY ADDRESS	211 MERCER DS TX 78620
CURRENT LEGAL DESCRIPTION	BLOCK 6 LOT 4 ORIGINAL TOWN OF DRIPPING SPRING 65
TAX ID#	32053286194
LOCATED IN	<input checked="" type="checkbox"/> CITY LIMITS <input type="checkbox"/> EXTRATERRITORIAL JURISDICTION
CURRENT ZONING	
PROPOSED USE	FOOD TRUCK IN HISTORIC DISTRICT IN SUPPORT OF ACOFON BREWING
REASON FOR REQUEST <i>(Attach extra sheet if necessary)</i>	DUE TO COVID 19, AND SUBSEQUENT CLOSURES OF BARS, TAPROOM ETC, WE OBTAINED A MODIFICATION OF LICENSE FROM TABC THAT ALLOWED US TO REOPEN, PROVIDED WE OFFER FOOD, AND OUR SALES FOR ONSITE CONSUMPTION OF ALCOHOL WERE LESS THAN 51% OF TOTAL SALES.

HAYING A FOOD TRUCK IS VITAL TO THE SURVIVAL OF OUR BUSINESS.

COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE? *

(See attached agreement).

YES (REQUIRED)* YES (VOLUNTARY)* NO*

* If proposed subdivision is in the City Limits, compliance with Lighting Ordinance is **mandatory**. If proposed subdivision is in the ETJ, compliance is **mandatory** when required by a Development Agreement or as a condition of an Alternative Standard/Special Exception/Variance/Waiver.

Voluntary compliance is strongly encouraged by those not required by above criteria *(see Outdoor Lighting tab on the CODS webpage and online Lighting Ordinance under Code of Ordinances tab for more information).*

CONDITIONAL USE PERMIT SUBMITTAL

All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. **Incomplete submissions will not be accepted.** By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal:

Applicant Signature

10.16.20

Date

CHECKLIST

STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed Application Form - including all required signatures and notarized
		PDF/Digital Copies of all submitted Documents
<input type="checkbox"/>	<input type="checkbox"/>	When submitting digital files, a cover sheet must be included outlining what digital contents are included.
<input type="checkbox"/>	<input type="checkbox"/>	Application Fee (<i>refer to Fee Schedule</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings (<i>required if marked "Yes (Required)" on above Lighting Ordinance Section of application</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Description
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Plans
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Maps/Site Plan/Plat
<input type="checkbox"/>	<input type="checkbox"/>	Architectural Elevation (<i>if applicable</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation for request (<i>attach extra sheets if necessary</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Notice Sign (<i>refer to Fee Schedule</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of Ownership-Tax Certificate or Deed

have a few questions that I need answered to help with my staff report.

1. Is the proposed use at the specified location consistent with the policies embodied in the Comprehensive Plan?
“In addition, the survey indicates residents want a greater diversity of retail and restaurant options” p 14 Comp plan under housing
2. Is the proposed use consistent with the general purpose and intent of the applicable zoning district regulations?
Zoned CS with Overlay in Mercer Historic District which allows MFV to operate in support of a brick and mortar business. Must obtain CUP and COA
3. Does the proposed use meet all supplemental standards specifically applicable to the use, as established in the Development Standards, [Section 5](#)?
This one confuses me a little: We are in historic district, so I understand the fee in lieu option, but I think: 1) the area gained in front of our driveway which we no longer need access to gives us space for 3 vehicles, and 2) This isn't a permanent increase in square footage or use, so I don't know why we would have to pay into fund for a temporary (2 year CUP) use.
4. Is the proposed use 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?
We are adding screening to Mercer side of MFV to minimize its visual impact. We will attach photos when work is completed
5. Off-street parking? (if any, Mobile Food Vendors located in the Mercer District are exempt from providing additional parking but it may help)
Isn't this somewhat of a repeat of 3? That was part of my confusion
6. Refuse and service areas? (All mobile food vendors shall: (1) Be equipped with an attached trash receptacle approved by the city's health authority; (2) Hold, store, and dispose of solid and liquid waste in a receptacle approved by the health authority and comply with any other applicable city code requirements; (3) Provide a trash receptacle for use by customers; and (4) Maintain the area around the mobile unit clear of litter and debris at all times.) We have an additional trash receptacle for MFV located behind our gate.
7. Utilities? ((a) Water provided or used by the mobile food vendor shall not come from a temporary connection to potable water. (b) Electricity shall be only from a generator or an electrical outlet via a portable cord that conforms to the city's electrical code and permitted by the electric provider.) MFV is plugged into approved outlet on adjacent power pole.

8. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses? **See question 4**
9. Control of exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district? **MFV only has small exterior light by patio at Acocon. All lights are off when business is closed.**
10. Required yards and open space (Historic District)? **??**
11. Height and bulk of structures? **??**
12. Hours of operation? (Mercer District requirement: The mobile food vendor shall only operate during the operating business hours of the brick-and-mortar business of which the mobile food vendor is an extension or outlet.) **MFV hours match Acocon Brewing hours**
13. Noise? **None. No generator or amplified music**
14. Odors? **Wood smoke from pizza oven is minimal**
15. Are you 150 feet away from other restaurants? **Yes**
16. explain how the mobile food vendor is a complimentary to Acocon.

MFV is on our property and access to the order window is from our patio. MFV hours match our business hours. We have come to realize how important food is to our existing customers and from potential customers as well. We receive several inquiries a week asking if we have food available at our brewery. Having this MFV has allowed us to increase our business. For example, we now host trivia on Thursdays from 6:30-9. People can come, have dinner and beer while playing trivia. Since trivia happens during "dinner time" having pizza available is critical to its success. Overall, we have documented a 25% increase in business from same time last year. We believe having MFV onsite accounts for part of that increase. Also, we surveyed our customers and found that a majority liked having food available and that influenced their decision to visit us. It's also worth noting that not one respondent indicated that they had any problem with buying food from a MFV or that they thought its presence had any negative impact on the street.

I know it is a lot but the more information the better.

MERCER STREET

LOOP 64

APPEARS TO BE VESTED IN:
H. C. Carter dba Carter Investments

FLOOD PLAIN NOTE:
NOT FOR CONSTRUCTION

This tract is not within
by 100-Year Flood as
Agency, Flood Insuranc
Areas, Map Number 4E

N 87°18'14" E
50.03' (50')

At 0.12' CSF

At 101.69' BF

DRIPPING SPRINGS

LOT 5
Joy Spillar Purcell
Vol. 1293, Pg. 711, OPRHCT

LEGEND
REF. BEARING: STAUDT SURVEY 5/27/86

TITLE COMMITMENT NO
This survey reflects or
ground, and those eas
Co., Title Commitment
issued by Southwester
a partial listing of spe
and their affect on th
1) Restrictive Covenan

STATE OF TEXAS
COUNTY OF HAYS

To: Barbara A. Krone

The undersigned does
ground of the propert
knowledge and belief i
are no apparent or vi
improvements, utility
that said property ad

Thomas E. Staudt
Registered Professional

- IRF 1/2" IRON ROD FOUND
- IRS 5/8" IRON ROD SET 6/12/03
- CSF COTTON SPINDLE FOUND
- BF BOLT FOUND
- O- CHAIN LINK FENCE
- OHW- OVERHEAD UTILITY WIRE
- ⊗ UTILITY POLE
- GUY WIRE
- ⊙ SEPTIC
- ⊕ WATER METER
- /—/— EDGE OF PAVEMENT
- /—/— EDGE OF CONCRETE
- () RECORD INFORMATION
- VOL. 0, PG. 513, DRHCT
- VOL. 1, PG. 426, DRHCT

Cinder Block Building Shop

DRHCT

DRIPPING

SPRINGS

NORTH

REF. BEARING: STAUDT SURVEY 5/27/86

LOT 3
N 02°16'14" W

ORIGINAL TOWN

102.26' (100')

Chas. C. Haydon
Vol. 112, Pg. 406, DRHCT

Parking Area

15'6"

Rock Building
513.
PAGE 426.
PAGE
LOT 4
0.118 AC.

VOL. T.
VOL. T.

0.

OHW

OHW

OHW

OHW

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OHW

LOT 10

Chas. Haydon
Vol. 89, Pg. 39
DRHCT

Metal Building

S 87°31'28" W
50.03' (50')

Joy Purcell
Vol. 1161, Pg. 704, OPRHCT

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

STAUDT SURVEYING, INC.

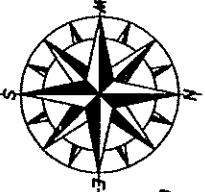
Thomas E. Staudt

RPLS # 3984

P.O. Box 1273

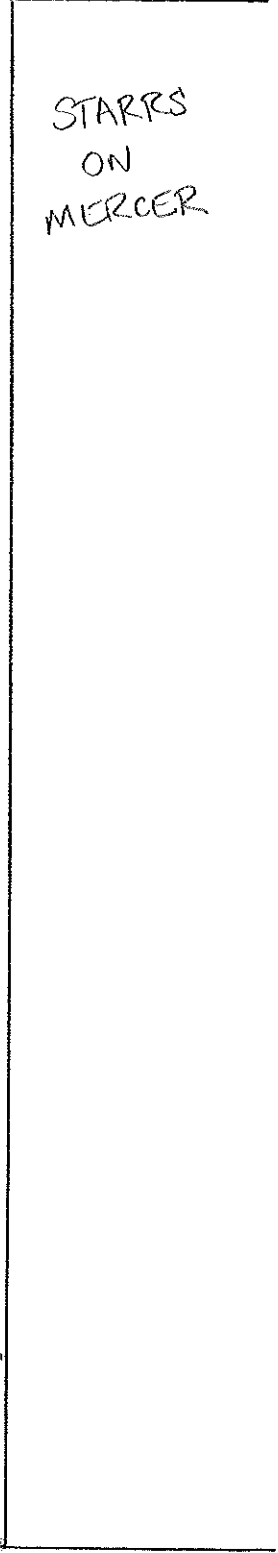
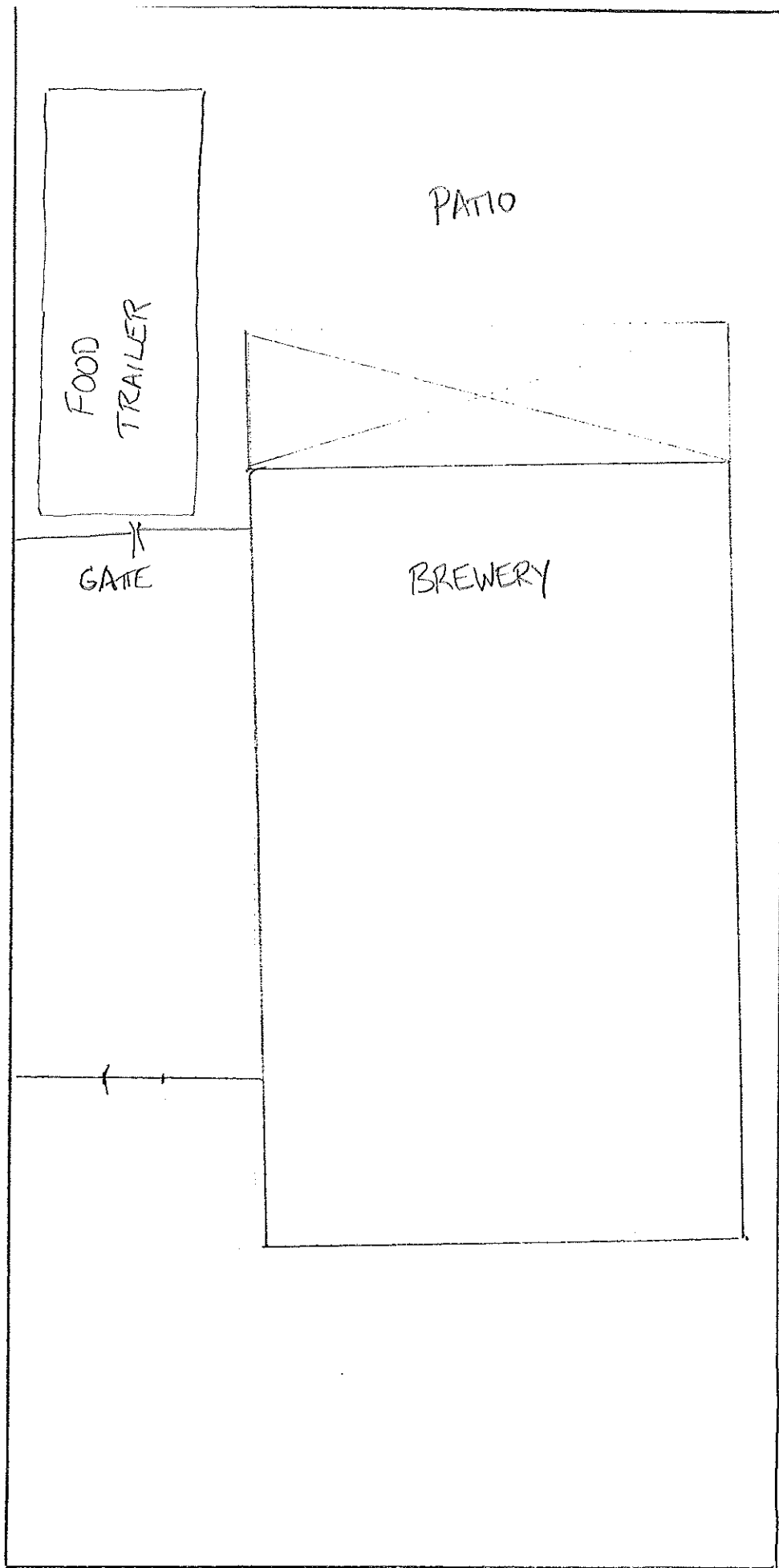
Dripping Springs, Texas 78620

(512)858-2236



GRAPHIC SCALE IN FEET

MERCER STREET



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