

## CITY OF SHEBOYGAN

### REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

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**ITEM DESCRIPTION:** Application for Conditional Use Permit with exceptions by Leonardo Enriquez to establish and operate a food truck in the existing parking lot of Screamers, a bar, located at 2201 N. 15<sup>th</sup> Street. UC Urban Commercial Zone.

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**REPORT PREPARED BY:** Elke Daugherty, Planning and Zoning Administrator

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**REPORT DATE:** April 12, 2024

**MEETING DATE:** May 14, 2024

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#### APPLICANT PROPOSAL:

Leonardo Enriquez is proposing to establish a food truck located 2201 N. 15<sup>th</sup> Street. The applicant states the following:

- The applicant hopes to establish a family-run food truck offering authentic Mexican food to be located within the parcel of an existing bar, Screamers.
- The truck will occupy a 9 ft x 12 ft area to the south of the existing building.
- A small seating area will be located to the west of the truck.
- The food truck will operate from March 1<sup>st</sup> to November 30<sup>th</sup>. The truck will remain in place during that time. From December through February the truck will be stored at the applicant's residence.
- The truck will operate between 11 am and 10 pm.

#### STAFF ANALYSIS:

While Sec 105-450(e)(5) allows "general temporary outdoor sales" as a temporary use in the UC Urban Commercial District, this application triggers review under the Conditional Use process per Sec 105-998(a)(2) given the special nature of the use and its specific circumstances.

The applicant is requesting an exception from Sec 105-723(e)(2)(a) that states that the display shall be limited to a maximum of 12 days as well as Sec 105-723(e)(2)(e) that all activities shall be limited to daylight hours.

Food trucks offer low-risk business opportunities in the restaurant business and have been the start of some now established restaurants and caterers in the City. Food trucks afford the community food options and help to create a vibrant urban environment.

## **ACTION REQUESTED:**

Staff recommends approval of the conditional use permit and exceptions subject to the following conditions:

1. The truck shall be located to the east of fire escape landing, but no farther than end of the building.
2. The applicant shall erect a temporary fence no higher than 30 inches along the property line to the west of the truck to create a designated waiting area to create a separation from sidewalk traffic.
3. The applicant shall post one sign on the truck to instruct customers to wait to the west of the truck and not on the sidewalk.
4. Seating shall be limited to the area to the west of the truck to the existing stairs.
5. The use shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
6. Prior to building permit issuance, the applicant shall obtain all licenses/permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, demolition, fire, water, sewer, storm drainage, health, hazardous materials, State of Wisconsin, Federal, etc. (Applicant shall be in contact with building inspection, fire, police, etc.). An occupancy permit will be granted only at such time as the applicant has met all requirements.
7. Applicant shall meet all zoning requirements including but not limited to noise, vibration, hazardous materials, etc.
8. Outdoor storage of materials, products or equipment shall be prohibited (except as authorized/approved by the Plan Commission).
9. All new lighting shall be installed per Section 105-932 of the City of Sheboygan Zoning Ordinance. There shall be no spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity.
10. Absolutely no portion of the new building and/or site improvements shall cross the property lines including but not limited to buildings, balconies, decks, foundations, walls, gutters, eaves, roof, parking, fencing/retaining walls, signs, landscaping, etc.
11. Any work within City of Sheboygan Public rights-of-way, stormwater easements, etc. shall be discussed with the City Engineering Department and constructed to standard City specifications (including, but not limited to, new street improvements, new and/or closed ingress/egress driveway openings, driveways over storm water easements, curb, gutter, sidewalk, pavement, utilities, retaining walls, street trees, etc.).
12. Applicant will provide adequate public access along all streets and sidewalks and will take all appropriate actions to minimize the time period that adjacent properties and streets/sidewalks are impacted by the development (utilities, streets, etc.).
13. Applicant shall adequately address all Fire Department concerns related to this development.
14. If there are any amendments to the approved conditional use permit (including but not limited to site plan, architectural design, use, etc.), the applicant will be required to submit a new conditional use, architectural review, etc. reflecting those amendments.

## **ATTACHMENTS:**

Conditional Use Permit Application and Attachments