



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Meeting Date	06/20/2023	Agenda Item	
Approved by City Manager		Presenter(s)	Kaydi Smith
Reviewed by City Attorney		Department	Developmental Services
Subject	Variance Request to Chapter 115; Mobile Food Establishments		
Attachments	Variance Request Application, Additional Information by Requestor, COS Ordinance Chapter 115, COS Ordinance Chapter 110		

Executive Summary

Variance Requested to Chapter 115; Mobile Food Establishments

Will not fall strictly under Peddlers as the Mobile Food Establishments are noted under the City Ordinance as temperature controlled and this trailer will be stationary at an already established property not under the mobile food establishment's ownership.

The City does not currently have a semi-permanent option; this is being evaluated to amend the current ordinance with provisions on time allowances. Both the MFE and Peddlers Ordinance are contradictory to each other in several aspects, therefore, needing a reviewal for both with possible amendments.

Variance Requested: "Variance request is to bring in a sno-cone trailer to open during the months of the summer/fall"

Beal's Bubbles Washeteria has agreed to allow Sister's Sweets LLC to occupy space to conduct business on their property lot next to their building, sharing the allotted parking for their business"

Variations Requested within scope of Temporary Permit

- Usage Period; Requesting allowable for up to 4/5 months; *Temporary permits are for 24 hours usage; Section 2.01(a)*
- Pricing; we charge a daily rate and feels is too expensive to pay each day throughout the time period of operation (4/5 months daily fee); *Section 2.01; Daily rate is \$75.00*
- Requesting temporary hookup to Beals Bubbles water supply by water hose (would need BF preventer); *Temporary usage states no city utilities will be available; Section 2.01(c)*

Consideration on allowing variance to the permit fees associated- Sales Tax is allocate for the business' address, which is not a Sweeny address. By Temporary usage it is not required for the business to have Sweeny listed as the origin of sale on their Sales Tax ID- only for Permanent Permits

Variations Requested within scope of Permanent Permit

- Property is not owned by the food establishment requesting permit; Property must be owned by the food establishment applicant and owner; Section 3(a)2
- Sales Tax ID is not naming COS as origin of sale; Permanent permit requires the mobile food establishment provide Sales Tax ID naming the City of Sweeny as the origin of sale; Section 3(a)3
- Setup utility account; Would be connecting to existing business owner's for water usage (Beal's Bubbles); Ordinance states: be connected to the City of Sweeny water and sewer system in a manner that complies with the current codes of the City of Sweeny and setup required utility account; Section 3(a)4
- Removal of wheels and be tied down; Is requesting to stay mobile; Required per permanent; Section 3(b)3
- Fully Skirted; Required per Section 3(b)4
- Annual permanent permit fee is \$150.00

Variance Needed per Type	Temporary	Permanent
Usage Length (24hrs/Perm)	X	
Permit Fee	X	X
Utilities Hookups/ Account	X	X
Sales Tax		X
Property Ownership		X
Parking		X
Setup Requirements/Wheels/Skirting		X



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Recommended Action

Approval of the variance requested to allow Sister Sweets LLC to occupy at 602 N Main as a (tem/perm) mobile food establishment until _____ date, with a fee of _____, and granting all variances needed within the type of permitting specified.

OR

Deny the variance requested. Requestor must meet the specified guidelines within the City's code of ordinances as stated.