

Planning & Zoning Special Meeting

City of Dripping Springs Council Chambers

Dripping Springs ISD Center for Learning and Leadership - Maple Rm. 300 Sportsplex Drive

Tuesday, October 08, 2024, at 6:00 PM

AGENDA

CALL TO ORDER AND ROLL CALL

Commission Members

Mim James, Chair Tammie Williamson, Vice Chair Christian Bourguignon Doug Crosson Eugene Foster Douglas Shumway Evelyn Strong

Staff, Consultants & Appointed/Elected Officials

Planning Director Tory Carpenter City Attorney Laura Mueller City Secretary Diana Boone IT Director Jason Weinstock

PLEDGE OF ALLEGIANCE

PRESENTATION OF CITIZENS

A member of the public who wishes to address the Commission regarding items on the posted agenda may do so at Presentation of Citizens. For items posted with a Public Hearing, the Commission requests that members of the public hold their comments until the item is presented for consideration. Members of the public wishing to address matters not listed on the posted agenda may do so at Presentation of Citizens. Speakers are allotted two (2) minutes each and regarding issues not on the agenda and two (2) minutes per item on the agenda may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the Commission. Speakers are encouraged to sign in to speak, but it is not required. By law no action shall be taken during Presentation of Citizens.

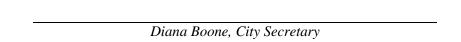
BUSINESS AGENDA

- 1. Discuss and consider approval of a recommendation to City Council regarding CUP2024-004: A Conditional Use Permit to allow a mobile food vendor at 121 Mercer Street. Applicant: Jeff Carman, Meaty Boys BBQ
 - a. Applicant Presentation
 - b. Staff Report
 - c. Public Hearing
 - d. Recommendation

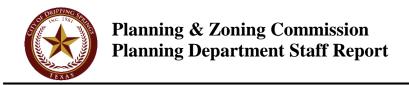
ADJOURN

TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION OF MEETING

I certify that this public meeting is posted in accordance with Texas Government Code Chapter 551, Open Meetings. This meeting agenda is posted on the bulletin board at the City of Dripping Springs City Hall, located at 511 Mercer Street, and on the City website at, www.cityofdrippingsprings.com, on **October 4**, **2024** at 5:30 PM.



This facility is wheelchair accessible. Accessible parking spaces are available. Request for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.



Planning & Zoning
Commission Meeting:

October 8, 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;

Staff Recommendation: 3. Hours of operation are limited to between 6:00am and 11:00pm;

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.



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



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	
East	Commercial Services (CS)	Office / Restaurant	
South	Government/ Utility/ Institutional (GUI)	Veterans Memorial Park	Not Identified
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	The following comprehensive goals support this request:	
Comprehensive Plan;	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.	

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 currently adequate vehicular access to the site. The City will be constructing a sidewalk along Mercer Street this year.
b. Off-street parking areas, loading areas, and pavement type;	The applicant will be required to provide three parking spaces.
c. Refuse and service areas;	The applicant will be required to provide trash can
d. Utilities with reference to location, availability, and compatibility;	receptacles for the patrons. The applicant has stated that they may utilize a generator or connect to the adjacent site's electrical system. Both options may be allowed by the City.
e. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;	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.
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;	With the lack of residential uses in the area, staff is not concerned with hours of operation.
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 applicable Sign Codes.
1. 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;	The City will be constructing a sidewalk along Mercer Street this year
5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare,	Staff finds that the proposed mobile food vendor use will not be detrimental or damaging to the surrounding

	or results in material damage or prejudice to other property in the vicinity; and,	properties, these properties being similarly commercially 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.

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

October 8, 2024 - Planning & Zoning Commission Reconsideration

October 15, 2024 – City Council Reconsideration

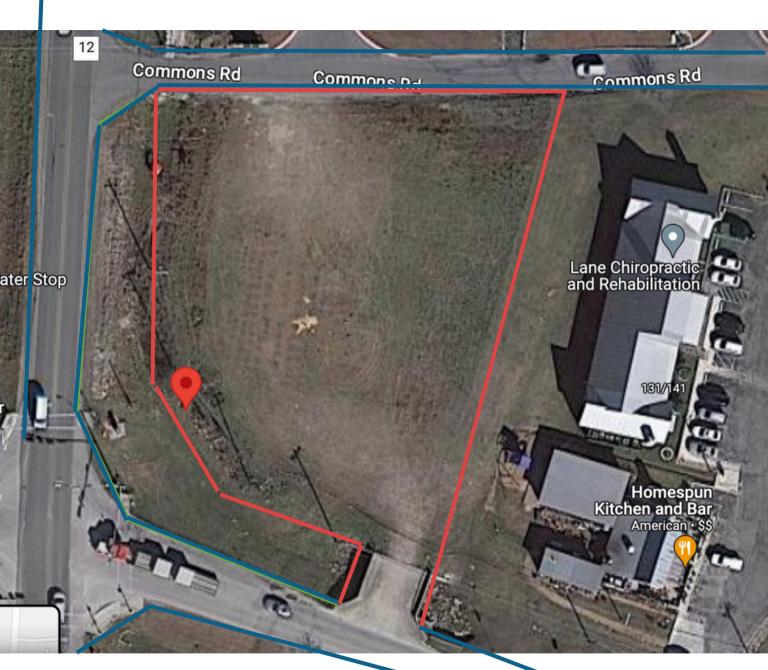
Attachments

Attachment 1 - Conditional Use Permit Application

Attachment 2 – Applicant submittal materials

Recommended Action:	 The applicant shall submit a site development permit prior to any additional site improvements; The food truck must meet all setback requirements; 	
	3. Hours of operation are limited to between 6:00am and 11:00pm;	
	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.	
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	Support the expansion of business and professional services	
Element:	Support Tourism related businesses	

MEATY BOYS BBQ CONDITIONAL USE PERMIT



121 E MERCER ST, DS TX 78620



Received on/by:

Date, initials



APPLICATION FOR A

CONDITIONAL USE PERMIT (CUP)

This Application is for (Check One): ☑ A New Application ☐ Ex	xtension of a Previously Approved CUP		
Applicant's Name:Jeffrey Carman			
Mailing Address: 615 Spanish Oak Trail Dripping Springs Tx 78620			
Phone Number: 512-694-7844			
Property's Physical Address: 121 East Mercer St Dri	pping Springs Tx 78620		
Owner's Name (if different from Applicant): Rena Re	eder		
Owner's Address: 707 US 290 Dripping Spri	ngs Tx 78620		
Owner's Phone Number: 818-297-9314			
PROPERTY LEGAL DESCRIPTION:			
LOT NO.: OR	TRACT:		
BLOCK NO.:	PLAT:		
ADDITION: The Commons at Dripping Springs	SURVEY:		
NUMBER OF ACRES: For property not in a recorded subdivision, submit a copy of a current survey or plat showing the property fo which a CUP is sought and complete legal field note description.			
PROPOSED USE: Mobil Food Vending Unit			

IS THE PROPERTY IN THE CITY LIMITS OR EXTRA TERRIRORIAL City Limits ETJ	JURISDICTION?
-If property is in the City Limits, compliance with Lighting Ordinance is mandator -If property is in the ETJ, compliance is mandatory when required by a Developm condition of an Alternative Standard/Special Exception/Variance/WaiverVoluntary compliance is strongly encouraged by those not required by above critical on the CODS webpage and online Lighting Ordinance under Code of Ordinance information).	ment Agreement or as a eria (see Outdoor Lighting
COMPLIANCE WITH LIGHTING ORDINANCE: Yes (Required) Yes (Voluntary) No	
Submittal Checklist:	
□ Signed and Completed Application □ Required Fee Paid \$ □ reference online Master Fee Schedule for more details □ Billing Contact Form □ Lighting Ordinance Compliance Agreement — signed with attached prequired if marked "Yes (Required)" on above Lighting Ordinance Sec Exhibits □ Letter of Explanation (describing all processes and activities involved per DS Code of Ordinances, Ch. 30, Zoning, Exhibit A, Sec. 3.16.6-Stare □ Photographs □ Map/Site Plan (per DS Code of Ord. Ch. 30 Zoning, Ex A, Sec 3.17.6 □ Architectural Elevation □ Other: □ Upon submittal of application, a Public Notice sign is required to be displayed at 48 hours. Signs can be picked up at the City Offices for a deposit fee of \$100. One signs in good condition can be returned for a \$75 refund. □ Pick up Public Notice Sign, \$100 deposit	ection of application) ed with the proposed use indards) 6) the project property within
I, being the undersigned applicant, understand that all of the conditions, dimensional landscaping, and parking areas depicted on the site plan shall be adhered to as an City Council. All required items and information (including all applicable above I must be received by the City in order for an application and request to be considered submissions will not be reviewed or scheduled for any further action until information has been received. By signing below, I acknowledge that I have readbove requirements for a complete submittal:	mended and approved by listed exhibits and fees) red complete. Incomplete I all deficient items or
Signature of Applicant	Date
Signature of Property Owner (or attached letter of consent)	Date

Revised July 13, 2018

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IS THE PROPERTY IN THE CITY LIMITS OR EXTRA TERRIRORIAL JURISDICTION? City Limits
-If property is in the City Limits, compliance with Lighting Ordinance is mandatory If property is in the ETJ, compliance is mandatory when required by a Development Agreement or as a condition of an Alternative Standard/Special Exception/Variance/WaiverVoluntary 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).
COMPLIANCE WITH LIGHTING ORDINANCE: Yes (Required) Yes (Voluntary) No
Submittal Checklist:
 Signed and Completed Application Required Fee Paid \$
I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, landscaping, and parking areas depicted on the site plan shall be adhered to as amended and approved by City Council. All required items and information (including all applicable above listed exhibits and fees) must be received by the City in order for an application and request to be considered complete. Incomplete submissions will not be reviewed or scheduled for any further action until all deficient items or information has been received. By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal:
Delhey Carny 05/02/2024
Signature of Applicant Date
Signature of Property Owner (or attached letter of consent) Date

Revised July 13, 2018

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The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that is authorized to act as my agent and representative with respect to this Application and the City's conditional use permit process. (As recorded in the Hays County Property Deed Records, Vol, Pg)
Name P E Title
STATE OF TEXAS
Notary Public, State of Texas
My Commission Expires:
Name of Applicant

Revised July 13, 2018 3

13

Received	on/by:
----------	--------

Date, initials



BILLING CONTACT FORM

Project	t Name: _Meaty Boys BBQ LLC		
Project Address: 121 East Mercer St Dripping Springs Tx 78620			
Project	t Applicant Name: Jeffrey Carman		
Billing	g Contact Information		
	Name:_ Jeffrey Carman		
Mailing Address: 615 Spanish Oak Trail Dripping Springs Tx 78620			
	Email:Jeff@meatyboysbbq.com	_ Pho	ne Number:_512-694-7844
Type o	of Project/Application (check all that apply):		
	Alternative Standard		Special Exception
	Certificate of Appropriateness		Street Closure Permit
X	Conditional Use Permit		Subdivision
	Development Agreement		Waiver
	Exterior Design		Wastewater Service
	Landscape Plan		Variance
	Lighting Plan		Zoning
	Site Development Permit		Other
permit, regard and ou inspect consult the Cit details	ants are required to pay all associated costs as plan, certificate, special exception, waiver, volless of City approval. Associated costs may incutside professional services provided to the City tors, landscape consultants, lighting consultant tants, and others, as required. Associated cost by additional administrative costs. Please see By signing below, I am acknowledging that the table for the payment and responsibility of the	triand clude, by e ts, ard s will the o ne abo	te, alternative standard, or agreement, but are not limited to, public notices ingineers, attorneys, surveyors, whitects, historic preservation be billed at cost plus 20% to cover inline Master Fee Schedule for more over listed party is financially
0	Signature of Applicant	000	Date



HOWDY NEIGHBOR!

WE ARE INTRODUCING "MEATY BOYS BBQ", AND WE WANTED TO TOUCH BASE. WE WANT TO PROVIDE AMPLE NOTICE OF OPERATION.

121 E MERCER STREET. DRIPPING SPRINGS TX 78620

NOTEWORTHY FEATURES: INCREDIBLE BBQ

PLEASE LET US KNOW OF ANY CONCERNS, WE WILL CONTINUE TO FOLLOW CITY OF DRIPPING SPRINGS CODE AND WE WILL CONTINUE TO BE AMAZING NEIGHBORS.

PLEASE FEEL FREE TO REACH OUT TO ME DIRECTLY IF YOU NEED ANYTHING OR HAVE ANY QUESTIONS!

JEFF CARMAN 512-694-7844 FOUNDER MEATY BOYS BBQ

Commons reliem 1.

MEATY BOYS SITE PLAN

GENERAL AREA



MERCER STREET

TRAILER SPECS

IN OTHER WORDS, READ THIS - This is a CONCEPT DRAWING. All equipment and appliances are for VISUAL REPRESENTATION ONLY. To add to your trailer construction anything, including what appears in this drawing, that is not included on the estimate or invoice, will require a Change Order Fee and all associated costs to be added to the Final Balance. Please contact Southern Dimensions Group Inc. if that is your wish.



Customer: Jeff Carman Drawing Date: Jun. 9, 2021

PROPRIETARY AND CONFIDENTIAL

THE INFORMATION CONTAINED IN THE DRAWING IS THE SOLE PROPERTY OF SOUTHERN DIMENSIONS GROUP INC. UNAUTHORIZED REPRODUCTION, DISTRIBUTION, ALTERATION, OR USE OF THIS PLAN, WHOLE OR IN PART, IS STRICTLY PROHIBITED

Note to Client: Approval Must be Received Within 3Business Days Unless Specified Otherwise



TRAILER SPECS / ARCHETECTUAL PLAN /

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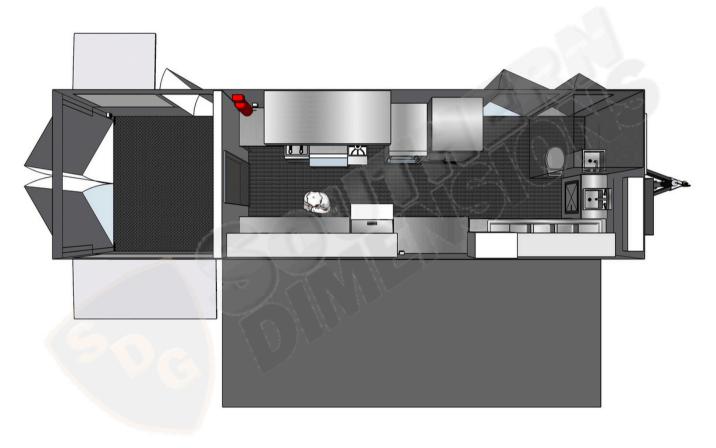
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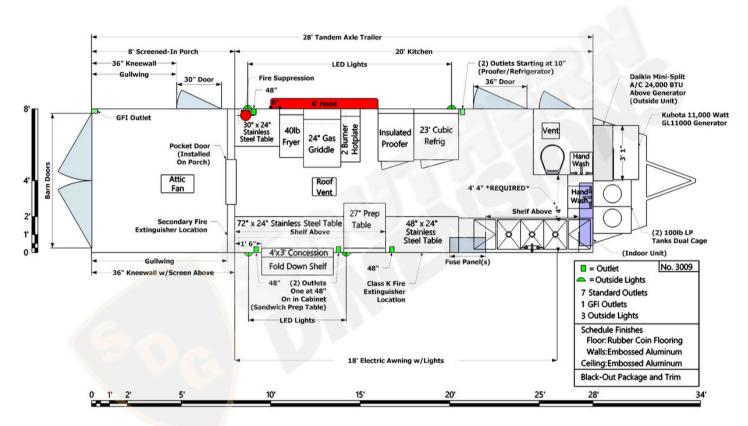
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FOOD ESTABLISHMENT PERMIT

Environmental Health Department City of Dripping Springs P.O.Box 384 Dripping Springs, TX 78620

PERMIT No. DSMU-31

THIS IS TO CERTIFY THAT:

OWNER OF: MEATY BOYS BBQ

Meets the minimum requirements to operate a Food Establishment at:

Street: Mobile

Dripping Springs, TX 78620

Issue Date: 09.21.2023

Kyle B. DeHart, R.S. (City Sanitarian)

STATE OR LOCAL REGULATORY STANDARDS. NOTIFY THE HEALTH AUTHORITY IN THE EVENT OF AN IMMINENT HEALTH HAZARD. PERMIT REMAINS EFFECTIVE UNTIL 12.31.2024 OR UNTIL REMOVED FOR NON-COMPLIANCE WITH MINIMUM LOCATION VIEWABLE BY CONSUMER **PERMIT MUST BE DISPLAYED IN**



Learn2Serve Texas Food Manager Certification Program

This document hereby certifies that Jeffrey Carman

Has successfully completed the Learn2Serve Texas Food Safety Manager Certification Examination

> Samantha Montalbano, Learn2Serve Authorized Signature

> > www.learn2serve.com

Effective Date: 10/05/2021

Expiration Date: Expires 5 years from the effective date

Certification Number: TX-185668

This is an electronic certificate which must be presented to your local Health Regulatory Agency for approval. Course fees do not include any fees associated with receiving your food manager recertification or certification license.

PHOTOS

