



Agenda Item Report

Legislative Board: City Council
Date: March 5, 2024
Contact: Alejandro Hernandez
Agenda Item ID / Number: 2024-112- / J.3

ITEM TITLE: Public hearing, deliberation and possible action to consider an Ordinance on first and final reading and to adopt said Ordinance authorizing a Specific Use Permit (SUP) for the Food Truck Park use in the Form District F5H (F5H) zoning district for a property known as Original Town of Buda, Block 1, Lot 1-2, +/- 0.44 acres out of the S.V.R. Eggleston Survey, A-5, Section 3, City of Buda, Hays County, TX, located at 408 N. Main St, Buda, TX 78610 (SUP 23-09) (Development Services Director/City Engineer Angela Kennedy) [PUBLIC TESTIMONY]

1. EXECUTIVE SUMMARY

This is a public hearing and action item regarding a Specific Use Permit (SUP) request to allow the "Food Truck Park" use on a property addressed 408 N. Main St which is within the Form District F5H (F5H) zoning district.

The property is approximately 0.44 acres and is currently used as an office with some food trucks operating on the western side of the lot. A site plan had been approved for this property in November 2020; Staff is not currently reviewing a site plan application for this project as the alterations proposed are very minor from the approved site plan.

The applicant is seeking to add additional food trucks to the ones that are currently on the property, bringing the total up to 5. This requires them to request an SUP as the Unified Development Code (UDC) defines "Food Truck Park" as "four (4) or more food trucks parked and operating on a single lot" and specifically regulates which zoning districts allow for this type of land use.

In recommending an SUP, City Council shall determine that such uses are harmonious and adaptable to building structures and uses of abutting properties and other properties in the vicinity of the premises under consideration, and shall consider the following factors:

- a. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.
- b. Adequate means of ingress and egress to public streets or approved access easements and appropriate paving widths of streets, alleys and sidewalks to accommodate traffic generated by the proposed use.
- c. Provisions for drainage.
- d. Adequate off-street parking and loading.
- e. Safety from fire hazard and measures for fire control.
- f. Protection against negative effects of noise, glare, and lighting on the character of the neighborhood, protective screening, and open space.
- g. Heights of structures.
- h. Compatibility of buildings and such other measures as will secure and protect the public health, safety, and general welfare.

2. BACKGROUND/HISTORY

The property has been assigned its current F5H zoning since the adoption of the 2017 UDC; it also sits within the Historic Overlay (O-H) District. The F5H zoning district is intended to preserve existing historic commercial buildings while also incorporating compatible infill of local commercial and

denser residential activity.

The applicant submitted a general plan for his proposal, much of which is already existing except for the additional pervious cover that the 5th food truck would sit on. Overall, the lot would contain 5 separate food trucks, some off-street parking with access to Austin St, an existing metal structure that serves as a temporary staging and spoils area, as well as an office that contains on-site bathrooms and storage.

On top of requiring an SUP for this land use type, the UDC also requires that all “Food Truck Parks” follow the conditional standards set by UDC § 2.06.06A.14. This section states that “vendors located within food truck parks shall comply with all regulations pertaining to Mobile and Portable Food Vendors of the City’s Code of Ordinances”. Per this part of the Code (Art. 8.05), “Mobile Food Vendors” are a vendor who operates or sells food for human consumption, hot or cold, from a cart, trailer, or kitchen mounted on chassis, with an engine for propulsion or that remains connected to a vehicle with an engine for propulsion. The proposed food trucks on this property are independent trailers that currently do not have an engine or are connected to a vehicle with an engine for propulsion. However, the applicant has stated that he has an electric hand cart on-site at all times that is able to move the trailers.

To resolve conflicts with the food trucks on this property and Art. 8.05, Staff is recommending that conditions be set providing for the following exceptions to Art. 8.05:

1. Mobile food vendors are allowed to operate on the lot between the hours of 6:00am-10:00pm, allowing for later hours during special events/holidays.
2. A vehicle capable of moving any carts, trailers, or kitchens mounted on a chassis remain on the premises at all times.
3. Electricity can come from sources other than a generator.
4. Food truck spacing between other trucks and structures be set to what is deemed allowable by the Buda Fire Department.
5. An existing business in a permanent structure with a Certificate of Occupancy is not required.

At the public hearing held by the Planning and Zoning Commission at the February 13th, 2024 regular meeting, there were no public comments or testimony made for this item. Prior to that hearing, 28 property owners were notified and 3 signs were posted on the site.

3. ANALYSIS

The following factors must be considered when evaluating a proposed SUP:

- a. **Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site:** The proposed changes do not present an immediate issue to safety for motorists and pedestrians. Food truck spacing in general could present an issue, but the Planning and Zoning Commission is recommending a condition that defers to the Buda Fire Department's approval.
- b. **Adequate means of ingress and egress to public streets or approved access easements and appropriate paving widths of streets, alleys, and sidewalks to accommodate traffic generated by the proposed use:** Adequate access is already provided for both motorists and pedestrians. Access to the project for automobiles is only provided for via Austin St for the public. Sidewalks in the public right-of-way (ROW) are provided for on Main St and San Antonio St.
- c. **Provisions for drainage:** No additional drainage and water quality facilities are needed for this proposal.
- d. **Adequate off-street parking and loading:** The UDC does not require off-street parking for this potential use type and does not require off-street parking to be provided for commercial activities in the O-H district. The Planning and Zoning Commission is, however, recommending a limitation of 2 consecutive hours at a time for loading and unloading on Main St be set as a condition.

- e. **Safety from fire hazard and measures for fire control:** As mentioned above, food truck spacing does present a concern. To remedy this, the Planning and Zoning Commission is recommending that spacing of food trailers be approved by the Buda Fire Department be set as a condition of the SUP. Any other fire prevention measures in the UDC, Code of Ordinances, or part of the Buda Fire Department's standards would also be applicable.
- f. **Protection against negative effects of noise, glare, and lighting on the character of the neighborhood, protective screening, and open space:** The Planning and Zoning Commission is recommending a set hour of operations be established in order to protect the surrounding homes and businesses against negative effects.
- g. **Heights of structures:** This factor is not applicable in this case.
- h. **Compatibility of buildings and such other measures as will secure and protect the public health, safety, and general welfare:** The "Food Truck Park" land use does not present detrimental impacts to the surrounding land uses and structures, both on-site and for the surrounding properties. While the F5H zoning district does require an SUP for this land use, it does encourage the incorporation of commercial land uses as long as the historic nature of the zoning district be maintained.

4. FINANCIAL IMPACT

The project would result in increased permitting fees, and potentially, increased property and sales tax revenue for the City.

5. STRATEGIC PLAN/GOALS

BALANCED AND INTENTIONAL GROWTH

6. STRATEGIC PLAN OBJECTIVES

Balance residential and commercial growth.

7. PROS AND CONS

Not applicable.

8. ALTERNATIVES

Approval of an SUP is entirely discretionary based on application of the criteria. As such, Staff presents the following options:

1. Approve the SUP (as presented by the applicant).
2. Modify and approve the SUP.
3. Table the SUP pending receipt of additional information.
4. Deny the SUP.

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

The Planning and Zoning Commission voted 7-0 to recommend approval of the Specific Use Permit (SUP) with the following conditions: 1.) Mobile food vendors are allowed to operate on the lot between the hours of 6:00am-10:00pm, allowing for later hours during special events/holidays. 2.) A vehicle capable of moving any carts, trailers, or kitchens mounted on a chassis remain on the premises at all times. 3.) Electricity for mobile food vendors is not required to solely come from a generator. 4.) Food truck spacing between other trucks and structures be set to what the Buda Fire Department approves. 5.) An existing business in a permanent structure with a Certificate of Occupancy is not required for mobile food vendors to operate. 6.) Loading and unloading on Main Street for businesses can be only up to 2 consecutive hours at a time. Per Â§ UDC-2.10.09D, "no SUP shall be granted unless the applicant of the SUP shall be willing to accept and agree to be bound by and comply with the ordinance adopting the SUP, as well as attached Site Plan drawings approved by the City Council and shall comply with the minimum requirements provided in the zoning district in which the property is located.

Attachments:

[SUP 23-09 Ordinance.pdf](#)
[J.3 Presentation.pdf](#)
[SUP 23-09 Location Map.png](#)
[SUP 23-09 Revised Site Plan.pdf](#)
[SUP 23-09 LOI.pdf](#)
[SUP 23-09 Buda Fire Emails.pdf](#)