

# Conditional Use Permit CUP-19-17

# 801 Chestnut Street Food Truck Court



## Summary

<b>Request:</b>	Allow the use of a Food Truck Court at 801 Chestnut Street.		
<b>Applicant:</b>	TheCoKitchen 365 Golden Eagle Loop Canyon Lake, TX 78133	<b>Property Owner:</b>	Virgilio Altamirano PO Box 160788 Austin, TX 78716
<b>Square Feet:</b>	N/A	<b>Type of CUP:</b>	General
<b>Interior seating:</b>	0	<b>Outdoor seating:</b>	48
<b>Parking Required:</b>	12	<b>Parking Provided:</b>	13
<b>Days &amp; Hours of Operation:</b>	Sunday-Saturday : 7 a.m. – 2:30 a.m.		

## Notification

<b>Posted:</b>	May 30, 2019	<b>Personal:</b>	May 30, 2019
<b>Response:</b>	None as of the date of this report		

## Property Description

<b>Legal Description:</b>	Park Addition, Lot 117		
<b>Location:</b>	Intersection of North LBJ Street and Chestnut Street		
<b>Acreage:</b>	1.36 acres +/-	<b>Central Business Area:</b>	No
<b>Existing Zoning:</b>	Neighborhood Commercial (NC)	<b>Preferred Scenario:</b>	Existing Neighborhood
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Food Truck court and commissary kitchen
<b>CONA Neighborhood:</b>	Sessom Creek	<b>Sector:</b>	3
<b>Utility Capacity:</b>	Adequate		

## Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	NC / PDD	Restaurant / Bar / Office / Apartments	Existing Neighborhood
<b>South of Property:</b>	GC	Gas Station	Existing Neighborhood
<b>East of Property:</b>	CC / MF-18	Restaurants / Apartments	Existing Neighborhood
<b>West of Property:</b>	PDD	Apartments	Existing Neighborhood

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## History

This property was previously used as a religious education facility by the Church of Latter Day Saints. Food Truck Courts require a Conditional Use Permit in the Neighborhood Commercial Zoning District.

## Additional Analysis

This site is located within a commercial area near the University, restaurants, bars and apartments. The applicants are proposing a Food Truck Court with 7 food trucks located in the existing parking lot. The existing building will be used as the commissary kitchen for the trucks located on the site. The applicant has stated that they do not intend to have any on-site entertainment at this time.

The applicant has stated that they wish to be open till 2:30 a.m. in order to service the patrons of nearby bars. While this property is located in a generally commercial area, it is not far from residential neighborhoods, and due to the outdoor nature of the business, customers arriving after the bars close have the potential to generate excessive noise. Staff recommends a closing time of no later than 12:30 a.m.

This property backs up to Sessom Creek, which flows into the San Marcos River, near the headwaters. The applicant considers this a feature that they would like to showcase to customers. However, in order to prevent trash from this outdoor dining facility from making its way into the creek, a 42 inch tall fence with a tight wire mesh panel should be constructed separating the parking lot/food service area from the creek.

## Comments from Other Departments

<b>Police</b>	No Concerns
<b>Fire</b>	No Concerns
<b>Public Services</b>	No Concerns
<b>Engineering</b>	No Concerns

## Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	Denial
<ul style="list-style-type: none"> <li>Hours of operation shall be limited to 7 a.m. – 11 p.m. Sunday –Thursday and 7 a.m. to 12:30 a.m. Friday and Saturday;</li> <li>A 42 inch fence with a tight wire mesh shall be required around the edge of the property adjoining the creek to prevent litter from entering Sessom Creek;</li> <li>There shall be no speakers after 10 p.m.;</li> <li>There shall be no live amplified music;</li> <li>The permit shall be valid at the time of Certificate of Occupancy of the commissary kitchen; and</li> <li>The permit shall be posted in the same area and manner as the Certificate of Occupancy.</li> </ul>			
<b>Staff:</b> Will Parrish	<b>Title :</b> Planner		<b>Date:</b> June 6, 2019

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**CUP-19-17**

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Evaluation			Criteria for Approval (Sec. 2.8.3.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		<u>N/A</u>	The proposed use is consistent with any adopted neighborhood character study for the area. <b>Studies were not complete at the time of this request</b>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
<u>X</u>			The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.
<u>X</u>			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
		<u>X</u>	The proposed use incorporates 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.
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.
<u>X</u>			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.