

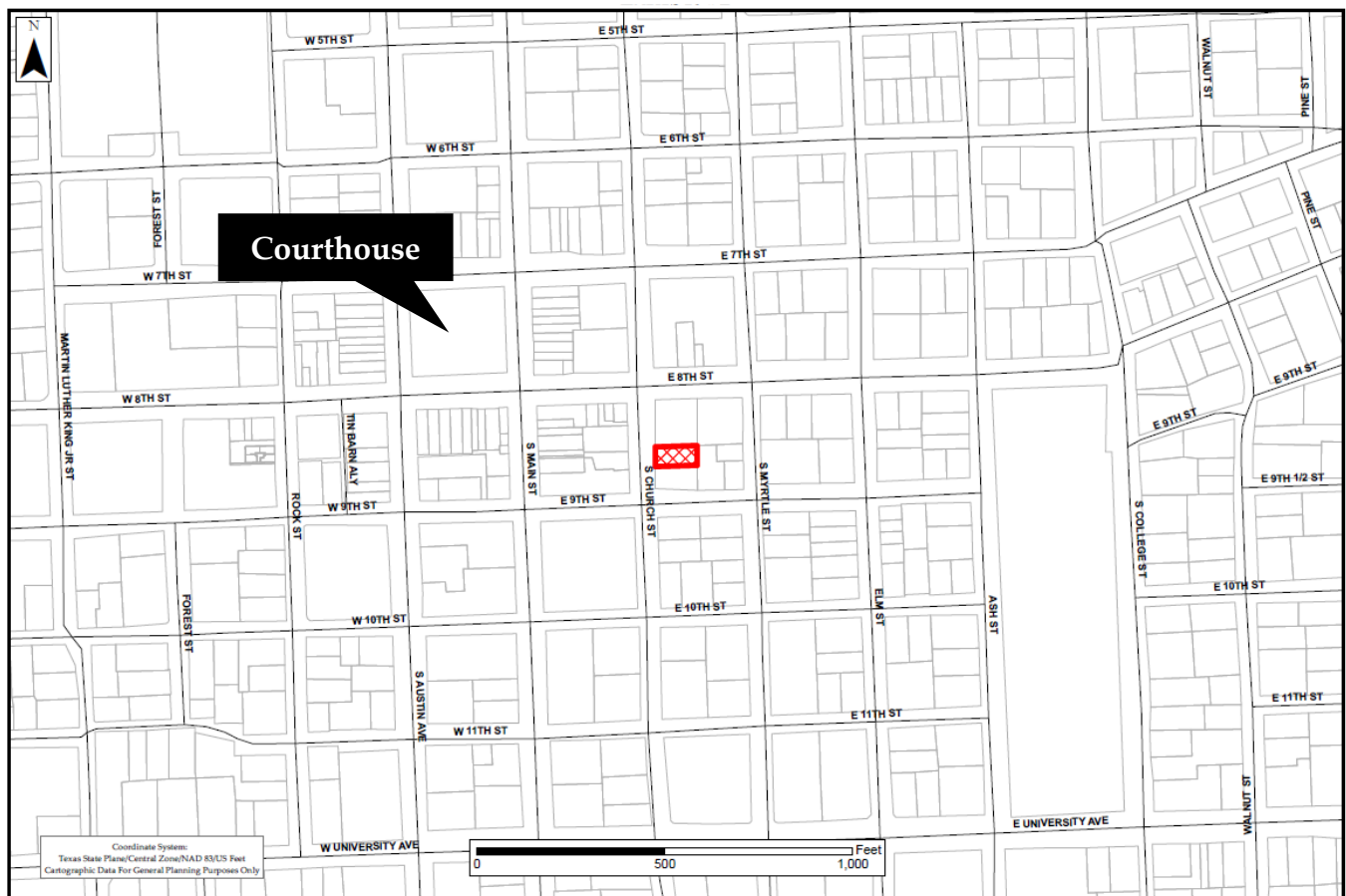
Planning and Zoning Commission

Planning Department Staff Report

Report Date: July 12, 2019
Case No: 2019-6-SUP
Project Planner: Andreina Dávila-Quintero, AICP, Current Planning Manager, and Robyn Miga, Contract Planner

Item Details

Project Name: Black Box Barbecue
Project Location: 201 E. 9th Street, within City Council district No. 6
Total Acreage: 0.165
Legal Description: Lot 6, Block 9, Glass Addition
Applicant: A Climbers Dream, LLC
Property Owner: AK Makiya
Request: Special Use Permit (SUP) for **“Permanent or Outdoor Food Vendor”** specific use within the **Mixed-Use Downtown (MU-DT)** zoning district
Case History: This is the first public hearing of this request.



Location Map

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Overview of Applicant's Request

The applicant is requesting a Special Use Permit (SUP) for the specific use of "Permanent or Outdoor Food Vendor" within the Mixed-Use Downtown zoning district for the operation of the John Mueller Black Box Barbecue food truck.

This Special Use Permit application is unique in that it is the first request submitted since the adoption of the new Mobile Food Vendor ordinance. Prior to this ordinance, Mobile Food Vendors were permitted with the approval of a Temporary Use Permit that was valid for three months and the option to reapply for a new Temporary Use Permit. The applicant has a Temporary Use Permit for the current operation and is now asking to permanently operate their food establishment at the current location in compliance with all Unified Development Code regulations. As a permanent mobile food vendor establishment site features and amenities such as restrooms, parking, utility connections and food truck manager will be provided on site.

Site Information

Location:

The subject property is located mid-block along Church Street, just south of East 8th Street, and north of East 9th Street.

Physical and Natural Features:

There are two large pecan trees on the site, but otherwise, it is mostly vacant with the exception of the structure where the Black Box Barbecue currently operates. The structure located on the property is temporary in nature and not meant to be a permanent structure.

Future Land Use and Zoning Designations:

The subject property has an existing Future Land Use designation of Specialty Mixed Use Area and is currently zoned Mixed-Use Downtown (MU-DT). It is located in the Downtown Overlay District, just west of the Old Town Overlay district boundary.

Surrounding Properties:

The subject property is located just off of the Downtown Square in Area 2 of the Downtown Overlay District. This property fronts Church Street, which is one of the main roadways through the Downtown area, and commercial in nature. Uses within the area include retail, restaurant, office and entertainment uses.

The current zoning, Future Land Use designation, and existing uses of the adjacent properties to the north, south, east and west are outlined in the table below:

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DIRECTION	ZONING DISTRICT	FUTURE LAND USE	EXISTING USE
North	Mixed Use Downtown (MU-DT)	Specialty Mixed Use Area	Currently vacant, but proposed mixed-use retail and office uses
South (corner of 9 th and Church St.)			Vacant
East (along 9 th St.)	Residential Single- Family (RS)	Moderate Density Residential	Residential structure
West	Mixed Use Downtown (MU-DT)	Specialty Mixed Use Area	Sweet Lemon and 600 Degrees



Aerial Map and Surrounding Uses

Property History:

The subject property was rezoned in 2000 (Ordinance 2000-17) when many of the Downtown properties were rezoned to Mixed Use Downtown (MU-DT).

Comprehensive Plan Guidance

Future Land Use Map:

The *Specialty Mixed-Use Area* designation accommodates large-scale mixed-use developments that are mostly commercial and usually near intense regional commercial uses and the I-35 corridor. This

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category encourages the creation of well planned “centers” designed to integrate a variety of complementary uses, with an emphasis on retail, offices, and entertainment activities. These centers may also include civic facilities and parks or other green spaces. Housing, in the form of apartments, townhomes, condominiums, and live-work spaces, is also encouraged in these mixed-use areas, generally in higher densities. These areas should be designed in a pattern of pedestrian-oriented, storefront-style shopping streets, with shared parking and strong pedestrian linkages to the surrounding areas.

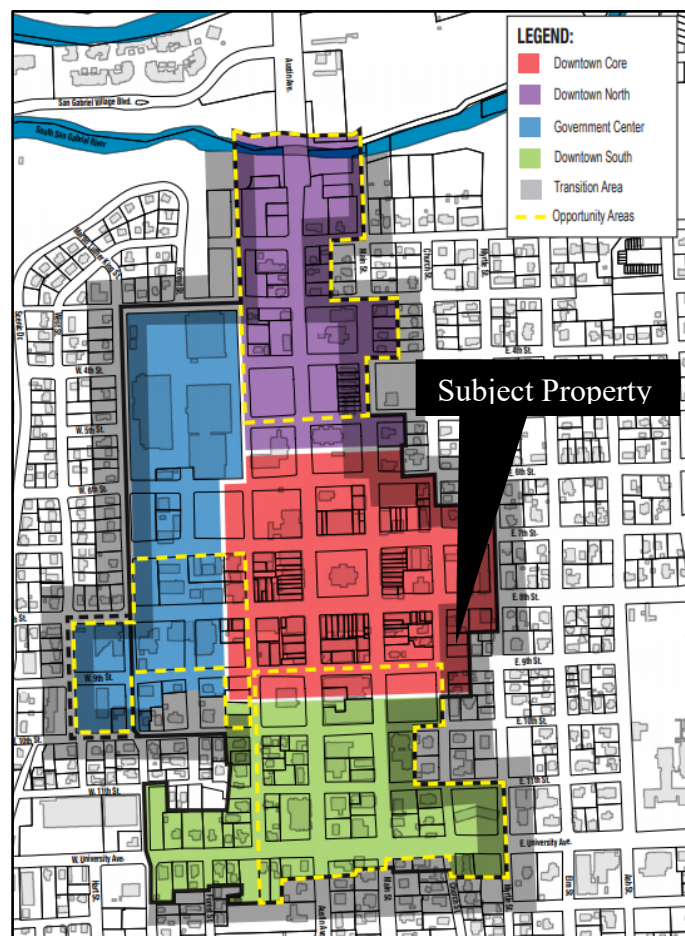
Growth Tier:

The subject property is located within Growth Tier 1A. **Tier 1A** is that portion of the city where infrastructure systems are in place, or can be economically provided, and where the bulk of the city’s growth should be guided over the near term. Within Tier 1A, the city is called on to conduct assessments of public facility conditions and capacities, and to prioritize short and long term capital investments so as to ensure that infrastructure capacity is sufficient to serve development intensities as indicated on the Future Land Use Map and in the zoning districts.

Other Master Plans: Downtown Master Plan:

The 2030 Comprehensive Plan identifies a number of land use goals, policies and actions that support the densification and diversity of land uses in, and immediately surrounding, the Downtown Overlay District. These policies include:

- 1.B. Promote more compact, higher density development (e.g., traditional neighborhoods, Transit-Oriented Development, mixed-use, and walkable neighborhoods) within appropriate infill locations.
- 1.E. Expand regulatory provisions and incentives to encourage innovative forms of compact, pedestrian friendly development (mixed-use, traditional neighborhood design), and a wider array of affordable housing choices.
- 2.A. Remove present inadvertent impediments to infill and re-investment in older, developed areas.
- 4.A. Minimize impacts and encroachments of incompatible land uses (e.g., commercial intrusions into healthy residential neighborhoods).



The Downtown Master Plan, an element of the 2030 Comprehensive Plan, recognizes the potential for development that is compatible in design and scale between the Downtown Overlay District and

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surrounding residential neighborhoods. As such, the Downtown Master Plan seeks to maintain the city's unique character while maximizing opportunities for economic development and for enhancing the quality of life for its residents. The intent is to move the downtown area towards becoming a center of activity not only in the day, but also at night and on weekends, by promoting a mix of commercial, entertainment residential, and civic uses. Creative forms of housing are encouraged, such as attached homes, "lofts," and live-work units.

The Downtown Master Plan identifies the subject property as being located in the Downtown Core. The Downtown Core has a traditional urban form and atmosphere. According to this Plan, "specialty retail, dining and entertainment venues should be present to position the downtown core as an exciting place distinct from regional suburban shopping centers". The Master Plan Recommends Projects for this area include:

- Facilitate adaptive reuse of historic buildings
- Promote development of more cultural facilities and entertainment venues

Utilities

The subject property is located within the City's service area for water, wastewater, and electric. It is anticipated that there is adequate water and wastewater capacity to serve the subject property at this time.

Transportation

The subject property is located midblock along Church Street, just south of East 8th Street, and north of East 9th Street. Church Street is a local street with a narrower pavement section, and street parking allowed on the west side of Church Street, directly adjacent to Sweet Lemon and Founder's Park Local streets intend to provide access to adjoining properties by collecting the traffic from surrounding areas and distributing it to adjoining collectors or arterial streets. These streets can access both collector level streets and arterial level streets.

The subject property is also located in close proximity to the GoGeo Transfer Station at the Georgetown Public Library on 8th Street, providing access to other residential and commercial areas within the city, including the convention center and St. David's Hospital.

Zoning district

The Mixed-Use Downtown District (MU-DT) is intended to provide a location for a mix of land uses including general commercial and retail activities, office, as well as single-family and multi-family in the downtown area. Developments in the MU-DT District are typically smaller in size and scope although there may be occasional heavy traffic. The Mixed Use Downtown Zoning District is only appropriate in the traditional downtown area of Georgetown. Properties in MU-DT shall meet the design requirements of the Downtown Overlay District, and Downtown Design Guidelines.

Per Section 5.04 of the UDC, a Special Use Permit (SUP) is required in the MU-DT district for a "Permanent or Outdoor Food Vendor". A SUP allows for City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this Code. SUPs may be issued only for uses that are generally compatible with

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other uses permitted in a zoning district, but that require individual review of their location, design, intensity, etc. Section 5.04 outlines specific SUP requirements for these uses, and include the following:

- a. The Mobile or Outdoor Food Vendor(s) shall be a primary use on the property;
- b. Each Mobile or Outdoor Food Vendor shall have a City approved connection to City approved electric, water, and wastewater services;
- c. A Mobile Food Park Manager shall be designated for the property;
- d. Parking shall be provided in accordance with Chapter 9 of the UDC;
- e. Toilet facilities and trash receptacles shall be provided on the property in compliance with all applicable City regulations;
- f. Amenities including but not limited to tables, chairs, and shade structures may be permitted on the property subject to compliance with this Code; and
- g. All vendors, amenities, and other site improvements shall be identified on the SUP Concept Plan and Site Development Plan in accordance with this Code.

The purpose of requiring a SUP for a “Permanent or Outdoor Food Vendor” is to ensure that the Downtown area is to limit the number of establishments with this use in close proximity, as well as to provide well-planned areas that utilize permanent or outdoor food vendors.

Approval Criteria

SUP for the Permanent Mobile or Outdoor Food Vendor Specific Use

Staff has reviewed the request and determined that the proposed request **complies** with the criteria established in UDC Section 3.07.030.C for a Special Use Permit, as outlined below:

APPROVAL CRITERIA	FINDINGS	STAFF COMMENTS
1. The proposed special use is not detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants.	Partially Complies	The proposed special use is not detrimental to the surrounding neighborhood, as it meets the specific use requirements of the UDC with the exception of the parking requirements. The applicant wishes to seek relief from this requirement. While complete relief may not be granted as part of the Special Use Permit process, an Administrative Exception for an Alternative Parking Plan may be requested prior to or at the time of Site Development Plan. Alternative Parking Plans may include shared parking, off-site parking, on-

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		<p>street parking, fee-in-lieu of parking, an alternative plan, or a combination of any of these options as approved by the Historic Preservation Officer.</p> <p>Given that zoning takes place prior to that stage of development, the current application does not accommodate the parking requirements that are required for the Special Use Permit in UDC Section 5.04.020(Y). However, the applicant meets all other requirements as set forth in the UDC for Permanent Mobile or Outdoor Food Vendors, as well as the additional setback and bufferyard requirements where the subject property is directly adjacent to Residential Single-Family (RS) zoning.</p>
<p>2. The proposed conceptual site layout, circulation plan, and design are harmonious with the character of the surrounding area.</p>	<p>Complies</p>	<p>Much of the eastern portion of Church Street is undeveloped in this block, with the eastern portion of the block (along Myrtle St) developed with an event facility, office and single-family residential uses.</p> <p>There is an approved 2-story mixed-use commercial development on the property to the north (Heritage Court), to which the Planning and Zoning Commission granted a Subdivision Variance to waive the cross-access requirement across their parking lot and connecting to the subject property. While the proposed conceptual site layout shows a row of parking at the rear (east portion) of the subject property, no access exists or is proposed to this parking lot. In place of a parking lot, the applicant wishes to be relieved of the parking requirements, which is a condition that must be met as part of this Special Use Permit. As previously mentioned, the applicant has the option to apply for an Administrative</p>

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		<p>Exception for an Alternative Parking Plan at time of Site Development Plan. Other property in the same area include restaurants with outdoor patios, and single-family residential. Given that this property is directly adjacent to residential zoned properties to the east, the applicant has shown the required 10' bufferyard along the east property line to relieve some of the disturbance a commercial use may have on a residential property.</p> <p>All proposed changes to accommodate the proposed use are to allow for more seating and gathering spaces, including a permanent patio area and an area for yard games, all of which are promoted within the Downtown Master Plan. The conceptual site layout shows the primary/active use on the western portion of the subject property along the street frontage consistent with other development in the area. Moreover, the provision of the required 10-foot landscape buffer and 4-foot privacy fence along the east property line minimize the impact of the use on the adjacent residential property. With these conditions, staff finds that the proposed use, as designed, is harmonious with the character of the Downtown area.</p>
<p>3. The proposed use does not negatively impact existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection and the ability of existing infrastructure and</p>	<p>Partially Complies</p>	<p>The proposed use does not negatively impact public infrastructure. The roadways and utilities are already in place for the Downtown area and may accommodate the proposed use. However, the proposed use may have minimal impact on parking facilities.</p> <p>This property is located within Area 2 of the Downtown Overlay District, just outside of Area 1, which provides for</p>

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APPROVAL CRITERIA	FINDINGS	STAFF COMMENTS
services to adequately provide services.		lesser parking restrictions than other areas in the city to promote infill development and encourage walkability. At the time of site development, the applicant will have the option to request an Administrative Exception for an Alternative Parking Plan if onsite parking is not able to be provided on site. Alternative Parking Plan may include shared parking, off-site parking, on-street parking, fee-in-lieu of parking, an alternative plan, or a combination of any of these options. The proposed use of "Permanent or Mobile Outdoor Food Vendor" does not require large amounts of parking and is consistent with the walkability pattern and active uses similar to that of the Downtown Square, which is close in proximity.
4. The proposed use does not negatively impact existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard or other injurious or noxious impact.	Complies	The proposed use will not create any hazardous, injurious, or noxious impacts. As previously mentioned, the primary/active use is proposed along the street frontage where other restaurants with outdoor patio and sitting areas are also located. In addition, the minimum required 10-foot landscape buffer and 4-foot privacy fence is proposed along the east property line to minimize the impact of the use on the adjacent residential properties. The proposed use will be subject to the noise, smoke and other nuisance standards of the City Code to ensure no adverse impact on the adjacent properties and surrounding area.

In summary, the proposed use of "Permanent or Mobile Outdoor Food Vendor" complies with two (2) and partially complies with two (2) of the approval criteria of the Unified Development Code Requirements outlined in Section 5.04, for a SUP and the zoning use regulations. Staff has found that the proposed special use, as proposed to be developed in the conceptual site layout, does not adversely affect the surrounding area and fits within the character of the Downtown area. However, given that

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zoning is the first step in the development process, and the SUP for “Permanent or Mobile Outdoor Food Vendor” requires that the proposed special use meet all parking requirements outlined in the UDC, staff found that the use, as proposed, partially complied as it currently does not meet this particular requirement. The applicant has the option to request an Administrative Exception for an Alternative Parking Plan to provide the minimum number of parking spaces needed for the proposed use through an alternative design.

Should the Planning and Zoning Commission and City Council find that the request meets the approval criteria for the special use, the subject property will need to be vacated in order to develop it in compliance with the UDC and this SUP. This condition should be included in the approval of the SUP (Ordinance).

Public Notification

As required by the Unified Development Code, all property owners within a 300-foot radius of the subject property were notified of the Special Use Permit request (27 notices), a legal notice advertising the public hearing was placed in the Sun Newspaper (June 30, 2019) and signs were posted on-site. To date, staff has received zero (0) written comments in favor, and zero (0) in opposition to the request.

Meetings Schedule

7/16/2019 – Planning and Zoning Commission
8/13/2019 – City Council First Reading of the Ordinance
8/27/2019 – City Council Second Reading of the Ordinance

Attachments

Exhibit 1 – Location Map
Exhibit 2 – Future Land Use Map
Exhibit 3 – Zoning Map
Exhibit 4 – Conceptual Plan
Exhibit 5 – Letter of Intent