

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2021-0054 (11700 North IH-35 SB)

DISTRICT: 7

ZONING FROM: LO

TO: GR

ADDRESS: 11700 North Interstate Highway-35 Service Road SB

SITE AREA: 0.87 acres (37,897.2 sq. ft.)

PROPERTY OWNER: SQ Development LLC (Dalia and Tony Ballard)

AGENT: Tony's Jamaican Food, LLC (Kimberly Scott)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

STAFF RECOMMENDATION:

**Staff recommends GR-CO, Community Commercial-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type), Bail Bond Services, Commercial Blood Plasma Center, Commercial Off-Street Parking, Community Recreation (Private), Community Recreation (Public), Congregate Living, Consumer Convenience Services, Funeral Services, General Retail Sales (General), Guidance Services, Indoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Residential Treatment and Service Station uses on the property.**

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**June 1, 2021: Approved neighborhood's request for a postponement to June 15, 2021, by consent (8-0, C. Acosta and T. Bray-off dais); H. Smith-1st, J. Kiolbassa-2nd.**

**June 15, 2021:**

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

The Walnut Creek Neighborhood Association has adopted more restrictive regulations for hours of operation and distance to residences for mobile food vendors (please see Exhibit D - Map of Areas that Adopted Additional Mobile Food Vendor Regulations). Regulations for mobile food vending establishments can be found in LDC Sec. 25-2-812 (please see Exhibit E). The applicant said that she is aware of this information and has discussed these additional restrictions with the neighborhood association president, Robert Meadows.

#### CASE MANAGER COMMENTS:

The property in question is a 0.87 acre lot located at the northwest corner of Meadow Lark Avenue and the N. Interstate Highway-35 South Bound service road. This lot is currently developed with 1,575 sq. ft. residential structure (most recently used as an Air B & B) and a large 3,604 sq. ft. warehouse. There are office, retail and commercial uses to the north, office and commercial uses to the south and a single-family residential subdivision to the west. The applicant is proposing to redevelop the site with a food court and retail store/food sales use.

The staff recommends GR-CO zoning because the property meets the intent of the Community Commercial district. GR-CO zoning will allow for uses that serve the community needs on a property that fronts onto a major freeway/highway, IH-35 South Bound. The proposed GR-CO zoning will be compatible and consistent with the surrounding uses because there are office and retail uses (LO zoning) to the north and office and commercial uses (CS-CO zoning) to the south, across Meadow Lark Avenue.

The applicant agrees with the staff's recommendation.

#### BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed GR-CO zoning will be compatible and consistent with the surrounding uses because there are office and retail uses (LO zoning) to the north and office and commercial uses (CS-CO zoning) to the south, across Meadow Lark Avenue.

3. *The proposed zoning should allow for a reasonable use of the property.*

GR-CO zoning will permit office, civic and commercial uses that will serve the residential developments to the west. The proposed conditional overlay will limit more intensive commercial uses at this location and is appropriate for a property that backs up to single family residential uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO	Single Family Residence, Warehouse
<i>North</i>	LO	Office (Negrete & Kolar Architects, LLP), Auto Repair (Auto 4 TX Mechanic), Office (KHT Chiropractor)
<i>East</i>	ROW	North Interstate Highway-35
<i>South</i>	CS-CO	Office (The Carlson Law Firm), Construction Sales and Services (Tex-Tar Waterproofing, Inc., Brents Tree Service)
<i>West</i>	SF-1	Single Family Residence

PLANNING AREA: North Lamar Area Study

TIA: Deferred to the time of Site Plan

WATERSHED: Walnut Creek

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District  
 Austin Neighborhoods Council  
 Austin Monorail Project  
 Austin Parks Foundation  
 Home Builders Association of Greater Austin  
 Homeless Neighborhood Organization  
 League of Bicycling Voters  
 Northeast Walnut Creek Neighborhood Association  
 North Growth Corridor Alliance  
 Sierra Club, Austin Regional Group  
 Super Duper Neighborhood Objectors and Appealers Organization  
 The Real Estate Council of Austin, Inc.  
 Walnut Creek Neighborhood Association, Inc.  
 Yager Planning Area

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0100 (12008 Pollyanna Avenue)	SF-1 to SF-3	9/16/14: Approved staff's rec. of SF-3 zoning (4-2, G. Rojas and J. Goodman-No, P. Seeger-absent); S. Compton-1 <sup>st</sup> , R. Mc Daniel-2 <sup>nd</sup> .	10/02/14: Approved SF-3 zoning on consent, 1 <sup>st</sup> reading only (7-0); B. Spelman-1 <sup>st</sup> , M. Martinez-2 <sup>nd</sup> .  11/06/14: Approved SF-3 zoning on consent on 2 <sup>nd</sup> /3 <sup>rd</sup> readings

			(6-0; B. Spelman-absent); L. Morrison-1 <sup>st</sup> , M. Martinez-2 <sup>nd</sup> .
C14-2009-0162 (AAA Limousine: 11902 North I.H.- 35 Service Road South Bound)	LO to GR* * The applicant amended their request to GR-CO zoning, limiting the property to Automotive Rentals as the only permitted GR district use and all other LR district uses	3/02/10: Approved the staff's recommendation of GR-CO zoning, with Automotive Rentals as the only permitted GR district use, allowing all other LR district uses and the following additional conditions: 1) no 24 hours uses permitted on the site, 2) a 25-foot vegetative buffer along the western property line adjacent to the residential neighborhood, 3) The placement of new trees within the 25-foot vegetative buffer as recommended by the City arborist, and 4) the preservation of tree wells on the site by removing pavement or asphalt within the drip line area for the existing trees on the property (with the City arborist is to sign off on the required area for the tree wells). Vote: 7-0; S. Baldrige-1st, P. Seeger-2nd.	4/08/10: Approved ZAP Commission rec. of GR-CO zoning (6-0, Cole-off dais), with the following amended conditions agreed to by the applicant: 1) Establish a natural/vegetative buffer with a minimum of eight evergreen or class one or two trees that are utility compatible trees along the western perimeter of the property. 2) Enhance the care and longevity of large oaks. 3) Establish, in the middle of the lot, a natural preserved area that is at least a ten foot radius that will be maintained along the northern and eastern portion from the tree trunks. 4) The natural buffer shall be extended to the property line on the southern and western portions from the tree trunks. 5) In the situation where a ten foot buffer is allowed to be encroached upon (for example: an area used for sidewalk or parking spaces), no canopy and root zone impacts should be allowed. Encroached upon areas should be limited (through the tree permitting process) in a manner where canopy area is not removed and where any ground disturbance is limited to construction above grade. 6) Staff was directed to include a prohibition on auto washing and auto repair as accessory uses in the final ordinance.  5/27/10: Approved GR-CO zoning, with conditions on consent on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (6-0, Spelman-off dais); Morrison-1 <sup>st</sup> , Riley-2 <sup>nd</sup> .
C14-2009-0071 – Arrow A/C	LR to CS	10/20/09: Approved staff's recommendation of CS-CO, making Construction Sales and Services a	11/05/09: Approved ZAP Commission rec. of CS-CO district zoning on 1 <sup>st</sup> reading,

		<p>conditional use, adding no outdoor storage to the proposed public restrictive covenant, permit all other 'LR' district uses, and limit the development intensity on the site to less than 2,000 vehicle trips per day.</p> <p>The public restrictive covenant will state that the applicant will provide signage on the site to prohibit heavy commercial vehicles with a loaded weight limit of 10 tons from entering the site from the Meadowlark Avenue driveway (7-0); G. Bourgeois-1<sup>st</sup>, P. Seeger-2<sup>nd</sup>.</p>	<p>with the following additional permitted uses: auto rentals and auto sales. There was a friendly amendment made by Council Member Riley to prohibit drive through service. Council Member Spelman's motion, Mayor Leffingwell's second (5-2, Morrison and Shade-Nay).</p> <p>12/10/09: Approved SC-CO zoning (6-0, M. Martinez-absent); 2<sup>nd</sup>/3<sup>rd</sup> readings</p>
C14-2008-0229 – Walnut Forest Motel	GO to GR-CO	<p>1/06/09: ZAP approved GR-CO. The CO prohibits the following uses: A DRIVE-THROUGH USE AS AN ACCESSORY USE, AUTOMOTIVE RENTALS, AUTOMOTIVE REPAIR SERVICES, AUTOMOTIVE SALES, AUTOMOTIVE WASHING (OF ANY TYPE), BAIL BOND SERVICES, COMMERCIAL BLOOD PLASMA CENTER, COMMERCIAL OFF-STREET PARKING, COMMUNITY RECREATION (PRIVATE), COMMUNITY RECREATION (PUBLIC), CONGREGATE LIVING, CONSUMER CONVENIENCE SERVICES, FOOD SALES, FUNERAL SERVICES, GENERAL RETAIL SALES (GENERAL), GUIDANCE SERVICES, INDOOR ENTERTAINMENT, OUTDOOR SPORTS AND RECREATION, PAWN SHOP SERVICES, RESIDENTIAL TREATMENT AND SERVICE STATION; LIMITING HEIGHT TO 35 FEET, AND LIMITING VEHICLE TRIPS TO 2,000 PER DAY.</p>	<p>2/12/09: Approved ZAP Commission rec. of GR-CO zoning (7-0); on all 3 readings</p>
C14-2008-0214 – Tex-Tar	LR to LI-CO (Amended to CS-CO)	<p>1/06/09: Approved staff's rec. to deny LI zoning (6-1, T. Rabago-No); D. Tiemann-1<sup>st</sup>, B. Baker-2<sup>nd</sup>.</p>	<p>2/12/09: Postponed to February 26, 2009 at the neighborhood's request (7-0)</p> <p>2/26/09: Approved CS-CO zoning, with Construction Sales and Services as the only permitted CS use and permitting</p>

			<p>all other LR uses, on 1<sup>st</sup> reading only (5-0); S. Cole'-1<sup>st</sup>, B. McCracken-2<sup>nd</sup>.</p> <p>3/26/09: Approved CS-CO zoning on 2<sup>nd</sup>/3<sup>rd</sup> readings (7-0); L. Morrison-1<sup>st</sup>, W. Wynn-2<sup>nd</sup>.</p>
C14-05-0085 – Powers 20	GO to CS	<p>11/15/05: ZAP approved LR-CO with conditions of: 2,000 Vehicle trips limit, Prohibit Consumer repair services, Off-site accessory parking, Community recreation (public), Guidance services, Private secondary educational facilities, Printing and publishing, Service station, Financial services, Community recreation (private), Congregate living, Hospital services (limited), Residential treatment, College and university facilities, and Drive-in service use is prohibited as an accessory use to a commercial use.</p>	<p>11/02/06: CC approved LR-CO with conditions of: 2,000 Vehicle trips limit, Prohibit Consumer repair services, Off-site accessory parking, Community recreation (public), Guidance services, Private secondary educational facilities, Printing and publishing, Service station, Financial services, Community recreation (private), Congregate living, Hospital services (limited), Residential treatment, College and university facilities, and Drive-in service use is prohibited as an accessory use to a commercial use.</p>
C14-04-0174 – Lyly Fisher's Rezoning	LO to GR	<p>12/07/04: Approved GR-CO, the CO limits the site to Automotive Rentals only and all other LO district uses and 2,000 vtpd (8-0, C. Hammond-ineligible to vote).</p>	<p>1/13/05: Approved GR-CO allowing only the following GR district uses: Automotive Rentals, Business Support Services, Consumer Convenience Services, Food Sales, General Retail Sales (Convenience), Personal Improvement Services, Research Services, Restaurant (Limited), Restaurant (General), and a 2,000 vehicle trip limit. (7-0); 1<sup>st</sup> reading</p> <p>2/17/05: Approved GR-CO zoning with the following conditions: 2,000 vtpd limit, prohibit the following uses: Automotive Repair Services, Automotive Sales, Automotive Washing, Business or Trade School, Commercial Off-Street Parking, Consumer Repair Services, Exterminating Services, Financial Services, Funeral Services, General Retail</p>

			Sales (General), Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Off-Site Accessory Parking, Outdoor Sports and Recreation, Pawn Shop Services, Service Station, Theater, Community Recreation (Private), Community Recreation (Public), Congregate Living, Guidance Services, Hospital Services (Limited), Private Secondary Educational Facility, Residential Treatment, Bail Bond Services, Printing and Publishing, College and University Facilities
C14-98-0149 - Lake Marine		10/27/98: Approved staff's rec. of GR-CO, with a CO for 2,000 vtpd and added the following conditions: 1) Prohibit Automotive Rental, Automotive Repair, Automotive Sales, Automotive Washing, Commercial Off-Street Parking, Exterminating Services, Financial Services, Food Sales, Funeral Services, General Retail Sales-Convenience, Hotel-Motel, Indoor Entertainment, Indoor/Outdoor Sports and Recreation, Medical Offices, Off-Site Accessory Parking, Pawn Shop Services, Personal Improvement Services, Personal Services, Research Services, Restaurant-Drive In-Fast Food, Restaurant-Limited, Restaurant-General, Service Station, and Theater; 2) Limit the site to LO development standards (6-0, Almanza, Rawlins, Heimsath-absent)	12/03/98: Postponed to 12/10/98 (6-0)  12/10/98: Case withdrawn by applicant

RELATED CASES: N/A

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
IH 35 SVRD SB	83'	Defer to TxDOT	20'	4	Yes	Yes	Yes
Meadow Lark Ave	50'	50'	13'	1	Yes	No	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

This zoning case is located on the northwest corner of the IH 35 service road and Meadow Lark Avenue, on a property that is approximately 0.87 acres in size and has a house on it. This area is not located within the boundaries of a small area plan or along an Activity Center or Corridor, although IH-35 is a major freeway through Austin. Surrounding land uses include single family houses, offices and retail uses to the north; to the south is a law office; to the east is IH-35; and to the west is a single-family subdivision. The proposed use is a food court and retail store.

**Connectivity:** There are no public transit stops, bike lanes or public sidewalks located along this portion of the IH 35 service road or Meadow Lark Avenue. The mobility and connectivity options available in this area are below average and all trips would need to be done by a car.

**Imagine Austin**

The property is not located along or near an Activity Center or Corridor. The following Imagine Austin policies are applicable to this case:

- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **HN P10.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy food, schools, retail, employment, community services, and parks and recreation options.

Based on the Imagine Austin policies above and the lack of mobility and connectivity options in this area, this project appears to only partially support policies in the Imagine Austin Comprehensive Plan.

### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to the project location. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.

At this time, no information has been provided as to whether this property has any ls that preempt current water quality or Code requirements.

### Fire

No comments.

### Parks and Recreation

There are currently no parkland requirements for uses other than residential and hotel. Given that the application is for GR, with proposed uses of food court and general store, there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision.

### Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the west property line, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

### Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way for Meadow Lark Avenue and IH 35 SVRG SB, which is deferred to TxDOT. A traffic impact analysis is waived, the determination is deferred to site plan application, when land use and intensity will be finalized.

### Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

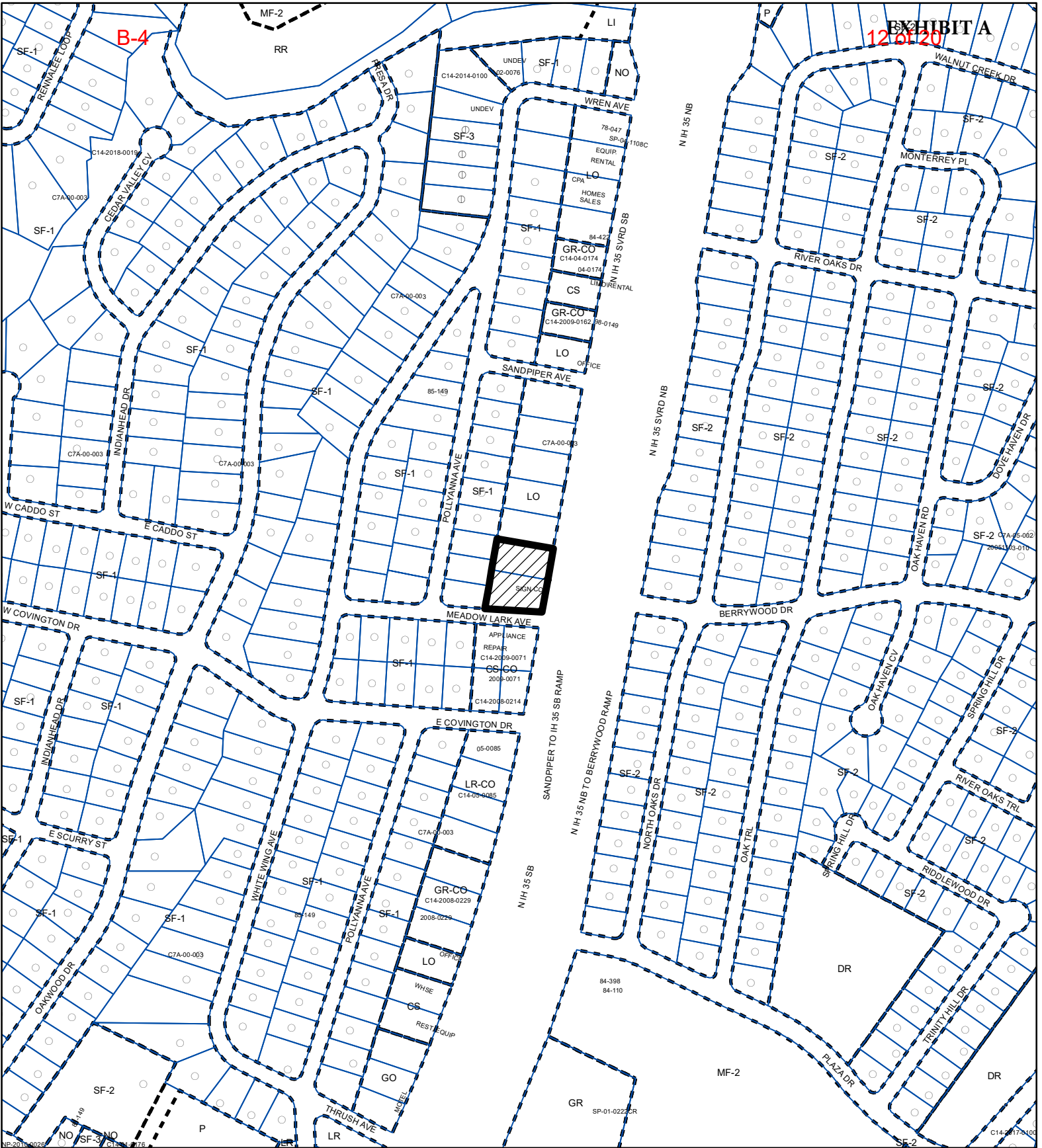
Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Correspondence from Interested Parties
- D. Areas that Adopted Additional Mobile Food Vendor Regulations
- E. Land Development Code Section 25-2-812 - MOBILE FOOD ESTABLISHMENTS.

B-4



## ZONING

ZONING CASE#: C14-2021-0054



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Created: 4/5/2021

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13 of 20

EXHIBIT B

SF-1

POLLYANNA AVE

SF-1

LO

C14-2021-0054

M32

NIH 35 SVRD SB

NIH 35 SB

NIH 35 NB

NIH 35 SVRD NB

SF-2

BERRYWOOD DR

MEADOW LARK AVE

SANDPIPER TO  
IH 35 SB RAMP

SF-1

CS-CO

SF-2

NIH 35 NB TO  
BERRYWOOD  
RAMP

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11700 N IH 35

ZONING CASE#: C14-2021-0054  
LOCATION: 11700 N IH 35 SERVICE ROAD SB  
SUBJECT AREA: .8678 Acres  
GRID: M32  
MANAGER: Sherri Sirwaitis



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

1" = 100'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

**From:** David Negrete  
**To:** [Sirwaitis, Sherri](#)  
**Cc:** [Diana Negrete](#)  
**Subject:** C14-2021-0054  
**Date:** Thursday, April 29, 2021 5:52:59 PM High  
**Importance:**

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\*\*\* External Email - Exercise Caution \*\*\*

Ms. Sirwaitis

I accessed the application and I don't see a place for those so inclined to protest against the proposed change

If email to you is the forum then I want to register my opposition to the proposed change.

As General Retail, this site does not have direct or safe access to a major roadway. Additionally, we are well aware of the upcoming TXDOT improvement fronting this unique block facing I 35.

A discussion with TXDOT engineers during the public notice phase conducted at Connally High School in 2019 brought to light the inadequate turning radius from the TXDOT Service frontage road to the parallel private drive from sandpiper to meadowlark.

We have no indication if TXDOT is addressing this or has chosen to ignore it.

It simply will not be feasible to widen the TXDOT roadway and new sidewalk and still make the hairpin turn onto the parallel private drive without doing something at the two corner properties. Failure to do so will ultimately result in an accident prone and unsafe access to the private drive including onto Meadow Lark and Sandpiper.

The application of General Retail will only compound congestion and unsafe conditions.

Additionally if this GR designation allows food preparation as so many convenience locations are now doing, that is another reason for protesting the proposed change in zoning.

We redeveloped the adjacent property at 11720 N. IH 35 as an LO compliant office with the premise that all properties within the subject block would as well have to conform to such zoning and use of property.

Any high volume traffic, and food preparation operation between Meadow Lark and Sandpiper is detrimental to the use of our property and harmful to our long term property value as a Professional Office location as defined by the LO designation.

If there is another forum for protesting this application, please advise me accordingly

Regards

David Negrete AIA

NEGRETE & KOLAR  
ARCHITECTS LLP

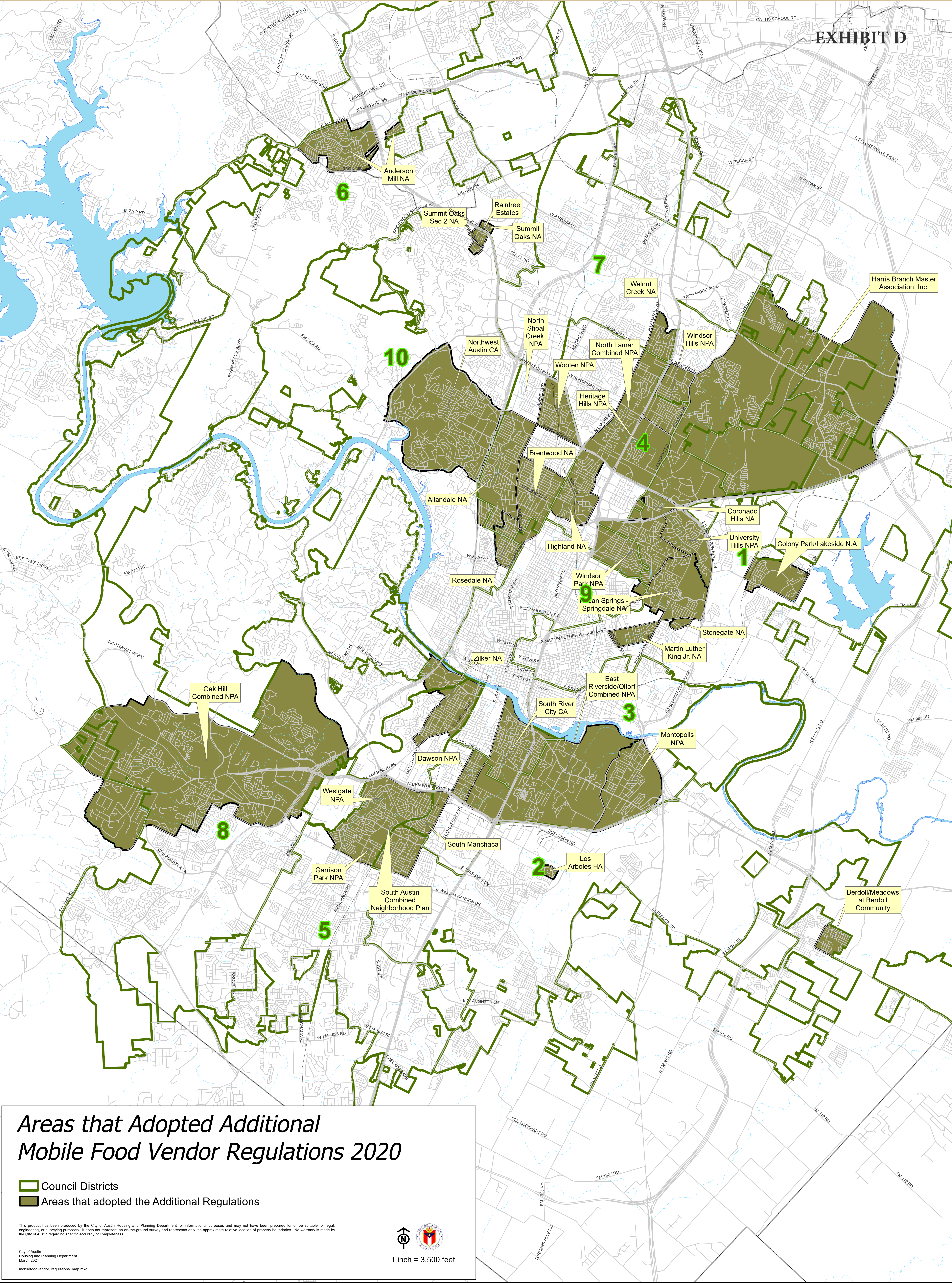
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11720 N. IH 35  
Austin, Texas 78753  
TEL. 512.474.6526 Ext 306  
Cell 512.461.8810

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EXHIBIT D

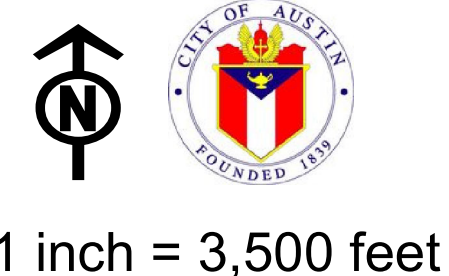


# Areas that Adopted Additional Mobile Food Vendor Regulations 2020

- Council Districts
- Areas that adopted the Additional Regulations

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City of Austin  
Housing and Planning Department  
March 2021  
mobilefoodvendor\_regulations\_map.mxd



1 inch = 3,500 feet

**§ 25-2-812 - MOBILE FOOD ESTABLISHMENTS.**

(A) In this section:

- (1) PERMIT HOLDER means the person to whom the health authority issues a permit for a mobile food establishment permit required by [Chapter 10-3](#) (*Food and Food Handlers*) of the City Code.
- (2) MOBILE FOOD ESTABLISHMENT has the meaning established in [Title 25](#), Part 1, Section 229.162 (*Definitions*) of the Texas Administrative Code and Section 10-3-1 (*Definitions*) of the City Code.
- (3) SOUND EQUIPMENT has the meaning established in [Section 9-2-1](#) (*Definitions*) of the City Code.

(B) A mobile food establishment is not permitted on private property except as provided in this section.

(C) A mobile food establishment:

- (1) must be licensed by the health authority;
- (2) is permitted in all commercial and industrial zoning districts, except in a neighborhood office (NO), limited office (LO), or general office (GO) zoning district;
- (3) may not be located within 50 feet of a lot with a building that contains both a residential and commercial use;
- (4) may not operate between the hours of 3:00 a.m. and 6:00 a.m.; and
- (5) may not be located within 20 feet of a restaurant (general) or restaurant (limited) use.

(D) The noise level of mechanical equipment or outside sound equipment used in association with a mobile food establishment may not exceed 70 decibels when measured at the property line that is across the street from or abutting a residential use.

(E) A drive-in service is not permitted.

(F) Exterior lighting must be hooded or shielded so that the light source is not directly visible to a residential use.

(G) A mobile food establishment is limited to signs attached to the exterior of the mobile food establishment. The signs:

- (1) must be secured and mounted flat against the mobile food establishment; and
- (2) may not project more than six inches from the exterior of the mobile food establishment.

(H) During business hours, the permit holder shall provide a trash receptacle for use by customers.

(I) The permit holder shall keep the area around the mobile food establishment clear of litter and debris at all times.

(J) A permanent water or wastewater connection is prohibited.

(K) Electrical service may be provided only by:

(1) temporary service or other connection provided by an electric utility; or

(2) an onboard generator.

(L) A request that the city council require a mobile food establishment in a neighborhood association area to comply with the additional distance requirements set forth in Subsection (N) may be made in accordance with this subsection.

(1) The following persons may submit an application to the director requesting that the city council require mobile food establishments in a neighborhood association area to comply with Subsection (N):

(a) for an area with an adopted neighborhood plan:

(i) the chair of the official planning area contact team; or

(ii) an officer of a neighborhood association if there is no official planning area contact team; or

(b) for an area without an adopted neighborhood plan, an officer of a neighborhood association.

(2) The director shall accept an application made under this subsection during February of each year. The council shall consider the applications annually.

(3) Notice in English and Spanish of a public hearing on the application by the council is required. The City is responsible for the cost of the notice. The director shall give notice not later than the 16th day before the date of the public hearing by:

(a) publishing notice in a newspaper of general circulation; and

(b) mailing notice to:

(i) each mobile food establishment licensed by the health authority; and

(ii) each registered neighborhood association.

(4) The director shall maintain a map that depicts the areas to which Subsection (O) applies.

(5) A neighborhood association must be registered with the Public Information Office of the City.

(M) The requirements of Subsection (N) may be added to an ordinance zoning or rezoning property as a neighborhood plan combining district in accordance with [Section 25-2-1406](#) (*Ordinance Requirements*).

(N) The subsection establishes additional distance requirements that may be applied under Subsections (L) or (M).

(1) A mobile food establishment may not be less than 50 feet from property:

(a) in a SF-5 or more restrictive district; or

(b) on which a residential use permitted in a SF-5 or more restrictive district is located.

(2) A mobile food establishment may operate between 6:00 a.m. and 10:00 p.m. if the mobile food establishment is more than 50 feet and not more than 300 feet from a property:

(a) in a SF-5 or more restrictive district; or

(b) on which a residential use permitted in a SF-5 or more restrictive district is located.

(3) A mobile food establishment may operate between 6:00 a.m. and 3:00 a.m. if the mobile food establishment is more than 300 feet from a property:

(a) in a SF-5 or more restrictive district; or

(b) on which a residential use permitted in a SF-5 or more restrictive district is located.

(O) A mobile food establishment must comply with Subsection (N) not later than the 60th day after the effective date of an ordinance adopted under Subsection (L) or (M).

(P) This subsection applies to a mobile food establishment that is located on the same site as a restaurant (limited) or restaurant (general) use and serves food provided by the restaurant (limited) or restaurant (general) use. The mobile food establishment:

(1) may only operate between the hours of 6:00 a.m. and 10:00 p.m. if the mobile food establishment is located 300 feet or less from property in a SF-5 or more restrictive district or on which a residential use permitted in a SF-5 or more restrictive district is located; and

(2) must comply only with Subsections (D), (F), (G), (H), and (I).

(Q) This ordinance does not apply to a mobile food establishment that is located on private property for three hours or less between the hours of 6:00 a.m. and 10:00 p.m.

(R) A site plan, site plan exemption, or temporary use permit is not required for the operation of a mobile food establishment.

(S) The permit holder shall comply with the section. A violation of this section is a Class C misdemeanor.

Source: Ord. 20060928-020; Ord. 20080131-134; Ord. 20110623-135; Ord. 20110804-008.