

## Memorandum

**Date:** July 17, 2023.

**To:** Mayor and Council

**From:** Community Development

**Subject:** **PZ 23-018. Special Use Request to modify the conditions of approval of PZ 23-006 for a food truck park. The property is located at 3980 & 3982 Austell Powder Springs Road, within land lot 905 of the 19th District, 2nd Section, Cobb County, Georgia.**

**Action:**

A motion to Approve with the following conditions:

1. The special use approval is valid for one year from the date of approval. The applicant must reapply for special use prior to expiration and is subject to all provisions of the Food Truck Park Specific Use Provisions, Sec 4-146 as may be adopted or amended.
2. The special use approval is for the food truck park, outdoor storage of food trucks, the use of a shipping container for a point of sale, subject to the issuance of permits and licenses required by the city, county and state. The modified shipping container shall be subject to the requirements for commercial building permit, design review, construction and site plan approval and meet other applicable city, county and state requirements.
3. The site plan, annotated with City of Powder Springs approval conditions (07/12/2023) and as approved by the Cobb County Fire Marshal on 7/12/2023 is the approved site plan. This site plan may be amended and approved administratively to allow updated City of Powder Springs approval notes reflecting conditions of approval on July 17, 2023, and to allow 1 intermodal container subject to meeting all requirements of the City of Powder Springs, Cobb County Fire Marshal, the Georgia Department of Community Affairs and other applicable agencies.
4. Food service shall only come from food trucks (mobile food units). No food shall be served or prepared for service outside of the mobile food units, including but not limited to a prohibition on the use of grills. Providers must be licensed with the City of Powder Springs. All mobile food units must meet all Cobb Douglas Public Health requirements or Department of Agriculture, whichever is applicable. Food vendors without a mobile unit are prohibited, except by approved Temporary Event Permit.

5. Hours of operation are limited to 8 am to 10 pm. No food or beverages shall be prepared or served on the premises outside of the hours of 8 am to 10 pm. No one shall be allowed to gather on the premises and consume food or beverages or for any other purpose, other than for maintenance purposes, outside of the hours of 8 am to 10 pm.
6. A maximum of 10 food trucks are allowed on site at any time. All must be properly licensed with current tags and health department permits.
7. Parking Ratio: The site must have a minimum of 3 customer parking spaces per operating food truck.
8. The applicant shall install permanent indoor restrooms for public use within three months of issuance of an Occupational Tax License. Failure to have approved and operating permanent indoor restrooms within three months of the issuance of an Occupational Tax License may result in the revocation of the Occupational Tax License and/or any certificate of occupancy. Portable toilets will be reviewed as part of permitted special events. The number of stalls subject to the approval of Cobb Douglas Public Health, Cobb County Fire Marshal and the City of Powder Springs.
9. Dumpster and grease trap enclosure shall be compliant with the City's development standards (Section 5-5.9) within six months of the issuance of the Occupational Tax Certificate.
10. Overnight storage of food trucks on 3980 Austell Powder Springs Road shall be for trucks with a signed one year's lease and must serve the public from this location at least 3 days per week. Overnight storage location for the food trucks shall not be visible from the Austell Powder Springs Road.
11. Applicant to coordinate and permit necessary construction with the Cobb County Fire Marshal, Cobb County Water System, the City of Powder Springs, and Cobb and Douglas Public Health, and the Georgia Department of Community Affairs. This shall include all building, design review, construction and site plan review for all structures, including but not limited to any shipping container.
- ✓ 12. Applicant to permit any proposed signage with the City of Powder Springs. This initial sign may be a temporary sign, subject to the time limit provisions of the special event/temporary sign code, after which the applicant must install a permanent sign.



13. No perimeter or front yard fencing is allowed. Any proposed interior security fencing (including materials and height) shall be subject to approval from to the Community Development Department, subject to Design Review and approval and shall only be permitted if required by any other section of the Unified Development Code or Code of Ordinances.
14. Applicant to utilize City of Powder Springs police officers to control traffic and ensure safety with pedestrian users of the proposed trail on a case by case, event by event basis.
15. Applicant to provide screening plan(s) for storage unit and dumpster area, subject to review and approval by the City of Powder Springs Community Development Department.
- ✓ 16. No alcohol is to be consumed or sold on the premises. If the City of Powder Springs amends its alcohol beverage ordinance to allow the beer garden or outdoor alcohol licenses, then the applicant may apply for said alcoholic beverage license if the applicant meets the requirements. If the applicant meets those requirements and obtains the required local and state permits and licenses for alcoholic beverage sales, then the alcoholic beverages may be consumed and sold on the premises upon the issuance of the said license, subject to all local and state requirements.
17. The applicant must maintain control of both parcels, by lease and/ or ownership, to continue the special use. The approval is nullified if 3982 Austell Powder Springs Road is not controlled by the applicant. Should said property change ownership to someone other than the applicant, the approval is nullified. If the approval is nullified due to changes in control, the applicant must reapply for special use approval to continue the use. Should the applicant purchase have said property, then the lots must re-platted via the Lot Combination Application process.
18. Events with amplified sound require a Temporary Event Permit issued by the City of Powder Springs, on a case-by-case basis. No temporary event shall be approved while open code enforcement violations exist. All code enforcement concerns / warnings / violations must be addressed expeditiously.
19. Free-standing chairs and other temporary furniture shall be ~~stored overnight in an approved enclosed structure.~~ *Secured overnight as required. JH.*
20. No grills outside of mobile unit are allowed, except if approved or authorized by Cobb Douglas Public Health and associated with an operating mobile food unit.



- 21. Adequate trash receptacles shall be provided on the premises to dispose of food wrappers, food utensils, paper products, cans, bottles, food and other such waste. Such receptacles shall be located no more than ten feet from each food truck. The food truck park operator shall be responsible for removing all trash, litter and refuse from the site at the end of each business day.
- 22. All mobile food units must be located on an improved surface and as shown on the approved site plan.
- ✓23. No outdoor non-food vendors shall be allowed, unless a temporary event permit has been obtained for specific day(s) and time(s), in which case the non-food vendors will be allowed during those approved temporary event hours and the number of non-food vendors shall be limited to 1 non-food vendor per 5 food truck vendors. The approved non-food vendors must obtain all necessary permits and licenses and be contained within a vehicle or specific tent or table dedicated to the non-food vendor.

So motioned, this 17th day of July 2023.

Absent

Albert Thurman, Mayor

Patrick Bordelon

Patrick Bordelon, Council

Member

Doris Dawkins  
Doris Dawkins, Council Member

Patricia Wisdom  
Patricia Wisdom, Council Member

Henry Lust  
Henry Lust, Council Member

Dwayne Green no vote  
Dwayne Green, Council Member

Attest:

Kelly Axt  
Kelly Axt, City Clerk