

GENERAL INFORMATION

Applicant: City of Bloomington

Request: Consider an ordinance to establish a new mobile food unit license and new standards for mobile food units (“food trucks”)

CHRONOLOGY

Planning Commission:	01/10/19 Study Meeting
City Council:	06/10/19 Study Meeting
City Council:	09/16/19 Study Meeting
Planning Commission:	01/23/20 Public Hearing – item continued
Planning Commission:	03/05/20 Second Public Hearing
Future City Council:	04/06/20 Public Hearing (tentative)

CHRONOLOGY

Application Date:	11/13/2019
Applicable Deadline:	Agency Action Deadline Waived
Newspaper Notification:	Confirmed – (01/09/2020 Sun Current – 10 day notice)
Direct Mail Notification:	Not required, but staff used many outreach methods (see Outreach Section below).

STAFF CONTACT

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APPLICABLE REGULATIONS

Chapter 14 – Licenses and Permits
Chapter 19 – Zoning
Chapter 21 – Zoning and Land Development

PURPOSE

Food trucks currently operate in the City at public and private events, and sometimes for employees at office buildings. Outside of events, food trucks are generally prohibited. In addition, the Zoning Code does not have a specific definition or set of standards for operation of food trucks.

The ordinance intends to establish a definition and clarify the extent that mobile food units (“food trucks”) may operate in the City by creating a new annual license for mobile food units, adding mobile food units to the use table, and creating standards.

Staff proposes this ordinance as a pilot project. After one year, staff would report to the Planning Commission and City Council the outcomes related to the subject ordinance in order to assess the effectiveness of the regulations and determine if any amendments are needed.

PREVIOUS STUDY MEETINGS

At study meetings before the Planning Commission and the City Council, staff discussed and sought feedback on a range of approaches to regulate food trucks; from more prohibitive to more permissive than what is allowed today as shown in the graphic on the following page.



The Council indicated support for allowing food trucks off-street with tighter standards, but requested a follow-up study meeting to further review the standards. The Planning Commission provided similar direction. The Commission agreed with staff’s recommendation to require that food trucks be associated with a licensed commercial kitchen or “commissary,” and recommended the following standards:

- With consent of the property owner, permit up to three food trucks in a given parking lot at any one time (when not part of an event)
- Do not allow food trucks to park overnight at any vending location (when not part of an event)
- Require a minimal spacing distance from restaurants (ie, 100-150 ft), but not from events, parks, or residential areas.

At the second study meeting before the Council, staff presented a series of potential standards. These included many of the standards recommended by the Planning Commission, as well as a staff proposed standard that would require site plan approval prior to food truck operation at a site. The Council indicated support for these standards and recommended drafting an ordinance to allow food trucks in off-street locations under the appropriate regulations.

PLANNING COMMISSION PUBLIC HEARING

A draft ordinance to allow food trucks to operate off-street, but with more restrictive standards was presented for review by the Planning Commission at a public hearing on January 23, 2020. At the hearing, representatives from the Minnesota Food Truck Association voiced concerns that the standards were too restrictive. The Planning Commission voted to continue the item to

incorporate feedback from the Food Truck Association. Meeting minutes are attached to this staff report.

REVISED STANDARDS

The revised ordinance (attached) would allow food trucks off-street in most cases as originally proposed; however, with more permissive standards than originally proposed to respond to the Food Truck Association concerns. Staff recommends the revisions described below, in addition to retaining standards in the original draft that address the environmental, health, licensing and enforcement, and competition concerns addressed at the study meetings:

Remove administrative permit (site plan) requirement

The original draft proposed that an administrative site review (site plan) permit be required of property owners or managers wanting to host a food truck. The intent of this standard was to make property owners more aware of food truck standards, educate food truck operators about where they can operate, and clarify that property owners are responsible for zoning violations. The Minnesota Food Truck Association indicated that this requirement adds additional burden on an already heavily regulated use. The revised ordinance removes the site plan requirement.

Add standard allowing three food trucks on a site outside of an event

The draft ordinance allows up to three food trucks on a site at one time. Language is added to clarify that a site with more than three food trucks at one time is not permitted out-right and must be reviewed by city staff to determine if a special event license is needed. Typically, licenses for private special events are required if more than 200 people are anticipated to attend.

Remove minimum parking space standard

The original ordinance required that sites hosting food trucks contain at least 50 parking spaces. Understanding that food trucks may occupy parking required by other uses, this standard was created to avoid concerns related to vehicular circulation and congestion. On sites with fewer users on-site (less than 50 parking spaces), it is unlikely that a food truck could be supported by customers who were already on site. Food trucks on less active sites must rely on customers coming from off-site, which in turn brings new vehicles to the site and adds parking demand.

In response to Planning Commission feedback, this standard is not included in the revised ordinance. More examples are needed to better determine the parking demand generated by food trucks and what, if any, vehicular congestion issues arise. As a pilot project, staff can address concerns that arise through future amendments as needed.

Reduce distance requirement from restaurants

In the revised ordinance, the spacing distance requirement from restaurants was reduced from 250 feet to 200 feet. The standard was also modified to clarify that spacing distance is measured from any exterior entrance of a restaurant instead of any portion of a restaurant building or tenant space, which also lowers the distance requirement.

Staff recommends this distance requirement to address concerns about congestion. People lined up or cars parked around a food truck could create impacts on nearby uses. Staff also sought to reduce the number of food establishments that could be in close proximity to one another. Brick and mortar restaurants could be impacted by nearby food trucks, and it is in the City's best interest that buildings be occupied by successful businesses.

Staff reviewed several commercial nodes in the City and determined that the proposed standard generally prevents food trucks on smaller properties that abut restaurants, but may not limit food trucks from locating across a street from a restaurant. It also allows food trucks to operate on properties to the back side of some restaurants that only have front-facing entryways. Separation requirements below 200 feet tend to allow food trucks on parcels directly adjacent to restaurant sites. Comparisons of distances from restaurant entrances at several commercial nodes are attached.

Clarify standards for residential areas

The revised ordinance more clearly distinguishes between standards that apply to food trucks at residential properties and those that apply to food trucks at non-residential properties. For instance, the revised ordinance does not include a distance requirement from restaurants if a food truck is operating in a residential area. The revised ordinance also allows food trucks to operate on-street in residential areas provided they locate as close as possible to the property being served and that on-street parking is not otherwise prohibited. This change was requested by the Food Truck Association who noted that food trucks have difficulty operating on sloped driveways (off-street).

The revised ordinance also removes the four hour time limit that was originally drafted to apply to food trucks operating at residences. The Food Truck Association expressed that this limit was unnecessary and would hurt business. The draft ordinance would still limit food trucks' hours of operation (10:00 a.m. to 9:00 p.m.) in residential areas. As a pilot project, staff can address concerns that arise through future amendments as needed.

Reduce license fees

A new mobile food unit (trucks or trailers) license is created in the draft ordinance that would allow food trucks to operate at multiple locations under one license. The new license would help to streamline the review process and reduce the overall cost for those operating at more than one

event in a year. Under the existing temporary food establishment license, food trucks are required to obtain a separate license for each site where they operate.

A food truck currently has two options to obtain a temporary food establishment license, one license is for food trucks operating one to three days at a site, and the other is for those operating four to twenty-one days at a site. Both of these options require a separate license per site. The original ordinance proposed the new mobile food unit license fees to be double the four to twenty-one day license (e.g., \$576). License fees are reduced in the revised ordinance to be double the \$173 one to three day temporary food establishment license (e.g. \$346). Food truck operators still have the option to apply for the less expensive single location temporary food establishment license if they don't anticipate operating at more than one location in the City for up to 21 days. If a food truck receives a temporary food establishment license and later desires to have the annual mobile food license, the fees paid will be applied toward the annual fee of \$346.

When a mobile food unit license application is initially received staff will review the food truck's menu, food preparation and storage practices, Certified Food Protection Manager status, and license status of their commissary kitchen. Their licensed commissary or commercial kitchen may be located in another city. If satisfactory, then an inspection of the food truck and its equipment will occur at Civic Plaza (or other agreed upon location) in order to issue the license. Licenses will be renewed annually thereafter without the initial review unless there are significant changes in operations. Once the annual license is issued, a food truck will be inspected at least twice a year while operating or when setting up to start operating at a special event. This is the same inspection frequency as licensed restaurants with a similar risk of foodborne illness. The license fees cover staff time to process an application, inspect food trucks, enforce zoning and food safety requirements, and investigate complaints. Other City expenses for the food licensing and inspection program include software, computers, training, vehicles, office space, and other overhead. The proposed fees fit within the existing fee structure for all food establishment licenses which are revenues of the general fund like other licenses, permits and property taxes.

PILOT PROJECT

Food trucks are unlike other uses traditionally addressed through the Zoning Code. As restaurants on wheels, they have the ability to locate in multiple zoning districts and often seek high-traffic areas. The proposed standards attempt to address potential impacts to public health, safety, and welfare. However, potential impacts of food trucks can be more thoroughly understood after they begin to operate more frequently in the City. Since food trucks outside of events would be a new use to the City, staff proposes adopting this ordinance with a plan to return to the Planning Commission and City Council for review after one year.

OUTREACH

Notice of the public hearing was published in the Sun Current, and was sent via e-mail to registered users of the “Zoning Ordinance Updates” and “Planning Commission” e-subscribe groups. Proposed amendments and supporting information is posted on the City’s website.

Since the January 23, 2020 Planning Commission meeting, staff has met with the Minnesota Food Truck Association twice to review the draft ordinance and receive feedback. Correspondence from the MN Food Truck Association is attached.

Staff also sent memos by email to other potentially interested parties that summarize the draft amendments in the attached ordinance as well as updates proposed for taprooms and food trucks. Memos were sent to representatives of the Chamber of Commerce, the Convention and Visitors Bureau, Hospitality Minnesota, and the Minnesota Restaurant Association. A similar memo was sent to 847 subscribers of the City’s Food Collaborative e-subscribe list.

RECOMMENDATION

Staff recommends approval via the following motion:

In Case PL2019-183, I move to recommend approval of the Ordinance as attached to the staff report to amend Chapters 14, 19, and 21 of the City Code to create a new mobile food unit license and to establish standards for food trucks.