

## Mobile Grocery Market CAG Meeting 1-29-14

### Citizens In Attendance:

Erin Brighton, Charlotte-Mecklenburg Food Policy Council
Barry François, Queen City Mobile Market
Katherine Metzko, Charlotte-Mecklenburg Food Policy Council/Friendship Gardens
David White, Providence Produce

### Staff In Attendance:

Katrina Young, Planning Department	Sandra Montgomery, Planning Department	Sonja Sanders, Planning Department
Laura Harmon, Planning Department	Sonda Kennedy, Planning Department	Mark Fowler, Code Enforcement

#### *I. Welcome and Introductions*

The meeting began at 6:07 pm. Ms. Katrina Young introduced herself and thanked everyone for coming. She asked everyone to introduce themselves.

#### *II. Citizen Advisory Group Role*

Ms. Young reviewed the agenda, and the roles of citizen advisory group (CAG) members, staff, and the Planning Commission.

#### *III. Text Amendment Process*

Ms. Young explained the text amendment process, which is a 3-4 month process, all of which is detailed in the PowerPoint presentation. The presentation included photo examples of mobile grocery stores from around the world that showed the range of mobile vehicles, equipment, and interior layouts.

#### *IV. Purpose*

Access to healthy, fresh food is important, especially in areas that have no access to a brick and mortar grocery store. In 2013, City Council requested staff to research mobile grocery markets and explore permitting this use in Charlotte.

At this evening's meeting, Ms. Young stated she would discuss a draft definition for the use, the permit and enforcement process and possible secondary impacts. She reviewed the definition: "A mobile vehicle from which perishable and nonperishable food items are sold (fruits, vegetables, and food products, excluding alcoholic beverages, homemade food products and goods)". Ms. Young added that it is not the intent of this amendment to allow this use to sell food and/or drink processed or prepared on-site.

Ms. Young and staff have identified some initial issues and concerns for discussion by CAG members:

- size of vehicles
- can items be sold out of the trunk?
- cost of the permit
- length of stay at one location
- locations where the use is permitted
- type of goods that can be sold
- various approvals needed by other departments or agencies.
- noise, trash, and visual concerns.

Ms. Young noted that currently all zoning permits are tied to a physical address. If a mobile grocery market moves from site to site, multiple permits would be needed. Staff is considering options to make the permitting process more economically feasible when multiple locations are desired.

Staff distributed a one-page summary of a revised draft definition and draft prescribed conditions for CAG consideration. Ms. Young gave everyone several minutes to review the material. The revised definition is: “A licensed vehicle from which perishable and commercially prepared food items are sold (excluding alcoholic beverages, homemade food products and goods).”

#### ***V. Discussion and Feedback***

Ms. Young opened the discussion about the revised definition and the draft prescribed conditions. The following comments were made:

- **What about non-food items? Could those be sold?** Staff Response: The definition reflects that staff does not want flea-market type goods to be sold. Staff wants to be intentional about what is sold: fresh fruits and vegetables.
- **What types of non-food items can be sold if a grocery store is missing nearby? What about toiletries? Having access to these goods would reduce the need for these customers to make trips to other stores.**
- **Selling toiletries is getting too far away from the goal of providing fresh food in food desert areas.**

Ms. Young stated that we want to be intentional about healthy eating. There are other regulations in the Zoning Ordinance that allow off-premise periodic retail sales. This use is special in that staff is recognizing that the mobile grocery market will be selling food in residential districts, which currently do not permit retail sales. Staff wants to keep the focus narrow because we are introducing a new use. Perhaps beginning with perishable and non-perishable food may be the best place to start and later we can revisit to see if other items should be added. She suggested maybe allowing some accessory items to cooking, such as spices and oils would be okay.

Ms. Young asked if there were suggestions for the name of this use. Using the term “mobile grocery market” may create confusion about what items are being sold. She asked for suggestions. The following suggestions were made: fresh food truck, fresh mobile farmer’s market, mobile grocery store, and mobile farmer’s market. The CAG members indicated they liked the term, “mobile farmer’s market.”

Additional comments and concerns were made by CAG members:

- **What about candy and junk food being sold? Potato chips, candy, and ice cream, for example?** Staff Response: The focus is on selling fresh and healthy foods, not junk food. Ms. Young asked for suggestions on how to accomplish this, as it is difficult to categorize what is considered to be junk food.
- **What is the difference between an outdoor fresh produce stand and a mobile farmer’s market?** Staff Response: With a mobile farmer’s market, food products need to be located on the vehicle. Another difference would be the time period for the permit. Outdoors fresh produce stands are typically permitted on one site, and the permit is valid for 365 days.
- **What about display tables for the mobile farmer’s market? A tent for inclement weather or sunlight shelter?** Staff Response: Operators may have one table to sell from, and bag the food, but no display of items off the vehicle would be allowed. A tent, if used just for shelter from inclement weather or the sun, would be okay. But at the end of the day, the tent would need to be removed, because the use is required leave the site no later than 9:00 p.m. Staff will clarify this in the draft.
- **What would prevent someone from leaving a truck at one location for 180 days?** Staff Response: The vehicle would be required to leave the site no later than 9:00 p.m. It could locate back on the same site the next morning, starting at 8:00 a.m.

- **What if the vehicle is roaming?** Staff Response: Zoning does not regulate what happens in the street right-of-way. Staff is considering that the use may want to be at one location one day, and at another location the next day, or daily at one location in the morning, and another location in the afternoon, for example. The issue is how to tie the zoning permit to an address for the enforcement inspectors to verify if a particular use has a valid permit. Staff is recommending that when an operator applies for a permit, they provide the location information and hours at each location on the application form, so that an inspector will know where they are able to locate. Our permitting system unfortunately is not designed to issue a permit without a street address. Nor can it accommodate more than one address at a time.
- **What if I want to go to 5 locations and I provide the times. Is there a way to tie the cost of the permit to the number of locations that are authorized?** Staff Response: Permits are tied to a parcel. If there are 5 locations, currently 5 permits would be required. However, there may be a way to submit additional locations in the permit notes.

Mr. Mark Fowler, Code Enforcement, stated that his department (Neighborhood & Business Services) has no way to track numerous locations, and changes to the locations made by the operator, even though this language is in the draft. Ms. Young suggested an alternative: the permit could be based on the size of the use. Mr. Fowler stated that his department has no authority to adjust fees set by City Council. Charging varying fees could have unintended consequences for mobile grocery vendors, mobile food vendors, and outdoor produce stands. They are all charged the same fee. Setting different fees would create a justification problem.

Mr. Fowler suggested that if the use moves from site to site, perhaps limiting the duration of stay at any site to 60-90 minutes maximum would be an option, and no zoning permit would be required.

Additional comments were made:

- **What about using a bus for the use in uptown charlotte? How can the use provide the required 5 parking spots?** Staff Response: If the mobile farmer's market is on private property uptown, and there is another use on the site, there would be the opportunity to share parking spaces. If the property is vacant lot, the operator would be required to designate 5 parking spaces so that parking would not spill over on the street, creating a safety issue. If the use located in the public right-of-way, zoning would not apply. Only the Charlotte Department of Transportation can grant permission for a use to be on the street for a specified period of time.
- **What is the site distance triangle?** Staff Response: This is a triangular area at an intersection of two streets where no visual obstructions (like bushes, signs, monuments) are permitted that would create a visual impairment to drivers. The dimension of the site distance triangle is 35' on each street, with an imaginary line connecting the two end points.

Ms. Young summarized the options for permitting:

- Setting time limits for the use to locate on a site with no permit being required if the use vacated the location within a limited timeframe.
- If the use wanted to stay at one location for a longer period of time, that would be okay, but this still leaves the issue of multiple permits currently being required and costs incurred for each permit.

Mr. Fowler noted that some mobile food vendors find one location profitable, and would want to stay there for 180 days. For them, the cost of the permit is not an issue. For others that don't want to have multiple permits, the operators would have an incentive to move from site to site, staying no longer than 60-90 minutes at any one site.

- **What is the cost of permit for 180 days?** Staff Response: \$145. Ms. Young noted that 180 days is being proposed, but it is up for discussion. A temporary permit is currently valid for 90 days.

- **Should the regulations require that the mobile farmer’s market be more mobile to differentiate the use from an outdoors fresh produce stand permit?** Staying at one location all day is okay. If it is also 7 days a week, then the operator could be required to obtain an outdoors fresh produce stand permit.
- **What prevents someone from selling out of their trunk?** Staff Response: The Health Department does not allow this. Staff will research how other communities have dealt with this issue, and check with the Health Department again. Ms. Young discussed requiring the mobile vehicle to have a commercial license, or limiting the size of the vehicle.
- **What about removing trash associated with the mobile farmer’s market? The draft regulations state the operator is responsible, but what if the trash was there to begin with and is not associated with the use?** Staff Response: Staff will clarify that it only relates to trash generated by the use.
- **What about on-site power for the use to hook up to? Would a mobile farmer’s market be allowed to have a service pole installed on a site?** Staff Response: Mr. Fowler indicated that if the use was on the site longer than 60-90 minutes, a permit would be required.
- **Would there be unintended consequences for a mobile farmer’s market idling for that long? The vehicle would need power for lights, refrigeration from a built in generator.** Staff Response: Staff will touch base with the Environmental Health Department regarding noise and fumes.
- **Could a mobile farmer’s market vehicle take up 3 parking spaces uptown?** Staff Response: Mr. Fowler stated that in the uptown area, parking spaces are regulated by the Charlotte Department of Transportation and Center City Partners.
- **What about allowing licensing by more than just the NCDMV? What about South Carolina?** Staff Response: Staff will adjust the language to reference just Department of Motor Vehicles.
- **Would you want other uses like a produce stand to operate on the site at the same time?** Staff Response: Staff will add this into the prescribed conditions so that no more than one mobile farmer’s market or outdoors fresh produce stand can operate on any one site at a given time.

Ms. Young asked the CAG members if they were okay with the draft definition. She asked if anyone had suggestions of how to limit junk foods, so that we are not making it more convenient to obtain junk food. Staff will investigate how other communities have addressed this.

## **VI. Next Steps**

Ms. Young announced that there will be one more meeting of the CAG on February 11, 2014. (*Update: This date will be changed due to a conflict*). She noted that the text amendment will be presented to the Planning Commission for information on February 3, 2014. A public hearing is scheduled for February 17, 2014, with the Zoning Committee meeting on February 26, 2014 to make a recommendation to Council. Council action on the text amendment could be as early as March 17, 2014.

The presentation and minutes will be posted on the website. The minutes will be posted the week of February 3<sup>rd</sup>.

The meeting was adjourned at 7:30 p.m.