

MINUTES
MOBILE FOOD VENDORS CITIZEN ADVISORY GROUP MEETING
4-3-14

Citizens in Attendance:

Doreen Boyer	Kelli Crisan	Ian Cromedy
Outwater Fisk	Darlene Kinney	Matthew Kinney
Gus Kretschmer	Wesley Langenbacher	Diane Langevin
Jonathan Leary	Emma Merisier	Scott Meyler
Deborah Monroe	Kenny Oakley	Aaron Rivera
German Saldarriaga	Arron Sanders	Brian Seeley
Denise Steindl	Brian Stockholm	David Stuck
Karne Trauner	Dave Trauner	Janelle Travis
Jill Young	Katie Zender	


Staff Present:



Katrina Young, Planning Department	Barry Mosley, Planning Department	Sandra Montgomery, Planning Department
Sonda Kennedy, Planning Department	Marci Sigmon, Planning Department	Gulka, Edward, Police Department
Donald Moore, Neighborhood & Business Services – Code Enforcement	Pat Barker, Police Department	Jessica Perry, Mecklenburg County Health Department



Ms. Katrina Young welcomed everyone to the meeting at 6:05 p.m. She introduced herself and asked everyone to introduce themselves to the group.

Ms. Young reviewed the agenda, and recapped the citizen advisory group responses from the questions asked at the last break-out group session held on March 11, 2014. (See PowerPoint presentation).


Ms. Young then reviewed the specific current regulations, the proposed regulations, and the rationale for the proposed regulations:


 COMPARISON		
CURRENT	PROPOSED	RATIONALE
Maximum duration - 30 days renewable twice. Maximum time period 90 days per year	A maximum of three (3) locations are allowed per permit. A permit shall be valid for one (1) calendar year, and may be renewed on an annual basis	To allow more flexibility in the number of permits required and the locations.
N/A	Only one mobile food vending service unit may locate on a property at any one time, unless property owner permission and a permit is granted to each operator	By reducing the separation requirement from other mobile food vendors, criteria included to manage clustering of mobile food vendors except in specified locations


<div>  COMPARISON </div>		
CURRENT	PROPOSED	RATIONALE
A minimum 400' separation from other mobile food vendor and a minimum 400' separation to a residential use	There shall be a minimum 20' separation from any other mobile food vendor service when located on the same site, and a minimum 150' separation to a single family residential use in a single family residential district.	Reduce the separation requirement for mobile food vendors from each other and residential uses
N/A	A mobile food vending service shall not be located within 100' of the entrance to any eating, drinking or entertainment establishment, or restaurant, nightclub, or bar.	Create a separation requirement from eating establishments
		


<div>  COMPARISON </div>		
CURRENT	PROPOSED	RATIONALE
Hours of operation are from 8:00 a.m. until 9:00 p.m.	7:00 a.m. and 10:00 p.m. when the location of the mobile food vending service unit is located less than 200 feet to a residential use, measured as the shortest distance between the nearest point of the mobile food vending service unit to the closest residential property line. The hours of operation in all other instances shall be between the hours of 7:00 a.m. to midnight.	Extend the hours of operation for mobile food vendors
		

Ms. Young then recapped the comments received from stakeholders in January. She assembled the comments in the following slide images. The column on the left illustrates comments in red with a check-mark that were received and addressed in the proposed changes. Those that were not addressed in the proposal are shown with a green square bullet. The right side column shows the change that is proposed.

<div>  PROPOSED CHANGES </div>	
SEPARATION	
<ul style="list-style-type: none"> ✓ Reduce 400 foot separation ▪ Keep current separation requirements ✓ Separation should not be applicable to mixed use ✓ Allow clustering for events ✓ Reduce separation on major streets ✓ Designate special locations/areas with no separation 	Reduced separation to 150 from a single family residential use in a residential district and 20' from another mobile food vendor on same site.


 PROPOSED CHANGES	
LOCATIONS	
<ul style="list-style-type: none"> ✓ Do not allow vendors to locate in front of restaurants ▪ Allow vendors to locate on public property ✓ Allow vendors in business and office parks 	<p>Mobile food trucks will be required to locate 100 feet from entrance of a restaurant.</p> <p>Mobile food trucks will be allowed in office and business parks.</p>

 PROPOSED CHANGES	
PERMITS	
<ul style="list-style-type: none"> ✓ Extend length of permit ✓ Allow flexibility to move around ▪ Revisit cost of permit 	<p>Permit is valid for one calendar year.</p> <p>Up to three (3) locations are allowed for one permit.</p>

 PROPOSED CHANGES	
HOURS	
<ul style="list-style-type: none"> ✓ Extends hours beginning at 6 am - ? ✓ If not near residential should be opened later ▪ Should be able to operate 24 hours 	<p>New recommended hours of operation are from 6am until midnight if mobile food truck is not located near a single family residential use in a residential district. The hours of operation for use with 400 feet of single family residential use is from 7am until 10pm.</p>

Ms. Young stated that citizen advisory group members that recommend other options or modifications to the text amendment will have the opportunity to provide those to City Council at the time the text amendment goes to public hearing.

Ms. Young reviewed the highlights of the proposed changes:




Highlights of Proposed Changes


Create flexibility in permitting by allowing a maximum of three (3) locations per permit.

Extend the time period for a permit from 30 days up to 3 times a year to one permit valid for **one (1) calendar year** for every 3 locations.

One mobile food truck may locate on a property at a time with the exception of special events or locations under prescribed conditions.

Extend the hours of operation from 8 am – 9 pm to **6am – midnight** except when located 200' of a residential use, in which case the hours of operation are limited from 7 am – 10 pm.





Highlights of Proposed Changes

Create separation distance of **100 feet** from the entrance to any eating, drinking or entertainment establishment, or restaurant, nightclub, or bar.

Reduce the separation requirement between mobile food vendor to **20'** when located on the same parcel. No separation when located on different parcels.

Reduce the separation requirement of mobile food vendors from 400 feet to **150** feet from a residential use in a residential district.

Note that the mobile food vendor must return to the **commissary** as required by state law.

Ms. Young indicated that the Charlotte Department of Transportation is interested in revisiting their policy about usage of the right-of-way for mobile food trucks.

Ms. Young then reviewed the text amendment including the change to the definition, expanding the zoning districts where mobile food trucks can operate, and the prescribed conditions. (Please refer to the full text amendment for the details).

Ms. Young then opened the meeting to comments from citizen advisory group members:

- **COMMENTS IN GENERAL**

- Our prime business is at breweries that don't serve food.
- There are a lot of people that don't eat at a food truck when going to a nightclub.
- People don't hang out around mobile food trucks at clubs.
- How were people invited to participate in this CAG? *Ms. Young responded that we use a neighborhood leader contact list with about 960 names on it. We send an invitation to everyone on the list. Because we have not had good participation on this CAG by neighborhood leaders, we are intentionally re-inviting neighborhoods, like Myers Park, Dilworth and Elizabeth, so they can participate.*
- Mobile food trucks are now fully equipped with stoves, refrigerators, grills, etc. They have the same equipment as a restaurant. They should be regulated the same. *Ms. Young stated that one is*

mobile and one is not. Some fixed restaurants would not appreciate a mobile food truck nearby. Plus, restaurants with buildings are required to meet parking standards, provide trees and shrubs, meet the setback requirements, etc. Mobile food trucks do not have to meet these requirements.

- The research is outdated. Many of those cities have since reduced the separation distances. *Ms. Montgomery asked for the names of those cities to be provided.*
- The mobile food industry has come a far way from having push carts to what we have today. More investment is occurring. We have pride and have nice trucks.
- Provide copies of the complaints the city has received about the secondary impacts of mobile food trucks. Who filed the complaints, Were they documented? *Mr. Fowler responded that he did not know if they were written complaints or verbal, and he did not have the information requested available tonight. Ms. Young added that complaints are from nearby properties, and we don't want to point the finger. Some people like, and others don't.*
- Would it be possible for a smaller group of vendors to meet with the Planning Commission? *Ms. Young responded, no. Staff does not want to exclude anyone from participating in a citizen advisory group. This meeting is open to anyone who wishes to participate.*

• **PRIVATE FUNCTIONS**

- We want to do private parties, where we set up for 30-60 minutes in residential areas.
- How are we different from a caterer delivering food to a home or a truck that delivers furniture or a mowing service? Why are we in violation if we deliver food?
- Is there a way to amend the regulations so that someone can hire me for a special event? I would not repeatedly go to that location. A hotel might want me for one event for a conference. What about a temporary permit? *Ms. Young indicated that special events recognized by the City are exempt, but not for any event.*
- The Health Department has different types of permits. One if for mobile food trucks, one is for caterers doing a private event one time only. We want to be able to do that. People come out and the food is prepaid. We are offering a service. This is a major issue for us. *Ms. Young responded that staff may not agree, and vendors can submit their recommendation as an alternative.*
- I would like to locate on cul-de-sacs. That is a safe place for a birthday party. *Ms. Young responded that residential districts are not districts where mobile food trucks are proposed to locate. Staff will review how to allow food trucks for such special, one-time events.*
- Why can't an office have an ice-cream party for employees?

• **SCHOOLS AND NEIGHBORHOOD HOA'S**

- Schools want us at appreciation parties or school festivals. The school pays to feed the people. We are usually there for 2 hours. Schools constantly call us to feed families and kids. Families may pay for own meals on school property. *Ms. Young responded that most schools are located in residential districts and the proposed text amendment would not allow them in residential districts.*
- Charter schools also want us to come to their schools to participate in their lunch program.
- Will you confirm that you will write up the amendment for school locations and that will go to Council? Can I go to schools and get written letters that they have invited us and present them to Council? *Ms. Young responded that staff will reach out to representatives from CMS about special events, and come back with a recommendation at the next meeting. Yes, letters can be sent or presented to staff, Planning Commission, and City Council. Video's can also be submitted.*
- Add that neighborhoods are also inviting food trucks in.
- Can we provide names of people who are in a home owner's association that want us, so they can join the citizen advisory group? *Ms. Young responded yes, send them to Sonda Kennedy.*

- There is an unbelievable love for mobile food trucks. The market has picked up. Neighborhoods now want food trucks on Sunday, for example.

- **LOCATIONS**

- We don't want to operate at the same location at the same time every day. Some vendors do.
- Why only 3 locations per permit? *Ms. Young responded that the city must be able to manage who has permits. Multiple permits are allowed for more than 3 locations.*
- Can we have as many mobile food trucks uptown as we want? *Ms. Young stated that Center City Partners has another lay of regulations. Mr. Fowler added that Center City Partners may be considering expanding the area.*
- Why are sites that could allow more than 3 mobile food trucks limited to congregating only one day per week? In Atlanta, Asheville, Austin, Boston and other major cities, food trucks lots are open every day of the week. *Ms. Young responded that staff thought we heard that vendors did not want to be around each other every day. Every day would have more secondary impacts, like traffic. Boston has 20 parking spaces on street with a lottery for a certain number of days.*
- I have 5 locations I go to. Many of us have more than that. Three locations is too small. *Ms. Young responded that currently, a permit is needed for each site (\$145 X 3 = \$435). Plus it is for 30 days, renewable twice, which is \$435 X 3 = \$1305 per site. The proposed permit would allow 3 locations on one permit for \$145 for an entire year, which is a significant cost savings. And multiple permits are possible.*
- What if a dentist office wanted to have a mobile food truck? Would that be allowed? *Ms. Young responded, no, mobile food trucks are only allowed in an office district if the office is part of an office planned development, that had multiple buildings. If the dentist office was in an office zoning district, then no, it would not be allowed. If the office use is located in a business district, then yes, the mobile food vendor could locate there.*
- When you recommend taking baby-steps to get the regulations relaxed, I don't have time to wait 6-8 years to get the regulations we want. We appreciate opening the door to more flexible regulations, but we are not operating 10 hours a day. We operate no more than 4 hours and return to the commissary. *Ms. Young stated that staff is willing to allow food trucks in office, where they have are currently prohibited. Staff is not willing to open to all uses in an office district.*

- **HOURS**

- Why can't we be open 24 hours a day? We appreciate what you have done in this proposed text amendment and your research, but this is our livelihood. What other businesses have their hours regulated? *Ms. Young indicated that there are a number of businesses where hours are restricted.*
- Why can't we be open until 3 am? That is when people are still eating and drinking. *Ms. Young responded that staff is comfortable with supporting midnight at this point, not 2 am or 3 am.*
- What are the reservations with staying open until 2 am? *Ms. Young responded that between 2 am and 3 am, clubs are letting people out and it could become a loitering problem with people congregating outside. The rationale for midnight is that people will eat before they go into the club, or go out to eat and go back in the club.*
- Restaurants can be open from early in the day until 11 pm. Our times are 3-4 hours and that is it, unless we come out at night. *Ms. Young said business models change. Some cities have food trucks are day long, and the vendor moves from breakfast, to lunch, to dinner, and then to a club. This amendment allows you to do that.*
- Have you spoken to Raleigh about problems they may be having when they allow food trucks to operate until 2 am or 3 am? *Ms. Young said, no. But restaurants that are open late only have their drive-throughs open past 11 pm.*

- **SEPARATION DISTANCE**

- What if permission is given from an eating, drinking and entertainment establishment to locate on the same premise? Can you change the wording to say 100' from such an establishment unless you have the permission of the restaurant or bar or brewery? All breweries give permission to be there. Some venues also have entertainment. They want us to be closer to the door so their customers can go in and out. The property owner typically grants permission even if the business is a tenant. *Ms. Young responded that the concern was that the tenant of the business may not be the property owner and it becomes a question of whether the permission is from the property owner or the tenant. But staff will review this again.*
- What is the purpose for having any separation for eating, drinking and entertainment establishments? *Ms. Young responded that most jurisdictions researched had a separation distance to the entrance of an EDEE because the use was a competing interest to an EDEE and cities didn't want to treat businesses unfairly by allowing similar businesses from being that close, when selling similar items.*
- Proximity restrictions are not legal. *Ms. Young responded that cities are allowed to have separation distances between uses.*
- Is there a separation distance required from businesses like fast food or those next door to each other? *Ms. Young responded that the difference is one use is in a building, and the mobile food truck is mobile. They are not the same. Nor are the definitions the same. There can be different regulations for different uses.*
- A lot of restaurants have a no compete clause. We may not be able to work there. You don't need a separation distance because we know there is a no compete clause.
- What other businesses require a separation distance? *Ms. Young noted mobile food vendors and adult establishments.*
- What about considering only a separation distance from establishments that don't serve/offer food?
- We don't want to be grouped into the EDEE text amendment. *Ms. Young replied that the eating, drinking and entertainment establishment does not divide establishments by whether they serve food or not.*
- The Health Department representative stated that permits are issued for a mobile food vendor, a restaurant, a bar, and a bar without food. Code Enforcement does not have that information when the permits are issued. *Ms. Young stated that staff would consider if an EDEE that does not serve food could be exempt from the 100' separation distance required for a mobile food truck. The verification of the permit may take a longer period of time.*
- Restaurants that choose to plant trees: that is their business plan. Our business plan is different. Why are we penalized for our business plan? Why the 100' separation? *Ms. Young responded that zoning regulates the use of land, not business plans. Zoning regulates the setbacks, yards, storm water discharge, etc. It is not about business models, it is about the use.*
- We are a restaurant. The 100' separation should be reduced to 50' or 20' because we park near an establishment that doesn't serve food. We go to nightclubs and breweries.
- None of us are fighting to locate in front of a restaurant. We want to be near breweries. *Ms. Young responded that staff is not opposed to that. If we can determine that the use doesn't serve food, staff would consider that.*
- Was the original idea for the 100' the protection of the restaurant? *Ms. Young responded that the research is on the website for viewing. What staff is proposing is not unique. If more research is desired, it may delay the text amendment.*
- Thanks for the work you've done, but why restrict food trucks from being closer than 100' to the entrance to an eating, drinking or entertainment establishment? How does this affect the carts on Tryon Street? *Ms. Young noted that the carts on Tryon Street are regulated by a peddler's license*

and Center City Partners, who control a two block area and determine what carts can locate where

- *Breweries ask us to come there. It is vital for their business and ours. We can provide food. If the Health Department permit verifies there is no food, would that work? Ms. Young responded that staff is not opposed to that, and will review the information again.*

In summary, Ms. Young said that staff is trying to establish regulations related to vending to the public. Catering is a private service. Staff will to revisit the recommendations based on the input tonight. In particular 1) the 100' separation, 2) the number of days multiple (more than 3) food trucks can congregate on a site, and 3) private events.

Ms. Young reiterated that if vendors do not like the final text amendment language, they are welcome to submit their opinions or alternative recommendations to City Council.

Next steps are to reach out to more neighborhoods leaders, so that they are included before the public hearing. If you have names of individuals would like to participate, please send them to Sonda Kennedy.

Ms. Young cautioned stakeholders about asking for too much relaxation of the regulations, that could lead to the amendment not being approved. It would be better to take smaller steps and revisit the regulations in another year. Mr. Fowler added that the impetus for modifying these regulations did not originate from Council. Staff recognized that the industry is changing. Council may ask what is wrong with the current regulations. Staff is working with you to benefit you.

Ms. Young noted that staff does not want it more difficult for mobile food vendors to operate. Staff is embracing mobile food vendors and want them to be prosperous. But we need to be smart in how it is presented to City Council.

The meeting was adjourned at 8:00 p.m.