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**TO:** Nicholas Mimms, PE, City Manager  
Honorable Mayor and City Commission

**THROUGH:** Rebecca Grohall, AICP, Planning Director

**FROM:** Vennis Gilmore, Planning Analyst

**RE:** **Application for Variance – Mobile Food Vendor**  
**Pupuseria La Salvadorena**  
**2228 Okeechobee Road**

**DATE:** November 28, 2016

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## STAFF REPORT

### Staff Analysis:

On September 15, 2014, the City Commission approved Ordinance 14-019 establishing regulations for lunch trucks, hot dog carts, ice cream and other forms of mobile food establishments identified in Chapter 9 of the Code of Ordinances. Section 9-111 (b) of the Code of Ordinances requires that mobile food establishments must be at least 500 feet from a similar type of business; at least 300 feet from a school, church, or any city or county park; and 1000 feet from any approved special event.

The proposed operating location is within 500 feet from a similar type of businesses with the name of "Costa Azul Mexican Restaurant" and "Dunkin Donuts."

The applicant is requesting the waiver based upon the presence of (2) churches that are located within 500 feet of the proposed site. City Code Section 3-11 of the City Code specifies that a waiver of distance shall be granted only if it does not adversely affect community health, safety or general welfare and that the following are considered:

**Exhibit A-**



Therefore, City Staff cannot issue a vendor permit unless City Commission grants a variance to the distance requirements of Section 9-111.

Similar to a waiver of distance for alcoholic beverage licenses, the Mobile Vendor ordinance provides for the City Commission to consider granting a variance to the ordinance and issue of the vendor permit through the public hearing process.

The proposed site meets all other distance requirements of the ordinances (300 feet from a school or city/county park and 1000 feet from an approved special event).

The proposed site is located in the C-3, General Commercial Zoning District and has a Future Land Use Designation of GC, General Commercial. Therefore the site meets the commercial zoning location requirement of Section 9-76.

**Staff Recommendation:**

The requested Mobile Food Vendor application does not adversely affect the public health, safety, convenience and general welfare; Staff recommends the City Commission approve the requested variance request for the food truck as proposed.