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

THROUGH: Linda Cox, City Clerk

FROM: Noemí Rios, Deputy City Clerk

RE: Application for Waiver of Distance– Mobile Food Vendor  
Fork It Over  
1907 Avenue D

DATE: November 15, 2017

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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 vending location is within 500 feet of the following similar type of businesses: “Bo’s Crab Spot” and “R&L Ribs, Chicken & Seafood” and within 300 feet of two churches: “Miracle Prayer Temple” and “Triumph Church and Kingdom of God”.

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

The applicant is requesting the waiver based upon the presence of two (2) similar types of businesses that are located within 500 feet of the proposed site.

Similar to a waiver of distance for alcoholic beverage licenses, the Mobile Vendor ordinance provides for the City Commission to consider granting a waiver 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.

We mailed 79 notices to property owners and businesses within 500 feet of the proposed location.

Staff Recommendation:

Staff recommends that the City Commission conduct a public hearing and approve the applicant's request for the food truck as proposed.

**Exhibit A –**

