

GENERAL INFORMATION

Applicant: City of Bloomington

Location: Citywide

Request: A City-initiated City Code amendment modifying the permitted operating hours of Mobile Food Units located within 250 feet of residential zoning districts, thereby amending Chapter 21 of the City Code.

HISTORY

City Council Action: 04/25/2022 – Approved an ordinance establishing the mobile food unit use and associated standards (Ordinance #2022-12, Case #PL2022-66)

CHRONOLOGY

Planning Commission	05/25/2023	Public hearing held- Recommended approval
City Council	06/05/2023	Public hearing scheduled

DEADLINE FOR AGENCY ACTION

Application Date:	04/18/2023
Applicable Deadline:	Waived by the applicant
Newspaper Notification:	Confirmed (05/11/2023 Sun Current – 10 day notice)
Direct Mail Notification:	Not required

STAFF CONTACT

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PROPOSAL

The proposed City Code amendment to the Mobile Food Unit Use Standards is intended to modify permitted hours of operation for Mobile Food Units (i.e., ‘food trucks’) operating within 250 feet of locations zoned and used residentially. More specifically, the amendment would allow food truck operation according to normal permitted hours when there is an arterial/collector street or nonresidential building located between the residential use and mobile food unit.

BACKGROUND

The Mobile Food Unit Standards approved by City Council on April 25, 2022 established a framework for operating on-the-go food products in Bloomington. The City’s existing zoning standards for Mobile Food Units are primarily found in Section 21.302.18 of the City Code.

The existing standards limit hours per day in which Mobile Food Units (otherwise known as ‘food trucks’) may operate near residentially zoned and used areas. Food trucks may operate between 10 a.m. to 9 p.m. at locations within 250 feet of residential areas and between 7 a.m. to 10 p.m. for other locations (see Sec. 21.302.18(d)(4)). Other standards meant to prevent anticipated impacts to nearby residents include: provisions for waste disposal and requirements for on-site trash bins, a requirement to remove the food truck from the site when not in operation, and no sound amplification, noisemakers, or flashing lights permitted.

Since the ordinance was approved (April 2022), Environmental Health has received zero complaints from nearby residential areas. The proposed ordinance amendment is in response to a request from a local vendor who specializes in prepared breakfast foods. The proposed ordinance to modify permitted operating hours of Mobile Food Units within 250 feet of residential districts would support emerging local businesses in developing a market for prepared breakfast options.

ANALYSIS

The proposed ordinance provides two exceptions to the reduced number of hours food trucks may operate within 250 feet of residential areas. The proposed exceptions would allow Mobile Food Units to operate between the hours of 7 a.m. to 10 p.m. If separated from a residential use by an arterial or collector street (See Figure 1), OR a non-residential building. Diagrams provided in Figures 2, 3, and 4 demonstrate how these exceptions may allow for expanded hours of operation while mitigating anticipated impact on nearby residential properties.

The justification for this exception relies on how a significant element, such as a high-volume road or a nonresidential building located between a mobile food unit and the residential use, is likely to mitigate most unanticipated sounds or visual impacts for the surrounding neighborhoods. Symbiotically, these large and well traveled corridors provide the opportunity to incubate new prepared food businesses while augmenting spaces that may not currently be well-

served by brick and mortar facilities. Staff does not anticipate any operational challenges to occur as a result of this modest time change, especially given that the amount of Mobile Food Units operating during morning hours is relatively small.

Planning Commission Review

On Thursday, May 25th, the Planning Commission held a public hearing on the proposed Mobile Food Unit Standards Update. Planning Commission members spoke positively about their experiences interacting with Mobile Food Units, and were generally supportive of environments which permit the operation of Mobile Food Units. Commissioner Abdi asked a clarifying question related to how distance from Mobile Food Units to brick and mortar restaurants is calculated, and Commissioner Koktan had questions about how the proposed ordinance would apply to Mixed-Use Developments such as Bloomington Central Station. Staff clarified the former by pointing to the standard (21.302.18(d)(1)(F)) which dictates the required distance (200 feet) is measured from the exterior entrance to the location of the mobile food unit, and the latter by explaining that Mixed-Use Districts are not affected by the proposed ordinance amendments because they are not classified as residential districts. Two members of the public, both owners of a breakfast-oriented food truck, provided comments in support of the changes. The Planning Commission unanimously recommended adopting the ordinance amendment (Vote: 6-0). The full extent of the Planning Commission discussion may be found in the attached minutes.

OUTREACH AND CORRESPONDENCE

Notice of public hearing was published in the Sun Current, and was sent via email to registered users of the “Zoning Ordinance Updates” and “Planning Commission” e-subscribe groups. In addition to discussion with the owners of a local breakfast-oriented food truck, staff also emailed a letter to the Minnesota Food Truck Association informing members of the organization of the proposed ordinance amendment with directions to provide feedback if desired. Staff has not received any correspondence from food truck representatives as of the staff report publication date.

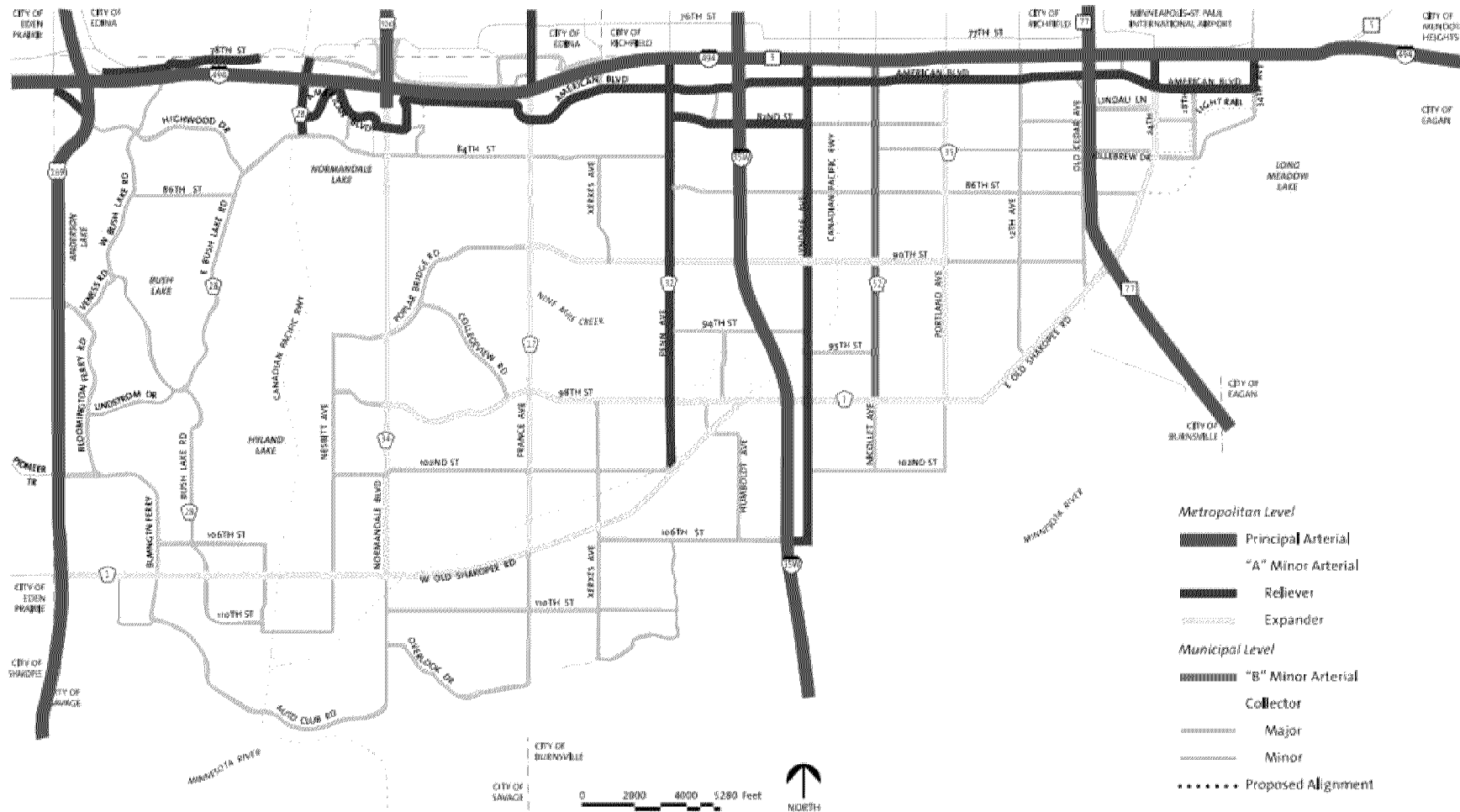
As of the publication date of the staff report, no correspondence from the public has been received regarding the proposed City Code amendment.

RECOMMENDATION

The Planning Commission and staff recommend approval via the following motion:

Motion made by _____, seconded by _____, in Case #PL2023-56, I move to adopt the ordinance as attached to the staff report to amend Chapter 21 of the City Code to modify the permitted hours of Mobile Food Units located within 250 feet of residentially zoned and used locations.

Figure 1: City of Bloomington Roadway Classification



Source: Bloomington Engineering Division, 2008

Figure 2: Mobile Food Unit Locations at the W. Old Shakopee Rd. and Penn Ave. S. intersection



Figure 3: Mobile Food Unit Locations at the intersection of Lyndale Ave. S. and W. 95th Street

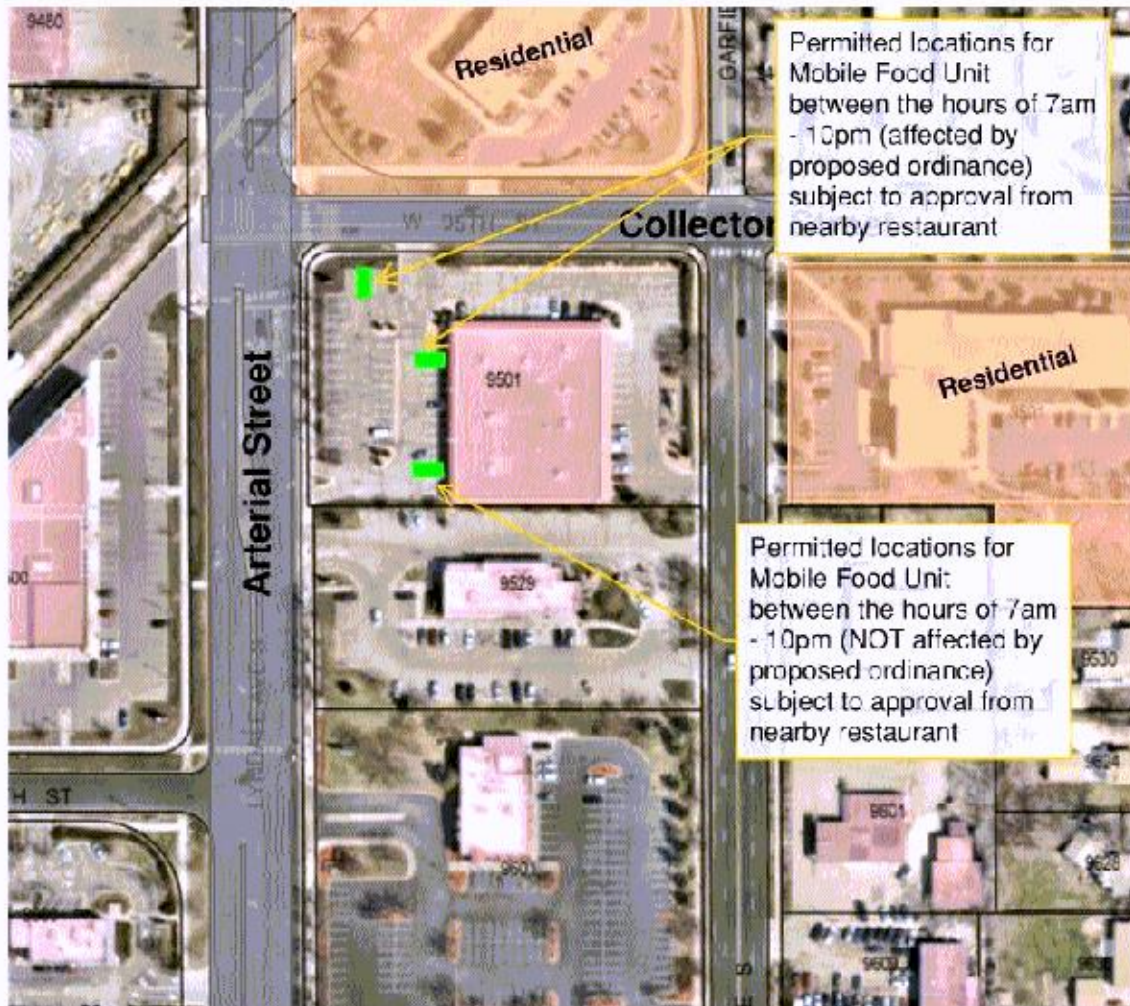


Figure 4: Mobile Food Unit Locations west of the intersection of Nicollet Ave. S. and W 98th Street



Figure 5: Mobile Food Unit Locations east of the intersection of American Blvd E. and 12th Ave S.

