



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Office of Planning & Community Development

TO: Zoning Commission

FROM: George K. McGregor, AICP, Planning Director

DATE: November 20, 2023

SUBJECT: **ZC 23-36 Mobile Food Vendors Draft Text Amendment Framework**

The Zoning Commission has been considering this issue of Mobile Food Vendors since March of 2023. **Here is the timeline:**

At the March 20, 2023 regular meeting, the Zoning Commission directed Staff to draft a zoning text amendment framework for Mobile Food Vendors in Simsbury.

The Commission held a work session on the issue on May 1, 2023, attended by a dozen or more stakeholders, including members of the restaurant community, the Chamber of Commerce, and the Main Street Partnership.

The draft developed from this interaction introduced a definition for Mobile Food Vendors and proposed a permitting process in all commercial zoning districts under the Town Zoning Regulations. In summary:

- Permitted by Staff review of a Zoning Permit Application/Site Plan
- Site must contain an existing, active, food and beverage related use
- Conditions include detailed application submission requirements
- No additional signage
- Requirement for professional grade trucks, trailers, units.

The item went to public hearing in July and was continued to September. At the September meeting the Commission revised its approach to the Mobile Vendor issue:

At their regular meeting on September 18, 2023, the Zoning Commission voted to **WITHDRAW** Application 23-27, a text amendment related to Mobile Food Vendors. The amendment would have allowed mobile food vendors only on commercial parcels in the B-1, B-2, and B-3 zones with active food and/or beverage businesses (restaurants and bars).

The Commission then directed Staff to create a new Application on the same topic with revised and amended language allowing Mobile Food Vendors to be located on all occupied commercial parcels in commercial zones, not just parcels with a food and beverage business.

Staff has attached the draft framework and text amendment. Please note this draft addresses Town Wide Zoning Regulations; it neither addresses the Center Zone nor the Hartford Simsbury Code.

Also included in the packet are all public comments revised to date. There are a number of comments provided by members of the restaurant community expressing concern over the potential impacts of mobile vendors on existing brick and mortar businesses in the Town.

The Planning Commission will review the draft amendment at their November 14, 2023 meeting.

Draft Motions will be provided under separate cover.

GKM

DRAFT Text Amendment Framework

Mobile Food Vendors

October 2, 2023

Summary: To permit Mobile Vendors as Temporary Accessory Uses in All Commercial and Industrial Zoning Districts of the Town Zoning Regulations via Administrative Staff Approval (Minor Site Plan Amendment).

Add the following new definitions alphabetically to Section 17.4, Definitions:

MOBILE FOOD VENDOR – Any vehicle, unit, trailer used to store, prepare display or serve food and/or beverages and other merchandise or service intended primarily for immediate use, consumption on site or in close proximity, sited on private property.

8.7 Mobile Food Vendors

A. PURPOSE

1. The purpose of this section is to recognize mobile food vendors as a permitted accessory use and establish appropriate standards in order to protect the public health, safety and welfare.

B. GENERAL REQUIRMENTS FOR MOBILE FOOD VENDORS

1. Mobile food vendor uses shall be permitted within the following Zones: B-1, B-2, B-3, PO, I-1, I-2, and PAD Zoning Districts.
2. Mobile food vendors shall be located on a site, lot or parcel that contains a minimum of one active, permitted, primary use. No activity on a vacant parcel shall be permitted.
3. Written permission must be obtained from the property owner.
4. Such vehicle and/or trailer shall be registered with the Department of Motor Vehicles.
5. The unit shall not be located where the mobile food vendor will interfere with vehicular or pedestrian traffic.
6. The unit shall not be located where the mobile food vendor will obstruct sight lines at driveway or street intersections.
7. The unit shall obtain all permits required by the Health District and Fire Marshal
8. A mobile food vendor shall not be permitted if the site location of the unit reduces parking spaces on site below the minimum required for the existing permitted use(s).
9. The operator shall provide a trash receptacle for public use. All trash shall be removed from the site daily.

10. No signage is permitted (words and decorations painted or permanently affixed to a mobile unit shall not be considered signage).
11. If the mobile unit is not immediately mobile and is intended as permanent/semi-permanent, but meets the definition of a mobile food vendor, it shall be considered a structure and may be permitted by a minor site plan amendment application.
12. No alcoholic beverages shall be sold or served.

Alternate#2 12. No alcoholic beverages shall be sold or served unless the owner's primary use has a valid Connecticut State liquor permit needed to serve alcohol from the food truck.

Alternate#3 12. No Mobile Food Vendor shall sell or serve alcohol without a special exception approved under Section 8.6 of the Zoning Regulations.

C. APPROVAL PROCESS

1. An administrative zoning permit application shall be submitted to, and approved by, the Planning Department.
2. One mobile food vending unit is permitted. **Multiple mobile food vendors on any site requires a site plan submission and approval by the Zoning Commission.**
3. The Application submission shall include:
 - a) Written permission from the property owner
 - b) A picture and description of the Food Truck and/or Mobile Vending unit, including make, model, license plate and registration.
 - c) A site plan of the proposed unit location.
 - d) A narrative explanation detailing location, hours of operation, and availability.
 - e) State liquor permits, as applicable.

D. EXCEPTIONS

1. Community events for which a public gathering permit has been obtained.
2. Events held in accordance with §8.5 Agri-tourism in which the permits have been obtained.
3. Private events in any Zoning District, not open to the general public and/or private events with a single payer.
4. Mobile Food Vendors on Town of Simsbury Property, with permission of the Town.
5. Mobile Food Vendors permitted as a part of private Special Outdoor events in the I-1 Zone, pursuant to Section 5.7 of the Zoning Regulations

4.5 PERMITTED AND SPECIAL PERMIT USES

SP- Site Plan, SE- Special Exception, NO- Not allowed

Business Permitted Uses	B-1	B-2	B-3	PO
One Mobile Food Vendor-More than one per site requires Commission Approved Site Plan	ZP	ZP	ZP	ZP

5.5 PERMITTED AND SPECIAL PERMIT USES

SP- Site Plan, SE- Special Exception, NO- Not allowed

Industrial Permitted Uses	I-1	I-2
One Mobile Food Vendor-More than one per site requires Commission Approved Site Plan	ZP	ZP

McGregor George

From: Sarah Floroski Nielsen <simmainst@sbcglobal.net>
Sent: Monday, October 2, 2023 5:33 PM
To: McGregor George; Dave Ryan; Erdmann Lee; tbraz1960@gmail.com; Battos Jacqueline; davesquirellc@yahoo.com; Simsbury's State Rep. Melissa Osborne; Bruce Elliott
Cc: Melissa Brett; Rich Correia; Nord Christensen; Bill Daum; James Chen; BRYAN DEVOE; Katie French; Steven Antonio; Andrew St. Onge; Sarah Byrnes; Mackstutis Wendy; Goetz Heather; Abbuhl Amber; Wellman Eric; Peterson Peter; Askham Sean; jbrown@fvhd.org; Ray Lagan; yeisley2@comcast.net; clooney01@gmail.com; Courtney Febroriello; kfarley1968@gmail.com; Kimberly Foster; Andy Andreo
Subject: RE: Mobile Food Trucks
Attachments: Zoning Letter.pdf

Another informed letter from a large property owner and two restaurants attached.

Thank you,
Sarah

Sarah Nielsen
Simsbury Main Street Partnership Inc.
P.O. Box 3, Simsbury, CT 06070
Shopsimsbury.com
860-651-8577 Office

----- Original message -----

From: Sarah Nielsen <simmainst@sbcglobal.net>
Date: 10/2/23 2:37 PM (GMT-05:00)
To: McGregor George <gmcgregor@simsbury-ct.gov>, Dave Ryan <d_ryan@comcast.net>, Erdmann Lee <lrdmann@simsbury-ct.gov>, tbraz1960@gmail.com, Jacqueline Battos <jbattos@simsbury-ct.gov>, davesquirellc@yahoo.com, "Simsbury's State Rep. Melissa Osborne" <melissa.osborne@cga.ct.gov>, Bruce Elliott <bruceelliott8@gmail.com>
Cc: Melissa Brett <melissa@weldenhardware.com>, Rich Correia <richcorreia@gmail.com>, Nord Christensen <simsquares@aol.com>, Bill Daum <wineman99@comcast.net>, James Chen <james.shugui@gmail.com>, BRYAN DEVOE <bdevoe28@yahoo.com>, Katie French <katie.french@cbmoves.com>, Steven Antonio <sta1111@aol.com>, "Andrew St. Onge" <stonge@nwcommunitybank.com>, Sarah Byrnes <sarahbyrnesgoldsmith@yahoo.com>, Mackstutis Wendy <wmackstutis@simsbury-ct.gov>, Goetz Heather <hgoetz@simsbury-ct.gov>, Abbuhl Amber <aabbuhl@simsbury-ct.gov>, Eric Wellman <ewellman@simsbury-ct.gov>, Peterson Chris <ppeterson@simsbury-ct.gov>, Sean Askham <saskham@simsbury-ct.gov>, Jason Brown <jbrown@fvhd.org>, Ray Lagan <ray@simsburycoc.org>, yeisley2@comcast.net, clooney01@gmail.com, Courtney Febroriello <courtney@metrobis.com>, kfarley1968@gmail.com, Kimberly Foster <harvestcafe@sbcglobal.net>
Subject: Mobile Food Trucks

Good afternoon,

I'm writing to you today to formally state our disappointment with the Zoning Commission's actions at their last meeting, where there was a complete reversal on the proposed food truck text amendment. There was much

discussion on the legality of "favoring" our restaurants with the former text amendment, and some questioned the legality/constitutionality. However, and the Town Planner should have pointed this out when it was brought up -

Use can be accessory to anything the Zoning Commission specifies. In fact, it's a very common land use tool that the Simsbury Zoning Commission uses on a regular basis. One example is the Agri-Tourism regulations that the Zoning Commission approved around 2019/2020. It set specific standards to agricultural establishments, provided that they met certain area requirements in order to allow uses not permitted in residential zoning districts. This regulation put certain agricultural developments at a disadvantage if they didn't meet the area requirements, among other criteria. Another example is the accessory dwelling unit, which we have in town, where the Commission allowed an accessory apartment with the stipulation that the owners live there. Accessory uses are commonly used, legally, in Simsbury for many purposes.

Secondly, while not a legal issue like the one above, this process has been flawed. The Chairman proposed removing any guidelines/restrictions to the regulations while the public hearing was OPEN, yet no stakeholders were present. That brings transparency and trust into question because the suggested modifications were being made to the noticed text amendment that was created with input by many stakeholders. I'd like to remind everyone that the original text amendment did allow for exceptions - it allowed for food trucks at special events for the public such as the Meadows, private parties, and farms as part of their agritourism permit process.

Finally, I'd like to reiterate that the original text amendment to food trucks, allowing for them as an accessory use to an existing restaurant, is not "favoring" our restaurants. They pay substantially higher everything - they pay rent, they pay taxes to the Town, they pay taxes on their goods/supplies/equipment, they pay wages to their employees, they pay to fix their bricks and mortar restaurants, they pay utilities, they pay insurance, and they give back to the community in so many ways. Chairman Ryan's version actually favors out-of-town food trucks by allowing them to drive into Simsbury, grab the limited dollars families have for eating out, and drive out of the community without any of the responsibilities or expenses outlined in the first part of this paragraph and the original text amendment. How does that benefit Simsbury? Equally as important, it will hurt our property owners when restaurants are forced to close their doors, and the Town will lose those property taxes.

I strongly urge the commission to pay attention to the input of our restaurants, the majority of which are independent mom and pops, most owned by Simsbury residents who pay personal property taxes in town. I'd also be remiss if I didn't point out that our restaurants are still recovering from the multi-year effects of covid. Below is the newest feedback I've received, as well as new letters from our Simsbury restaurants with more are coming. I've copied Jason Brown from the Farmington Valley Health District, as he has been receiving unprecedented complaints by the food and beverage industry as well.

George - please forward this email to the Zoning Commission members that I missed.

While Metro Bis does not have a food truck, I feel it is imperative Simsbury zoning create strict regulation limiting mobile, food purveyors. Simsbury is an affluent town and an easy target for a variety of unregulated vendors to arrive at virtually any time and set up shop. Town officials should certainly have an interest in maintaining the quaint, upscale quality of Simsbury in addition to supporting the eateries that contribute to the year-round tax base. I doubt a town lined with affordable trucks and abandoned, high-cost real estate would be congruent with the character and integrity Simsbury has worked so hard to achieve.

Courtney
Courtney Febbroriello
Metro Bis Restaurant
@ The Ensign House
690 Hopmeadow Street

Simsbury, CT 06070
860.651.1908
www.metrobis.com

I am writing in regards to the "Mobile Food Vendor Regulations". A mobile food vendor that repeatedly comes to town yet pays no property tax should not be allowed. This takes away from those establishments who are currently operating in Simsbury. I do support mobile food vendors that maintain a physical presence in our town.

There are too many restaurants still trying to recover from the Covid disaster. Please support out local restaurants and restrict mobile food vending opportunities to only those maintaining a physical presence in our town.

Warm regards,
Katie French us
Coldwell Banker Realty at The Courtyard
10 Jim Gallagher Way
Simsbury, CT 06070. 860-977-3802

Best,
Sarah

Sarah Nielsen
Executive Director,
Simsbury Main Street Partnership, Inc.
933 Hopmeadow Street, P.O. Box 3
Simsbury, CT 06070
860-651-8577
simmaint@sbcglobal.net
www.ShopSimsbury.com

Andy's Center Shop's
828 -836 Hopmeadow St.
Ironhorse Blvd.
Simsbury Ct. 06070

October 2, 2023

Dear Zoning Commission,

As a Landlord with two established eateries in the Center of Simsbury I would like to express my\our "No Vote" for the proposed expansion of the Food Truck regulation. It is an unfair advantage to allow Food Trucks who pay nothing in either property or personal property tax to the town to operate in the same town space (at a lower operating cost) than do commercial space restaurants. This is not a big city with a huge populous which can support both types of operations. Every truck that comes in takes away potential customers for the existing establishments. A food truck that experiences slower sales can pick up & move on. A commercial restaurant closes down creating less vibrancy for that center or area of town. It can contribute to a snowball effect to a restaurant less customers, less revenue, less rent, eventually LESS TAXES. This is not a well thought out proposal & as stated above disapprove of it moving ahead.

Thank You,

Loren Andreo

Managing Member Andys Center Shops

Danny Stevens

Owner\ La Hoya Restaurant

Matt Ullmann

Owner\ People's Choice\Iron Horse Pub

I am writing in regards to the "Mobile Food Vendor Regulations".

As Owner of Cambridge Catering Inc, and Harvest Café and Bakery 1390 Hopmeadow Street, I am opposed to private food trucks operating in Simsbury, Weatogue, Tariffville and West Simsbury.

As a small business trying to still recover from covid times, adding the competition of food trucks to the town would be detrimental to my business and other restaurant businesses in town. We have the benefit from overflow of town visitors from Soccer, ISCC events, and other yearly events in town. If there were food trucks available at the sites this would prevent people from looking to area businesses to provide refreshments and meals. When the visitors come to the establishments in town they receive a large variety of food offerings and they experience the hospitality of our town.

We have been operating in town since 1995 and hope to continue for many more years. When we first opened in town, we had hoped to become a community spot for families, seniors, and groups to gather. We did not want to serve alcoholic beverages (which is where restaurants make a good portion of profit). I feel we have a group of wonderful employees who not only work at the café, but care about our guests on a personal level. We have become what I had hoped, a community gathering place where old and young can come for a home cooked nourishing meal with friendly conversation with others in the community. Over these years we have given back to the community with supporting other organizations, schools, causes, theater, arts, and the music venues. The constant cuts in our profits from State and Town regulations, escalating food costs, labor costs and mandates, covid loans to pay, it has been a constant struggle to pay our bills. If you adding a mobile force of competitors is just another of what we call...death by a 1000 cuts. When we started in town there was only a few people doing what we do. Now we compete with many other bakeries, breakfast spots, grocery stores offering catering, bakery and grab & go food, coffee locations, cottage food operations offering specialty foods, and catering businesses. Due to these tough times we have not been able to give and support organizations in town as we did prior to covid.

I do not have a problem on certain events hosted in town to have food trucks supply concert foods. I do not want to see a Chick fila food truck parked in a parking lot of a local business, on a day where I struggle to get a lunch crowd.

Thank you,

Kimberly K Foster-Owner: Cambridge Catering Inc, Harvest Café and Bakery

Town Resident

Cell: 860-392-9318

Town of Simsbury Zoning

This letter is regarding Food Trucks in the town of Simsbury.

My name is Kevin Farley, owner of Farley Mac's in North Simsbury. It was brought to my attention at the beginning of summer, by customers and other businesses, about Tractor Supply having a food truck at their location. The food truck had no permit from the town of Simsbury to do business at that or any location in town. The issue was a concern to me and other establishments in the North Simsbury area. There was a meeting that was held back in the start of summer about regulations for food trucks in the town of Simsbury. Somehow, it was decided by member(s) to ignore and/or change what was proposed and discussed about food trucks anywhere in town. I do not think the board member(s) understand the impact food trucks would and do have on, brick and mortar, food business in towns. Has any board member contacted or visited any food businesses in town and got their personal feedback on this issue? I have never had any member come ask me.

There are some surrounding towns that do not allow food trucks in towns or just anywhere in town, because they do have a major effect on brick and mortar businesses in the town.

Why should they be allowed to be anywhere in town? What would be the positive contribution to the town? What if your lively hood was being impacted? Why would you not support the businesses in town that give back to the community and pay taxes to the town? Why should they be allowed anywhere in sell food?

Restaurants and other food services have chosen Simsbury to start their businesses and be part of the community. We have spent a lot of money to build a run these businesses, pay taxes to the town, have health department inspections 4 times a year and have fire inspections and are recovering from Covid. We spend a lot of money to keep our doors open with the constant increasing cost of goods and services.

Why should we have to tell our employees that we have to cut their hours or have them quit because business is slow due to food trucks impacting my business?

Do food trucks pay any taxes or contribute anything to the town? They pull into a business, park the truck for a few hours and leave with money that goes all to them and nothing to the town.

Andy's Center Shop's
828 -836 Hopmeadow St.
Ironhorse Blvd.
Simsbury Ct. 06070

October 2, 2023

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