

PLANNING COMMISSION AGENDA

*Meetings: Third Tuesday - 7:00 p.m.
Tuesday, September 21, 2021*

City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

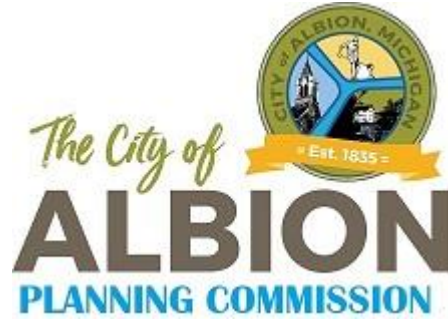
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|--------|---|
| I. | CALL TO ORDER (REMINDER: TURN OFF CELL PHONES) |
| II. | ROLL CALL OF THE COMMISSION |
| III. | APPROVAL OF PRIOR MEETING MINUTES |
| 3 - 6 | A. JULY 20, 2021 REGULAR SESSION MINUTES
PLANNING COMMISSION - 20 Jul 2021 - Minutes - Pdf |
| IV. | CORRESPONDENCE |
| V. | ORDER OF BUSINESS |
| 7 - 11 | A. UPDATE - LOT WIDTH REQUIREMENTS FOR ATTACHED SINGLE-FAMILY STRUCTURES |
| | B. DISCUSSION OF MOBILE FOOD VENDING ORDINANCE
Mobile Food Vending Ordinance Draft 9-15-21 |
| | C. UPDATE - MOBILE FOOD VENDING AS A ZONING ORDINANCE USE |
| | D. UPDATE - COMPREHENSIVE PLAN |
| 12 | E. APPROVAL OF 2022 PLANNING COMMISSION MEETING DATES
2022-PlanningCommMtgDates |
| VI. | PUBLIC COMMENTS |
| VII. | ADJOURNMENT |

PLANNING COMMISSION PUBLIC HEARING PROCESS

- 1) THE PLANNING COMMISSION CHAIR OPENS THE HEARING
- 2) CHAIR SUMMARIZED THE PROCESS
- 3) STAFF PRESENTS REPORT ON APPLICANT'S REQUEST
- 4) CHAIR READS ANY CORRESPONDENCE INTO THE RECORD
- 5) PUBLIC SPEAKING PORTION OF HEARING
 - INDIVIDUALS IN SUPPORT
 - OPPOSITION SPEAKERS
 - QUESTIONS & REBUTTAL (DIRECTED THROUGH THE CHAIR)

- PUBLIC SPEAKING PORTION OF HEARING CLOSED
- 6) FINDING OF FACTS
 - 7) BOARD BEGINS DELIBERATIONS



MINUTES
PLANNING COMMISSION
Tuesday, July 20, 2021 @ 7:00 PM
City Council Chambers

I CALL TO ORDER (Reminder: turn off cell phones)

A. Chair George Strander called the meeting to order at 7:00PM

II ROLL CALL of the Commission

- A.
- PRESENT:** Scott Kipp, Mark Lelle, Tom Pitt, Sharon Ponds, George Strander
- ABSENT:** Albert Amos, Mayor Victoria Snyder, Lenn Reid, Joseph Verbeke
- Administration:** Ian Arnold-Director of Planning & Building, Pamela Beck-Deputy Clerk/deputy Treasurer

Sufficient representation to establish a quorum; so declared.

III APPROVAL OF Prior Meeting MINUTES

- A.
- JUNE 12, 2021 JOINT STUDY SESSION WITH ALBION CITY COUNCIL MINUTES
 - JUNE 15, 2021 REGULAR SESSION MINUTES

Moved by Commissioner Pitt, seconded by Chief Public Safety/Commissioner Kipp

Approve Minutes as Presented

Carried

IV CORRESPONDENCE - None**V ITEMS FOR INDIVIDUAL DISCUSSION****A. DISCUSSION OF LOT WIDTH REQUIREMENTS FOR ATTACHED SINGLE FAMILY STRUCTURES**

Barbara Welch of Inheritance Development LLC was given the floor along with Jim Kumon.

Having familiarized themselves with the City's Ordinance, coding questions were addressed with Ian Arnold in regard to lot width. A presentation was shared to illustrate the 'blind spot' within the ordinance. A proposal was also presented to amend the ordinance to allow a lot width of 24-28 feet for Attached Single Family Structures.

Discussion included agreement that the ordinance was confusing; whether lot line adjustments were in order, the option to subdivide lots into multiple lots. It was clarified that the structures would be individually owned homes, not rentals. It was clarified that lot line adjustments were secondary to allowance by Zoning.

Ian Arnold asked for direction whether to research any change to the ordinance. It was suggested he reach out to the consultant who helped draft the Zoning Ordinance.

B. DISCUSSION OF MOBILE FOOD VENDING ORDINANCE

Ian Arnold has reviewed the draft along with the notes from Attorney Cullen Harkness.

Discussion included clarification needed for refuse collection and disposal, location should not be near a festival, etc. where the event sponsor grants permission to vendors, location should not be in front of houses or private property, permanency of location needs addressed, and signage type and size should be included.

Ian Arnold noted the items discussed and stated he would continue to the next step of Final Draft.

C. DISCUSSION OF MOBILE FOOD VENDING AS A ZONING ORDINANCE USE

The possibility of a lot purchase being for a individual Food Truck or multiple Food Trucks in the manner of a 'Food Court' has been approached. Some cities, such as Lansing and Traverse City, have an ordinance addressing 'stationary' Food Trucks. Ian Arnold asked for direction.

Discussion Questions-

Does the City want to create a "use" in the Zoning Ordinance for Mobile Food Vending?

What is the definition of "mobile"?

Would this type of set up be a way of skirting taxes as in a brick and mortar set up? Are lots owned by Land Bank on the tax roll? If owned by Food Truck, would it be placed on tax roll?

Do Food Trucks have to abide by the same health standards of regular food establishments?

Would the Land Bank sell lots for this use? It was confirmed that the Land Bank does check with local Zoning Directors before sale.

The commission referred Ian Arnold to discuss items with Attorney Cullen Harkness.

D. DISCUSSION OF COMPREHENSIVE PLAN

Discussion Points-

-MEDC Funds are available with a Comprehensive Plan. City Manager and Director of Planning and Building are moving towards application but it is a short (but not impossible) timeline.

-Suggestion for a sub-committee created to address. Timeframe of February/March 2022.

-Will Census data be helpful once completed? Can data from the Parks & Rec Plan be used?

-MEDC has a 5yr requirement but extended the window.

Chair George Strander requested that Ian Arnold create a schedule for next meeting.

E. EXCUSE ABSENT COMMISSION MEMBERS

Chair George Strander excused members Albert Amos, Mayor Victoria Snyder, Lenn Reid, Joseph Verbeke

VI PUBLIC COMMENTS

A.

Comments were heard from Teatrice Williams-504 W. Erie St

VII ADJOURNMENT

A. MEETING ADJOURNED AT 8:14PM

Jill A. Domingo, City Clerk

**CITY OF ALBION
ORDINANCE #2021-_____**

AN ORDINANCE TO AMEND CHAPTER 22, TO ADD ARTICLE VII, SECTIONS 22-240 THROUGH 22-244, MOBILE FOOD VENDING

Purpose and Finding: To encourage mobile food vending which adds to the vibrancy and desirability of the City of Albion, while providing a regulatory framework under which such businesses shall operate. This ordinance is being added to specifically address mobile food vending as the City's ordinance for transient merchants is insufficient to address the mobile food vending industry.

THE CITY OF ALBION ORDAINS:

Section 1. Chapter 22, Article VII, Sections 22-240 through 22-244, of the Codified Ordinances of the City of Albion are hereby added as follows:

Sec. 22-240. - Definitions

The following terms when used in this chapter shall have the meanings ascribed to them in this section.

- (a) "Mobile Food Vending Unit" means any motorized or non-motorized vehicle, trailer, pushcart, or device being used for the sale or distribution of food or beverages.
- (b) "Mobile Food Vending" means the sale or distribution of food or beverages from a Mobile Food Vending Unit.
- (c) "Mobile Food Vendor" means the owner(s) and operator(s) of a Mobile Food Vending Unit

Sec. 22-241. - Permit

- (a) It shall be unlawful for any person or organization to operate a Mobile Food Vending Unit within the City of Albion without a Mobile Food Vending Permit.
- (b) All permits shall be prominently displayed on the mobile food vending unit while mobile food vending is taking place.
- (c) Permits issued under this chapter shall be valid for one (1) calendar year from the date of their issuance. Such permits shall be non-transferable.
- (d) All mobile food vendors receiving a permit under this ordinance shall pay the fee as set by the City Council in the Fee Schedule.

Sec. 22-242. - Application

Any person or organization desiring to engage in mobile food vending within the City of Albion shall make written application to the City Clerk for a permit under this Article. The applicant shall truthfully state, in full, all information requested by the City Clerk and be

accompanied by a fee established by resolution of the City Council. The application for a permit shall be on forms provided by the City Clerk and shall include the following:

- (a) Name, signature, phone number, email address, and business address of the applicant.
- (b) A copy of the mobile food vending unit operator's valid, state issued, driver's license.
- (c) Information on each mobile food vending unit, including but not limited to year, make, model, vehicle identification number, vehicle or trailer registration plate number, or any other descriptive information required for identification of the mobile food vending unit.
- (d) Information setting forth the proposed hours of operation, and areas of operation.
- (e) Information setting forth the proposed plans for power access, water supply, and wastewater disposal.
- (f) Copies of all licenses or permits issued by the Calhoun County Health Department.
- (g) A copy of the applicant's general liability and automobile insurance declarations pages, listing the owner of the Mobile Food Vending Unit as an insured and the City of Albion as an additional insured. Said general liability insurance shall be in an amount not less than one million (\$1,000,000.00) per occurrence. Said insurance shall be in full force and effect for the duration of any permit issued by the Clerk for Mobile Food Vending.

Sec. 22-243. - Requirements

A mobile food vendor operating within the City of Albion shall comply with the following requirements

- (a) Provide appropriate receptacles, in the form of a garbage can made of plastic or metal no less than 32 gallons in capacity, at the site of the mobile food vending unit and remove all litter, debris, and other waste attributable to the vendor on a daily basis.
- (b) If the mobile food vendor is seeking to operate on city-owned or controlled property, operation may only occur after approval by the City Council.
- (c) If parked on public streets, mobile food vendors shall conform to all state and local laws, including but limited to the Uniform Traffic Code and Motor Vehicle Code.
- (d) A mobile food vendor shall not operate a mobile food vending unit within five hundred (500) feet of any fair, festival, special event, or civic event that is licensed or sanctioned by the City unless the event sponsor has made written notice of the mobile food vendor's inclusion in the event.

- (e) Mobile food vendors shall not use any flashing or blinking or strobing lights. All exterior lights over 60 watts shall contain opaque shielding to direct the illumination downward.
- (f) Mobile food vendors shall not use music, amplification devices or “crying out” or any other audible methods to draw attention.
- (g) Within R-1, and R-2 zoned districts, mobile food vendors may only operate between the hours of 9:00 am, and 9:00 pm. No mobile food vending unit shall operate within a Residential District of the city except when operating entirely on private property, with the permission of the lawful owner of the property.
- (h) Food and beverage service shall be conducted from the side of the mobile food vending unit that faces a curb, lawn, or sidewalk when parked. No food service shall be provided on the driving-lane side of the mobile food vending unit.
- (i) Except when mobile food vending is taking place entirely on private property, no mobile food vendor shall provide or allow any dining area within 10 feet of the mobile food business, including but not limited to tables, chairs, booths, stools, benches, or stand-up counters or within the public right-of-way, including but not limited to sidewalks.
- (j) Signage is allowed on the mobile food vending unit, provided it is in compliance with Chapter 64 of the City Code of Ordinances. Additionally, one auxiliary sandwich board sign not more than six (6) square feet in area and up to three feet in height is permitted. The auxiliary sign shall not be placed in vehicle travel lanes and must not be placed so as to impede pedestrian traffic on public streets or sidewalks
- (k) No mobile food vending unit shall be left unattended and unsecured at any time food is in the vehicle. Any mobile food vending unit found to be unattended shall be considered a public safety hazard and may be ticketed and or towed at the owner’s expense.
- (l) A mobile food vendor may operate on private property only with the property owner’s consent and in compliance with the City Zoning code.
- (m) Any electrical power required for the operation of a mobile food vending unit located on a public right-of-way shall be self-contained, and a mobile food business shall not use utilities drawn from the public right-of-way. A mobile food vending unit may use electrical power from private property on which it has permission to operate with the property owner’s consent. A mobile food vending unit shall not extend any cords, cables, or wires over any street, sidewalk, or right-of-way.
- (n) No mobile food vendor shall represent that the granting of a permit under this chapter is an endorsement by the City of Albion.
- (o) Any power required for mobile food vending on a public road, alley, or parking lot shall be self-contained and a mobile food vending unit shall not use utilities drawn from the public right-of-way. All power sources must be

(p) self-contained. No power or cable equipment shall be extended at or across any City street, alley, or sidewalk.

(q) No mobile food vending unit shall pose a risk to the health, safety, and wellbeing of any person.

Sec. 22-244. - Enforcement

- (a) Operation of a mobile food vending unit within the City of Albion without first obtaining a City permit shall constitute a civil infraction punishable by a fine of not more than \$250 per day.
- (b) Any permit holder operating a mobile food vending unit, or who allows the operation of a mobile food vending unit, in violation of any provision of this article is responsible for a civil infraction and is subject to a fine of not more than \$250 per day. Each day of violation shall constitute a separate and distinct offense.
- (c) Once a permit has been issued, it may be revoked, suspended, or not renewed by the City clerk for failure to comply with the provisions of this article and any rules or regulations set forth by the City. Notice of the suspension, revocation, or non-renewal shall be given by first-class mail to the permit holder's address listed on the permit application.
- (d) A permit holder may appeal the revocation, suspension, or non-renewal decision of the City Clerk to the City Manager within twenty-one (21) days of the denial, suspension, or non-renewal.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

This Ordinance shall take effect on _____, 2021 after publication.

First Reading:

Second Reading & Adoption:

June __, 2021

June __, 2021

Ayes _____

Ayes _____

Nays _____

Nays _____

Absent _____

Absent _____

Jill Domingo,
Clerk

Victoria Snyder,
Mayor.

2022 MEETING DATES

PLANNING COMMISSION	COUNCIL CHAMBERS 7:00 P.M. 3rd TUESDAY OF THE MONTH
JANUARY 19, 2022 (Wednesday)	JULY 19, 2022
FEBRUARY 15, 2022	AUGUST 16, 2022
MARCH 15, 2022	SEPTEMBER 20, 2022
APRIL 19, 2022	OCTOBER 18, 2022
MAY 17, 2022	NOVEMBER 15, 2022
JUNE 21, 2022	DECEMBER 20, 2022