

## PLANNING COMMISSION AGENDA

*Meetings: Third Tuesday - 7:00 p.m.  
Tuesday, November 16, 2021*

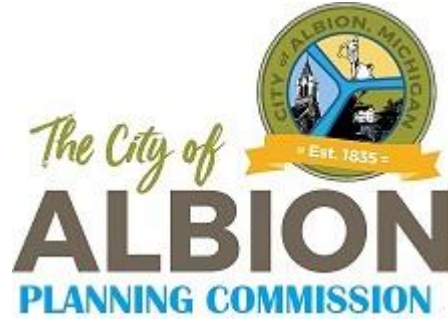
City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

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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   |
| 2 - 6  | A. MINUTES<br><a href="#">PLANNING COMMISSION - 12 Oct 2021 - Minutes - Pdf</a>   |
| IV.    | CORRESPONDENCE - NONE   |
| V.     | ORDER OF BUSINESS   |
| 7 - 12 | A. DISCUSSION/APPROVAL OF MOBILE FOOD VENDING ORDINANCE<br><br><a href="#">Mobile Food Vending Ordinnace Draft 10-26-21</a> |
|        | B. DISCUSSION OF COMPREHENSIVE PLAN   |
|        | C. EXCUSE ABSENT BOARD MEMBER   |
| VI.    | ADJOURNMENT   |
| VII.   | PUBLIC COMMENTS   |

### 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, October 12, 2021 @ 7:00 PM  
City Council Chambers

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

Call to Order by Chair George Strander at 7:01PM

**II ROLL CALL of the Commission**

Present: Victoria Snyder, Scott Kipp, Mark Lelle, Tom Pitt, Lenn Reid,  
George Strander

Absent: Albert Amos, Sharon Ponds, Joseph Verbeke

Staff Present: Ian Arnold-Planning/Zoning Director, Amy Deprez-EDC  
Director, Haley Snyder-City Manager, Pamela Beck-Deputy  
Clerk/Deputy Treasurer

Sufficient representation to establish quorum-so declared.

**III APPROVAL OF Prior Meeting MINUTES**

SEPTEMBER 21, 2021 REGULAR SESSION MINUTES

Moved by Commissioner Pitt, seconded by Commissioner Lelle

*Approve as Presented*

Carried

**IV Agenda Change**

Addition to Agenda-Order of Business Item "Appoint Advisory Representative to Economic Development Strategic Plan Steering Committee"

Moved by Commissioner Pitt, seconded by Commissioner Lelle

*Approve Agenda Change*

Carried

**V CORRESPONDENCE-NONE**

**VI PUBLIC HEARING**

AN ORDINANCE TO AMEND CHAPTER 100, TO AMEND ARTICLE II, BY AMENDING SECTION 2.2, DEFINITIONS, AND TO AMEND ARTICLE VII, TO ADD SECTION 7.24A, MEDICAL MARIHUANA FACILITIES OVERLAY DISTRICTS, AND TO AMEND ARTICLE VII, TO ADD SECTION 7.24B, ADULT USE MARIHUANA ESTABLISHMENTS OVERLAY DISTRICTS

Opened at 7:05PM

George Strander read preamble. Ian Arnold presented overview.

Comments were heard from David Gunsburg-930 Elliott St

Closed at 7:11PM

**VII Order of Business**

DISCUSSION/APPROVAL OF ORDINANCE 2021-09-OVERLAY DISTRICT

The City Council wants to limit the number of marihuana facility licenses in the City of Albion. It is recommended by City Attorney Cullen Harkness to use a overlay district in Zoning as a means to fulfill the direction given by City Council rather than limiting the number of licenses allowed to be issued. City Manager Haley Snyder clarified that the Marihuana Ordinance had recently been amended by Council to decrease the number of licenses available from 20 to 5. Ian Arnold stated this item was on the agenda at the request of the City Attorney and the Ordinance Draft was created by the City Attorney. It was verified

that the Planning Commission vote is a recommendation. The final approval is voted by City Council.

Amy Deprez was granted the floor. EDC has worked with council to determine the overlay map. EDC preferred the whole Industrial Park be included but compromised and reluctantly approved the overlay map as presented. The EDC supports the Planning Commission approving the overlay map to progress to City Council approval.

Mr. Nazleum was granted the floor. He gave a history and the view of a licensee. Their focus is research and development. Without granting the overlay map; their business could not operate.

Lenn Reid stated that City Attorney Cullen Harkness should be present to explain the draft and map before voting.

David Gunsburg was granted the floor. He stated that since Michigan has legalized Adult Use Marijuana, no one is applying to receive a Medical Marijuana card. There is no use for one. The industry cannot exist or grow without recreational licenses.

Mark Goodman was granted the floor. He operates Sunnies and 930 Elliott facilities. The vote was overwhelming to create the first ordinance to bring cannabis into Albion. His business is losing money and by not approving the overlay district map; his business will fold. He has supported the community throughout his years as a business and a resident. Albion loses that support if he goes out of business.

Tom Pitt spoke of disappointment with the City Council for moving this forward without first consulting the Planning Commission; especially considering the large amount of input the Planning Commission had on the original ordinance. He also stated City Attorney Cullen Harkness should have been in attendance at this meeting.

Scott Kipp agreed and wanted verification that if this overlay is not approved, then there can be no marijuana business conducted. Ian Arnold answered that was his understanding; that this overlay district was part of the ordinance approved recently by City Council.

George Strander expressed concern that the City Council would approve an Ordinance without a crucial part of it included. He was also concerned that the order of process had not been followed.

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

*Approve the district overlay map as presented, and recommend that Council amend the ordinance as drafted.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>	<b>Absent</b>
Ponds Commissioner				x
Lelle Commissioner	x			
Pitt Commissioner	x			
Kipp Chief Public Safety/Commissioner	x			
Reid (2)		x		
Verbeke Commissioner				x
Snyder Mayor	x			
Strander Chairman	x			
Amos Commissioner				x
	5	1	0	3

Carried

#### DISCUSSION/APPROVAL OF MOBILE FOOD VENDING ORDINANCE

Ian Arnold reported the draft is finished with all the items discussed in recent Planning Commission meetings. He is sending to the City Attorney to be reviewed and polished. The Ordinance should be ready for approval at the next meeting.

Question-Did vendors have input?

Answer-some; mostly information gathered from other cities and from the discussions of the Planning Commission. It is not required.

Question-Does the ordinance contain setbacks from property lines similar to building setbacks?

Answer-Not specifically; however, sections refer to what property is allowed, and that the Mobile Vending must be operated entirely on such property.

#### UPDATE - LOT WIDTH REQUIREMENT FOR ATTACHED SINGLE FAMILY STRUCTURES

Ian Arnold had nothing new to report but asked that this item be kept on agenda as he is still working on it.

#### DISCUSSION OF COMPREHENSIVE PLAN

The Steering Committee is set and the Planning Commission meetings will follow their meetings. Ian Arnold will be passing on information from the Steering Committee to the Planning Commission as a whole. This

item will stay on the agenda as an open communication path for comments or questions regarding the Comprehensive Plan.

**APPOINT ADVISORY REPRESENTATIVE TO ECONOMIC DEVELOPMENT STRATEGIC PLAN STEERING COMMITTEE.**

Amy Deprez gave an overview of the Economic Development Strategic Plan. The Steering Committee will be meeting 2-3 times for an hour to hour and half each time. Virtual attendance is an option. Tom Pitt volunteered.

Moved by Chief Public Safety/Commissioner Kipp, seconded by Mayor Snyder

*Appoint Tom Pitt as Advisory Representative to Economic Development Strategic Plan Steering Committee.*

Carried

**EXCUSE ABSENT BOARD MEMBERS**

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

*Excuse Albert Amos and Sharon Ponds who both gave prior notice.*

Carried

**VIII PUBLIC COMMENTS - NONE**

**IX ADJOURNMENT**

Moved by Commissioner Pitt, seconded by Mayor Snyder

*Meeting adjourned at 7:59PM*

Carried

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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 set forth in this section.

- (a) "City" means the City of Albion.
- (b) "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.
- (c) "Mobile Food Vending" means the sale or distribution of food or beverages from a Mobile Food Vending Unit.
- (d) "Mobile Food Vendor" means the owner(s) and/or operator(s) of a Mobile Food Vending Unit
- (e) "Vendor Permit" means a permit issued by the City of Albion to a Mobile Food Vendor valid for one (1) calendar year from the date of issuance.
- (f) "Temporary Vendor Permit" means a permit issued by the City of Albion to a Mobile Food Vendor valid for a specific consecutive seven (7) day period as designated on the permit.

**Sec. 22-241. – Permit Required**

- (a) It shall be unlawful for any person or organization to operate a Mobile Food Vending Unit within the City of Albion without a valid Mobile Food Vending Permit issued by the City of Albion.
- (b) All permits shall be prominently displayed on the mobile food vending unit while mobile food vending is taking place.
- (c) Vendor Permits issued under this chapter shall be valid for one (1) calendar year from the date of issuance. Temporary Vendor Permits shall be valid for no more than seven (7) consecutive days. Vendor permits shall be non-transferable.

**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 the required 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.
- (h) A copy of a Michigan State Police (ICHAT) report for the applicant and any operator of the mobile food vending unit. Said report shall be dated not more than fourteen (14) days prior to the date of application.
- (i) Any other information requested by the City Clerk.

**Sec. 22-243. - Requirements**

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

- (a) Provide waste receptacles, in the form of a garbage can made of plastic or metal with not less than 32 gallons in capacity. Said receptacle shall be placed at the site of the mobile food vending unit. The operator of the



mobile food vending unit shall 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 Michigan Uniform Traffic Code and Michigan 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 without written permission from the event sponsor.
- (e) Mobile food vendors shall not use any flashing or blinking or strobing lights. All exterior lights over sixty (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 to the mobile food vending unit.
- (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.
- (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 ten (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 of Albion 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 written consent and in compliance with the City of Albion 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 written consent. A mobile food vending unit shall not extend any cords, cables, or wires over any street, sidewalk, or right-of-way.
- (n) A mobile food vendor shall not represent that the granting of a permit under this chapter is an endorsement by the City of Albion.

- (o) No mobile food vending unit shall pose a risk to the health, safety, and wellbeing of any person.
- (p) Mobile Food Vending Units not designed for mobile food vending in one location, including, but not limited to, Ice Cream vendors, may operate outside of private property in R-1 and R-2 Zoning Districts, provided they operate in one location for no more than fifteen (15) minutes a day.

**Commented [CH1]:** May want something more here about not serving on the street side when they stop? Perhaps clarification to reconcile this provision and (g) above?

#### **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 two hundred fifty (\$250.00) dollars per day. Each day of violation shall constitute a separate and distinct offense.
- (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 two hundred fifty (\$250.00) dollars 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.

