

AGENDA
THE CITY OF THE VILLAGE OF DOUGLAS
PLANNING COMMISSION MEETING
CITY HALL -86 W. CENTER STREET, DOUGLAS, MI
WEDNESDAY, SEPTEMBER 12TH, 2018 -7:00 P.M.

MEETING
CANCELLED

- A. Call to Order**
- B. Roll Call**
- C. Agenda Approval** -Motion to approve the Planning Commission Agenda for September 12, 2018 as presented (or as amended with additions/changes/deletions)
- D. Approval of Minutes** -Motion to approve the Planning Commission Minutes of August 15th, 2018.
- E. Written Communications**
- F. Public Comment related to agenda items only** (limit 2 minutes per person)
- G. New Business:**
 - 1. Food Truck Ordinance**
- H. Unfinished Business:**
- I. Hear from the Audience** (Limit of 5 minutes for general comments)
- J. Commissioner Comments**
- K. Adjournment**

MINUTES

THE CITY OF THE VILLAGE OF DOUGLAS
PLANNING COMMISSION SPECIAL MEETING
CITY HALL- 86 W. CENTER STREET, DOUGLAS, MI
WEDNESDAY, AUGUST 15, 2018- 7:00 P.M.

- A. **Call to Order** Chairperson Burdick called the meeting to order at 7:01 P.M.
- B. **Roll Call:** Members present: Burdick, Tischleder, Barrone, Heneghan, Pattison
Members absent: Kenny; Also present: Lisa Imus, city planner
- C. **Agenda Approval:** Motion by Pattison with support from Barrone to approve the Planning Commission Agenda of August 15, 2018 as amended. Motion carried by unanimous voice vote.
Amended item: Add Project Presentation to G1 & G2.
- D. **Approval of Minutes :** Motion by Pattison with support from Tischleder to approve the Planning Commission Minutes of July 11, 2018 as presented. Motion carried by unanimous voice vote.
- E. **Written Communications:** 4 emails regarding the Furrows were received.
- F. **Public Comment related to agenda items only** - Audience asked that the written communications read aloud. Imus read emails from Cynthia McKean, Ralph Hamilton, Steve Debbink and Greg Plowe, and John Rice.
- G. **New Business**
 - 1. **Consideration of the Furrows PUD Revised Application – 64 Wiley Road**
 - a. **Open Public Hearing:** Motion by Barrone with support Pattison to open public hearing on the Furrows PUD Revised application at 64 Wiley Road. Motion carried by unanimous voice vote.
 - b. **Presentation of Project:** Rick Polaski of Nederveld and Tom Clement presented the proposed plan. Spoke about the two proposed entrances.
 - c. **Hear Public Comments:** Comments made opposing the second entrance on Water Street by Rona Alexander and Brian Alexander 265 Water St, Chuck Arida 254 Water St, Ken Carls 144 Water St, Tracey Shafroth 271 Water St, Marlene Rininger 274 Water St, John Halwell 416 Water St, Missy Rininger 274 Water St, Fred Royce 144 Lakeshore Dr.

- d. **Close Public Hearing:** Motion by Pattison with support from Heneghan to close the public hearing on the Furrows PUD revised application at 64 Wiley Road. Motion carried by unanimous voice vote
 - e. **Planning Commission Discussion:** Members were opposed to the second entrance on Water Street. Members agreed that installing sprinklers in each unit would be the best option. Tom Clement will to speak with the owner of 254 Water St about an easement to loop the water main. Clement withdrew the application.
 - f. **Planning Commission Recommendation to City Council -** No recommendation needed. Application withdrawn.
2. **Consideration of an application submitted by Alex Cezar for the property located at 3054 May Ave (#03-59-200-011-00) for the renewal of a Special Land Use permit for the Accessory Dwelling Unit within the R-3 Neighborhood Conservation District.**
- a. **Open Public Hearing**

Motion by Heneghan with support from Tischleder to open public hearing. Motion carried by unanimous voice vote.
 - b. **Presentation of Project**

Imus explained the application that was submitted. Home was built in 2012 and special use permit was obtained but wasn't able to finish the garage. Cezar explained that the structure for the garage is in place and was started at the same time as the house.
 - c. **Hear Public Comments: None**
 - d. **Close Public Hearing**

Motion by Tischleder with support from Pattison to close public hearing. Motion carried by unanimous voice vote.
 - e. **Planning Commission Discussion**

Members had a discussion on this accessory dwelling being used for a rental.
 - f. **Planning Commission Recommendation**

Motion by Pattison with support from Tischleder to approve the renewal of the special Land Use permit for the accessory dwelling unit at 3054 May Ave (#03-59-200-011-00). Motion carried by unanimous roll call vote.

H. Unfinished Business

1. 11 E Chestnut Condominium Approval

Staff reviewed the project with the Planning Commission. It was noted that

- The Master Deed still needed the following to be included:
 - the “Subdivision Plan” was not attached (Section 2.1)
 - the “description of the types of Units and the size of each type of Unit” was missing as noted as “Exhibit B” (Section 5.2).
 - The Kalamazoo Riverfront Condominium Unit Information Sheet should also be completed in the final version of the Master Plan (Section 5.2).
- Any lighting in the project must be dark sky compliant.
- The property under consideration is currently three separate parcels would need to be combined into one parcel for the final Condominium Development Plan.

It was noted that while the Planning Commission had requested a 30-day rental limit, it was denied by the buyer. Motion by Tischleder with support from Pattison to approve the 11 E Chestnut Condominium Developments with the conditions noted above and that the City Attorney reviews and approves all condominium documents including the By-laws, Master Deed, and legal descriptions. Motion carried by unanimous roll call vote.

To move this project forward, all of the above need to be completed and then the Planning Commission’s recommendation will be submitted for City Council’s final review and approval. All components of the Condominium Project must be in compliance with the City Ordinances and the Condominium Act 59 of the Public Acts of Michigan of 1978.

2. Blue Star Corridor Improvements

Members discussed what improvements they would like to see. Bike parking and Blue Star parking, 3 story buildings with setback, food trucks were all discussed. Burdick will send Imus a draft zoning ordinance amendment for parking and 3 story buildings with setbacks.

I. Hear from the Audience: None

J. Commissioner Comments: None

K. Adjournment: Motion by Pattison with support from Tischleder to adjourn meeting. Meeting adjourned at 10:38 P.M.

**CITY OF DOUGLAS ORDINANCE
FOOD TRUCKS/MOBILE FOOD VENDING UNITS**

Intent.

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of the City of Douglas, while providing a framework under which such businesses operate, this chapter is established.

Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FOOD TRUCK — A self-contained, motorized vehicle, identified generically as a "mobile food vending unit," which is used for the preparation and distribution or sale of food.

MOBILE FOOD VENDING — Vending, serving, or offering for sale food and/ or beverages from a mobile food vending unit which meets the definition of a "food service establishment" under Public Act 92 of 2000, and which may include the ancillary sales of branded items consistent with the food or vendor, such as a tee shirt that bears the name of the company, restaurant or organization engaged in mobile food vending.

MOBILE FOOD VENDING UNIT — Any motorized or non-motorized vehicle, trailer, food truck, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.

VENDOR — Any individual, company, restaurant or organization engaged in the business of mobile food vending; if more than one individual is operating a single cart, food truck, or other means of conveyance, then "vendor" shall mean all individuals operating such means of conveying food.

OPERATE — All activities associated with the conduct of business, including setup and takedown and/or hours of operation and locations where the mobile food vending units are allowed to be open for business.

Permit required.

- A. No vendor shall engage in mobile food vending without a permit issued by City of Douglas Clerk's office authorizing such vending. The Douglas City Council shall prescribe the form of such permits and the application for such permits.
- B. All permits shall be prominently displayed on the mobile food vending unit. A permit for vending shall not be issued by the Clerk's office unless the vending unit meets the definitions of "mobile food vending" and "mobile food vending unit" and operates in the locations or areas defined by this chapter.

Duration of permit; non-transferability.

Permits issued by the Douglas City Clerk's office shall be valid only for the calendar year in which they are issued and for the mobile food vending unit identified on the permit. Any permit issued under this chapter is nontransferable from vendor to vendor or from food truck/mobile food vending unit to food truck/mobile food vending unit.

Application for permit.

Any vendor desiring to operate a food truck or engage in mobile food vending in the City of Douglas shall submit a completed application to the Douglas City Clerk's office and receive a permit issued by that office.

The applicant shall truthfully state, in full, all information requested on the application for permit issued by the Douglas City Clerk's office. Additionally, the applicant shall provide all documentation, such as insurance, as required by this chapter or the City of Douglas. The application for a permit shall be accompanied by a fee as defined in this chapter.

Single-event permits.

A single-event application is also available from the City of Douglas Clerk's office for vendors wishing to operate a food truck or mobile food vending unit during a City-sponsored or City-endorsed special event or to operate at a public or private event held on public property or in a public park. The application for a permit shall be accompanied by a fee as defined in this chapter.

Fees.

An application for a permit shall be accompanied by a fee in the amount established by resolution by the Douglas City Council. Permits shall only be for the calendar year in which the permit is issued. There shall be no proration of fees.

Fees are nonrefundable once a permit has been issued by the Clerk's Office.

Requirements.

Any vendor engaging in mobile food vending shall comply with the following requirements.

- A. Vendors shall not operate on City-owned property or on public streets without prior authorization and approval of the City Clerk's office. No food service shall be allowed on the driving lane side of the mobile food vending unit. If operating on a street, the customer service area for mobile food vending units shall be on the curb lawn or sidewalk when parked.
- B. No food shall be sold, prepared or displayed outside of the food truck or mobile food vending unit while on the location noted on the permit.
- C. Vendors shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other wastes attributable to the vendor and/or customers on a daily basis.
- D. Vendors shall not use any flashing, blinking or strobe lights or similar effects to draw attention to the food truck or mobile food vending unit; all exterior lights over 60 watts shall contain opaque hood shields to direct the illumination downward.
- E. Vendors shall not use loud music, amplification devices or crying out or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City of Douglas
- F. There shall be no signage used by vendors except for what is allowed on the vehicle, food truck or mobile food vending unit itself.
- G. Vendors are prohibited from locating, placing, or putting personal property outside of the food truck, including but not limited to signage, dining furniture, fixtures, and equipment.
- H. Within residential areas, a mobile food vendor may only operate between the hours of 9:00 a.m. and 9:00 p.m. In commercial areas, a mobile food vendor may only operate between the hours of 7:00 a.m. and 11:00 p.m. On private property within commercial area, a mobile food vendor may only operate between the hours of 6:00 a.m. and 3 a.m. Other restrictions regarding hours of operation may be established by resolution of the City Council.
- I. No mobile food vending unit may be left unattended for more than two hours without permission from the City Clerk; and any mobile food vending unit not in operation shall be

removed between the hours of 11:00 p.m. and 7:00 a.m. in commercial areas and 9:00 p.m. to 9:00 a.m. in residential areas. This subsection applies to mobile food vending units operating on city-controlled property only.

- J. No vendor shall utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any street or sidewalk except in a safe manner. If unit is not self-contained and requires electric service, a permit issued by the City of Douglas Building Department is required.
- K. Vendors shall comply with all applicable City laws, regulations, and ordinances, including those regulating noise, signage, and loitering.
- L. Vendors shall not represent the granting of a permit under this chapter as an endorsement of the City.

Other permits.

A permit obtained under this chapter shall not relieve any vendor of the responsibility for obtaining any other permit or authorization required by any other resolution, ordinance, statute, or administrative rule.

Complaints; appeals; revocation of permit.

- A. If a written complaint is filed with the Douglas City Clerk's office alleging a food vendor has violated the provisions of this chapter, the Clerk's office shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made by the Clerk's office, with the assistance of other City departments, as required, as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Clerk's office, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified.
- B. The City of Douglas Clerk's office shall revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local law, ordinance or regulation; makes a false statement on his/her application; or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare.
- C. If a permit is denied or revoked by the Clerk's office or if a written complaint is certified pursuant to this chapter, the applicant or holder of the permit may

appeal to Douglas City Council. Such appeal shall be in writing. The City Council (or designee) shall make a written determination, after reviewing evidence related to the appeal, as to whether the denial, revocation, or complaint is valid. If the City Council (or designee) determines that the denial, revocation, or complaint is valid as supported by a preponderance of the evidence, the action of the Clerk's office shall be sustained. The applicant may appeal the decision of the Douglas City Council (or designee) to a court of competent jurisdiction.

- D. Immediately upon such revocation, the Clerk's office shall provide written notice to the permit holder by certified mail to the address indicated on the application. The permit to operate shall become immediately null and void upon revocation.

Appearance tickets.

The Douglas Police Department or such other officials as designated by the Douglas City Council are authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Michigan law.

Civil infraction.

A violation of this chapter is designated as a civil infraction subject to fines as set out in § 34.06 of the Douglas Code.