

AGENDA
THE CITY OF THE VILLAGE OF DOUGLAS
PLANNING COMMISSION MEETING
CITY HALL - 86 W. CENTER STREET, DOUGLAS, MI
WEDNESDAY, OCTOBER 10TH, 2018 - 7:00 P.M.

A. Call to Order

B. Roll Call

C. Agenda Approval - Motion to approve the Planning Commission Agenda for October 10, 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. Consideration of site plan approval for Choice Labs to be located at 435 Blue Star Highway (PP# 59-016-072-11)

- a. Presentation by applicant
- b. Open Public Hearing
- c. Hear Public Comments
- d. Close Public Hearing
- e. Planning Commission Discussion
- f. Recommendation (table, reject, approve or conditionally approve)

2. Consideration of site plan approval for Lakeside Dispensary to be located at 2918 Blue Star Highway (PP#59-020-007-00)

- a. Presentation by applicant
- b. Open Public Hearing
- c. Hear Public Comments
- d. Close Public Hearing
- e. Planning Commission Discussion
- f. Recommendation (table, reject, approve or conditionally approve)

3. Consideration of Food Truck Ordinance

- a. Recommendation to City Council (table, reject, approve or conditionally approve)

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 Csezar 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. Csezar 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.

86 W. Center Street
 PO Box 757
 Douglas, MI 49406
 269-857-1438 Office
 269-857-4751 Fax



Memo

To: City of Douglas Planning Commission
From: Lisa Imus, City Planner
Date: 10/5/2018
Re: Site Plan Review: 435 Blue Star Highway Medical Marihuana Facility

This memo is regarding the application for site plan review submitted by Wesley Lutz of Choice Labs, LLC for a Medical Marihuana Provisioning Center at a retail building located in the **C-2 General Commercial District**, at 435 Blue Star Highway on property parcel number 03-59-016-072-11. The applicant has proposed to renovate the current structure.

BACKGROUND:

The site currently accommodates one structure that is a car wash. There is currently 2,303 sq. ft. of commercial building space. The applicant has proposed only renovations of that 2,303 sq. ft..

DEVELOPMENT REQUIREMENTS (SECTION 11.02):

C-2A District		Required	Existing	Proposed
Lot Area:		30,000 sq. ft.	37,812 sq. ft.	37,812 sq. ft.
Frontage:		100 ft.	178 ft.	178 ft.
Max Lot Coverage:		50%	5.6%	6%
Setbacks:	Front:	10 ft.	100 ft. +/-	89.3 ft.
Side:		5 ft.	25 / 70 ft. +/-	27.3' N / 58.3' S
Rear:		25 ft.	95 ft. +/-	95 ft. +/-
Minimum Floor Area:		1,000 sq. ft.	2,303 sq. ft.	2,303 sq. ft.
Maximum Floor Area:		15,000 sq. ft.	2,303 sq. ft.	2,303 sq. ft.
Height:		28' from ave grade	12'	14'

The proposed site plan meets the development requirements outlined above. The property is of an adequate size and has the appropriate frontage to be a conforming lot in the C-2 District.

The lot coverage on site is illustrated as approximately 6% of the total site area (2,303 sq. ft. of building area ÷ 37,812 sq. ft. of lot area) and the maximum height of the proposed additions are shown to be under the allowed 28 feet (14' to the top of the decorative columns).

The required "retail" parking is 7 spaces – 6 regular and one ADA van compliant. Parking requirements for the proposed use are identified as one space per every 300 sq. ft. of usable space (2,303 sq. ft.). There are 30 proposed spaces, 23 spaces for public and 7 spaces for employees. With 30 spaces, there must be two ADA compliant spaces, one of which is ADA van accessible.

The existing driveways will be converted to one driveway (82' S and 60' N of the property lines) with the appropriate spacing between the parking lot. A clearly defined pedestrian crosswalk is planned for the driveway. The driveway will align with Ferry Street.

The public utilities are adequate for this additional capacity.

RECOMMENDATION: The proposed site plan appears to be in conformance with most of the site plan review criteria. The following details should be considered for a final decision.

1. All facilities remain in conformance with the provisions of Section 11.02 relating to retail businesses.
2. Fire Department approval must be obtained.
3. Signage shall fully comply with the City Sign Ordinance.
4. There is no outside storage allowed.
5. All exterior mechanical equipment must be screened.
6. All required permits are obtained including fence, driveway and Soil and Sedimentation Erosion Control.
7. This plan will conform to the requirements of the City of the Village of Douglas Zoning Ordinance including parking, screening, sidewalks, street trees, stormwater management, landscaping and building architecture.
 - a. Screening will be required between the property and the abutting residential use to the south. (Section 21.01 3). All parking areas shall be screened and include one tree per 20' of parking area which abuts the residential property planted between the parking area and the residential property. (Section 19.05 8)
 - i. There is 90' of parking which would require an additional 5 trees to be planted.
 - b. All parking, loading and unloading areas adjacent to a public right of way shall be screened using one of the following methods. a) A minimum three (3) foot tall lattice fence and evergreen vines installed and maintained along the entire length of the parking area fronting a public right of way. One ten (10) foot opening in the fence may be allowed for each 40 parking spaces in order to accommodate pedestrian accessibility to the parking lot, OR b) A minimum five foot landscape strip to be maintained with evergreen hedge plantings and street trees as identified within the City of Douglas recommended species list. (Section 19.05 8)

- i. The parking area adjacent to Blue Star Highway will be planted with a 12' long and 3' tall evergreen hedge.
- c. All storm water is contained on-site and drainage calculations are approved by City Engineer. Any infiltration basins must capture the entire volume of a 5 year storm event, hold the volume and infiltrate it into the ground over a period of days. The bottom of an infiltration basin shall be vegetated with deep rooted native plant species.
- d. No property parcel shall contain greater than 10,000 square feet of impervious parking surface unless approved by the Planning Commission as a Joint Use of Parking Area provided within Section 19.02 (5) and only where the applicant has proposed a best practices approach to stormwater management per Article 21 of this ordinance. (Section 19.05 5-d)
 - i. This property contains nearly over 10,000 sq. ft. of impervious parking (14,000 sq. ft. +/-) and it not a Joint Use Parking Area. Either best practice storm water management practices need to be imposed or the impervious parking area reduced.

Medical Marihuana Application



Application for Site Plan Review
CITY OF THE VILLAGE OF DOUGLAS, MICHIGAN
Phone: 269-857-1438 Fax: 269-857-4751
<http://ci.douglas.mi.us>

RECEIVED
AUG 23 2018
BY: _____

PROPERTY INFORMATION

Address or Location 435 Blue Star Hwy, Douglas, Michigan
Permanent Parcel # 59-016-072-11
Zone District (Current) C-2 (Proposed) C-2
Property Size 1.11 acres
Existing Use Car Wash Proposed Use Medical Marijuana Provisioning Center

Describe Proposed Project

We are proposing to convert the current structure used as the carwash and turn it into a medical marijuana provisioning center.

Estimated Project Cost \$360,000.00

I David Setzke hereby state that all of the above statements and all of the
(owner/contractor)
accompanying information are true and correct.

Paul Sk
Signature of Owner/General Contractor

8-23-18
Date

Email address: david@koiholdings.com

Phone: 773-808-0022

Fee:
Site Plan Review \$300

DO NOT WRITE IN THIS BOX

Date Received _____ Application Accepted By _____ Fee Paid \$ _____
Submitted Materials: _____ Plot Plan _____ Application _____ Legal Description _____ Narrative Description

86 W. Center Street
 PO Box 757
 Douglas, MI 49406
 269-857-1438 Office
 269-857-4751 Fax



Memo

To: City of Douglas Planning Commission

From: Lisa Imus, City Planner

Date: 10/5/2018

Re: Site Plan Review: 2918 Blue Star Highway - Medical Marihuana Provisioning Center

This memo is regarding the application for site plan review submitted by DC Consulting Services, Inc, doing business as Lakeside Dispensary as a Medical Marihuana Provisioning Center at a retail building located in the **C-2 General Commercial District**, at 2918 Blue Star Highway on property parcel number 03-59-020-007-00. The applicant has proposed to renovate the current structure.

BACKGROUND:

The site currently accommodates one structure that is a former residential home, among other uses. There is currently 1,830 sq. ft. of commercial building space. The applicant has proposed no new construction.

DEVELOPMENT REQUIREMENTS (SECTION 11.02):

C-2 District		Required	Existing	Proposed
Lot Area:		30,000 sq. ft.	34,573 sq. ft.	34,573 sq. ft.
Frontage:		100 ft.	150 ft.	150 ft.
Max Lot Coverage:		50%	5.3%	5.3%
Setbacks:	Front:	10'	30'	30'
	Side:	5 ft.	91.5' S/ 26' N +/-	91.5' S/ 26' N +/-
	Rear:	25 ft.	150 ft. +/-	150 ft. +/-
Minimum Floor Area:		1,000 sq. ft.	1,830 sq. ft.	1,830 sq. ft.
Maximum Floor Area:		15,000 sq. ft.	1,830 sq. ft.	1,830 sq. ft.
Height:		28' from ave grade	21' +/-	21' +/-

The proposed site plan meets the development requirements outlined above. The property is of an adequate size and has the appropriate frontage to be a conforming lot in the C-2 District.

The lot coverage on site is illustrated as approximately 5.3% of the total site area (1,830 sq. ft. of building area ÷ 41,818 sq. ft. of lot area) and the maximum height of the proposed additions are shown to be under the allowed 28 feet (21' to the midpoint of the gable roof).

The required "retail" parking is four regular spaces. Parking requirements for the proposed use are identified as one space per every 300 sq. ft. of usable space (1,179 sq. ft.), and one ADA space for up to 25 parking spaces (one of which must be ADA van compliant). There are four regular and two ADA compliant proposed spaces. Impervious parking area amounts to approximately 5,576 sq. ft. +/-.

The driveway is a shared driveway with the commercial business to the south of the property. A black top surface will be added and drained to perimeter grade. All storm water shall be retained on site or shall be directed to the existing storm drain system.

This site is connected to the public water system, however it is not connected to the sanitary sewer – it has a private septic system.

Trash receptacles are appropriately screened and lighting is to be contained within the property lines and dark sky compliant

RECOMMENDATION: The proposed site plan appears to be in conformance with most of the site plan review criteria. The following details should be considered for a final decision.

1. All facilities remain in conformance with the provisions of Section 11.02 relating to retail businesses.
2. Fire Department approval must be obtained
3. Signage shall fully comply with the City Sign Ordinance (not to exceed 54 sq. ft.)
4. There is no outside storage allowed.
5. All exterior mechanical equipment must be screened.
6. All required permits are obtained including fence and Soil and Sedimentation Erosion Control.
7. This plan will conform to the requirements of the City of the Village of Douglas Zoning Ordinance including parking, screening, sidewalks, street trees, stormwater management, landscaping and building architecture.
 - a. Because this property abuts the Blue Star Trail Corridor, installation of a multi-modal path along the front lot width of the property will be required.



Application for Site Plan Review
CITY OF THE VILLAGE OF DOUGLAS, MICHIGAN
Phone: 269-857-1438 Fax: 269-857-4751
<http://ci.douglas.mi.us>

PROPERTY INFORMATION	
Address or Location	2918 Blue Star Highway, Douglas, MI. 49406
Permanent Parcel #	03-59-020-007-00
Zone District (Current)	(Proposed)
Property Size	
Existing Use	Retail
Proposed Use	Provisioning Center

Describe Proposed Project Interior Remodel

The addition of 10 parking spot

Estimated Project Cost \$85,000.00

I, Edward Dingler hereby state that all of the above statements and all of the
(owner/contractor)
accompanying information are true and correct.

DocuSigned by:

73C553716E65434

8/30/2018 2:44:09 AM PDT

Signature of Owner/General Contractor _____ Date _____

Email address: edingler63@icloud.com

Phone: (732) 664-3135

Fee:
Site Plan Review \$300

DO NOT WRITE IN THIS BOX			
Date Received _____	Application Accepted By _____	Fee Paid \$ _____	
Submitted Materials: _____	Plot Plan _____	Application _____	Legal Description _____ Narrative Description _____

Required Site Plan Content (Article 24, City of Douglas Zoning Ordinance)

Applicants shall submit the following information to the office of the Zoning Administrator:

A completed site plan review application, a project description, the required application fee, one digital PDF copy and fourteen (14) folded copies of a site plan. All site plans shall include the information listed below and be based on the Development Standards listed in Article 24 of the Zoning Ordinance. Required submission not relevant to the particular site plan or development plan may be waived by the City.

1. Plans and map based on an accurate land survey and drawn to a minimum scale of 1"=20' or as deemed appropriate by the zoning administrator.
2. Direction arrow, date of plan and revisions, scale (written and graphic)
3. Legal description, address, tax parcel number of the subject property, proof of ownership and all options/liens against the property.
4. Size in acres and square footage of the subject property including property lines and dimensions.
5. Location and dimensions of all existing and proposed structures (including refuse/recycling areas showing proposed enclosures and method of screening) on the subject property indicating building setbacks, zoning setbacks, building dimensions and finished floor grade elevations.
6. Elevation drawings of all building sides, indicating materials to be used and overall dimensions. *as existing*
7. Location and dimensions of all existing and proposed drives, sidewalks, curb openings, curbing, parking areas, total number of parking spaces, loading and unloading areas, recreational areas and common use areas.
8. Location, pavement width, right-of-way width and centerline elevation of all existing and proposed abutting streets, alleys and easements. *as existing*
9. Location, type, quantity and dimension of all existing and proposed landscaping and vegetation and the location, height and type of existing fences and walls. *as existing*
10. Size and location of existing and proposed hydrants and utilities, including proposed connections to public sanitary sewer and water supply systems and private gas, electric locations. *as existing*
11. Proposed grading plan per Section 16.20 showing direction of drainage flow. Sites that are one acre in size or smaller shall have one foot contour intervals, while larger sites may use two foot intervals. Must include location and size of all existing and proposed surface and subsurface storm water drainage facilities, including retention and detention ponds and any established flood plain areas, bodies of water, wetland areas, or other unbuildable areas if present on the site. *as currently exists*
12. Location and intensity of existing and proposed exterior lighting, including areas to be illuminated, illumination levels (foot-candles), type and height of fixtures, and cut-off shielding provided. *as currently exists*
13. Location, lighting, design and dimensions of proposed signage. *Free standing 54' 58" Ft*
14. The City reserves the right to require other details pertaining to the development to determine compliance with the zoning ordinance and applicable City policies.

15. A written narrative shall be included as either General Notes on a site plan or as an attachment and shall include the following:

- a. Percentage of site allocated to buildings, parking lots and other impervious surfaces *See Attached*
- b. For residential developments, a summary of the number, type and density of dwelling units, number of bedrooms, the proposed market to be served, and proposed typical elevation views of each type of building
- c. Impact on public services to include schools, police and fire protection, utilities and traffic *no significant impact*
- d. Expected schedule of construction and phases of development *see Attached*
- e. List of all State, Federal or other regulatory approvals to which the development may be subject, the status of any pending applications and the anticipated time frame for obtaining such approvals. *State Medical Marijuana House*
- f. Discussion of relationship to surrounding properties and uses regarding vehicular and pedestrian access and circulation, development density and orientation and the development's architectural and landscape character. *See Attached*
- g. Discussion of any impacts relation to such issues as noise, vibration, smoke, light, glare or other potentially problematic conditions associated with the proposed uses. *included in application*
- h. Other information as may be requested by the Planning Commission which is reasonably necessary to evaluate the site plan. A request for independent professional studies including, but not limited to , traffic studies, environmental impact assessments, fiscal impact assessments, flood plan and wetland determinations and soil test borings may also be required by the Planning Commission. All costs incurred by the City to obtain such professional studies shall be fully paid by the applicant.

* It shall be the applicant's responsibility to determine whether additional permits are necessary from the Allegan County Health Department, Drain Commissioner, Soils & Sedimentation Control and the Michigan Department of Environmental Quality.

See complete Zoning Ordinance for additional details and requirements.

Question 15:

Answer a. - Lot coverage: Building and parking lot impermeable coverage will comprise 38% of our lot.

Answer d. - Construction schedule: Our local construction manager, Rick Haver has begun renovations to upgrade the site to be a positive addition to the community. Security measures have been considered and ordered. All renovations should be complete with 45 days.

Answer f. - Local impact: It is our goal to be the best possible neighbor to our community and our customers. To that end, we will co-ordinate with local authorities to promote drug abuse awareness and prevention. We have spoken with our immediate neighbors and they are looking forward to a long and fruitful relationship.

Property Address
2918 Blue Star Highway
Douglas, MI 49406

Property Owner
Douglas Development II, LLC
9 Island Avenue #2102
Miami Beach, FL 33139

Legal Description
North 150.0 feet of the
South 491.0 feet of the East
290.5 feet of the Northeast
¼ of Section 20, Town 3
North, Range 16 West.

Parcel Number
03-59-020-007-00

Property Zoning
C-2A Special Community

Property Size
34,573 sq. ft.

Existing Building Size
1830 sq. ft. including
porches, ramp, stairs.

Site Signage
8'-0"x4'-0". Existing location,
size, and lighting to remain.

Parking Requirement
Four spaces required. Four
typical spaces and two ADA
compliant space proposed.

Parking Lot Drainage
Black top surface sloped to
drain to perimeter grade. All
storm water shall be retained
on site or shall be directed
to existing storm drain
system.

**Percent of Impervious
Surfaces**
27%
Build/Pvmt: 7407 sq. ft.
Pervious surfaces: 27167

Site Utilities
All existing to remain.

Site Lighting
Existing to remain. All
lighting shall be contained
within the site property lines
and shall be directed down
and dark sky compliant.

Property Address
2918 Blue Star Highway
Douglas, MI 49406

Property Owner
Douglas Development II, LLC
9 Island Avenue #2102
Miami Beach, FL 33139

Legal Description
North 150.0 feet of the
South 491.0 feet of the East
290.5 feet of the Northeast
¼ of Section 20, Town 3
North, Range 16 West.

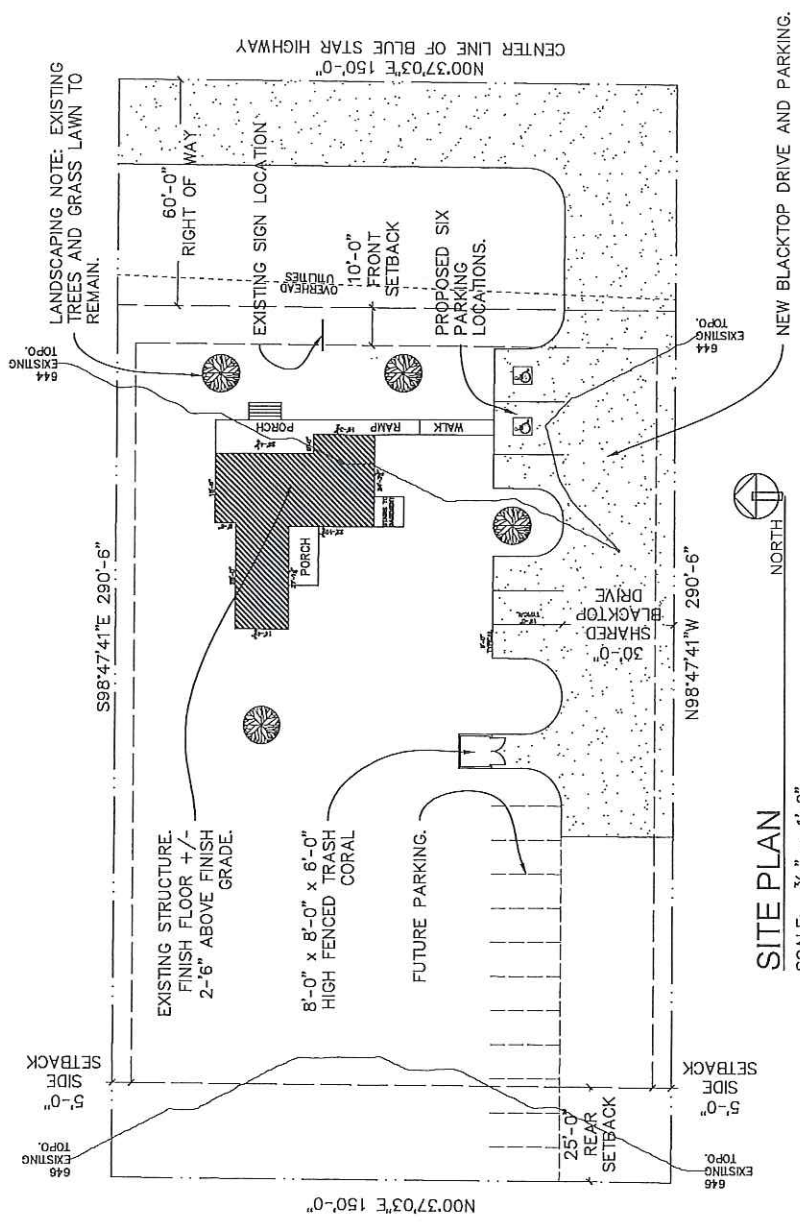
Parcel Number
03-59-020-007-00

Property Zoning
C-2A Special Community

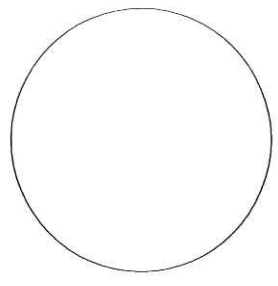
Property Size
34,573 sq. ft.

Existing Building Size
1830 sq. ft. including
porches, ramp, stairs.

Site Signage
8'-0"x4'-0". Existing location,
size, and lighting to remain.



SITE PLAN
SCALE: 3/32" = 1'-0"



CKC
Architect

P.O. Box 111
Douglas, MI 49406
616-886-1688

Douglas Provision Center
2918 Blue Star Highway, Douglas MI
Project Number: 1811
August 31, 2018

For Site Plan Approval Only
NOT FOR CONSTRUCTION PERMITTING



SOUTH ELEVATION



EAST ELEVATION



NORTHEAST ELEVATION



NORTH ELEVATION

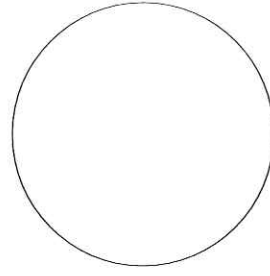


WEST ELEVATION



SOUTHWEST ELEVATION

NOTE:
EXISTING BUILDING HEIGHT IS ESTIMATED TO BE +/- 21'-0" AND
DOES NOT EXCEED MAXIMUM ALLOWED BUILDING HEIGHT (28'-0")
FOR C-2 ZONING.



P.O. Box 111
Douglas, MI 49406
616-886-1688

Douglas Provision Center
2918 Blue Star Highway, Douglas MI
Project Number: 1811
August 31, 2018

For Site Plan Approval Only
NOT FOR CONSTRUCTION PERMITTING

**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 and protecting the viability, this chapter is established.

Definitions.

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

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 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, location of mobile vending unit, 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 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 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. 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. This subsection applies to mobile food vending units operating on city-controlled property only. 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.
- 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.