

AGENDA

City of Alpena Planning Commission
Regular Meeting
Tuesday, February 10, 2015, 7:00 p.m.
Alpena, Michigan

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: December 9, 2014 Regular Meeting

PUBLIC HEARING AND COMMISSION ACTION:

BUSINESS:

1. Food truck regulations
2. Medical Marijuana

COMMUNICATIONS:

REPORTS:

1. Update on Planning and Development Projects
2. Redevelopment Ready Community Program
3. ZBA Update

CALL TO PUBLIC:

MEMBERS' COMMENTS:

ADJOURNMENT:

MINUTES

City of Alpena Planning Commission
Regular Meeting
December 9, 2014
Alpena, Michigan

CALL TO ORDER:

The regular meeting of the Planning Commission was called to order at 7 p.m. by Paul Sabourin, Planning Commission Chair.

ROLL CALL: PLANNING COMMISSION

Present: Sabourin, Heraghty, VanWagoner, Lewis, Boboltz, Gilmore, Dort

Absent: Hunter

Staff: Adam Poll (Director of Planning & Development)

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA:

Poll noted that the Recreation plan was due to be updated, he asked that the topic be added as item #3 in the reports section of the agenda.

The December 9, 2014, agenda was approved as amended.

APPROVAL OF MINUTES:

The minutes of the October 14, 2014, regular meeting were approved as printed.

PUBLIC HEARING AND COMMISSION ACTION:

Absent: Hunter,

Motion passed by 6-0 vote.

BUSINESS:

1. Prospective New Commission Members

Sabourin noted that there were two applicants. Poll stated there is one vacancy, which was made vacant by Glowinski's resignation. Poll noted that both Tara Stone and Dan Mitchell applied for the vacancy and were present at the meeting. Poll noted that because the Planning Commission was giving a recommendation to the Mayor and Council, a vote would not be taken. Poll asked that the Planning Commissioners email him their thoughts on both applicant and their opinion on which would be the best candidate. Poll noted that he would compile the responses he received and convey those thoughts to City Council.

Tara Stone noted that she moved to the area in 2013 after coming to Alpena her whole life. She indicated that she lives in the downtown on Second Avenue, noting her desire to live in an urban setting. Stone noted that she was a member of the design committee of the DDA, and had volunteered with the Brown Trout Festival and the A-Team for the Chamber of Commerce. Stone noted her desire to be involved with development especially of the historical nature. Stone noted that Alpena is her home and the decision to move her was natural and that she enjoys being involved in the Community. Stone noted that she did not have a development background but is willing to learn.

Dan Mitchell noted that he retired in 1993 from the United States Air Force after 20 years of service. He noted that he recently moved to Alpena from the upper peninsula to be closer to his son and the first thing he did was to want to get involved with the community. Mitchell noted that he had volunteered for a number of positions in Kinross Township including the Planning Commission before being elected to the Township Board. Mitchell noted that he has worked with a number of ordinances and master plans and drafted the Medical Marijuana ordinance for Kinross Township. Mitchell noted that his son is a member of the State Police in Alpena, and that he desired to be closer to him and his kids.

Poll noted that there is only one opening at present, but there could be potential openings in the future.

COMMUNICATIONS:

None.

REPORTS:

1. Update on Planning and Development Projects

Holiday Inn Express

Poll stated that the Brownfield Plan was moving forward with the MEDC and would be going for approval in January.

Austin Brothers Beer Company

Poll noted that work continued with the brewery to utilize their job creation for grant dollars to construct a road and utilities to service the brewery, and eventually fill a gap in the existing truck route. Poll noted that they will create 15 jobs in the next two years. Poll noted potential funding could include \$150,000 from the MEDC and MDOT, and \$75,000 from USDA, but indicated that would not be enough to complete the entire road, and the project would have to be completed in two phases. Poll noted that closing the gap in the truck route would eliminate 14 miles of additional distance traveled per round trip for routes south of town.

Downtown Update

Poll noted that there have been a number of properties in the downtown that have changed hands. Some of the new owners are looking to utilize MSHDA and MEDC grants to improve the properties.

Low/Mod Survey

Poll indicated that an application was being prepared for the MEDC for LMI designation. This designation would remove job creation requirements for new grants. Poll noted that there are several buildings looking at grant possibilities that cannot create new jobs within their buildings. Poll noted that the whole city would not be surveyed, but it would be centralized in the downtown and noted that was where a majority of the grants had to be located.

2. Redevelopment Ready Community Program

Poll noted he is proceeding with the program and in the process of compiling the data they were requesting.

3. Recreational Plan Update

Poll noted that the Rec plan needs to be updated every five years, and that in the past members of the Planning Commission had volunteered to be involved. Lewis questioned how often they met. Poll noted quarterly, but noted they would be meeting more frequently due to the update. Boboltz and Dort volunteered to represent the Planning Commission for the update.

Boboltz questioned what improvements were occurring at the antique store on Second Avenue downtown. Poll noted that the owner was making some repairs and exposing some of the brick façade and windows. Boboltz questioned if they were looking to put apartments into that building. Poll noted they have not approached the City in regards to any grants, but noted the City had approached the owner in the past and he was not interested.

Poll noted that MSHDA should release grant funds by the end of December and that Dennis Shultz should begin construction after the environmental testing is completed at his building at 805 W Chisholm.

Sabourin noted that the 2015 Meeting schedule had been skipped. He questioned if there are any conflicts. Dort noted that the dates for April and July did not appear to be on the second Tuesday. Poll noted that appear to be the case and said he would make the appropriate updates.

Motion passed by 7-0 vote.

CALL TO PUBLIC:

None.

MEMBERS' COMMENTS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:21 p.m. by Chairman Sabourin.

Wayne Lewis, Secretary

City of Alpena
Draft Food Truck Ordinance

DEFINITIONS:

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

MOBILE FOOD VEHICLE

A motorized vehicle or trailer which, upon issuance of a license by the City Clerk and conformance with the regulations established by this article, may temporarily park upon a public street and engage in the service, sale or distribution of ready-to-eat food for individual portion service to the general public directly from the vehicle.

MOBILE FOOD VEHICLE VENDOR

The registered owner of a mobile food vehicle or the owner's agent or employee; and referred to in this article as "vendor."

BRICK AND MORTAR RESTAURANT

A restaurant with a functional regulated kitchen located within a physical building.

SCOPE

The provisions of this article apply to mobile food vehicles engaged in the business of cooking, preparing or distributing food or beverage with or without charge upon or in public and private restricted spaces. This article does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks, or food vending pushcarts and stands located on sidewalks.

LICENSE REQUIRED

- A. It shall be unlawful for any person, including any religious, charitable or nonprofit organization, to operate within the City a mobile food vehicle without having obtained from the City Clerk a license for that purpose.
- B. A person desiring to operate a mobile food vehicle shall make written application for such license to the City Clerk. The application for a license shall be on forms provided by the City Clerk and shall include the following:
 - (1) Name, signature, phone number, e-mail contact and business address of the applicant.
 - (2) A description of the preparation methods and food product offered for sale, including the intended menu.
 - (3) Information on the mobile food vehicle, to include year, make and model of the vehicle and dimensions, which shall not exceed 36 feet in length or 9 feet in width.
 - (4) Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply and wastewater disposal.

- (5) Copies of all necessary licenses or permits issued by the Alpena County Health Department.
- (6) Insurance coverage:
 - (a) Proof of a general comprehensive liability policy with limits of no less than \$1,000,000 combined single limit coverage issued by an insurer licensed to do business in this state and which names the City as an additional insured.
 - (b) Proof of a public liability and property damage motor vehicle policy with limits of no less than \$1,000,000 issued by an insurer licensed to do business in this state.
- C. All vendors receiving a license under this article shall pay the annual fee as set from time to time by the City Council.
- D. The City Clerk shall issue **no more than 5 active mobile food vehicle licenses** for any calendar year. Each mobile food vehicle license shall expire on December 31 of each year.
- E. A license issued under this article shall not be transferable from person to person.
- F. A license is valid for one vehicle only and shall not be transferred between vehicles.

REGULATIONS

- A. No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within areas of the City where the license holder has not been authorized to operate. The City Council shall, by resolution, identify those streets and public areas where parking by mobile food vehicles is permitted.
- B. The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb, lawn or sidewalk when parked. No food service shall be provided on the driving-lane side of the truck. No food shall be prepared, sold, or displayed outside of mobile food vehicles, without permission of the City Manager.
- C. All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vehicles shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.
- D. No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the City Noise Ordinance, including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.
- E. One freestanding A-Frame sign is allowed with a maximum size of 2 feet wide and 4 feet tall, and may only be displayed while the mobile food vendor is in operation.
- F. No flashing or blinking lights, or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- G. Mobile food vehicles, when parked on public streets, shall be parked in conformance with all applicable parking restrictions and shall not hinder the lawful parking or operation of other vehicles.

- H. A mobile food vehicle shall not be parked on the street overnight or left unattended and unsecured at any time food is in the vehicle. Any mobile food vehicle found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
- I. A vendor shall not operate a mobile food vehicle within 500 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the City unless the vendor has obtained permission from the event sponsor.
- J. The issuance of a mobile food vehicle license does not grant or entitle the vendor to the exclusive use of any service route or parking space to the license holder.
- K. A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner. A private property owner shall not permit parking by a mobile food vehicle until a permit has been obtained to allow for such use.
- L. When extended, awnings for mobile food vehicles shall have a minimum clearance of seven feet between the ground level and the lowest point of the awning or support structure.
- M. Any power required for the mobile food vehicle located on a public way shall be self-contained, and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any City street, alley or sidewalk.
- N. Mobile food vehicles shall not be parked within 150 feet of an existing brick-and-mortar restaurant during the hours when such restaurant is open to the public for business.
 - (a) A brick-and-mortar restaurant owner can choose to allow mobile food vehicles to operate within 150 feet of their location if desired. The brick-and-mortar restaurant owner shall submit a letter to the City Planning and Development Director indicating they choose to waive the 150 feet setback for all mobile food vehicles. This would apply to their own restaurant only, and not affect the setback for other nearby brick-and-mortar restaurants.
 - (b) A brick-and-mortar restaurant owner can operate a mobile food vehicle at the site of their own brick-and-mortar restaurant.
- O. Mobile food vehicles may not utilize any street parking located on a State Trunk Line per State Regulations.

ENFORCEMENT

- A. Any license holder operating a mobile food vehicle in violation of any provision of this article or any rules and regulations promulgated by the City shall be subject to a civil fine of \$250 per day. Each day of violation shall constitute a separate and distinct offense.
- B. Once a license 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 promulgated by the City.