#### HASTINGS PLANNING COMMISSION A G E N D A

#### **Tuesday January 3, 2023**

- **1. Call to Order/Roll Call** (Regular meeting starts at 7:00 p.m.)
- 2. Pledge of Allegiance
- 3. Approval / additions / deletions to agenda
- **4. Approval of Minutes** December 5, 2022 Draft Meeting Minutes of the Planning Commission \*
- **5. Informative Items:** None

#### 6. Public Hearings:

- A. Continue public hearing to review and consider text amendments to Chapter 90, Article 90, Section 90-1 Definitions pertaining to Child Day Care Homes (a) and (b) and text amendments to permitted uses and special uses in all zoning districts where Child Day Care Home are allowed as permitted or special uses. \*
- 7. New Business
  - A. Preliminary site plan review for Whitewater Car Wash at 1105 West State Street and consider setting public hearing for final site plan review and special use permit for the February 6, 2023, meeting. \*
  - B. Annual election of officers.

#### 8. Old Business:

- A. Receive JPA / JPC Update.
- B. Consider Planning Commission 2023 General Work Task List. \*
- C. Report Regarding Tracking and Terms and Conditions Imposed by the Planning Commission. \*
- D. Discuss Mobile Food Truck ordinance draft text. \*
- 9. Open Public Discussion and Comments
- 10. Staff Comments
- 11. Commissioner Comments
- 12. Adjourn

<sup>\*</sup>Indicates attachment

#### **CITY OF HASTINGS**

# DRAFT PLANNING COMMISSION MEETING MINUTES December 5, 2022

The meeting was called to order at 7:00 p.m. by Chairperson Hatfield with the following Commissioners present: Jordan Brehm, Lois Bowers, Chelsey Foster, David Hatfield, Tom Maurer, Sarah Moyer-Cale, John Resseguie, and Dave Tossava. Absent: Michelle Peltier

**Call to Order** 

Also present: Community Development Director Dan King, DPS Director Travis Tate, and Planning Consultant Rebecca Harvey.

It was MOVED by Resseguie and SECONDED by Maurer to extend support and appreciation to Commissioner Peltier for her service to the City of Hastings and for her new endeavors. All members present voting yes, motion carried.

**Vote of Support** 

It was MOVED by Brehm and SECONDED by Foster to approve the agenda as presented. All members present voting yes, motion carried.

Approval of the Agenda

It was MOVED by Tossava and SECONDED by Bowers that the proposed minutes of the meeting of November 7, 2022 be approved. All members present voting yes, motion carried.

Approval of the Minutes

The inclusion of the past ZBA minutes was noted by the Chair.

Informative Items

A Public Hearing to accept comment regarding a request for approval of a final PUD site plan from General Capital for construction and development of a 60-unit multifamily housing building to be located at 326 W. State Street was held. King presented the Commission with history of the project and an overview of the application process. Harvey provided an overview of her review report as included in the meeting packet. Tate noted that stormwater calculations, soil boring information, and other relevant engineering information had not yet been submitted to the City to ensure compliance. Three representatives from General Capital were present to discuss the application and answer questions from the Commission.

Public Hearing: 326 W. State Street – Tyden Lofts

Chairperson Hatfield opened the hearing to accept public comment at 7:20pm. Five members of the public spoke regarding the application. Concerns voiced about the application included on street parking and children's play areas. Other comments noted the need for housing in Hastings and Barry County and were favorable to the application. Chairperson Hatfield closed public comment on the matter at 7:29pm.

It was MOVED by Foster and SECONDED by Bowers to recommend to the City Council approval of the Final Site Plan for Tyden Lofts, based on the following:

- Compliance being noted with the intent of the PUD district
- Acceptance of the building height by the Planning Commission
- Acceptance of the parking screening as proposed

This approval is made contingent on the following:

- Future signage shall be subject to review and approval through the sign permitting process.
- Compliance with all City Engineering standards is required to be approved by Director Tate.

All members present voting yes; motion carried.

It was MOVED by Resseguie and SECONDED by Brehm to request staff to review parking on Court and Park Streets and analyze the effect of the Tyden Lofts project on parking. All members present voting yes; motion carried.

It was MOVED by Bowers and SECONDED by Resseguie to continue holding Regular Meetings of the Planning Commission on the First Monday of each month at 7:00pm. All members present voting yes; motion carried.

Jennifer Heinzman from the Barry County Chamber of Commerce and Economic Development Alliance provided an update on local plans to create a county land bank. A developer spoke about how a land bank may be able to assist them with a project in Hastings.

**Old Business** JPA/JPC Update No report.

Work Task List King noted no new additions or deletions.

Tracking Terms King noted no significant changes on the tracking sheet. and Conditions

Discussion was held regarding regulations for food trucks in the City. It was determined that more work was needed on a food truck ordinance. The Chair directed that questions and comments from Commissioners regarding food truck be directed to Director King.

**Public Comment** No public comment was received.

King noted that the next meeting would be held on Tuesday, January 3<sup>rd</sup> due to the

New Year's holiday.

It was MOVED by Bowers and SUPPORTED by Resseguie to adjourn the meeting. All members present voting yes, motion carried. Meeting adjourned at 8:16 p.m.

Respectfully submitted,

None.

Sarah Moyer-Cale, Recording Secretary

Mobile Food

Text

**Truck Ordinance** 

**New Business:** 2023 Meeting

Land Bank Status

Schedule

Update

**Staff Comments** 

Commission Comments

**Adjournment** 

#### **City of Hastings**

COUNTY OF BARRY, STATE OF MICHIGAN

#### **ORDINANCE NO. 608**

AN ORDINANCE TO AMEND CHAPTER 90 OF THE HASTINGS CODE OF 1970, AS AMENDED, BY AMENDING THE FOLLOWING: ARTICLE 90 - I, SECTION 90-1 CHILD CARE HOMES AND CHAPTER 90, ARTICLE 90-VI, SECTIONS 90-237 (C), 90-238 (I), 90-262 (B), 90-263 (I), 90-287 (B), 90-288 (H), 90-288A (B)90-289A (I), 90-312 (B), 90-313 (H), 90-337 (C), 90-338 (I), 90-392 (D), 90-393 (H), 90-422 (D), 90-423 (H), 90-452 (D), 90-453 (H), 90-515 (D), AND CHAPTER 90, ARTICLE 90-XIII, DIVISION 90-XIII, SECTION 90-1078.

#### THE CITY OF HASTINGS ORDAINS:

#### SECTION I.

Section 90-1 is hereby amended to Chapter 90, Article 90 – I Child Care Homes, and Sections 90-237 (c), 90-238 (i), 90-262 (b), 90-263 (i), 90-287 (b), 90-288 (h), 90-288A (b) 90-289A (i), 90-312 (b), 90-313 (h), 90-337 (c), 90-338 (i), 90-392 (d), 90-393 (h), 90-422 (d), 90-423 (h), 90-452 (d), 90-453 (h), 90-515 (d) to Chapter 90, Article 90-VI, and Section 90-1078 to Chapter 90, Article 90, Division 90-XIII of the Hastings Code of 1970, as amended, to read as follows: Text change in **BOLD** 

#### Sec 90-1 Definitions

Child day care homes.

- 1. Family day care **home** means a private residence in which less than seven **eight** minor children are given care and supervision for periods less than 24 hours per day, operated by a person who permanently resides as a member of the household, which is registered with the state department of family independence. as licensed and/or registered and regulated by the State of Michigan under Act No. 116 of Public Acts of 1973.
- 2. Group day care home means a private residence in which more than six seven but less than 12 fifteen minor children are given care and supervision for periods of less than 24 hours per day, operated by a person who permanently resides as a member of the household, which is regulated by the state department of social services. as licensed and/or registered and regulated by the State of Michigan under Act No. 116 of Public Acts of 1973.

#### Sec 90-237 Permitted Uses

c. Child and adult Adult foster care family home and family day care homes. with no more than six minor children, or adults.

#### Sec 90-238 Special Uses

i. Child or adult Adult foster care small group home and group day care homes. that provide care to more than six seven but not more than 12 minor children, or adults.

#### Sec 90-262 Permitted Uses

b. Child and adult Adult foster care family home and family day care homes. with no more than seven minor children, or adults.

#### Sec 90-263 Special Uses

i. Child and adult Adult foster care small group home and group day care homes. that provide care to more than six but not more than 12 minor children, or adults.

#### Sec 90-287 Permitted Uses

b. Child and adult Adult foster care family home and family day care homes. with no more than six minor children, or adults.

#### Sec 90-288 Special Uses

h. Child and adult Adult foster care small group home and group day care homes. that provide care to more than six but not more than 12 minor children. or adults.

#### Sec 90-288A Permitted Uses

b. Child and adult Adult foster care family home and family day care homes. with no more than six minor children. or adults.

#### Sec 90-289A Special Uses

i. Child and adult Adult foster care small group home and group day care homes. that provide care to more than six but not more than 12 minor children, or adults.

#### Sec 90-312 Permitted Uses

b. Child and adult Adult foster care family home and family day care homes. with no more than six minor children, or adults.

#### Sec 90-313 Special Uses

h. Child and adult Adult foster care small group home and group day care homes. that provide care to more than six but not more than 12 minor children. or adults.

#### Sec 90-337 Permitted Uses

c. Child and adult Adult foster care family home and family day care homes. with no more than six minor children, or adults.

#### Sec 90-338 Special Uses

h. Child and adult Adult foster care small group home and group day care homes. that provide care to more than six but not more than 12 minor children. or adults.

#### Sec 90-392 Permitted Uses

d. Child and adult Adult foster care family home and family day care homes.

with no more than six minor children, or adults.

#### Sec 90-393 Special Uses

h. Child and adult Adult foster care small group home and group day care homes. that provide care to more than six seven but not more than 12 minor children. or adults.

#### Sec 90-422 Permitted Uses

d. Child and adult Adult foster care family home and family day care homes. with no more than six minor children. or adults.

#### Sec 90-423 Special Uses

h. Child and adult-Adult foster care small group home and group day care homes, with more than six but not more than 12 -minor children, or adults

#### Sec 90-452 Permitted Uses

d. Child and adult Adult foster care family home and family day care homes. with no more than six seven minor children. or adults.

#### Sec 90-453 Special Uses

h. Child and adult Adult foster care small group home and group day care homes. with more than six but not more than 12 minor children, or adults.

#### Sec 90-515 Special Uses

d. Adult foster care small group home and group day care homes. Group day care homes for adults and children serving more than six seven but not more than 12 14 adults or children. Approval of a group day care home shall be considered based on the standards prescribed in section 90-1078 herein and shall be subject to and regulated by applicable State of Michigan laws.

Sec 90-1078 Child Day Care Homes for More than Six Seven but Less than 12-14

#### SECTION II.

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

#### SECTION III.

This ordinance shall become effective upon its adoption and publication as provided by City Charter.

Moved by , with support by , that Ordinance No. 608 be adopted as read.

YEAS: NAYS: ABSENT:	
Adoption Date:	CITY OF HASTINGS
Effective Date:	D. Christonhan D. Daven
First Reading:	By: Christopher R. Bever
Second Reading:	Hastings City Clerk

#### CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the City of Hastings, Michigan, does hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Hastings, at a regular meeting of the City Council on the day of 2023, at which meeting a quorum was present and remained throughout, and that the original

No. 267, Public Acts of Michigan of 19	76, as amended, and that minutes were kept and will
or have been made available as require	ed thereby.
Dated:	
	Christopher R. Bever
	City Clerk

of said Ordinance is on file in the records of the City of Hastings. I further certify that the meeting was conducted, and public notice was given pursuant to and in compliance with Act



### Application for Planning Commission

City of Hastings Hastings, MI 49058 269-945-2468



					Date:	12/14/2022
Applicant Name	: Justice		Jeff			
	(Last)	•	(F	irst)		(M.I.)
Address: 313	30 N Kandy Lane		Decatur, II	L 62526		
	(Street)			(	City, State, Zip)	
Telephone: 2	17-972-4296					
	(Business)				(Cellular)	
Email: jeffj@	hypershinecw.com					
Applicants Intere	est in Property: Developer	- WhiteWat	er Car Wasl	h		
	27 Providence   127 Pro					
Owners Name (I	f Different From Above):	Camp Inc				
	The Later Target of Management					
Request:						
	Rezoning	☐ Specia	Use Permit		Plat or Con	ndo
	Site Plan Review	☐ PUD			PUD Phase	Approval
<b>√</b>	Other:	a control of the cont				- PP
-	Proliminany Cita Dla	n Davieus		÷.		
Address of Prope	Preliminary Site Pla	an Review				
Legal Description	1:					
PARCEL 1 COMMENCING AT A POINT FEET, THENCE NORTH TO THE RIGHT	ON THE NORTH SIDE OF STATE STREET 926 FEET EAST OF THE W. OF-WAY OF THE MICHIGAN CENTRAL RAILROAD; THENCE WEST, 8 ECORDS.	EST SIDE OF THE EAST 1/2 OF THE 82.5 FEET, THENCE SOUTH TO THE	E NORTHWEST 1/4 OF SECTION E PLACE OF BEGINNING EXCEP	18, TOWN 3 NORTH, RANG T THE SOUTH 17 FEET DEE	E 8 WEST, CITY OF HASTING DED TO THE MICHIGAN STAT	S, BARRY COUNTY, MICHIGAN, THENCE EAST 82.5
PARCEL 2:ALL THAT PART OF THE EA	ST 1/2 OF THE NORTHWEST 1/4 OF SECTION 18, TOWN 3 NORTH, R.	ANGE 8 WEST, CITY OF HASTINGS	, BARRY COUNTY, MICHIGAN, D	ESCRIBED AS: COMMENCIA	NG AT A POINT ON THE NORT	TH SIDE OF STATE STREET, 833.5 FEET EAST OF
	THE NORTHWEST HA OF SECTION 18, THOME YOUNGER THE NORTHWEST HA OF SAID SECTION 18; THENCE EAST A DISTANCE EAST A DISTANCE OF 1747.81 FEET FROM THE NORTHEAST CORNE					
					20	
Current Zoning:	General Business (B-2)	Prop	osed Zoning:	N/A L	32	
	\$250 + \$1,250 Escrow					
Applicable Fees:	- ·					
A 11 . A1	Jef Justue			Jeff Just	ice, Applic	ant
Applicants Signat	ure:					
Shaff Simon	1			0	71)	itle)
Staff Signature:					<i>OD</i>	12-71.22 itle)
		Office Use	Only		("	icie)
		Office dise	. Omy			
Application Number		Date	Advertised:			
Filing Date:	17.71.72		of Meeting:			
Fees Paid:	#1,500.00		ard Action:			
To Clerks Office On:	12.21.25		ctive Date:			
				ALEX FEBRUARY		

#### CITY OF HASTINGS 201 E STATE STREET HASTINGS MI 49058-1954

Receipt No: 1.137453

Dec 21, 2022

Stonefield	Engineering	and Design
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CHARGES FC Application 101-100-648-0	250.00	
Total:	_	250.00
	NUE - WhiteWater Car Wash Escrow 10 Perf Dep - WhiteWater Car Wash	1,250.00
Total:	=	1,250.00
CHECK Payor	Check No: 6669 ": Stonefield Engineering and Design	1,500.00
Total Applied:		1,500.00
Change Tende	ered:	.00

Duplicate Copy

12/21/2022 1:44 PM

# **STONEFIELD**

December 14, 2022

Dan King City of Hastings 201 E State Street Hastings, MI 49058

RE: Preliminary Planning Commission Approval

Proposed Vehicle Wash Parcel ID: 55-140-012-00 1105 West State Street

City of Hastings, Barry County, Michigan

Dan:

Stonefield Engineering & Design, LLC is pleased to submit documents for Preliminary Planning Commission Approval for the above referced property. Please find the following items enclosed for review:

ITEM DESCRIPTION	DATED	COPIES	PREPARED BY
Conceptual Plan	11-22-2022	5	Stonefield Engineering & Design
Planning Commission Application	12-14-2022		Whitewater Car Wash
Check for Review Fee-\$1,500.00	12-14-2022	1	Stonefield Engineering & Design

Should you have any questions, please do not hesitate to contact our office.

Best regards,

J. Reid Cooksey, PE

mharvey@stonefieldeng.com

Stonefield Engineering and Design, LLC

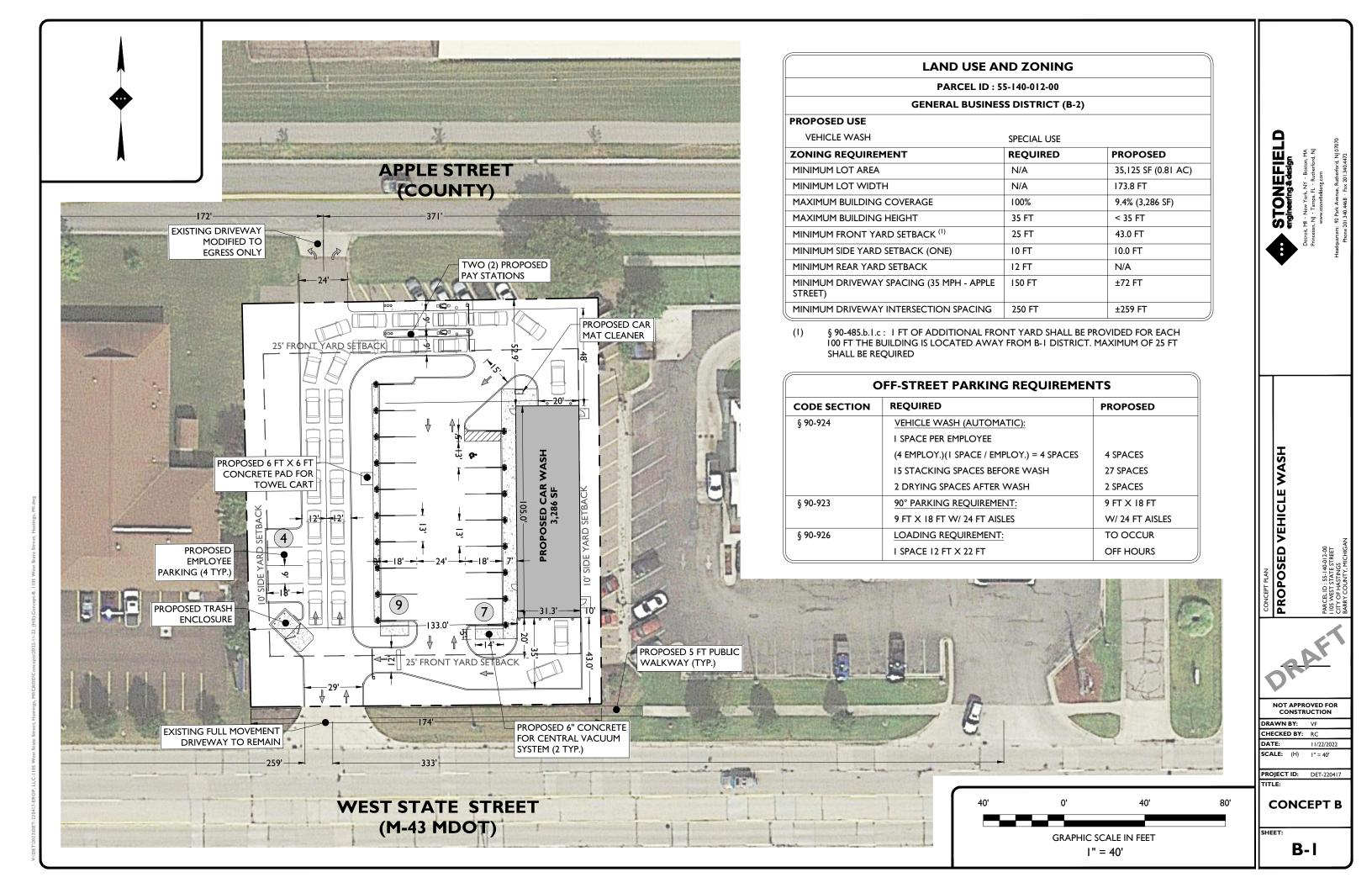
Erin McMachen

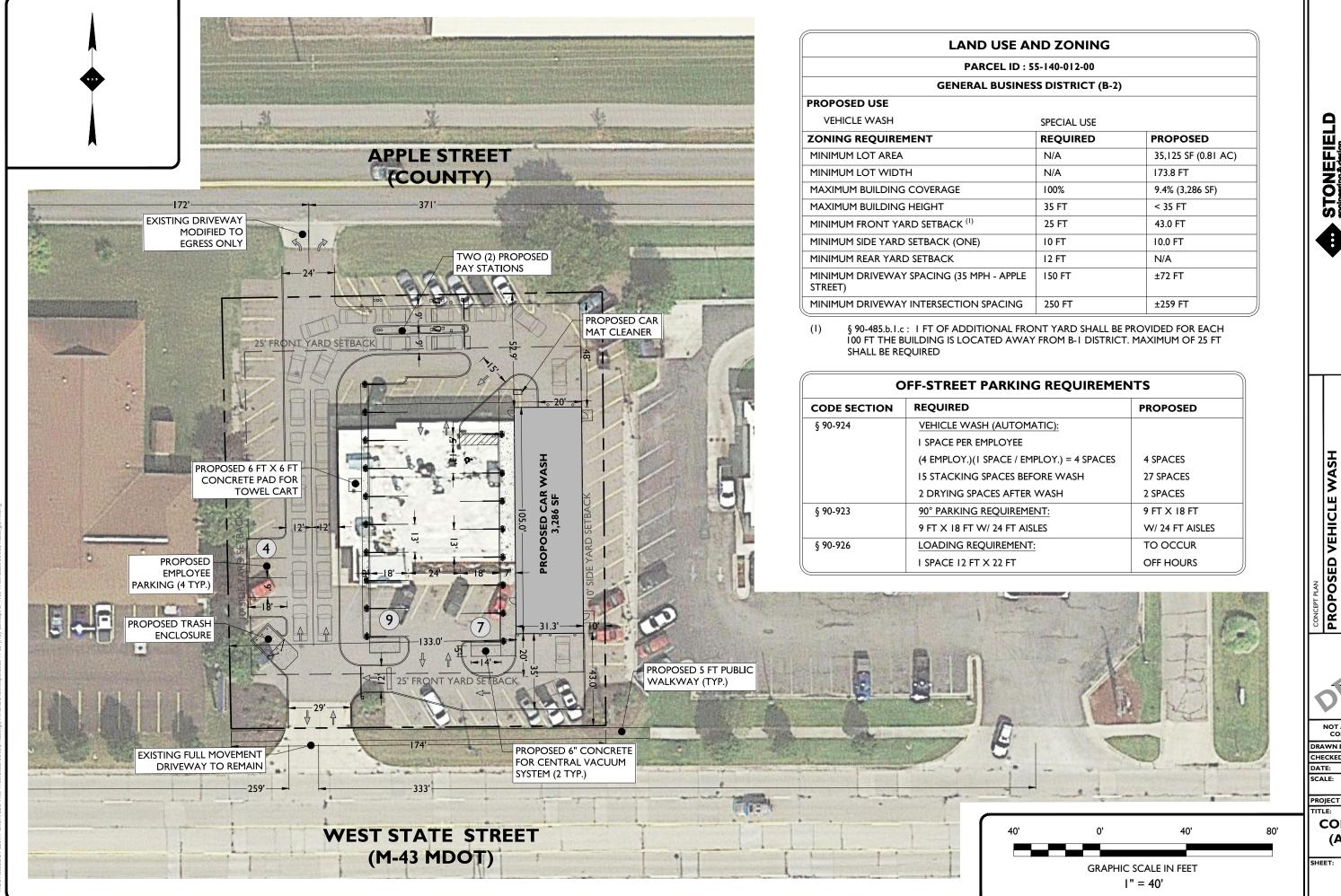
mgold@stonefieldeng.com

Stonefield Engineering and Design, LLC

Eil 2l

V:\DET\2022\DET-220417-EROP, LLC-1105 West State Street, Hastings, MI\Property References\2022-12-14\_Preliminary Planning Commission Submission Letter.docx





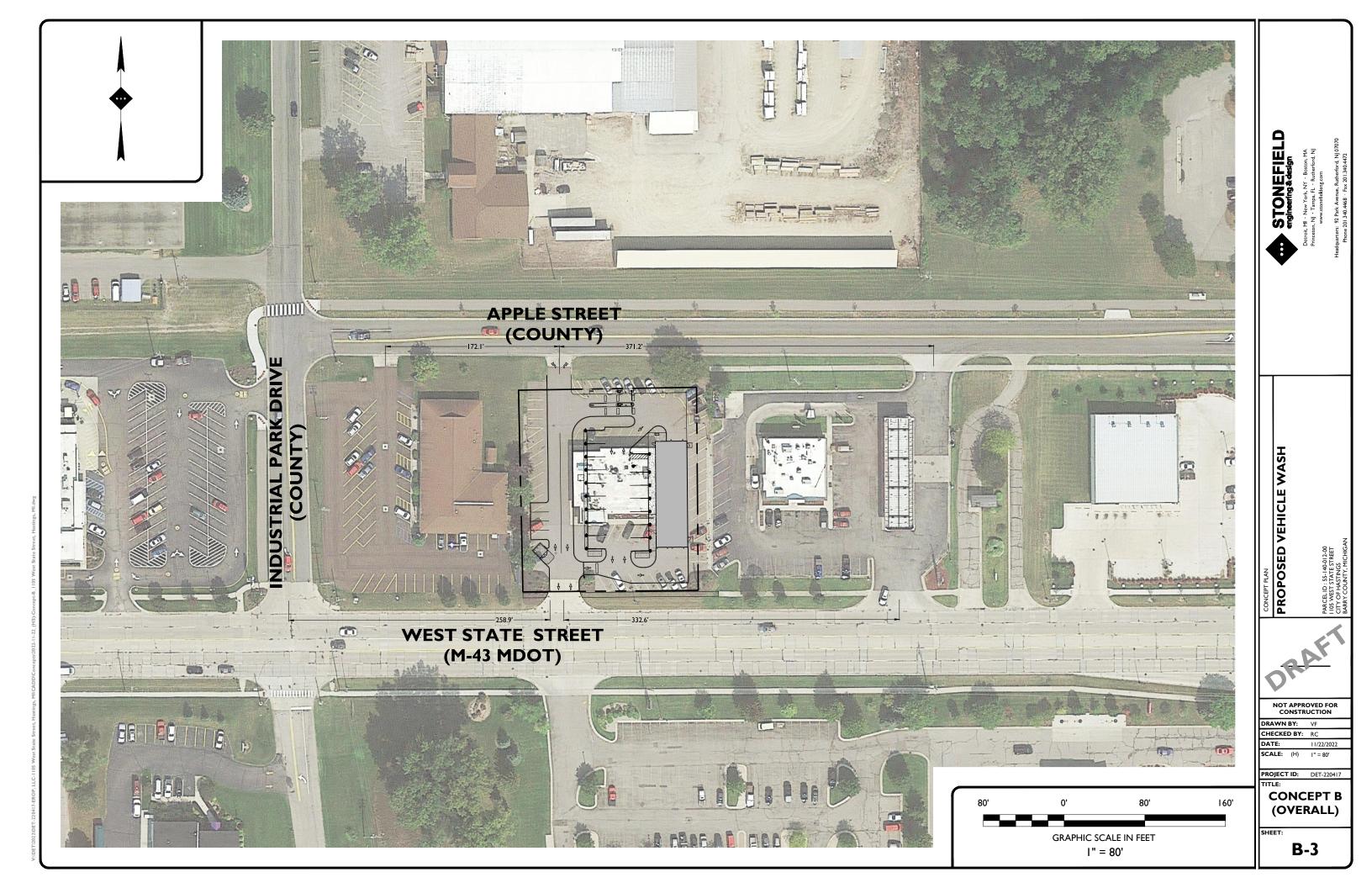
NOT APPROVED FOR CONSTRUCTION DRAWN BY: VF

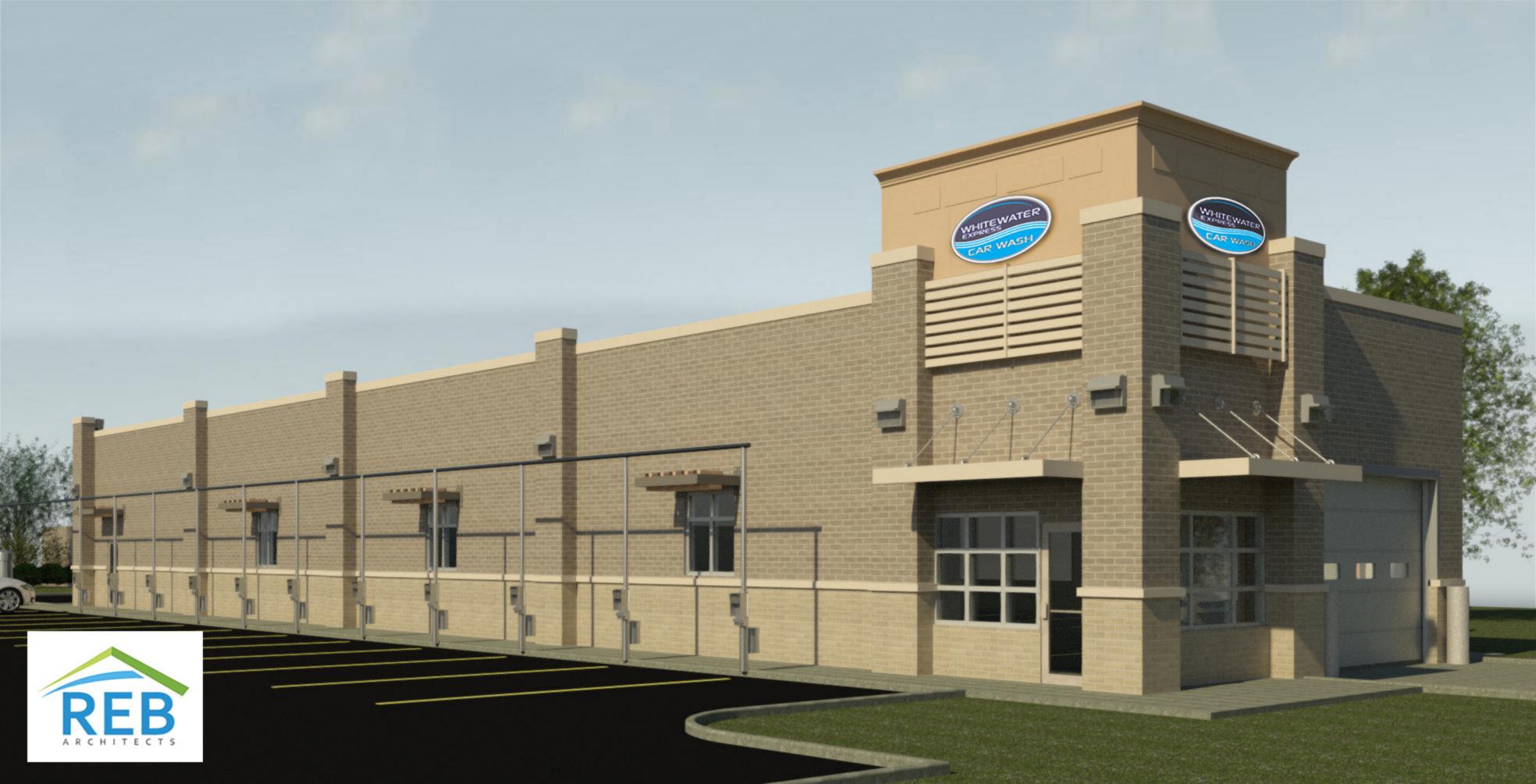
SCALE: (H) | " = 40'

PROJECT ID: DET-220417

**CONCEPT B** (AERIAL)

**B-2** 





Option 3 – Winter A over Sienna Cream APPROVED



Winter A



Sienna Cream

# Heritage Collection DESIGNER CONCRETE BRICK





REGENCY RED BLEND

### Heritage Collection

DESIGNER CONCRETE BRICK

It's easy to see why architects and designers specify our Heritage Collection Designer Concrete Brick as their preferred building material of choice. Heritage Collection provides traditional brick aesthetics while offering unmatched design versatility because it's available in load-bearing, full veneer, and thin veneer units.



WHITE

#### Blended (with Flashing) Color Options





Ash Blend (A)

Letter following color names denote pricing levels. "A" indicates lowest price level; "C" is highest price level.

Colors, product data, and availability are subject to change without notice. Please confirm all details with a County Materials representative for availability in your area. Colors shown may vary from actual hues and should only be used as a guide. Refer to actual product samples for final color selection.

#### Facing Options (for Blended and NF)



\*\*See page 23 for burnished color options.

Note: Rough Estate is no longer a Facing Option for Heritage Collection Designer Concrete Brick.

#### NF (No Flashing) Color Options





<sup>\*</sup> Denotes product manufactured in Janesville, WI. All other Heritage colors are manufactured in Marathon, WI.

Note: All colors shown above are also available in Tumbled finish.

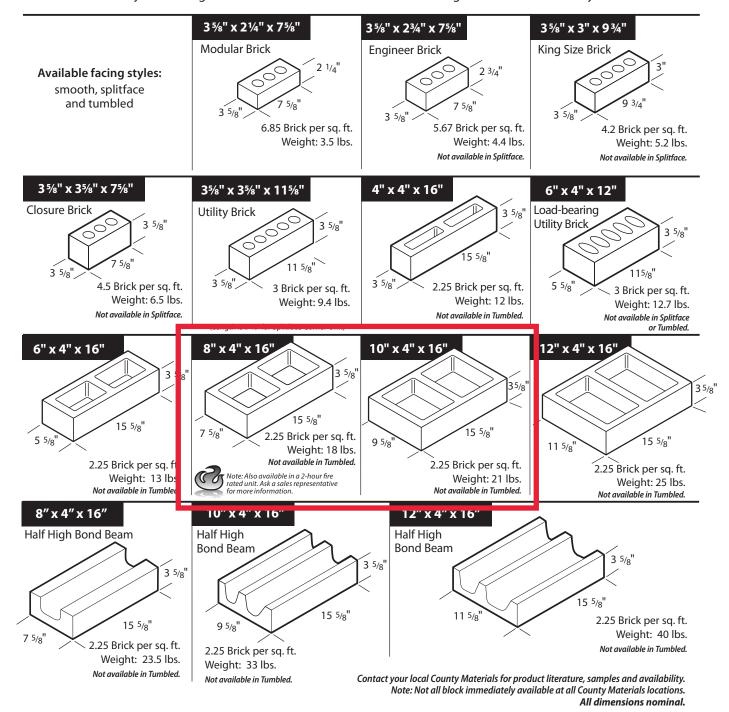
### Heritage Collection™ Designer Concrete Brick

SHAPES AND SIZES



#### HERITAGE COLLECTION™ LOAD-BEARING AND VENEER UNITS

Heritage Collection™ Designer Concrete Brick is available as either structural load-bearing or veneer units, and offer unmatched value by combining the aesthetics of brick with all the advantages of concrete masonry units.



## Heritage Collection™ Designer Concrete Brick

SHAPES AND SIZES

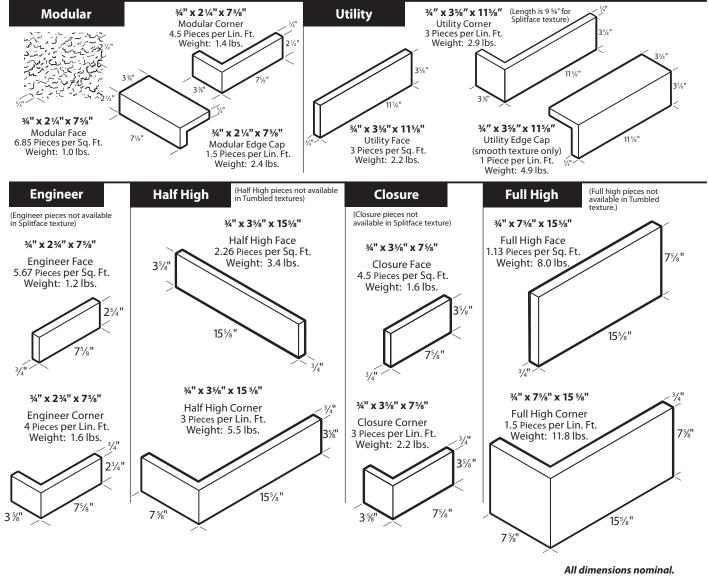


#### HERITAGE COLLECTION™ THIN VENEERS – FIELD APPLIED



#### Notes:

1, 3, 5 and 7 scores are available (on 4 x 16 and 8 x 16 faces only).
Splitface thickness will range from 3/4" to 1-1/4" thick on applicable sizes.



## Heritage Collection

DESIGNER CONCRETE BRICK

# A Cost-Effective Solution for Diverse Applications

- Commercial buildings
- Healthcare facilities
- Multifamily housing
- Private residences
- Schools and campuses





(800) 242-7733 countymaterials.com info@countymaterials.com

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#### **CITY OF HASTINGS**

#### SITE PLAN REVIEW

#### 1105 W State Street - Proposed Car Wash

#### **Initial DPS Review**

#### **December 20, 2022**

#### Need:

- Proposed Grading Plan
- Proposed Utility Plan
- Proposed Soil Erosion and Sedimentation Control Plan
- Proposed Storm Sewer design with Calculations
- Proposed Facility Water Demand with meter size requirement
- 2,000 Gallon Oil Seperator/Grease Trap is required. Show location on Plan.
- Describe any internal wastewater process before outlet to sanitary sewer lateral.
- Add note on plans:
  - EXISTING UTILITIES SHOWN ARE FROM RECORD PLANS AND EVIDENCE IN THE FIELD. NO GUARANTEE IS MADE FOR
    ACCURACY OR THAT THE UTILITIES SHOWN ARE THE ONLY IN THE AREA. CONTRACTOR SHALL VERIFY EXISTING
    CONDITIONS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES FOUND ARE TO BE BROUGHT TO ENGINEER'S AND
    DIRECTOR OF PUBLIC SERVICES ATTENTION PRIOR TO COMMENCEMENT OR CONTINUATION OR CONTINUATION OF
    CONSTRUCTION ACTIVITIES.
  - CONTRACTOR SHALL PERFORM ALL CONSTRUCTION ACTIVITIES IN A MANNER TO MINIMIZE INCONVENIENCE TO ADJACENT BUSINESS AND RESIDENCE.S.
  - 3. ALL CONSTRUCTION METHODS AND MATERIALS SHALL COMPLY WITH CURRENT CITY OF HASTINGS AND CURRENT MDOT STANDARDS AND SPECIFICATIONS FOR CONSTRUCTION. NO CONSTRUCTION SHALL COMMENCE UNTIL ALL REQUIRED PERMITS HAVE BEEN ISSUED.
  - 4. CONTRACTOR SHALL KEEP ALL FIRE LANES OPEN & ACCESSIBLE DURING CONSTRUCTION AT ALL TIMES.
  - 5. CONSTRUCTION TRAFFIC SHALL BE MINIMIZED ON ANY NEW PAVEMENT. THE CONTRACTOR SHALL REPAIR ANY DAMAGE OR FAILURE CAUSED BY CONSTRUCTION ACTIVITIES, AS WELL AS REPAIR ANY DAMAGE OR FAILURE CAUSED BY CONSTRUCTION ACTIVITIES, AS WELL AS REPAIRING LOAD DAMAGE ON THE EXISTING PAVEMENT SYSTEM TO THE SATISFACTION OF THE ENGINEER AND DIRECTOR OF PUBLIC SERVICES.
  - ALL CONSTRUCTION ACTIVITIES SHALL BE STAKED AND GRADED UNDER THE SUPERVISION OF A LICENSED LAND SURVEYOR.
  - STORM SEWER PIPE SHALL CONFORM TO THE CITY OF HASTINGS STANDARDS, UNLESS APPROVED BY THE DIRECTOR OF PUBLIC SERVICES.
  - 8. A QUALIFIED GEOTECHNICAL ENGINEER SHALL BE CONTRACTED TO MONITOR EARTHWORK & PAVING ACTIVITIES.
  - STORMWATER SHALL BE COLLECTED AND DISCHARGED TO THE CITY OF HASTINGS STORM SEWER SYSTEM.
  - 10. CONTRACTOR SHALL BE REQUIRED TO PROVIDE CLEAN-UP OPERATIONS ALONG & ON ANY ADJACENT PAVED SURFACE WHERE DIRT AND/OR RELATED WORK AS A MINIMUM CLEANUP WILL BE DONE ON A DAILY BASIS.
  - 11. ALL DISTURBED AREAS TO BE SEEDED WITHIN 5 CALENDAR DAYS OF ACHIEVING FINAL GRADE.

# City of Hastings Planning Commission Work Tasks for 2022

#### STATUS REPORT FOR JANUARY 2023

- 1. Continue to work with Hastings Charter Township, Rutland Charter Township and others in regional growth planning and management efforts.
- 2. Review the Court Street PUD using hypothetical build out scenarios.
- 3. Consider actions strategies as identified in the Master Plan to accomplish specific desired outcomes within commercial and residential zoning districts.
  - o Provide for a wide variety of housing types, sizes, and densities.
  - Maintain existing housing stock and infrastructure.
  - Encourage residential development within areas targeted for growth and investment.
  - Provide for land use options/incentives designed to encourage reuse of vacant buildings and infill development.
- 4. Consider zoning amendments related to the M-37 Access Management Plan.
- 5. Monitor plan to construct sidewalks and trail system throughout the City of Hastings.
  - Ongoing. City seeking funding where available.
- 6. Consider changes to the infrastructure requirements to accommodate denser or more traditional residential development.
- 7. Consider development of "Complete Streets" ordinance or policy.
- 8. Consider the following principles to align with Blue Zones Activate Program:

- Offer incentives or expedited approvals for the following Blue Zone principles:
  - Locate new development adjacent to existing infrastructure
  - Create a mixed-use community
  - Build pedestrian amenities (sidewalks, lights, benches, etc) on both side of the streets
  - Provide public facilities for physical activity such as shared-use paths or trails
  - Create bike lanes and bike parking
  - o Create opportunities for resident interaction
  - Create mid-block cross walks for traffic calming

- 9. Review Sec. 90-973 Signs in the B-1, B-2, B-3, B-4, and B-6 districts (as related to portable sidewalk ground signs).
- 10. Consider development of a Planned Residential District zoning classification to allow for higher density housing through smaller lot sizes and smaller dwelling square footage requirements.
- 11. Continue path to Redevelopment Ready Communities (RRC) certification by reviewing zoning related codes and procedures.
- 12. Review Section 90-929 Supplemental Parking Requirement in Residential Zones and other pertinent sections relating to the parking of semi-tractors, semi-trailers, and vehicles with two or more rear axles.
- 13. Consider Mobile Food Vehicles ordinance for the regulation of food trucks.
- 14. Review and consider adding text regarding green infrastructure components.
- 15. Review subdivision text regarding street width.

### Site Plan Tracker

Project Name and Address	App and fees paid	Site plan and prints to staff	PC Agenda Date	PC Decision	Conditions for completion	COI
Meadowstone Mobile Home Park 1812 Lavender Drive	1.14.20	1.14.20	2.3.20	Approved	PED X Insulation from roadway Natural feature buffer	
EWB Properties, LLC 400 and 410 W. State Street	2.7.20	2.7.20	3.2.20	Approved	Stormwater runoff compliance	
Hastings Pro Auto Service 229 N. Broadway	10.25.21	10.25.21	3.7.22	Approved	Dumpster enclosure Sidewalk installation Fire Dept. review of traffic circulation	
Meadowtone Mobile Home Park 1812 Lavender Drive	1.13.22	1.13.22	5.2.22	Approved	Refuse disposal enclosure Landscaping Driveway width Elevations to be reviewed for façade Sidewalk installation prior to COI	
EWB 400 W. State Street	7.14.21	7.14.21	6.6.22	Approved	Monument sign on State - Removal Illumination must meet standards	
City of Hastings Parking Lot 8	8.19.22	NA	NA	Administrative	Fencing details Parking space width compliance Canopy tree type compliance	

### Site Plan Tracker

Project Name and Address	App and fees paid	Site plan and prints to staff	PC Agenda Date	PC Decision	Conditions for completion	COI
Serenity Village	9.28.22	9.28.22	11.7.22	Approved	Landscaping	
700 East Woodlawn					Off Street Loading	
					Ped. Access from sidewalk	

#### MCKENNA



December 5, 2022

Planning Commission City of Hastings 201 East State Street Hastings, Michigan 49058

Subject: Food Trucks

#### Regulating Food Trucks

#### • Use of Private Property

- A common zoning approach to the parking/operation of a food truck located on private property is to classify it as an 'open air business'. This would include food truck parks, defined as 'an area on private property where 3 or more food trucks (or mobile food businesses) congregate to offer food or beverages for sale to the public.'
- As currently regulated in the City, an 'open air business' is allowed as a special land use in the B-2, B-3, B-4, B-6, D-1, and D-2 Districts.



- As such, a special land use permit and site plan review is required for a food truck (or food truck park) proposed to locate/operate on private property.
- An 'open air business' can be proposed for a vacant property or an improved/occupied property.. the approval process is the same. In both instances, a food truck proposal would be reviewed for compliance with all applicable zoning standards.. such as access, setbacks, parking, lighting, refuse disposal, signage, patron safety, etc.

- A special land use permit for a food truck (or food truck park) can also address hours/days of operation, outdoor seating, safety, and public health . . and can have temporary or seasonal parameters.
- The City of Hastings Zoning Ordinance currently does not have any specific special use standards for an 'open air business'. The addition of standards may be appropriate, notwithstanding



the classification of a food truck (or food truck park) as an 'open air business'.

O Below is a sample set of 'open air business' standards for discussion:

#### Open-Air Businesses

#### A. Regulations and Conditions

- 1. Lot area, lot width, and any other dimensional requirement of the zoning district shall be complied with; provided, that no item or items displayed outdoors shall be greater than 35 feet in height.
- 2. All exterior lighting shall be in accordance with Section .
- 3. The Planning Commission may establish, as a condition of approval, hours of operation for the Open-Air Business.
- 4. The Planning Commission may establish, as a condition of approval, buffering mechanisms, including, but not limited to, evergreen landscaping, berms, and fencing; and such conditions may be in addition to the screening standards of Section \_\_\_\_\_ to mitigate the visual impact of an Open-Air Business.



5. The Planning Commission may make reasonable inquiries of the applicant, including, but not limited to, what types of items will be for sale. Certain items, as determined by the Planning Commission, may be restricted for display to rear or side yards and with adequate screening or fencing.



- 6. Unless specifically approved by the Planning Commission, the use of amplifiers, banners, and other attention gathering devices shall be prohibited.
- 7. The outdoor sales/display area shall be paved, or otherwise provided with a dust-free surface. The site plan shall include measure satisfactory to the Planning Commission to contain blowing dust, trash and debris on the site.

#### Use of Public Property (On Street)

- The parking/operation of a food truck located on public property that is not covered by zoning . . such as on-street parking, is typically regulated by a food truck ordinance, adopted by the legislative body as a general ordinance.
- o This is a more common arrangement in downtowns where on-street parking is available,

pedestrian activity is high, and the area is

designed for walkability.

 A food truck ordinance generally addresses hours of operation, waste disposal, temporary signage, noise, minimum distance from brick and mortar food establishments (or limit them as only accessory to a brick and mortar food establishment), approved locations





(which streets, distance from intersections, sufficient sidewalk width), public health/sanitation, fire safety, inspections, liability insurance, etc).

 Attached is a sample of a 'food truck ordinance'. (Bay City, MI – Mobile Food Vehicles)



#### • Use of Public Property (Public Parks, Festival Sites)

- The parking/operation of a food truck on public property that is considered to be 'zoned', such as a park or waterfront area, are generally addressed through the zoning approval process that is applicable to food trucks located on private property.
- Food truck arrangements at 'festivals' or 'events', whether located on private property or public property, are generally addressed through the specific event permitting process and not through the zoning or vendor permitting processes.





Of Commission as a Whole:

Ordinance No.	2020-
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#### Be it Ordained by the City of Bay City:

#### Article IV. Mobile Food Vehicles.

#### Sec. 82-151. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning subscribed to them in this section, except where the context clearly indicates a different meaning:

Mobile Food Vehicle means any motorized or non-motorized vehicle, trailer, or other device designated to be portable from which food or beverages is vended, served, or offered for sale.

*Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vehicle is open for business.

*Vendor* means any individual engaged in the business of mobile food vending; if more than one individual is operating a single mobile food vehicle, the vendor shall mean all individuals operating such mobile food vehicle.

#### Sec. 82-152. Scope.

The provisions of this article apply to mobile food vehicles engaged in the business of cooking, preparing and distributing food or beverages with or without charge upon or in public and private restricted spaces. This article does not apply to a religious, charitable or non-profit organization of which supplies food or beverages without charge. This article does not apply to food vending pushcarts and stands lawfully located on sidewalks.

#### Sec. 82-153. License required.

- (a) It shall be unlawful for any person 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, email contact and business address of the applicant.
  - (2) A description of the preparation methods of food product offered for sale, including the intended menu.

- (3) Information on the mobile food vehicle, including the 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 operation, plans for power access, water supply and wastewater disposal.
- (5) Submittal of a site drawing on public and private property, which will be approved by the City Manager. The site drawing should indicate relevant details and location of the food truck and name(s) of abutting street; area of occupancy of the food truck on the parcel (square feet/dimensions); driveways providing ingress and egress.
- (6) Copies of all necessary licenses or permits required by the Bay County Health Department.

#### (7) Insurance coverage:

- a. Proof of general comprehensive liability insurance with limits 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) The fees for a license required under this article shall be those fees on file with the city clerk which have been approved and filed by the city manager and which the city commission has been notified of for at least 30 days in compliance with section 2.1.
  - (d) Each mobile food vehicle license shall expire on December 31 of each year.
- (e) A license issued under this article shall not be transferrable from person to person and shall not be transferred between vehicles.
  - (f) All licenses shall be prominently displayed on the mobile food vehicle.

#### Sec. 82-154. Regulations.

- (a) Mobile food vehicles are permitted in all nonresidential zoning districts established by Chapter 122 (zoning) of the city's code of ordinances.
  - (b) Mobile food vehicles are permitted on individual lots occupied for residential uses in residential zoning districts.

- (c) The customer service area for mobile food vehicles shall be on the side of the vehicle that faces a curb, lawn or sidewalk when parked. No food service shall be provided in the driving-lane side of the vehicle. No food shall be prepared, sold, or displayed outside of the mobile food vehicle.
- (d) No mobile food vehicle vendor shall provide or allow any dining area within 10 feet of the mobile food vehicle, including but not limited to tables and chairs, booths, stools, benches or stand-up counters.
- (e) Customers shall be provided with single-service articles, such as plastic utensils and paper plates, and a waste container for their disposal. 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 by the vendor, and no dumping of gray water on the streets is allowed. Vendors shall not dispose of waste, trash or garbage into city owned/public containers.
- (f) 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.
- (g) Signage is only allowed when placed on mobile food vehicles. No separate freestanding signs are permitted.
- (h) 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 800 lumens shall contain opaque hood shields to direct illumination downward.
- (i) 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.
- (j) A mobile food vehicle shall not be parked on the street overnight or left unattended and unsecured. Any mobile food vehicle found to be unattended shall be considered a public safety hazard and may be impounded.
- (k) 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 and obtained a mobile food vehicle license from the City.
- (l) 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.

- (m) No mobile food vehicle shall use external signage, bollards, seating or other equipment not contained within the vehicle. 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.
- (n) Any power required for the mobile food vehicle located on a public right-of-way shall be self-contained, or a mobile food vehicle shall obtain permission from the City to use utilities drawn from the public right-of-way via a form provided by the City Clerk and by paying an additional fee as set by the City's fee schedule. 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.
- (o) Mobile food vehicles shall not be parked adjacent to an existing brick-and-mortar restaurant during the hours when such restaurant is open to the public for business without written approval from the such owners and submitted to the City Clerk.

#### Sec. 82-155. Hours of operation.

Mobile food vehicles may operate between the hours of 7 a.m. and 11:30 p.m. Other restrictions regarding hours of operation may be established by resolution of the city commission. No mobile food vehicle may be left unattended for more than two hours and any mobile food vehicle not in operation shall be removed between the hours of 11:30 p.m. and 7 a.m. in residential areas.

#### Sec. 82-156. 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 responsible for a municipal civil infraction, punishable by 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 and regulations promulgated by the city. The holder of a license shall have the right to appeal a revocation, suspension or non-renewal of a license to the city manager within 10 days after receiving notice of such revocation, suspension or non-renewal from the city clerk, and such appeal shall be made in writing and filing it with the city manager stating that an appeal from the decision of the city clerk is desired.