

CHELSEA PLANNING COMMISSION WORK SESSION

AGENDA

Tuesday, October 3, 2023 at 7:00 PM
Chelsea City Council Chambers
311 S. Main Street

Remote option available for members of the public, commissioners must attend in person.

Agenda:

1. Call to Order
2. Public Comment
3. Draft Food Truck Ordinance updates
4. Wolf Development 425 Agreement with Lima Township discussion
5. Correspondence
6. Adjournment

Zoom Information:

When: Oct 3, 2023 07:00 PM Eastern Time (US and Canada)

Topic: Planning Commission Work Session - Tuesday, October 3, 2023 at 7:00 p.m.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84722599574?pwd=ekVUVXErWG9YTnlDVGRMM3ZnK1ZyUT09>

Passcode: 025188

+1 312 626 6799 US (Chicago)

Item 3
Draft Food Truck Ordinance Updates



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

MEMORANDUM

TO: City of Chelsea Planning Commission

FROM: Paul Montagno, AICP
Michelle Marin

DATE: September 29, 2023

RE: Draft Food Truck Ordinance – updates since September Work Session

Thank you for an insightful discussion about the Food Truck Ordinance at the September Planning Commission Work Session! Per your feedback, we have updated the draft ordinance, which is attached to this memo. A summary of the changes is indicated below:

- Food trucks may only operate in private parking spaces except where part of a City-authorized street fair, public festival, public event, or farmers’ market
- Waste receptacle requirements reflect current standards
- 7 a.m. to 10 p.m. hours of operation in non-residential districts
- Food truck court definition and additional requirements
- Special event vendor exemptions; requirements detailed in Special Events article of General Code of Ordinances
- Written notice prior to permit revocation
- Complaint and appeals language replaced by a reference to “Violations” Section of the Zoning Ordinance
- Reorganization of the ordinance

We have also conducted additional research to address some of the pending discussion topics.

- The Institute for Justice recommends a flat annual fee of \$200-\$300 for food trucks. Other communities we researched charge fees generally in this range with some outliers: the range of fees we have seen is \$25 to \$500. Some communities offer lower fees to food truck operators with existing brick-and-mortar restaurants within the community.
- In our research, we found no strong precedent from other communities for the following food truck requirements:
 - Requiring a public comment period for each food truck application
 - Requiring neighbors’ approval for each food truck application
 - Fees waived for non-profits 501(c)(3) organizations

*Benjamin R. Carlisle, President Douglas J. Lewan, Executive Vice President John L. Enos, Vice President
David Scurto, Principal Sally M. Elmiger, Principal R. Donald Wortman, Principal
Paul Montagno, Principal Megan Masson-Minock, Principal Laura Kreps, Senior Associate
Richard K. Carlisle, Past President/Senior Principal*

We also reviewed the Zoning Ordinance and General Code of Ordinances to determine what changes need to be made to reflect the new food truck requirements. The location of these changes and the recommended language are indicated below in bold.

Zoning Ordinance Section 4.24 Semi-Permanent Structures

“A. Structures may include, but are not limited to, the following: tents, decorative sheds, pods, pergolas, decks, and decorative carts. **Mobile food vendors do not qualify as semi-permanent structures and are subject to the requirements set forth in Section X.X.**”

Zoning Ordinance Section 4.23 Temporary Uses and Special Events

“B. Special Events. Special Events shall comply with all applicable standards in **Chapter 26 Article VI: Special Events of the General Code of Ordinances.**”

General Code of Ordinances, Chapter 26 Article VI:

“(d) *Approval required.* In order to properly provide for traffic and crowd control, street and property maintenance, ensure the protection of the public health, safety and welfare, it shall be unlawful to participate in any special event upon any city street, park or public property of the city unless such activity has applied for a special events permit and is granted approval by resolution of the city council. Use of Dana Fields for organized baseball or softball teams shall be scheduled by Chelsea Community Education. The application for a permit to conduct a special event shall be made to the city clerk, in writing, by person or persons in charge of or responsible therefor. Such application shall set forth the following information:

- (1) The name, address and telephone number of the person requesting the permit.
- (2) The name and address of the organization or group sponsoring the special event.
- (3) The name, address and telephone number of the person who will act as chairman of the special event and be responsible for the conduct thereof.
- (4) The purpose of the event and estimated number of persons to attend.
- (5) The date the event is to be conducted and the hours it will commence and terminate each day.
- (6) The layout or sketch showing the limits of the area to be used.
- (7) If determined necessary by the city manager, the filing of a certificate of insurance coverage insuring the city as an additional insured party in the amount

of at least \$1,000,000.00 for public liability and property damage associated with the use.

(8) If hosting mobile food vendors, each vendor shall be individually registered with the Planning and Zoning Administrator and shall provide all relevant business and health department licenses as required by the state, county, or other governmental agency.

(8) Copies of any authorized permits required by any other governmental agency, by state law or local ordinance.”

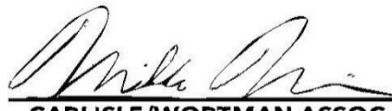
(9) Such other information as the city may deem reasonably necessary.

We look forward to discussing any matter in detail with the Planning Commission at the work session on October 3, 2023.

Sincerely,



CARLISLE/WORTMAN ASSOC., INC
Paul Montagno, AICP
Principal



CARLISLE/WORTMAN ASSOC., INC.
Michelle Marin
Community Planner

Article [X] Mobile Food Vending

1. Intent.

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

2. Definitions.

- (a) *Mobile food vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit that meets the definition of a food service establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in mobile food vending.
- (b) *Mobile food vending unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- (c) *Mobile food court* shall mean a permanent land use subject to site plan approval where two or more mobile food vendors congregate to vend, serve, or offer for sale food and/or beverages to the public.
- (d) *Vendor* shall mean any individual engaged in mobile food vending business; if more than one individual is operating a single stand, cart, or other means of conveyance, then vendor shall mean all individuals operating such single stand, cart, or other means of conveyance.
- (e) *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 vending unit is open for business.

3. Permit required.

No vendor shall engage in mobile food vending without a permit from the Planning and Zoning Administrator authorizing such vending. The Planning and Zoning Administrator shall prescribe the form for such permits and application for such permits. All permits shall be prominently displayed on the mobile food vending unit. No vending through a mobile food vending unit of food and/or other human consumables shall be permitted unless it meets the definition of mobile food vending as defined by this ordinance. 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 ordinance, statute, or administrative rule.

4. Duration; non-transferability.

Permits may be issued by the Planning and Zoning Administrator for a calendar year from the date of issuance. Any permit issued under this chapter is non-transferable.

5. Exemptions.

Mobile food vendors participating as invited vendors to a City-authorized street fair, public festival, public event, or farmers' market are not required to obtain an individual mobile food vending permit for the duration of the event. The organizers of any such event are required to include all requested details of the mobile food vendors in the event permit application.

6. Application.

Every vendor desiring to engage in mobile food vending shall make a written application to the Planning and Zoning Administrator for a permit under this chapter. The applicant shall truthfully provide all information necessary to determine compliance with the requirements in section X.8. or any other request by the Planning and Zoning Administrator deemed necessary to evaluate the application and be accompanied by a fee established by resolution of the City Council. Additionally, the applicant shall provide all documentation, such as insurance or health department approvals, as required by the City.

7. Fees.

An application for a permit under this chapter shall be accompanied by a fee in the amount established by resolution of the City Council. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City. No one shall hire or subcontract such vendors to evade the provisions of this article.

8. Requirements.

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

Location

- (1) A mobile food vending unit may only operate on private property in any zoning district except as authorized in subsection 5. Vendors may only operate on private property with written permission from the property owner.
- (2) A mobile food vending unit must not be located within five (5) feet of a side or rear property line.
- (3) A mobile food vending unit or any part of its operation shall not occupy parking spaces required to comply with the minimum parking standards for a use.
- (4) No mobile food vending unit shall be parked within twenty feet of a crosswalk or intersection.
- (5) The location of a mobile food vending unit or any part of its operation shall not interfere with or obstruct the free passage of pedestrians or vehicles.
- (6) If a mobile food vending unit is parked next to a sidewalk or pedestrian pathway, a minimum width of five feet for pedestrian access must be maintained along the sidewalk or pedestrian pathway. The vendor must ensure that any customer queue does not obstruct the five-foot-wide pedestrian access.
- (7) No mobile food vending unit shall operate on private property within one block of a City-authorized street fair, public festival, farmers market, or event being conducted without authorization from the event sponsor.

Duration/Time

- (8) A mobile food vending unit may operate between the hours of 7:00 a.m. and 10 p.m. in any non-residential district and between the hours of 9:00 a.m. and 9 p.m. in any residential district.

Operations

- (9) A mobile food vendor may set out tables and chairs for customers only when they are not placed within a parking aisle.
 - (10) A mobile food vendor may provide appropriate waste receptacles at the site of the unit and remove all litter, debris, and other waste attributable to the vendor daily. Section 14-76 of the General Code of Ordinances will apply.
 - (11) A mobile food vendor shall not 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 city street, alley, or sidewalk except in a safe manner.
 - (12) A mobile food vending unit shall not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
 - (13) A mobile food vending unit shall not use loud music, amplification devices, "crying out," or any other audible methods to gain attention that cause a disruption or safety hazard as determined by the City.
 - (14) A mobile food vendor may have one portable sign that is six square feet, with no dimension greater than three feet and no height (with legs) greater than three feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
 - (15) A mobile food vending unit shall comply with the city's Noise Ordinance, Sign Ordinance, and all other City ordinances.
 - (16) A mobile food vending unit shall Comply with all applicable federal, state, and county regulations.
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- (17) A mobile food vending unit shall not represent the granting of a permit under this article as an endorsement by the City.

Additional Requirements for Mobile Food Courts

- (18) Mobile food courts must provide at least one accessible bathroom facility with one hand-washing station for every five mobile food vendors.
- (19) Tables, chairs, canopies, and/or enclosed seating areas for mobile food court customers are permitted.
- (20) There must be access to potable water and sewage disposal facilities on-site.
- (21) To establish a mobile food court, Preliminary and Final Site Plans shall be submitted, reviewed, and approved or denied in accordance with Article 12.

9. Impoundment.

Any equipment associated with food vending that is not in compliance with this article and left on public property may be impounded at the owner's expense.

10. Violations

A mobile food vendor permit issued on the basis of the applications approved by the Planning and Zoning Administrator shall authorize only the use, design, and construction set forth in such approved plans and applications, and no other use, design, or construction. Use, design, or construction different than that authorized is a violation of this Ordinance and punishable as provided in Section 14.09.

11. Revocation.

The Planning and Zoning Administrator may issue a written notice to any mobile food vendor permit-holder who ceases to meet any requirement of this chapter or who violates any other federal, state, or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare. The written notice shall indicate that the vendor has thirty days to correct any such violation. After such time, if the requirement is not yet met, the Planning and Zoning Administrator shall revoke the mobile food vendor permit. Immediately upon such revocation, the Planning and Zoning Administrator shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.

Item 4
Wolf Development 425 Agreement
with Lima Township



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

MEMORANDUM

TO: City of Chelsea Planning Commission

FROM: Paul Montagno, AICP
Michelle Marin

DATE: September 29, 2023

RE: Wolf Development Alignment with Master Plan

This memo provides an analysis of how the proposed Wolf Development aligns with the City's Master Plan policies.

Future Land Use Plan

The Future Land Use Plan designates the areas directly west and north of the proposed Wolf Development that are within City boundaries as "School." A housing development adjacent to schools offers a complementary intensity of uses. Lima Township's Zoning Map designates the subject property as R-1D Urban Residential, and the Future Land Use Plan designates the subject property as "Medium Density Residential" with lot sizes that warrant municipal utility service.

Although not identified in either the Chelsea or Lima Future Land Use Plans for this piece of land, the proposed medical office facilities in the Wolf Development may represent a demonstrated need in this area. Healthcare services are by far the largest employer in the City,¹ and medical facilities may support both the city workforce and the broader Chelsea community. The medical office buildings' proximity to the existing Trinity Health Campus offers a complementary land use for this area of the City. The placement of the medical offices closer to the Freer Road entrance concentrates the office uses nearer to the perimeter of the neighborhood and along a major roadway.

Housing

About 60% of the existing housing types in the City of Chelsea are detached single-family homes. In Lima Township, this number is over 98%.² The Chelsea Master Plan makes increasing housing diversity a primary goal, particularly in the style that will attract young professionals and families. The Wolf Development proposes a mix of detached single-family, multi-family

¹ SEMCOG 2050 Regional Development Forecast

² U.S. Census Bureau, 2006-2010 and 2017-2021 American Community Survey 5-Year Estimates, SEMCOG Development
Benjamin R. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Vice President*
David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal*
Paul Montagno, *Principal* Megan Masson-Minock, *Principal* Laura Kreps, *Senior Associate*
Richard K. Carlisle, *Past President/Senior Principal*

ranch, and multi-family townhome units near the currently unoccupied Pierce Lake Elementary School. The proposed development offers a diversity in the housing stock in a traditional neighborhood layout maintaining the community character of Chelsea that the Master Plan prioritizes. Through the final site plan approval process, the Planning Commission will have the opportunity to review building elevations and materials.

Traffic and Pedestrian Safety

The National Functional Classification for Freer Road is a Major Collector Road. Major Collectors are major roads that connect local roads with Arterials – in this case, Old US-12 and Dexter-Chelsea Road. Street safety and non-motorized pathways support Land Use, Transportation, Healthy Community, Age-Friendly, and Recreation goals detailed in the Master Plan. The increased traffic generation resulting from the proposed office use and residences may increase traffic along Freer Road, Old US-12, and the connecting local roads. A condition of the Township’s preliminary PUD approval was that “Road improvements for vehicular and pedestrian safety must be developed and approved to the satisfaction of the Washtenaw County Road Commission, the City of Chelsea, and Lima Township”. The City of Chelsea has jurisdiction over Freer Road. The Washtenaw County Road Commission (WCRC) has jurisdiction over Old US-12. The developer has previously submitted a traffic study dated 11/19/19. WCRC has requested updates to the study. The study identifies necessary improvements to maintain the level of service on public roads and intersections. The city must still review the proposed road improvements to determine compliance with Chelsea design standards.

Improvements to pedestrian safety such as the proposed mid-block crossings, sidewalks, and – eventually – connected non-motorized pathways can help offset the vehicular traffic increases associated with the new development.

The proposed Wolf Development introduces a potential for cut-through traffic. Traffic calming techniques can minimize cut-through traffic and improve resident and pedestrian safety, especially for residents of the existing homes on Cambridge Court. The proposed Wolf Development site plan includes street trees throughout the project which can help with traffic calming on neighborhood streets. However, requiring additional traffic calming measures such as street bulb-outs, raised crosswalks, and/or a change in crosswalk pavement color might be an appropriate requirement to impose on the Wolf Development to mitigate the safety impacts posed by traffic within the development.

A mid-block crossing on Freer Road has been proposed across from the westernmost medical office building. The location and design of this proposed crossing must still be evaluated by the City through the final site plan review process.

Non-Motorized Pathways and Connections

The additional traffic from the new residences and office use may further justify the construction of non-motorized facilities along Freer Road, such as a bicycle lane or shared bicycle/pedestrian pathway. The City’s Non-Motorized Plan identifies Freer Road as a designated Bike Route. Design features such as appropriate pathway widths, pedestrian scale

lighting, and buffers between the vehicle traffic lanes are potential conditions that could be discussed with the developer. Additionally, the site plan proposes an interior pedestrian pathway; extending this pathway and connecting it to a pathway along Freer Road may mitigate potential safety risks and align with Master Plan Land Use, Transportation, Healthy Community, Age-Friendly, and Recreation goals.

Next steps

If Chelsea City Council and the Lima Township Board of Trustees enter into a 425 Agreement land use transfer process, the Chelsea Planning Commission will be charged with final site plan approval for the proposed Wolf Development. Based on the specific language in the 425 Agreement, the Planning Commission will have the ability to ensure the site plan details are consistent with the requirements of the City's development regulations as well as Master Plan policies such as housing, pedestrian safety, and non-motorized pathway connection. We look forward to a discussion of these items with you at the next Planning Commission Work Session on October 3rd.

Respectfully submitted,



CARLISLE/WORTMAN ASSOC., INC
Paul Montagno, AICP
Principal



CARLISLE/WORTMAN ASSOC., INC.
Michelle Marin
Community Planner

cc. Jane Pacheco, City Mayor
Ray Schmidt, Utilities Director
Ted Erickson, City Engineer
Matt Forster, City Building Official
Mariah Fink, City Attorney

Item 5
Correspondence

B R 
Beckett & Raeder

Landscape Architecture
Planning, Engineering &
Environmental Services

September 21, 2023

Regarding: Sylvan Township Master Plan

To whom it may concern:

This letter is to provide notification to your office that Sylvan Township will begin the process of amending the community Master Plan pursuant to Public Act 33 of 2008, the Michigan Planning Enabling Act.



initiative Once a draft plan is approved for distribution, you will be provided a link to an electronic copy for your organization's review and comment. Please feel free to contact me about any land use or community development issues pertinent to your organization, or to the participating community, which should be reviewed during the preparation of the plan.

Regards,



Sara Kopriva, AICP
skopriva@bria2.com

Enclosure: List of organizations and entities receiving this notification

Beckett & Raeder, Inc.
535 West William
Suite 101
Ann Arbor, MI 48103

734 663.2622 ph

www.bria2.com

Petoskey Office
113 Howard St.
Petoskey, MI 49770

231.347.2523 ph

Traverse City Office
148 East Front St.
Suite 207
Traverse City, MI 49684

231.933.8400 ph

Grand Rapids Office
5211 Cascade Road SE
Suite 300
Grand Rapids, MI 49546

616.585.1295 ph

Sylvan Township Master Plan

Notification of Intent to Prepare Master Plan

Organizations and Entities Receiving this Notice:

The City of Chelsea

Lyndon Township

Dexter Township

Lima Township

Freedom Township

Sharon Township

Waterloo Township

Grass Lake Township

Washtenaw County Clerk

Washtenaw County Commission District 1

Washtenaw County Road Commission

Jackson County Clerk

Jackson County Commission District 2

Jackson County Department of Transportation

Consumer Energy

MDOT Region Office – University Region

Southeast Michigan Council of Governments

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initiative