City of Hart, Michigan
CITY COUNCIL AGENDA
December 12, 2023, 7:30 PM
407 State St. – Council Chamber
NOTICE OF PUBLIC MEETING
REGULAR COUNCIL MEETING

1. Call to Order
2. Roll Call – Adams, Burillo, Evans, Hodges, Klotz, Trygstad, Platt
3. Pledge of Allegiance
4. Approval of Agenda
5. Public Comments – **Public comment on any matter other than a scheduled public hearing. We ask that you please limit your comments to 3 minutes.**
    a. Correspondence, Events, Presentations
        i. Dick Huntington, Chairman - Creeks Homeowners Association
6. Consent Agenda:
    a. Approval of Minutes from November 28, 2023 Council meeting.
    b. Bills, Claims, Payroll
    c. Reports of Boards, Commissions, and Committees
    d. Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp.
7. Action Items
    a. Resolution 2023-50a Modification to Creeks Condominium Documents
    b. Resolution 2023-51 Accept bids and award Water Service Line Verification Contract
    c. Ordinance 23-05 Request to Rezone 64th Ave Parcel from B-2 to C-2 (2nd Reading)
8. Discussion Items
9. City Manager Report
10. Communications from the Mayor and Council (Including board and committee updates.)
11. Adjournment –

Access is provided through the Michigan Relay Service for individuals with speech or hearing impairments. *https://hamiltonrelay.com/michigan/index.html*

With advance notice of seven calendar days, the City will provide interpreter services at all public meetings, including language translation and signage for the hearing impaired. Call 231-873-2488. La Ciudad proporcionará servicio de intérprete para esta reunión pública si se pide con siete días de anticipación, lo cual incluye la traducción de idioma y letreros para los con una discapacidad auditiva. Llame al 231-873-2488.

CITY OF HART
407 S. STATE ST.
HART, MI 49420
REGULAR MEETING OF CITY COUNCIL - COUNCIL PROCEEDINGS
November 28th,2023
MINUTES –Draft

PRESENT: Councilors: Mayor Vicki Platt, Justin Adams, Catalina Burillo, Dean Hodges, Amanda Klotz, and Kris Trygstad
ABSENT: Jim Evans,
OTHERS PRESENT: City Manager – Rob Splane, City Clerk – Karla Swihart, BioPure Superintendent – Paul Cutter, Energy Superintendent – Mike Schiller, Sharon Hallack, Dick Huntington, Emily Olsen, Eric, and Karen Owen, Dennis Powers, and John Williams

Mayor Platt called the meeting to order; following the roll call, then led the Council in the pledge of allegiance.

APPROVAL OF AGENDA:

- J. Admas motioned to approve the agenda and was supported by A. Klotz
  - Ayes: 6 Nays: 0 Absent: 1

PUBLIC COMMENTS:

- Emily Olson – Great Lakes Packing purchased the old Cherry Mill on Griswold. I wanted to invite everyone to stop by as several improvements have been made to the property. Not sure if the building will be salvageable and it may need to be demolished but we would defiantly restore if possible.
- Eric and Karen Owen – Wanted to thank HOA, Dean, and Rob for the meeting on Monday, looking forward to the changes being addressed as we are still very interested in the 3 lots at the Creeks.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Necessity Hearing – Proposed 2024-2025 Sidewalk Program
  Please referance Ordinance 1020 Sidewalk Construction and Repair as well as Sidewalk Application on City's wedsite. Cityofhart.org.
  - C. Burillo motioned to open Necessity Hearing and supported by J. Adams
    - Ayes: 6 Nays: 0 Absent: 1

  NO PUBLIC COMMENT ON HEARING
  - C. Burillo motioned to close Necessity Hearing and supported by J. Adams
    - Ayes: 6 Nays: 0 Absent: 1

CONSENT AGENDA:

- Approval of minutes from November 14th, 2023.
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
  - C. Burillo motioned to approve Consent Agenda and supported by J. Adams
    - Ayes: 6 Nays: 0 Absent: 1

ACTION ITEMS:

- Resolution 2023-48 Resolution of Necessity 2024-2025 Sidewalk Program
  WHEREAS, the City of Hart has various sidewalks in need of replacement due to age and root structure damage; and
  WHEREAS, Pursuant to City Ordinance 1020 a Necessity Hearing was held in anticipation of adopting a sidewalk replacement program; and
  WHEREAS, per City Ordinance 1020, the City is authorized to repair sidewalks and assess 60% of the cost to the property owner; and

WHEREAS, the City has budgeted sidewalk funds allocated to cover 40% of the repair/replacement of City sidewalks deemed to be in poor condition; and
WHEREAS, the TIFA board has allocated funds to cover 100% of the cost of downtown and TIFA district sidewalks they deem to be in poor condition; and
WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare, the City Council hereby declares:
NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

Directs the City Manager in cooperation with the City Economic & Community Development Director To seek bids for a preferred contractor to provide sidewalk replacement services in Hart fiscal years 24 and 25. The DPW Superintendent will oversee all construction and necessary tree removal/stump grinding as required. The 2024-2025 sidewalk program shall include the ability of the TIFA board to replace, and Fund proposed TIFA district replacement of sidewalks. The sidewalk program will provide residents to voluntarily apply for replacement of sidewalks following Ordinance 1020 guidelines executed in the following manner:

60/40 Cost Sharing

Owners agree to pay in advance 60% of the full cost for their sidewalk project. The City of Hart will pay the remaining 40% of costs. The 60/40 cost share conforms to Chapter 1020 of the City Code.

First Come, First Serve

The program shall be managed on a "first come, first serve" basis. Interested owners may apply for sidewalk installation or replacement at City Hall, 407 S. State Street, Hart Mi, 49420.
Applicants will use forms provided by the City of Hart. The City will place the applications on a list in order of receipt.

Worst First

In addition to the preceding criteria, sidewalk project eligibility will be rated by City staff on a "worst first" basis. "Worst first" means that pedestrian safety issues will be considered over auxiliary issues. Pedestrian safety issues may include severely cracked, heaved, missing, spalled or crumbled sidewalk that is or could become a trip hazard. Cosmetic only projects are not eligible for 60/40 funding.

Sidewalk Budget

Sidewalk projects will commence when sufficient sidewalk projects are accumulated to place a work order with the preferred contractor. Projects will continue until budgeted funds are depleted.

- J. Adams motioned to approve Resolution 23-48 and supported by K. Trygstad
  - Ayes: 6 Nays: 0 Absent: 1

- Resolution 2023-49 Cancel City Council meeting on December 26th, 2023

WHEREAS, the Second December Regular City Council Meeting falls on December 26th, and is a recognized City staff holiday per the adopted employment handbook; and
WHEREAS, past precedent of council has been to cancel this meeting due to its close proximity to the City holidays to allow Council members and City staff to enjoy the holiday period with family and friends; and
WHEREAS, a special meeting may be called at any time by the request of the mayor or any two council members as directed in the City Charter to address emergencies or other urgent business; and
WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare, the City Council hereby declares;
NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

Cancel the City Council regular scheduled December 26, 2023, meeting is canceled unless reinstated by request of two council members or the mayor.

- C. Burillo motioned to approve Resolution 2023-49 and supported by K. Trygstad
  - Ayes: 6 Nays: 0 Absent: 1

- Resolution 2023-50a Modification to Creeks Condominium Documents

WHEREAS, beginning in 2003, the City of Hart entered into a public-private partnership with a local developer in pursuit of constructing new housing; and
WHEREAS, the City authorized $632,799 in debt to build infrastructure for the new development to be repaid though a Special Assessment District while also creating new tax revenue; and
WHEREAS, the City, comprised of residents and business owners, suffered a loss of that repayment following the 2008 housing market crisis and subsequent bankruptcy of the private developer; and

WHEREAS, in years following, Shelby State Bank assumed ownership of the property through the developer's defaulted construction loan and afterwards attempted to sell the property for several years to recoup the loss; and
WHEREAS, the City of Hart purchased the property in 2017 for $61,500 from Oceana County following tax default and has sought new parties to purchase and develop the stagnant project, finding little to no interest as it was originally designed; and
WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interest and welfare:
NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL
Appoints and certifies the Hart City Manager, 407 State Street, Hart Mi 49420, as the voting representative and person to receive all notices and communications for the 42 units, specifically units 9-12,21-56,59,&62 owned by the City of Hart comprising a 67.62 percentage of total units and value owned as defined in the Master Deed "Exhibit A – Schedule A" of the Creeks Condominium.
*Directs the City Manager to work with the City Planner and City Attorney [**with input from the Creeks Condominium Association]** to develop an amendment to the condominium documents for future approval by City Council to either withdrawal the remaining City units from the condominium or amend the condominium enabling the remaining units to attract future development interest.*

- D. Hodges motioned to **TABLE** Resolution 2023-50a and supported by C. Burillo
  Upon discussion the Council would like to meet with HOA to amend the Master Deed and come back to Council at the next meeting.
  - Ayes: 6 Nays: 0 Absent: 1

DISCUSSION ITEMS:

- Council Retreat 2024 – January 20th, 2024
  Confirmed date set for January 20th with agenda.
  - 8:00am – Room Open, Breakfast/Coffee
  - 8:30am – 10:00am Community Engagement – Council plus invited community members
  - 10:00am – break (Community members depart)
  - 10:15am – 11:15am How we engage with each other.
  - 11:15am – Noon Vision, Mission & Values – Part 1
  - Noon – 12:30pm Lunch
  - 12:30pm – 1:45pm Strategic Opportunities
  - 1:45pm – 2:00pm Break
  - 2:00 to 3:45pm Vision, Mission & Values – Part 2
  - 3:45pm – Adjourn
- Proposed Hart Police Department Part-time Officer Wage Increase
  Request for an increase in wages for part-time police officers
  This request is being submitted for consideration of an increase in wages for part-time police officers of the Hart Police Department from $19.00/hr to $25.00/hr.
  With the addition of a full-time School Resource Officer, my intention was to hire an additional full-time officer with the remaining wages left within our budget. The School Resource Officer position was made possible by a grant/collaboration between the Michigan State Police, Office of School Safety, and the Hart Public Schools District to employ a full-time School Resource Officer for the next three (3) years. Unfortunately, I have not received applicants for this vacant position. I would like to attempt to hire part-time police officers to assist with shift coverage and special events. Currently, our department has one (1) part-time officer who is employed full-time with the Muskegon County Sheriff's Office.
  Chief Salazar recommends that during the FTO, (Field Training Observation period, the part-time police officer wages to be $15.00 an hour until successful completion of the FTO period. The part-time FTO period is approximately two (2) months long to verify the part-time officer is eligible to be on solo patrol. After the successful completion of the FTO period, part-time police officer wage would be moved to $25.00 an hour.
  Mayor Platt, suggested to move part-time police officers wage to $25.00 even during the FTO process and supported by all council members.
- Closure of City Hall for cleaning December 27-29
  With the holiday being on a Monday this year employees get Christmas eve off as a paid holiday with Christmas eve being on Sunday the employees get Tuesday December 26th off which leaves a short week. The end of the

month is always slower are City Hall with walk in traffic so it would be offered to City Hall Staff to take ETO and have the office closed on December 27th-29th with the City Manager in house if anything is needed but the office would be closed during these days for much needed cleaning. Council approved to have City Hall Office Closed on December 27th-29th.

CITY MANAGER'S REPORT:

UPDATES:

- City Website is down temporarily. Our website host upgraded the City's website server last week, due to an account issue with our website address reservation provider, there is a conflict that is preventing proper functionality. This issue is expected to be resolved this week.
- Dryden Street area project has started with tree removals and water service line replacements being performed as weather permits with general construction beginning when the winter weather breaks.
- The wayfinding signage is on hold pending MDOT and the Oceana County Road Commission approvals.
- The Lighted Holiday Parade and Small Business Saturday were another success with strong attendance and no major issues or safety concerns.
- City staff met with the Michigan Economic Development Corporation and the consulting team of the Smith Group. The City was recently awarded a grant from the MEDC to former Co-op property at Courtland and Main. The group will conduct public information gathering and planning events in pursuit of helping the City seek redevelopment of that site. The Smith Group plans to have a Request for Proposal prepared for the City to seek developers in late 2024
- The City Manager met with officials at the Starting Block to discuss the conclusion of a 15-year lease agreement of the property with the City of Hart per the terms of an Economic Development Agency grant in October 2008. The Starting Block Board will hold a Strategic Planning Session between the holidays in anticipation of a City Council presentation in the new year.
- As of today, the City of Hart's new investment policy has returned over $13,000 in interest. (A Q3 financial report will be prepared following the first of the year.)

Legacy Topics:

- The City Attorney is working on City Charter amendment verbiage to be approved by Council, the attorney general, and the governor. The amendments will be processed for ballot approval at the next general election.
- Safe Routes to School trail project – pending state approval projected start date June 2024.

Upcoming Topics:

- Adoption of 2022-2026 Park and Rec Master Plan
- Veteran's Memorial Park project bid request advertised in November.
- Council review of rental inspection policies, procedures, and implementation.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mayor Platt, I'd like to apologize to anyone that showed up on Sunday to the United Methodist Church, as I forgot about it and didn't make it to speak.

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned upon a motion by C. Burillo and supported by J. Evans. The next regularly scheduled meeting will be on November 28th, 2023, at 7:30 pm.

Respectfully Submitted

Karla Swihart

Karla Swihart, City Clerk

Payables Date 12.12.2023	Description	Total	General +	DPW	Energy	BPTF	Water
Ceres Solutions	Fuel Biopure	$ 809.20				$ 809.20	
Charter Communications	Phone/Internet	$ 97.49	$ 97.49				
Consumers Energy	Energy Department Energy Bill	$ 225.45			$ 225.45		
Customer Tree Service	Removal of Trees Energy Dept	$ 2,750.00			$ 2,750.00		
Dacott	Monthly Energy Cost Report	$ 650.00			$ 650.00		
Daves Party Store	DPW Fuel	$ 1,082.06		$ 1,082.06			
Fish Window Cleaning	City Hall Windows	$ 175.00	$ 175.00				
Frontier	Diesel Plant	$ 117.09			$ 117.09		
Greenscape	Storage Lagoon and RIB Repair	$ 226,727.55				$ 226,727.55	
Hallack Construction	Griswold St Sewer/Polk Rd WM	$ 475,891.06				$ 475,891.06	
Hart Cemertery Commission	Tax Disbursement	$ 116.86	$ 116.86				
Hart Township Treasurer	Property Taxes BioPure	$ 821.14				$ 821.14	
Huntington Bank CC Stmnt	Various Charges	$ 5,162.53	$ 3,510.36	$ 472.16	$ 833.68	$ 346.33	
Hydrocorp	Cross Connection Control Program	$ 707.00					$ 707.00
Jacobs, Greg	MPPA Appliance Recycling	$ 50.00			$ 50.00		
Jons to go	JGP portable restroom	$ 110.00	$ 110.00				
Klotz Auto Parts	Parts/Supplies	$ 750.34	$ 14.06	$ 289.89	$ 446.39		
Ludington Daily News	Sidewalk/Parcel Rezoning	$ 206.70	$ 206.70				
MECA	Yearly Safety Dues	$ 14,250.00			$ 12,825.00	$ 712.50	$ 712.50
Model Coverall Service	Uniforms/Supplies	$ 306.73			$ 62.75	$ 243.98	
MPPA	Purchased Power	$ 35,835.94			$ 35,835.94		
MPPA	Purchased Power	$ 35,004.70			$ 35,004.70		
Napa	Police Units parts	$ 53.62	$ 53.62				
Oceana County Animal Friends	Spay/neutering stray cats	$ 240.00	$ 240.00				
Oceana County Treasurer	23/24 Short Term Bond	$ 1.17	$ 1.17				
Power Line Supply	Energy Dept Parts/Supplies	$ 93.49			$ 93.49		
Pranger Properry Management	CH/CC/HC Cleaning Services	$ 228.00	$ 228.00				
Republic Serivces	Starting Block Garbage Service	$ (101.88)			$ (101.88)		
Ricoh	Copier Overage Charges	$ 116.73	$ 116.73				
Social Prosperity Partners	2024 Council Retreat	$ 2,055.00	$ 2,055.00				
State of Michigan EGLE	2024 NPDS Annual Permit Biopure	$ 1,950.00				$ 1,950.00	
State of Michigan EGLE	2024 NPDS Annual Permit Diesel	$ 150.00			$ 150.00		
Syncwave LLC	Internet	$ 468.14	$ 107.66	$ 84.27	$ 84.27	$ 191.94	
Trace	Water Testing	$ 508.03				$ 508.03	
Wadel Stabilization	MPPA C&I Program	$ 980.10			$ 980.10		
		$ -					
		$ -					
	Sub-total	**$ 808,589.24**	**$ 7,032.65**	**$ 1,928.38**	**$ 90,006.98**	**$ 708,201.73**	**$ 1,419.50**
HAND CHECKS/ACH/EFT							
Alerus	City Share 401 Retirement - PR 186	$ -					
US Postmaster	Postage/Tax Bills	$ 468.61	$ 468.61		$ -	$ -	$ -
AFLAC	Insurance Premium	$ -					
Guardian	Insurance Premium	$ -					
Delta Dental	Insurance Premium	$ -					
MWG/Amfirst	Insurance Premium	$ -					
Blue Cross Blue Shield	Insurance Premium	$ -					
	TOTAL HAND CHECKS	**$ 468.61**	**$ 468.61**	**$ -**	**$ -**	**$ -**	**$ -**
	Sub-Total Regular Bills/Hand Checks	***$ 809,057.85***	***$ 7,501.26***	***$ 1,928.38***	***$ 90,006.98***	***$ 708,201.73***	***$ 1,419.50***
Gross Payroll	PR 191	$ -					
	Sub-Total	**$ -**					
	GRAND TOTAL	***$ 809,057.85***	**$ 7,501.26**	**$ 1,928.38**	**$ 90,006.98**	**$ 708,201.73**	**$ 1,419.50**

Payroll ID: 191

Pay Period End Date: 12/03/2023 Check Post Date: 12/07/2023 Bank ID: GEN

Grand Totals for Payroll:

Pay Code Id	Hours	OT Hours	Cur. Amnt.	YTD Amnt.
15X	0.00	86.00	4,103.77	35,236.99
225X	0.00	58.50	4,202.49	10,039.64
2X	0.00	9.00	659.52	10,745.98
COMP	1.00	0.00	37.68	3,952.21
ETO	179.50	0.00	7,052.77	103,169.38
HOL	344.00	0.00	12,409.78	64,672.02
HOURLY	687.00	0.00	23,125.03	594,187.99
LONG	37,500.00	0.00	40,000.00	40,000.00
SALARY	682.45	0.00	22,848.53	658,050.83
STANDBY	8.00	0.00	367.68	5,293.41

Ded/Exp Id	Cur. Amnt.	YTD Amnt.
AF-ACC	137.77	1,546.56
AF-CANCER	76.70	704.24
AF-DENTAL	14.46	173.52
AF-LIFE	32.96	395.52
AF-PSI	46.01	552.12
AF-STD	214.45	2,460.06
ALERUS 401	2,107.02	54,651.51
ALERUS 401 AD	8.00	200.00
ALERUS 457	775.00	17,225.00
ALERUS 457P	1,097.84	25,082.48
ALERUS R 457%	1,504.43	35,403.77
CHILD SUPPORT	414.94	8,059.05
DENTAL_EE	113.18	2,448.31
DENTAL_ER	452.70	9,792.97
FITW	14,342.38	203,447.08
GAP_EE	390.42	8,267.53
GAP_ER	1,561.67	31,137.66
GUARDIAN_EE	21.43	453.28
GUARDIAN_ER	212.03	4,641.26
INS REIM	70.61	1,625.13
LIFE	18.25	219.00
LOAN	330.05	4,166.69
LU465	264.96	3,167.64
MED_EE	1,513.25	31,513.84
MED_ER	6,052.96	126,053.77
MEDICARE_EE	1,050.14	26,331.71
MEDICARE_ER	1,050.14	26,331.71
SITW	4,125.43	72,625.53
SOCSEC_EE	6,272.69	114,373.28
SOCSEC_ER	6,272.69	114,373.28
UNI45	301.50	3,216.00
UNIFM	4.95	123.75

Gross Pay This Period	Deduction Refund	Ded. This Period	Net Pay This Period	Gross Pay YTD	Dir. Dep.	Expense This Period
114,807.25	0.00	35,248.82	79,558.43	1,903,265.24	76,625.73	15,602.19

* = Check Adjustment

City of Hart Police Department

407 State Street Ph. (231)873-2488 Fax (231)873-0100 Hart, MI 49420-1259

Juan Salazar, Chief

TO: City of Hart Mayor, City Council, and City Manager
FROM: Juan Salazar, Chief of Police
DATE: December 12th, 2023

RECENT EVENTS

From Thursday, November 22nd, 2023, through Tuesday, December 6th, 2023, the Hart Police Department received 71 Complaints ranging from Illegal Dumping, Family Troubles, Vehicle Violations, Medical Assists, Property Damage Crashes, Noise Complaints, Larcenies, Parking Complaints, Truancies, Assist to Other Agencies, Suspicious Situations, Disorderly Conducts and Animal Complaints.

With the department having two (2) officers accepting full-time employment with other agencies, I completed interviews to fill the vacancies. On Thursday, November 30th, 2023, Officer Sean Robb was offered and accepted full-time employment with the Hart Police Department. Officer Robb has twenty (20) years of law enforcement experience working with the Clare County Sheriff's Office. Officer Robb was also previously employed with the State of Michigan Department of Corrections as a Corrections Officer in the Muskegon Prison. I believe Officer Robb will be a great addition to the department and a much-needed part of making the department run thoroughly and sufficiently.

I am also in the process of attempting to hire part-time police officers to assist with filling any open shifts and with special events.

On Friday, November 24th, 2023, the Hart Police Department conducted a traffic stop on Polk Roar near Oceana Drive referencing a vehicle violation. A 51-year-old Walkerville woman was cited for speeding.

On Friday, November 24th, 2023, members of the Hart Police Department conducted traffic control during the Annual Lighted Christmas Parade. In addition, we would like to thank employees of the City of Hart Energy Department, Bio-Pure Facility, New Era Police Department, and the Oceana County Sheriff's Office Reserve Unit for their assistance during the parade. With the assistance of these agencies, we had no reported issues during the parade route.

On Saturday, November 25th, 2023, the Hart Police Department conducted a traffic stop on Polk Roar near Oceana Drive referencing a vehicle violation. A 69-year-old Ludington man was arrested and lodged at the Oceana County Jail for Operating a Motor Vehicle While Intoxicated.

On Thursday, November 30th, 2023, the Hart Police Department was dispatched to the 300 block of Johnson Street regarding a Fraud Complaint. A 39-year-old Hart man allegedly failed to provide monies owed referencing a fundraising event. An investigation is ongoing.

On Friday, December 1st, 2023, the Hart Police Department was dispatched to the 100 block of East Main Street regarding a Private Property Hit & Run Crash. A 34-year-old Ludington woman's vehicle had been struck in City of Hart parking lot #3 while unoccupied. Officers retrieved surveillance footage from a local business to assist in this investigation. An investigation is ongoing.

On Friday, December 1st, 2023, the Hart Police Department was dispatched to the 700 block of East Main Street referencing a Well-Being Check. A 15-year-old juvenile has sent another 15-year-old juvenile a photograph via Snapchat of the juvenile holding a handgun to his head. The juvenile claims to be playing "Russian Roulette." Officers located the juvenile and interviewed the juvenile in front of his parents. Officers were also able to verify the suspected handgun within the Snapchat photograph to be a toy gun.

On Friday, December 1st, 2023, the Hart Police Department was dispatched to the 100 block of Washington Street regarding an individual in an apartment "yelling" for help. Officers located a 61-year-old Hart man in his apartment, unable to get up due to severe abdominal pain. LIFE EMS was dispatched to this location and later transported the man to Trinity Health Lakeshore Hospital in Shelby for further evaluation.

On Monday, December 4th, 2023, the Hart Police Department was dispatched to the 200 block of State Street referencing Furnishing a Vape Product to a Minor complaint. It is alleged a 62-year-old Pentwater woman purchased and provided a vape pen to her 16-year-old son. A report will be submitted to the Oceana County Prosecutor's Office for his review.

Respectfully,

J. Salazar,
Chief of Police

Proposed language from Council Negotiating Committee

RESOLUTION 2023-50a

City Council

City of Hart, Michigan

Oceana County

MODIFICATION TO CREEKS CONDOMINIUM DOCUMENTS

WHEREAS, beginning in 2003, the City of Hart entered into a public-private partnership with a local developer in pursuit of constructing new housing; and

WHEREAS, the City authorized $632,799 in debt to build infrastructure for the new development to be repaid through a Special Assessment District while also creating new tax revenue; and

WHEREAS, the City, comprised of residents and business owners, suffered a loss of that repayment following the 2008 housing market crisis and subsequent bankruptcy of the private developer; and

WHEREAS, in years following, Shelby State Bank assumed ownership of the property through the developer's defaulted construction loan and afterwards attempted to sell the property for several years to recoup the loss; and

WHEREAS, the City of Hart purchased the property in 2017 for $61,500 from Oceana County following tax default and has sought new parties to purchase and develop the stagnant project, finding little to no interest as it was originally designed; and

WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare:

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

Appoints and certifies the Hart City Manager, 407 State Street, Hart MI 49420, as the voting representative and person to receive all notices and communications for the 42 units, specifically units 9-12, 21-56, 59, & 62 owned by the City of Hart comprising a 67.62 percentage of total units and value owned as defined in the Master Deed "Exhibit A – Schedule A" of The Creeks Condominium.

Directs the City Manager to work with The City Planner, City Attorney, and Homeowners Association to amendment to the condominium documents to amend the City PUD and condominium documents changing all triplexes and quadplexes to duplexes in an effort to attract future development interest.

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regular council meeting held on December 12, 2023.

Ayes: ____ Nays: ____ Absent: ___

RESOLUTION 2023-50a
City Council
City of Hart, Michigan
Oceana County

MODIFICATION TO CREEKS CONDOMINIUM DOCUMENTS

WHEREAS, beginning in 2003, the City of Hart entered into a public-private partnership with a local developer in pursuit of constructing new housing; and

WHEREAS, the City authorized $632,799 in debt to build infrastructure for the new development to be repaid through a Special Assessment District while also creating new tax revenue; and

WHEREAS, the City, comprised of residents and business owners, suffered a loss of that repayment following the 2008 housing market crisis and subsequent bankruptcy of the private developer; and

WHEREAS, in years following, Shelby State Bank assumed ownership of the property through the developer's defaulted construction loan and afterwards attempted to sell the property for several years to recoup the loss; and

WHEREAS, the City of Hart purchased the property in 2017 for $61,500 from Oceana County following tax default and has sought new parties to purchase and develop the stagnant project, finding little to no interest as it was originally designed; and

WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare:

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

Appoints and certifies the Hart City Manager, 407 State Street, Hart MI 49420, as the voting representative and person to receive all notices and communications for the 42 units, specifically units 9-12, 21-56, 59, & 62 owned by the City of Hart comprising a 67.62 percentage of total units and value owned as defined in the Master Deed "Exhibit A – Schedule A" of The Creeks Condominium.

Directs the City Manager to work with The City Planner and City Attorney ***[with input from the Creeks Condominium Association]*** *to develop an amendment to the condominium documents for future approval by City Council to either withdraw the remaining city units from the condominium or amend the condominium enabling the remaining units to attract future development interest.*

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regular council meeting held on December 12, 2023.

Ayes: ____ Nays: ____ Absent: ___

RESOLUTION 2023-51
City Council
City of Hart, Michigan
Oceana County

ACCEPT BIDS AND AWARD CONTRACT FOR WATER SERVICE LINE VERIFICATION

WHEREAS, the City of Hart has been awarded a $406,950 grant by the Michigan Department of Environment, Great Lakes, and Energy to assist the city in Drinking Water Asset Management Planning specifically focusing on Lead Service Investigation; and

WHEREAS, the city to has sought bids from qualified firms to perform verification work covered by the DWAM grant which includes verifying water service line materials both in the city's right-of-way as well as at the service entrance into randomly selected properties throughout the city;

WHEREAS, it is necessary for the City to obtain a qualified entity to properly oversee survey work, documentation, and reporting to meet State of Michigan requirements; and

WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare, the City Council hereby declares:

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL

Accepts the seven (7) bids opened publicly on December 6, 2023.

Awards the contract to low bidder, Plummer's Environmental Services in the amount of $67,510.00 to provide water service line verification services in reference to the Drinking Water Asset Management Grant. The council authorizes the City Manager to sign and execute said agreement and related documents.

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regular council meeting held on December 12, 2023.

Ayes: __ Nays: __ Absent: __

Prein&Newhof
Engineers ▪ Surveyors ▪ Environmental ▪ Laboratory

December 7, 2023
2200819

Mr. Robert Splane, City Manager
407 State Street
Hart, MI 4

RE: Bids for Water Service Line Verifications

Dear Rob:

The City received bids for the Water Service Line Verification project on December 7, 2023. This project is required to meet the State of Michigan requirements for drinking water systems to verify the materials of construction for the water service lines. The City must submit a complete inventory in October 2024. Project specifications were prepared by Prein&Newhof to allow public, competitive bids for performing the field verifications, which consist of creating a hole above the water service pipe in at least two locations between the City watermain and the building it serves, to identify what the materials of construction are. This work will be covered under the City's Michigan Department of Environment, Great Lakes and Energy Drinking Water Asset Management Grant.

A total of seven bids, ranging from $67,510.00 to $320,000.00 were received. A detailed tabulation of the bids is enclosed for reference and is summarized below:

Contractor Name	**Bid Amount**
Plummer's Environmental Services	$67,510.00
Gustafson HDD LLC	$71,875.00
Dukes DBA Underground Infrastructure Services	$80,250.00
Wadel Stabilization, Inc.	$80,625.00
Apex Excavating	$80,875.00
Greenscape General Contracting	$88,000.00
Monchilov Sewer Service, LLC	$88,300.00
Advanced Hydrocvac	$91,825.00

Hallack Contracting	$148,850.00
Milbocker and Sons	$320,000.00

The low bid was submitted by Plummers Environmental Services. Prein&Newhof has worked on several previous projects with Plummers Environmental Services. They have performed satisfactory work on other projects of similar scope.

Based on submittal of the low bid and review of qualifications, we recommend award of the project to Plummers Environmental Services in the amount of $67,510.00.

If you have any questions, or need additional information, please contact us.

Sincerely,

Prein&Newhof

Barbara E. Marczak, P.E.

Enclosures: Bid Tabulation

cc: Brad Whitney, City of Hart

Prein&Newhof
Engineers▪Surveyors▪Environmental▪Laboratory

Bid Tabulation Summary

Bid Date:	Bid Time (Local):
December 6, 2023	2:00 PM

Owner:
City of Hart

Project Title:
Water Service Verification

Project #:
2200777

Number	Contractor Name	Bid Amount
1st	Plummer's Environmental Services 10075 Sedroc Industrial Dr, Byron Center, MI 49315	$67,510.00
2nd	Gustafson HDD 2299 Holton Whitehall Rd, Whitehall, MI 49461	$71,875.00
3rd	Dukes dba Underground Infrastructure Services 15155 Fogg St, Plymouth, MI 48170	$80,250.00
4th	Wadel Stabilization 2500 N. Oceana Dr, Hart, MI 49420	$80,625.00
5th	Apex Excavating 4891 Fell Drive, Marion, MI 48665	$80,875.00
6th	Greenscape General Contracting PO Box 133, Lake, MI 48632	$88,000.00
7th	Monchilov Sewer Service 2930 North Thomas Road, Fairgrove, MI 48733	$88,300.00
8th	Advanced Hydrovac 13328 White Creek Ave, Cedar Springs, MI 49319	$91,825.00
9th	Hallack Contracting 4223 W Polk Rd, Hart, MI 49420	$148,850.00
10th	Milbocker and Sons 1256 29th St, Allegan, MI 49010	$320,000.00

Prein&Newhof
Engineers▪Surveyors▪Environmental▪Laboratory
3355 Evergreen Dr. NE Grand Rapids, MI 49525
t. (616) 364-8491 f. (616) 364-6955

Bid Tabulation

Owner: City of Hart
Project Title: Water Service Verification
Bid Date & Time: December 6, 2023 at 2:00 pm
Project #: 2200777

Item No.	Description	Quantity	Unit	1st Plummer's Environmental Services, 10075 Sedroc Industrial Dr, Byron Center, MI 49315		2nd Gustafson HDD, 2299 Holton Whitehall Rd, Whitehall, MI 49461		3rd Dukes dba Underground Infrastructure Services, 15155 Fogg St, Plymouth, MI 48170		4th Wadel Stabilization, 2500 N. Oceana Dr, Hart, MI 49420		5th Apex Excavating, 4891 Fell Drive, Marion, MI 48665	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	Mobilization (Max 5% of Bid)	1	LS	$500.00	$500.00	$3,000.00	$3,000.00	$1,000.00	$1,000.00	$4,000.00	$4,000.00	$2,500.00	$2,500.00
2	Underground Verification	175	EA	$294.00	$51,450.00	$305.00	$53,375.00	$370.00	$64,750.00	$375.00	$65,625.00	$375.00	$65,625.00
3	Concrete Driveway/Sidewalk Removal and Restoration	20	EA	$356.00	$7,120.00	$400.00	$8,000.00	$350.00	$7,000.00	$100.00	$2,000.00	$275.00	$5,500.00
4	Asphalt Pavement Removal and Restoration	10	EA	$444.00	$4,440.00	$400.00	$4,000.00	$350.00	$3,500.00	$100.00	$1,000.00	$275.00	$2,750.00
5	Traffic Control - City Streets	1	LS	$1,000.00	$1,000.00	$500.00	$500.00	$1,000.00	$1,000.00	$5,000.00	$5,000.00	$1,500.00	$1,500.00
6	Traffic Control - MDOT Rights-of-Way (Allowance)			$3,000.00	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$3,000.00
			Total Bid		$67,510.00		$71,875.00		$80,250.00		$80,625.00		$80,875.00

Prein&Newhof
Engineers▪Surveyors▪Environmental▪Laboratory
3355 Evergreen Dr. NE Grand Rapids, MI 49525
t. (616) 364-8491 f. (616) 364-6955

Bid Tabulation

Owner: City of Hart				6th		7th		8th		9th		10th	
Project Title: Water Service Verification				Greenscape General Contracting PO Box 133 Lake, MI 48632		Monchilov Sewer Service 2930 North Thomas Road Fairgrove, MI 48733		Advanced Hydrovac 13328 White Creek Ave Cedar Springs, MI 49319		Hallack Contracting 4223 W Polk Rd Hart, MI 49420		Milbocker and Sons 1256 29th St Allegan, MI 49010	
Bid Date & Time: December 6, 2023 at 2:00 pm		Project #: 2200777											
Item No.	Description	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	Mobilization (Max 5% of Bid)	1	LS	$3,000.00	$3,000.00	$4,000.00	$4,000.00	$3,700.00	$3,700.00	$6,100.00	$6,100.00	$15,000.00	$15,000.00
2	Underground Verification	175	EA	$400.00	$70,000.00	$380.00	$66,500.00	$425.00	$74,375.00	$750.00	$131,250.00	$1,200.00	$210,000.00
3	Concrete Driveway/Sidewalk Removal and Restoration	20	EA	$400.00	$8,000.00	$260.00	$5,200.00	$250.00	$5,000.00	$250.00	$5,000.00	$2,500.00	$50,000.00
4	Asphalt Pavement Removal and Restoration	10	EA	$300.00	$3,000.00	$270.00	$2,700.00	$425.00	$4,250.00	$225.00	$2,250.00	$2,200.00	$22,000.00
5	Traffic Control - City Streets	1	LS	$1,000.00	$1,000.00	$6,900.00	$6,900.00	$1,500.00	$1,500.00	$1,250.00	$1,250.00	$20,000.00	$20,000.00
6	Traffic Control - MDOT Rights-of-Way (Allowance)			$3,000.00	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$3,000.00	$3,000.00
			Total Bid		$88,000.00		$88,300.00		$91,825.00		$148,850.00		$320,000.00

CITY OF HART
ORDINANCE NO. 2023-04

AN ORDINANCE TO RE-ZONE 007-018-300-10 FROM B-2 GENERAL BUSINESS TO C-2 LIMITED COMMERCIAL

First Reading:	11/14/2023
Second Reading & Adoption:	12/12/2023
Publication:	12/21/2023
Effective Date:	Ten days after publication

THE CITY OF HART ORDAINS:

The rezoning of 2566 N 64th Avenue parcel ID #007-018-300-10 with frontage on North 64th Avenue from B-2 General Business District to C-2, Limited Commercial. The property proposed for rezoning is legally described as follows:

SPL FR 7 IN 96 PER DK SEC 18 T15N R17W-- S 400 FT OF SW 1/4 OF SW 1/4 LYG W'LY OF US 31 ROW. 5.37 A M/L

STATE OF MICHIGAN)) SS.

COUNTY OF OCEANA)

I, the undersigned, the duly qualified City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the foregoing Ordinance amendment was adopted by City of Hart at a regular City Council meeting duly held on the ____ day of _____, 20__; and that the meeting with held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended, I hereby certify that I published the Ordinance amendments and additions in the _____ on the ___ day of _____, 20__.

Karla Swihart
Hart City Clerk

CITY OF HART
407 State St
Hart, MI 49420
231-873-2488 (p)
231-873-0100 (f)
www.cityofhart.org

Special Land Use Application
Fee: $300 in addition to any applicable site plan fees

APPLICATION FOR SPECIAL LAND USE

APPLICANT INFORMATION

Name of Applicant: Jim Duer III

Address: 5360 Tonto Rd Pentwater, MI 49449

Telephone: 6166380041 E-mail: jim@duerbd.com

Are you the owner of record for the property of the requested special land use? ____ YES X NO

If you are NOT the owner of record for the property of the requested rezoning, please complete the below section PROPERTY OWNER INFORMATION.

PROPERTY OWNER INFORMATION

Name of Property Owner: BENJAMIN C LIESBERG JR

Address: 2566 N 64TH AVENUE HART, MI 49420

Telephone: _____ E-mail: _____

LOCATION OF PROPERTY FOR WHICH THIS SPECIAL LAND USE IS REQUESTED

Property Address: N 64th Ave.

Cross Streets: Polk and 64th

Parcel ID Number: 007-018-300-10 Lot Size (in acres): 5.11

Lot Width: _____ Lot Depth: _____

Present Zoning Classification: B-2

Requested Zoning Classification: C-2

Zoning District of Adjacent Properties to the: North ____ South X East ____ West ____

In the area provided or on a separate sheet, please give a detailed description of the proposed land use:

The project proposed which requires a C2 designation is a 20 unity storage condo development. Four buildings will be 50'x150' partinioned into 5 individual units with an overhead door and a man door. The siteplan is not quite complete so the orientation of the buildings is yet to be determined. Each unit will have a 100amp power supply with lighting and overhead door opener. The customer may choose to have their unit inslated, heated, and finished out. The buildings will have a concrete floor and the building will have a 4' concrete apron across the front. The approach and parking will be crushed concrete or equivelant. It is also yet to be determined whether to include a septic and well.

CITY OF HART

3

OCT 10 2023

PAID/RECEIVED

In the area provided or on a separate sheet, explain how the requested Special Land Use meets the required standards as detailed in the City of Hart Code of Ordinances Chapter 1256

Specifically, how the requested Special Land Use:

1) Will be harmonious, and in accordance with the objectives, intent and purpose of this chapter:

We believe the requested special land use is a similar use to the current zoning designation. The land is situated on Polk Road which has a mix of Industrial, General Business, and Comercial properties.

2) Will be compatible with a natural environment and existing and future land uses in the vicinity:

We believe the buildings will look Agricultural fit in nicely with the Agricultural neighbors.

3) Will be compatible with the city master plans:

Since the property is an outlier, seperated from the city by US31 the Storage Condo project is very compatable with the city master plans.

4) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services:

The proposed project is in a very accessable location for all essential public facilities and services.

5) Will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property, or the public welfare:

The Commercial designation of the land would not be disturbing to existing or future neighbors any more than a bank or a fast food restaurant. The proposed project will have much less traffic than most businesses that may build.

6) Will not create additional requirements at public costs for public facilities and services that will be detrimental to the economic welfare of the community:

The proposed project will not require any costs to the public. There is only upside for the city in tax revenue with very little services required.

OTHER REQUIRED INFORMATION

1) The names and address of all record owners AND proof of ownership (i.e. a deed). Deeds can be obtained from Oceana County.
2) If applicant is not the owner of the property, the City requires a letter from the owner of record authorizing the applicant to make this application.
3) Legal description of property in question.
4) A scaled and accurate survey drawing correlated with a legal description showing all existing buildings, drives, and other improvements. Include 10 copies of a parcel map drawn at a scale of not less than 1" = 200' if the parcel is under three acres and 1" = 100' if the parcel is three acres or more.
5) A site plan, if requested by the Planning Commission. (Requirements are detailed in Chapter 1258).

James H Duer III
PRINT Name of Applicant

SIGNATURE of Applicant

10/10/23
Date

FOR OFFICE USE ONLY

Date Received: _____ Checked By: _____ Fee Collected: _____

dotloop signature verification: dtlp.us/G6RQ-V1VM-UR80-TKSX

OTHER REQUIRED INFORMATION

1) The names and address of all record owners AND proof of ownership (i.e. a deed). Deeds can be obtained from Oceana County.
2) If applicant is not the owner of the property, the City requires a letter from the owner of record authorizing the applicant to make this application.
3) Legal description of property in question.
4) A scaled and accurate survey drawing correlated with a legal description showing all existing buildings, drives, and other improvements. Include 10 copies of a parcel map drawn at a scale of not less than 1" = 200' if the parcel is under three acres and 1" = 100' if the parcel is three acres or more.
5) A site plan, if requested by the Planning Commission. (Requirements are detailed in Chapter 1258).

PRINT Name of Applicant SIGNATURE of Applicant

Date

Owner X Benjamin Liebsch

Owner X Catherine Hissong

Owner X Joanne Muñoz

Owner X Diane Walasin

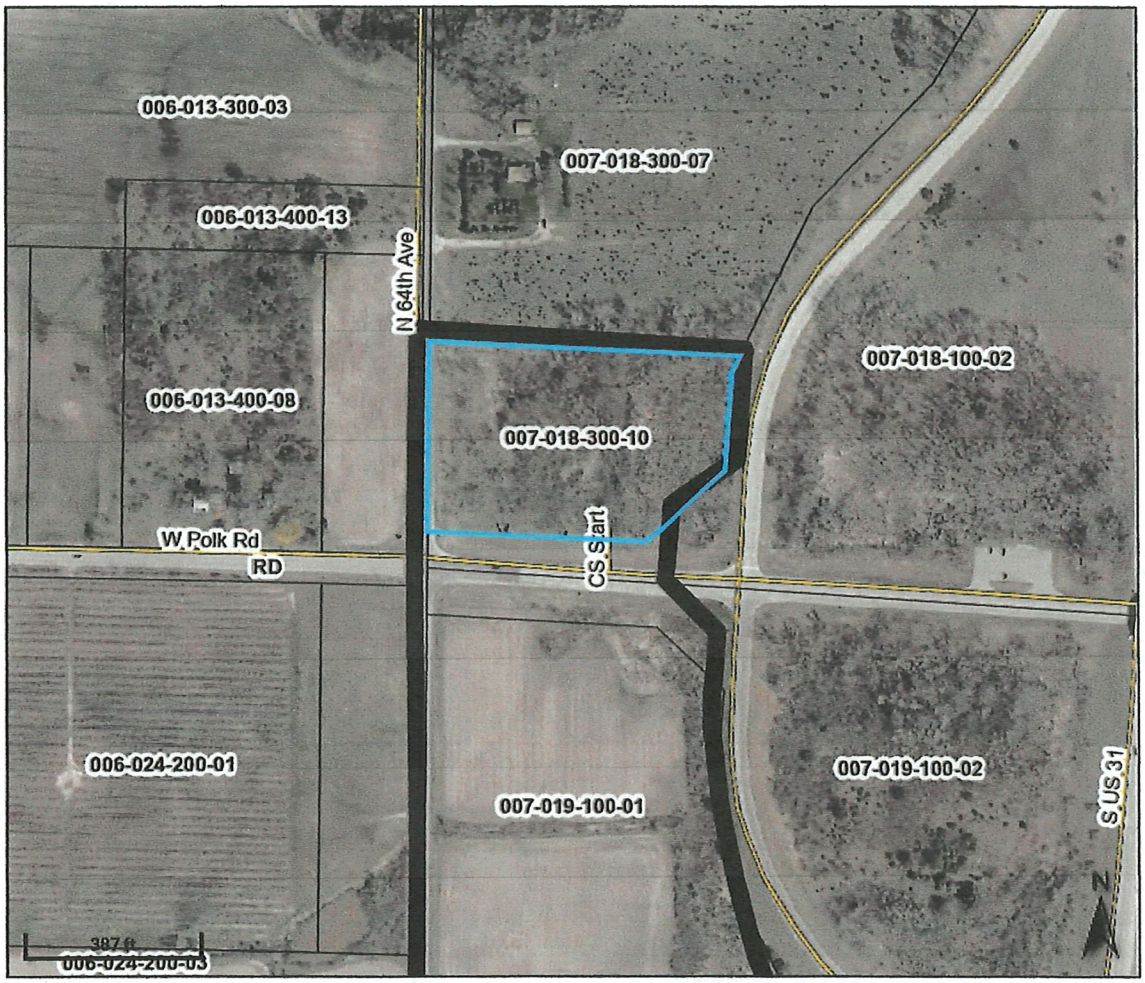
Owner Michael Liesberg

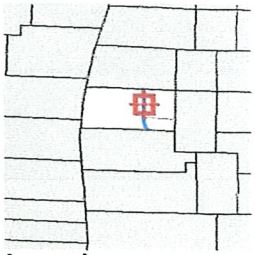
dotloop verified
10/09/23 10:44 AM PDT
G6RQ-V1VM-UR80-TKSX

FOR OFFICE USE ONLY

Date Received: _____ Checked By: _____ Fee Collected: _____

Beacon™ Oceana County, MI





Legend

- Parcels
- Parcel Numbers
- City Limits Low
- Road

Parcel ID	007-018-300-10	**Alternate ID**	n/a	**Owner Address**	LIESBERG BENJAMIN C JR
Sec/Twp/Rng	--	**Class**	402 - RESIDENTIAL-VACANT		2566 N 64TH AVENUE
Property Address	N 64TH AVE HART	**Acreage**	5.408		HART, MI 49420

District 64040 HART PUBLIC SCHOOL DISTRICT

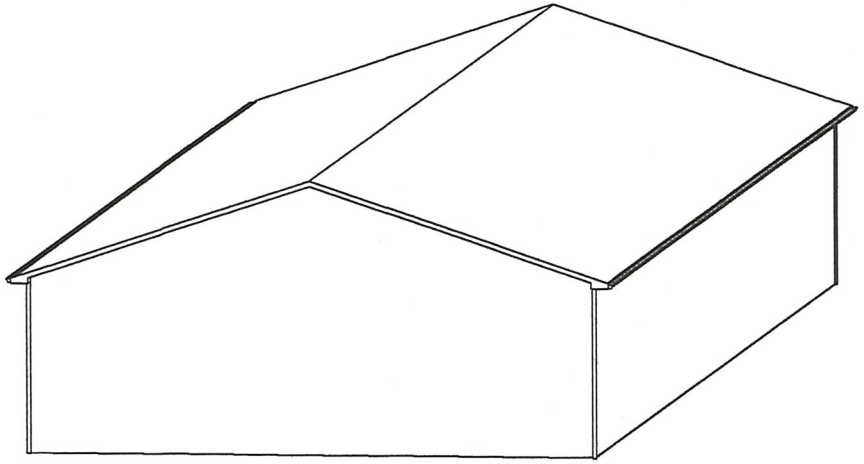
Brief Tax Description SPL FR 7 IN 96 PER DK SEC 18 T15N R17W-- S 400 FT OF SW 1/4 OF SW 1/4 LYG W'LY OF US 31 ROW. 5.37 A M/L
(Note: Not to be used on legal documents)

Date created: 10/9/2023
Last Data Uploaded: 10/8/2023 11:07:13 PM

Developed by Schneider GEOSPATIAL



FRONT
16' EAVE



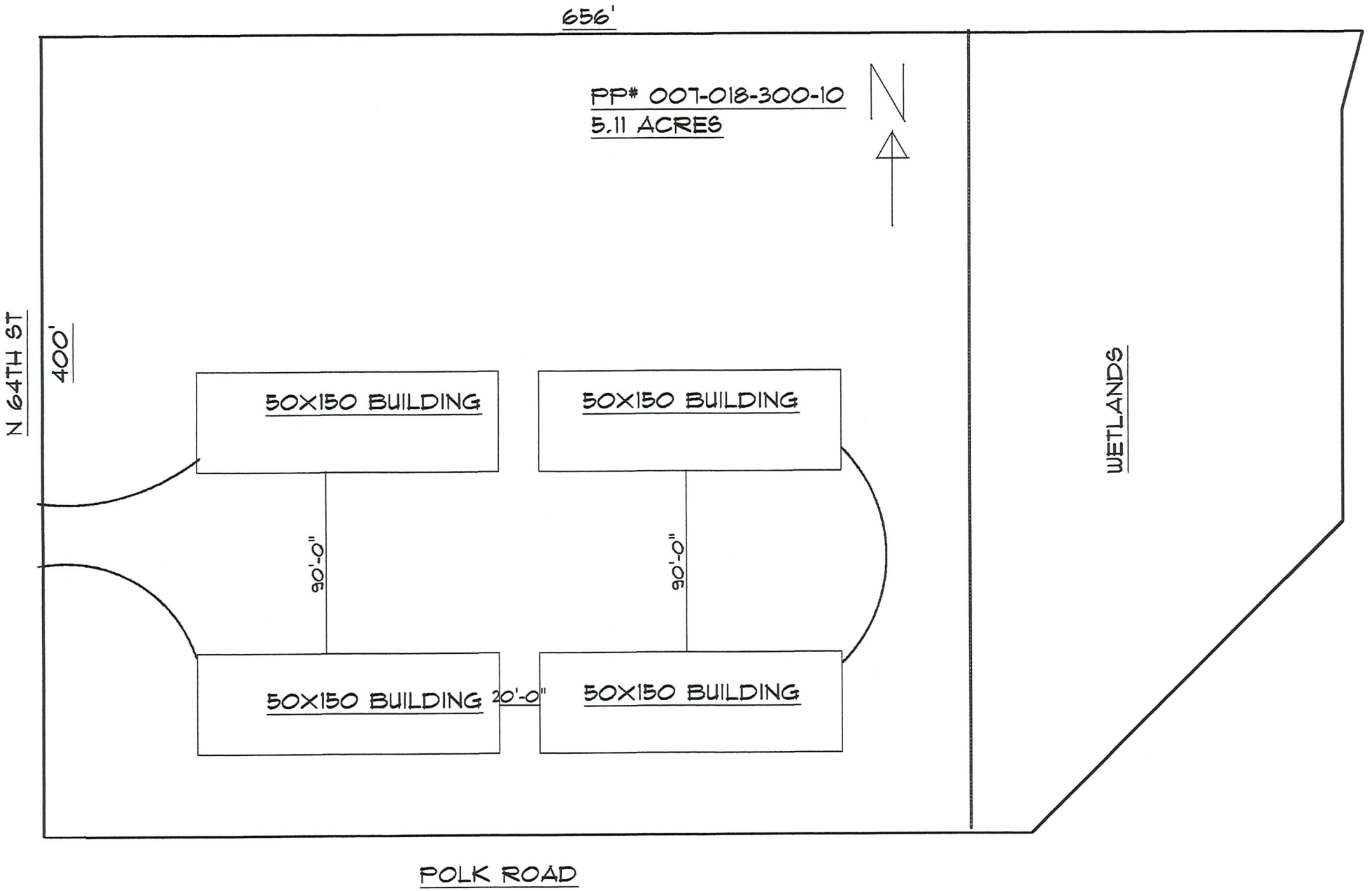
Date:
9/13/23

STORAGE CONDO
T.B.D.

DUER
Building & Design

jim@duerbd.com
Cell:616-638-0041
Fax:1-866-496-4396

www.duerbd.com


656'
PP# 007-018-300-10
5.11 ACRES
N
N 64TH ST
400'
50X150 BUILDING
50X150 BUILDING
90'-0"
90'-0"
50X150 BUILDING
20'-0"
50X150 BUILDING
WETLANDS
POLK ROAD

MCKENNA

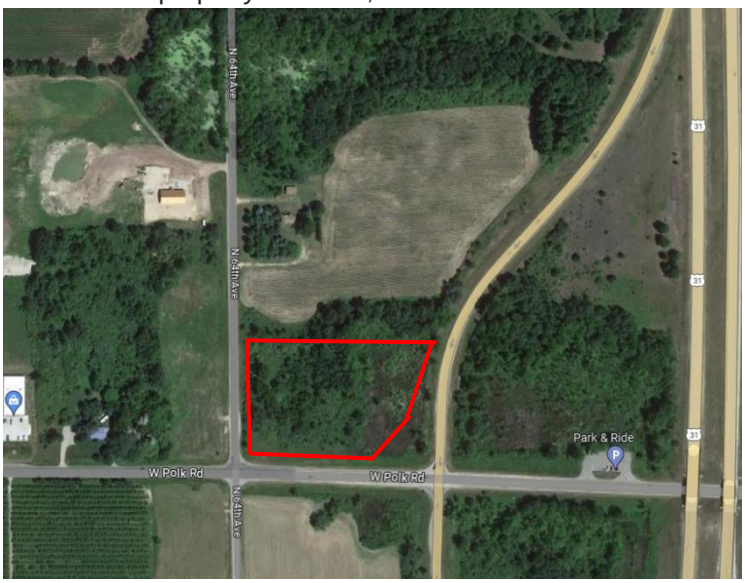
October 27, 2023

Planning Commission
City of Hart
407 S. State Street
Hart, MI 49420

Subject: Proposed Rezoning of 2566 N. 64th Avenue

Dear Commissioners,

As requested by the applicant, Benjamin C. Liesberg Jr., we have reviewed the above referenced application for rezoning of 2566 N. 64th Avenue. The applicant is requesting to rezone the property from B-2, General Business District to C-2, Limited Commercial.



The lot is approximately 5.4 acres in size and is currently zoned B-2, General Business District. The parcel is square in shape with a dog-eared southwest corner, likely providing right-of-way to US 31 and Polk Rd. This property does not have a frontage on Polk Rd. but does have a frontage on N. 64th Ave on it's western boundary . The lot is currently vacant with native vegetation onsite. The parcel is outlined (approximately) on the aerial photo on the right.

ACTION REQUESTED

To rezone parcel number: **007-018-300-10** from B-2, General Business District to C-2, Limited Commercial.

The applicant proposes to rezone the entire parcel to C-2, Limited Commercial and proposes the construction of a 20-unit storage condo development. The units will consist of four buildings that are 50' x 150', each partitioned into 5 individual units, equaling 20 total units in the development.

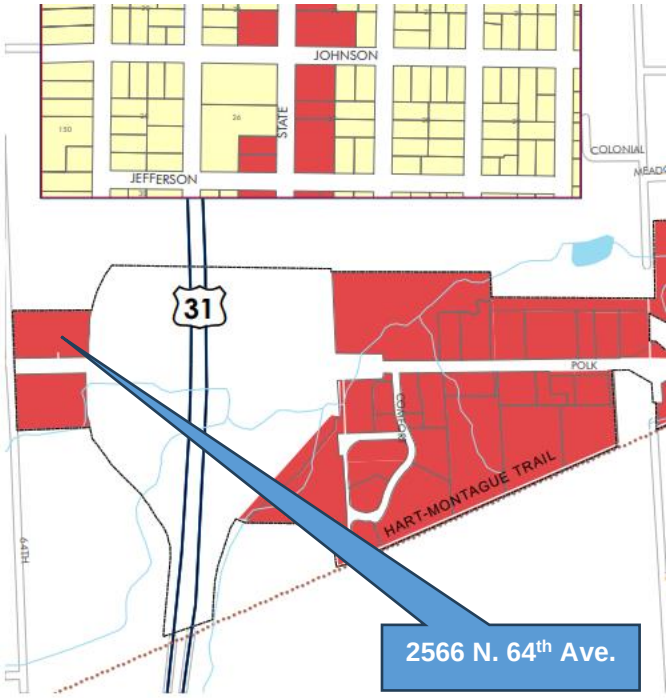
COMPATABILITY WITH THE AREA

The parcel in question lies on the edge of the City of Hart. The parcel is directly west of US 31 and north of Polk Rd., a commercial corridor and the exit for Hart. There are a number of land uses west of this parcel, not in the City of Hart jurisdiction, that have similar land uses. West of parcel on Polk Rd. there is a restaurant, automotive parts store, a storage facility with what appears to be 2 outdoor storage buildings and 1 indoor storage building, a towing company, a second storage facility with 2 outdoor storage buildings with multiple units, a Dollar General, and open farmland and natural areas.

Although the above-mentioned parcels and businesses are not in the City of Hart, their uses are compatible with what the applicant is proposing to build at 2566 N. 64th Ave, especially the 2 storage condo developments on west Polk Rd.

GRAND RAPIDS
124 East Fulton Street
6th Floor, Suite B
Grand Rapids, Michigan 49503
O 616.226.6375
F 248.596.0930
MCKA.COM

Below is the current zoning map in the area. The parcel in question is highlighted colored red and is being called-out. The parcel is currently zoned B-2, General Business District and the applicant is proposing to rezone the property to C-2, Limited Commercial.



- A, Residential Zone
- A-1, Residential Zone
- A-2, Apartment Zoning District
- B-1, Central Business District
- B-2, General Business District
- C-2, Limited Commercial
- D-1, Industrial District
- D-2, Industrial Park District
- M-1, Medical/Institutional District
- PUD, Planned Unit Development

ZONING DISTRICT COMPARISON

The chart below compares the existing PUD District to the proposed A District. When considering a rezoning, the Planning Commission must take into account all potential uses under the new zoning classification, not merely the use the applicant has expressed interest in.

	Existing District* *B-2, General Business District	***C-2, Limited Commercial***
Permitted Uses	• Any use permitted as a matter of right in the B-1 Zone. • An accessory apartment as part of an owner occupied single-family home, which complies with Section 1243.25, or having an apartment(s) associated with a commercial use. • Indoor or outdoor commercial recreation facilities such as bowling centers, indoor theaters, skating rinks, racquet clubs, miniature golf, video amusement establishments, pool and billiard establishments or similar uses. • Mortuaries or funeral homes. • Retail building supply and equipment stores. • Retail nurseries and garden centers. • Printing, lithography, publishing, and photocopy establishments. • Building contractors such as painters, plumbers, electrical, cement, heating	• Truck terminals including maintenance and repair facilities. • Contractor equipment establishments including water well drilling, oil and gas drilling, road construction contractors and other similar uses. • Commercial fuel depots. • Lumberyards and other building supply establishments. • Vehicle repair or body shops, including wrecker service, provided all work is done within an enclosed building and that damaged vehicles are not kept on-site for long term storage. Any vehicles being repaired or any materials kept outside must be well screened from the view of nearby properties and roadways. • Mini warehouses and self storage facilities. • Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses,

	Existing District* *B-2, General Business District	***C-2, Limited Commercial***
	and air conditioning, fencing, and similar uses provided that any materials or equipment kept outside shall be screened from the view of nearby properties and roadways. • Laboratory, medical or dental. • Ambulance service establishments. • Restaurants with microbreweries, brewpubs, small wineries, and/or small distilleries.	provided that any materials or equipment kept outside shall be well screened from the view of nearby properties and roadways. • Gas stations with or without repair facilities, or retail sales of food, beverages, and miscellaneous items. • Propane gas distributorships. • Open air businesses including but not limited to: the sale of motor vehicles, farm implements, lawn and garden equipment sales and service, motor homes, mobile or modular homes, and similar uses. • Customary accessory buildings and uses including limited retail sales provided such sales are accessory to the permitted use. • Other uses which are determined by the Zoning Administrator to be similar to the above uses and which meet the intent of the district.
Special Approval Uses	• Special land uses as permitted in the B-1 Zone.	• Adult businesses as regulated by Section 1256.13.

	Existing District* *B-2, General Business District	***C-2, Limited Commercial***
	• Gas stations with or without vehicle repair facilities. • Open air businesses including but not limited to: the sale of motor vehicles, farm implements, lawn and garden equipment sales and service, motor homes, mobile or modular homes and similar uses. • Vehicle repair or body shops provided all work is performed within an enclosed building and storage of vehicles is within an area which is well screened from the view of nearby properties and roadways. • Child day care outside of home.	
Minimum Lot Size	None required	1-acre.
Minimum Lot Width	None required	200 feet
Minimum Setbacks	Front yard: 25' for local street/20' for major street Side yard: None required except where a lot abuts a residential zone or use. In those cases,10' side yard shall be used.	Front: 50 feet Side: 25 feet Rear: 25 feet Exceptions to side and rear lot setbacks are when it meet a residential use. In those cases 50' setbacks for side and rea.
Maximum Building Height	35' maximum height 2.5 stories	35' maximum height 2.5 stories

The two districts are quite different in their allowable land uses. The B-2 district is geared more toward the public face of the service industry. The district permits low-intensity commercial uses like medical offices, entertainment venues, and retail businesses to supply the service industry. This district allows much more flexibility in site design, construction, and use, when compared to the C-2 district.

The C-2 district is envisioned to allow for a mixture of commercial uses and to allow for greater intensity. The permitted uses in this district are geared more toward the storage and logistics of the service industry. These uses could include public places like gas stations, but could also be contractors equipment storage, heavy vehicle maintenance facilities, or mini warehouses or storage facilities. Because storage facilities are a permitted use in the C-2 district, the applicant requests the Planning Commission to rezone the property to C-2.

REVIEW CRITERIA FOR REZONINGS

When reviewing a rezoning request, the Planning Commission should consider the following criteria.

1. **Consistency with the Master Plan.**
   The 2017 Hart Master Plan encourages commercial growth and has designated this area as an area for potential commercial growth by designating it a Regional Commercial Corridor. The 2017 Master Plan envisions a variety of commercial uses in this area.

2. **Consistency with the Zoning Ordinance.**
   The proposal to construct a storage condo development at the site, would be consistent with the Hart Zoning Ordinance, if the rezoning to C-2 occurs.

3. **The Site's Physical Compatibility with the Uses Permitted in the Zoning District.** The Planning Commission must consider whether rezoning the site to C-2 can reasonably support the proposed uses in this area.

   - **Natural Features:** The subject site is currently an undeveloped lot that contains native vegetation. The parcel is adjacent to US 31, Polk Rd., and N. 64th Ave. The natural features of the site are consistent with open spaces and wooded areas nearby. The parcel is also primarily flat and does not appear to contain protected wetlands or other natural features that would restrict development.

   - **Road Network:** The parcel fronts N. 64th Ave., which is the main east/west entry corridor in Hart. The parcel is approximately one mile east of Downtown Hart. To the east of the parcel is Oceana Rd., a regional road which bypasses Downtown Hart. The proposed rezoning is not anticipated to have any negative impacts on the road network.

4. **Compatibility with Surrounding Uses.** The Planning Commission must consider whether all of the permitted uses in the proposed C-2, Limited Commercial District would be appropriate adjacent to the existing surroundings. The table below summarizes the land use attributes of the site and the surrounding properties.

	Current Zoning	Existing Land Uses	Future Land Use (Master Plan)
Subject Parcel	B-2	Vacant	Regional Commercial Corridor
North	B-2	Active Farmland	Regional Commercial Corridor
East	US 31	US Government	US Government
South	B-2	Active Farmland	Regional Commercial Corridor
West	Golden Township	Gift shop/Dollar General	Commercial/Industrial

The surrounding land uses to the north, east, and west are a mixture of open space, farmland, and commercial. A storage condo development would likely be appropriate and compatible with the neighborhood.

5. **Most Appropriate Zoning District**. The parcel's future land use designation as a Regional Commercial Corridor strongly suggests a rezoning to the C-2, Limited Commercial District could be warranted. The Golden Township zoning map shows the area directly west of the parcel site zoned commercial/industrial.

6. **Infrastructure Capacity.** We are not aware of any infrastructure capacity issues that would restrict the ability to construct a storage condo development at this site. The site does not appear to have access to public water and sewer without connecting extensions to that system.

RECOMMENDATION

As the Planning Commission considers whether or not to rezone the parcel to C-2 for the permitted use of constructing a 20-unit storage condo development, they should weigh the following:

1. The use will be similar to many of the heavy commercial uses on Polk Rd. in Golden Township, directly west of the subject parcel. There are currently 2 existing storage condo developments on Polk Rd. to the west. There are other similar uses that would fit with the proposal.

2. The parcel is essentially the front door to the community of Hart. As the Planning Commission weighs the rezoning, are heavy commercial uses what the City wants on this parcel? The Master Plan envisions this area are a Regional Commercial Corridor. The Planning Commission should weigh this use against that standard.

Because there are other similar uses in the area, we recommend that the Planning Commission recommend approval of the rezoning from B-2, General Business District to C-2, Limited Commercial to the City Commission.

Please do not hesitate to contact us with any questions.

Respectfully submitted,
MCKENNA



Christopher Khorey, AICP
West Michigan Manager



Jeff Keesler
Associate Planner