City of Hart, Michigan

PLANNING COMMISSION

April 3, 2025

AGENDA

Hart Council Chambers, 407 State Street, Hart, MI 49420

4:00 PM

1. Call to order / roll call: Cunningham, Fout, Goldberg, LaPorte, Mullen, Root
2. Approval of agenda
3. Approval of minutes of February 6, 2025, meeting
4. Public comments on Agenda Items
    a. Public Hearing: Proposed Special Use Permit – Antenna Tower
5. Action Items
    a. Consider approval of Special Use Permit
6. Discussion Item.
7. Public Comments on Non–Agenda Items
8. Other business and communications from Commission members
9. Adjourn – Next regular meeting on May 1, 2025

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City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, February 6th, 2025
Minutes

MEMBERS PRESENT: Jim Cunningham, Cynitha Fout, Diane LaPorte, Andrew Mullen, and Betty Root
ABSENT: Gale Goldberg
OTHERS PRESENT: City Manager – Rob Splane, City Clerk – Karla Swihart, Community & Economic Development Director – Nichole Kleiner

- C. Fout called the meeting to order at 4:00 pm.

APPROVAL OF AGENDA:

- B. Root motioned to approve agenda and supported by D. LaPorte
  - Ayes: 5 Nays: 0 Absent: 1

APPROVAL OF MINUTES:

- J. Cunningham moved to approve minutes from January 2nd, 2025, and supported by D. LaPorte
  - Ayes: 5 Nays: 0 Absent: 1

PUBLIC COMMENTS ON AGENDA ITEMS:

- NONE

PUBLIC HEARING:

- A) Proposed A- Residential Zoning Amendments:
  - J. Cunningham motioned to open Public Hearing at 4:04pm on Proposed A- Residential Zoning Amendments and supported by D. LaPorte
    - Ayes: 5 Nays: 0 Absent: 1

  With No Public in attendance
  - J. Cunningham motioned to close public hearing at 4:09pm on Proposed A- Residential Zoning Amendments and supported by B. Root
    - Ayes: 5 Nays: 0 Absent: 1
- B) Proposed A1 – Residential Zoning Amendments:
  - J. Cunningham motioned to open Public Hearing at 4:09pm on A1 – Residential Zoning Amendments and supported by A. Mullen

  With No Public in attendance
  - D. LaPorte motioned to close Public Hearing at 4:10pm on A1- Residential Zoning Amendments and supported by J. Cunningham
    - Ayes: 5 Nays: 0 Absent: 1
- C) Proposed Landscaping Zoning Amendments:
  - B. Root motioned to open Public Hearing at 4:10pm on Proposed Landscaping Zoning Amendments and supported by D. LaPorte
    - Ayes: 5 Nays: 0 Absent: 1

  With No Public in attendance
  - J. Cunningham motioned to close Public Hearing at 4:11pm on Proposed Landscaping Zoning Amendments and supported by B. Root
    - Ayes: 5 Nays: 0 Absent: 1
- D) Proposed Food Truck Zoning;
  - J. Cunningham motioned to open Public Hearing at 4:12pm on Proposed Food Truck Zoning and supported by B. Root
    - Ayes: 5 Nays: 0 Absent: 1

  With No Public in attendance

- J. Cunningham motioned to close Public Hearing at 4:20pm on Proposed Food Truck Zoning and supported by D. LaPorte
    - Ayes: 5 Nays: 0 Absent: 1

ACTION ITEMS:

- Consider recommendation to the Council to adopt Proposed A-Residential Zoning Amendments

CHAPTER 1245

A, Residential Zone

1245.01 Purpose
1245.02 Permitted uses
1245.03 Speical uses
1245.04 District regulations
1245.05 Additional regulations
CROSS.REFERENCES
Zoning and planning in home rule cities – see M.C.L.A. Sec. 117.4i
Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A Sec. 125.581 Section 125.581
Regulation on buildings; authority to zone – see M.C.L.A. Sec. 125.582
Regulation of congested areas – see M.C.L.A Sec. 125.583
Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property – see M.C.L.A. Sec. 125.583a
Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use – see M.C.L.A 125.592

- **1245.01 PURPOSE**

This district provides primarily for single family dwelling units and includes the majority of the existing residential areas in the City. This district is intended to be served by public water and sanitary sewer. Regulations contained within this chapter also provide for the development of certain non-residential facilities as special land uses which can provide convenient services while at the same time maintaining the overall residential character of the district.
(Ord. 182. Passed 5-12-98; Ord. 184 passed 5-25-99.)

- **1245.02 PERMITTED USES.**

Land and structures in the A, Residential Zone, may be used for the following purposes only.
(a) Single Family detached dwellings.
(b) Child and adult day care homes with no more than six minor children and adults.
(c) State licensed adult foster care family homes with no more than six adults. Such facilities shall be at least 1500 fee apart as measured between property lines.
(d) Home occupations.
(e) Private communication antenna not exceeding twenty-five feet in height as regulated by Section 1243.18.
(f) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by Section 1243.16.
(g) Essential public service equipment.
(h) Two-family dwellings (duplexes) including the conversion of single family dwellings to a two-family dwelling. Two off-street parking spaces for each dwelling shall be provided on the same parcel as the two-family dwelling. Such dwelling shall have the exterior appearance of a one-family dwelling.
(i) Churches, synagogues or other similar places of worship and customary related uses.
(j) Public and institutional uses.
(k) Public and private schools and school administration buildings.
(l) Accessory apartments as regulated by Section 1243.25.
(Ord. 182. Passed 5-12-98; Ord. 184 Passed 5-25-99.)

1245.03 SPECIAL USES.

The following uses may be permitted as a special land use subject to the applicable general and specific requirements and standards of Chapter 1256.
(a) Antenna and towers exceeding a height of twenty-five feet as regulated by Section 1243.18.

(b) Non-commercial parks, playgrounds and play fields.
(c) Essential public service buildings and structures.
(d) Housing for the elderly, retired or those requiring assisted care including nursing homes.
(e) Public and private golf courses.
(f) Child day care homes which provide care to more than six but not more than twelve minor children.
(g) Child day care centers.
(h) Bed and breakfast establishments.
(i) Foster care group home for seven or more persons.
(j) Domestic farm animals and fowls penned and housed more than 200 feet from any dwelling other than the dwelling occupied by the owner of the farm animals or fowls and located on a parcel of land containing three acres or more.
(k) Duplexes.
(l) Boarding houses.
(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 2005-6. Passed 6-28-05; Ord. 2014-01. Passed 1-7-13

1245.04 DISTRICT REGULATIONS.

Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained.

	Minimum Lot Area	**Minimum Lot Width**	**Minimum Front Setback**	**Minimum Rear Setback**	**Side Setback Total/Min. One Side**
Lots with both public sewer and water	6,000 s.f.	45ft	15ft local 30ft major street or state highway	25ft	15ft/5ft
Lots with public sewer or water	9,000 s.f.	65ft	Same as above	25ft.	15ft./5ft.
Lots with no public sewer or water	12,000 s.f.	100ft	Same as above	25ft.	15ft./10ft.

(a) Corner Lots. The setback along the principal street shall be the minimum required by this section while the setback along the secondary street shall be at lease fifteen feet. The Zoning Administrator shall determine which is the principal and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street. Corner lots shall have two front lot lines and two side lot lines and no rear lot lines.
(b) Maximum height – 35 feet.
(C) Minimum floor area:
(1) one-story ~~720~~ 400 square feet.
(2) two-story ~~600~~ 500 square feet on the ground floor
(3) split level, bi-level and raised ranch ~~800~~ 700 square feet total.
(4) two-family dwelling ~~720~~ 600 square feet per dwelling.
(Ord. 182 Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 06-02. Passed 11-28-06; Ord. 2007-04. Passed 11-13-07.)

1245.05 ADDITIONAL REGULATIONS.

(a) Off-Street parking shall be regulated by Chapter 1260.
(b) Signs shall be regulated by Chapter 1259
(c) Site plan review as regulated by Chapter 1258 is required for all special land uses.
(d) Site condominiums shall be regulated by Chapter 1257.
(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99.)

- D. LaPorte motioned to Recommend Proposed A- Residential Zoning amendments for adoption to City Council and supported by A. Mullen
  - Ayes: 5 Nays: 0 Absent: 1

- Consider recommendation to the council to adopt proposed A1 Residential Zoning Amendments

CHAPTER 1246

A-1, Residential Zone

1246.01 Purpose.
1246.02 Permitted uses.
1246.03 Special Uses.
1246.04 District regulations
1246.05 Additional Regulations
CROSS REFERENCE
Zoning and planning in home rule cities – see M.C.L.A Sec. 117.4i.
Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A. Sec. 125.581
Regulation of location of buildings; authority to zone – see M.C.L.A. Sec 125.582
Regulation of congested areas – see M.C.L.A. Sec 125.583
Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property – see M.C.L.A. Sec. 125.583a
Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use – see M.C.L.A Sec. 125.592

1246.01 PURPOSE.

This district allows for single family dwellings as predominant land use on minimum lot sizes which are larger than those required in the A Zone.
(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99.)

1246.02 PERMITTED USES.

Land and structures in the A-1 Residential Zone may be used for the following purposes only.
(a) Single family detached dwellings.
(b) Child and adult day care homes with no more than six minor children and adults.
(c) State licensed adult foster care family homes with no more than six adults. Such facilities shall be at least 1500 feet apart as measured between property lines.
(d) Home occupations
(e) Private communication antenna not exceeding twenty-five feet in height as regulated by Section 1243.18
(f) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by Section 1243.16.
(g) Essential public service equipment.
(h) Two-family dwellings (duplexes) including the conversion of single-family dwellings to a two-family dwelling. Two off-street parking spaces for each dwelling shall be provided on the same parcel as the two-family dwelling. Such dwelling shall have the exterior appearance of a one-family dwelling.
(i) Churches, synagogues or other similar places of worship and customary related uses.
(j) Public and institutional uses.
(k) Public and private schools and school administration buildings.
(Ord. 182. Passed 05-12-98; Ord. 184. Passed 5-25-99.)

1246.03 SPECIAL USES.

The following uses may be permitted as special land use subject to the applicable general and specific requirements and standards of Chapter 1256.
(a) Antennae and towers exceeding a height of twenty-five feet as regulated by Section 1243.18.
(b) Non-commercial parks, playgrounds and play fields.
(c) Essential public service buildings and structures.
(d) Housing for the elderly, retired or those requiring assisted care including nursing homes.
(e) Public and private golf courses.
(f) Child day care homes which provide care to more than six but not more than twelve minor children.
(g) Child day care centers.
(h) Bed and Breakfast establishments.
(i) Accessory apartments as regulated by Section 1243.25.

(j) Foster care group home for seven or more children or adults.
(k) Domestic farm animals and fowls penned and housed more than 200 feet from any dwelling other than the dwelling occupied by the owner of the farm animals or fowls, and located on a parcel of land containing three acres or more.
(l) Boarding houses.
(m) Buildings containing 3 or 4 dwelling units.
(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 2014-01. Passed 1-7-14.)

1246.04 DISTRICT REGULATIONS.

Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained.
(a) Minimum lot area and width.
(1) Single family dwellings: 12,000 square feet and 100 feet of lot width.
(2) Non-residential uses: 15,000 square feet and 100 feet of lot width.
(b) minimum required building setbacks.
(1) Front yard – 25 feet.
(2) Side yard. For dwelling units a total of 30 feet provided no side setback shall be less than 10 feet. For all other uses 25 feet on each side.
(3) Corner lots. The setback along the principal street shall be a minimum of 25 feet while the setback along the secondary street shall be at least 15 feet. The Zoning Administrator shall determine which is the principal and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street. Corner lots shall have two front lot lines and two side lot lines and no rear lot lines.
(4) Rear yard – 25 feet.
(c) Maximum building height – 35 feet.
(d) Minimum floor area:
(1) One Story – ~~720~~ 400 square feet
(2) Two Story – ~~600~~ 500 square feet on the ground floor.
(3) Split level, bi-level and raised ranch – ~~800~~ 700 square feet total.
(4) Two – four unit ~~family~~ dwellings – ~~720~~ 600 square feet per dwelling unit.
(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 2007-04. Passed 11-13-07.)

1246.05 ADDITIONAL REGULATIONS.

(a) Off-street parking shall be regulated by Chapter 1260.
(b) Signs shall be regulated by Chapter 1259.
(c) Site plan review as regulated by Chapter 1258 is required for all special land uses.
(d) Site condominiums shall be regulated by Chapter 1257.
(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99.)

- D. LaPorte motioned to Recommend Proposed A1 Residential Zoning amendments for adoption to City Council and supported by A. Mullen
  - Ayes: 5 Nays: 0 Absent: 1

- Consider Recommendation to the Council to adopt Proposed Landscaping Zoning Amendments.

GENERAL PROVISIONS RELATING TO ALL DISTRICTS:

1243.22 LANDSCAPE REGULATIONS.

(a) The intent of this section is to set forth minimum standards for landscaping. Landscaping areas are intended to maintain or improve air quality, stabilize soils, increase groundwater infiltration, decrease wind velocity, reduce noise, and create zones of privacy.
(b) For site plans requiring Planning Commission review, buffer strips shall be required where an industrial use abuts any other nonindustrial use or where any parking lot exceeding fifteen parking spaces abuts residential, public, or religious use. Where a landscape buffer strip or greenbelt is required, the following minimum landscape requirements shall be observed.
(1) Two trees plus one additional tree for each twenty-five feet in length of the buffer strip measured along the outer periphery of the required landscape area.
(2) One shrub for every twenty feet in length of the buffer strip measured along the outer periphery of the required landscape area.

(3) All plantings in the buffer strip shall be maintained in a neat and orderly manner. Dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.

(c) Landscaping shall be located so it does not obstruct the vision of drivers or pedestrians entering or leaving a site.

(d) Parking area landscaping.

(1) All parking areas more than 5,000 square feet in area, except those parking areas for industrial uses which are located in the rear yard, shall be landscaped with one canopy and one evergreen tree for every ten parking spaces, with a minimum of two trees shall be planted, adjacent to the parking area.

(2) Landscape islands or peninsulas shall be installed at the end of these parking rows which are more than twenty spaces long. Within such rows a landscaped island shall be installed every twenty spaces.

(3) Landscape islands or peninsulas at the end of parking rows shall be a minimum of ten feet in width by the length of the parking space or spaces, with an appropriate curb radius. Islands within parking rows shall be a minimum of six feet wide by the length of the parking space or spaces. Islands shall be separated from the parking area by a rolled or stand-up curb.

(4) Each island or peninsula within a parking area shall contain a minimum of one canopy tree.

(5) Landscaping in and adjacent to parking areas shall be of a height and location which will not block the vision of drivers or pedestrians.

(e) Limitations on Removing Existing Trees.

(1) Applicability. The tree removal regulations in this Section shall apply when compliance with other landscaping standards is required under Section 1243.22. The regulations of this section shall not apply to any construction project that does not require approval from the Planning Commission or Administrative Site Plan Review Committee. Lots containing one single family home shall also be exempt from this section.

(2) Exempt Activities. The following activities shall be exempt for this section.

(a) Tree trimming and other routine maintenance that does not result in the destruction, relocation, or cutting of a tree so that no portion larger than a stump remains intact on the sire, or the mutilation of a tree to the point of near certain death.

(b) Removal or trimming made necessary by emergency caused by natural events, such as tornado, windstorm, flood, or other natural disasters, in which the removal of the tree would prevent injury or damage to persons or property.

(c) The removal or trimming of dead trees, diseased trees or discouraged species.

(3) Exempt Organizations. The following organizations shall be exempt for this section.

(a) Public Utilities. The removal or trimming of trees necessitated by the installation, repair or maintenance work performed in a public utility easement or approved private easement for public utilities grants such permission.

(b) Public Agencies. The removal or trimming of trees if performed by or on behalf of the City, County, State or other public agencies in a public right-of-way, on public property or on an easement for public utilities in connection with a publicly awarded construction project, such as the installation of public streets or public sidewalks.

(c) Tree Farms, where the primary purpose of the operation is to grow trees for wholesale or retail.

(4) Tree Removal Restriction., Any tree greater than twelve (12) inches in Diameter at Breast Height (DBH), except those exemptions by Sections 1243.22e (2-3), shall be replaced in accordance with Section 1243.22e(5) if it is removed from a site. “Removed” shall mean the destruction, relocation, or cutting of a tree so that no portion larger than a stump remains intact on the site, or the mutilation of a tree to the point of near certain death.

(5) Replacement Requirement. Replacement Trees shall be provided to replace each tree to be removed in accordance with the following schedule. When the number of Replacement Trees results in a fraction, any fraction up to one-half shall be disregarded, and any fraction over and including one-half shall require one Replacement Tree. The minimum size at planting for Replacement Trees is 8 feet in height for coniferous trees and 2.5 inches DHB for deciduous trees.

(a) If the replacement trees are coniferous trees:

(i) A replacement tree under 6 feet tall replaces 0.5 removed trees.

(ii) A replacement tree between 6 and 8 feet tall replaces 1 removed tree.

(iii) A replacement tree between 8 and 10 feet tall replaces 1.5 removed trees.

(iv) A replacement tree over 10 feet tall replaces 2 removed trees.

(b) If the replacement trees are deciduous trees:

(i) A replacement tree under 2.5 inches DBH replaces 0.5 removed trees.

(ii) A replacement tree between 2.5 and 3.5 inches DBH feet tall replaces 1 removed tree.

(iii) A replacement tree between 3.5 and 4.5 inches DBH feet tall replaces 1.5 removed trees

(iv) A replacement tree over 4.5 inches DBH replaces 2 removed trees.

(6) Standards for Replacement Trees. Replacement trees must meet the requirements of Section 1243.22b-c.

(7) Relationship to Landscape Requirements. Replacement trees may be counted as required trees for other requirements of this section, provided they are located in such a way as to fulfill the requirement in question.

(~~fe~~) Landscape modifications. The landscape requirements of this section may be modified by the Planning Commission or Zoning Administrator in consideration of existing trees on site, proposed building setbacks, existing and proposed uses on adjacent lands, topographical elevations on a site and on adjacent lands. In deciding whether to modify the landscape regulations of this section the Planning Commission or Zoning Administrator shall determine that the intent of the regulations will still be met if modifications are allowed.

(Ord. 182. Passed 5-12-98.)

- D. LaPorte motioned to Recommend Proposed Landscape Zoning amendments for adoption to City Council and supported by A. Mullen
  - Ayes: 5 Nays: 0 Absent: 1

- Consider recommendation to the Council to adopt proposed Food Truck Zoning Ordinance

AN ORDINANCE TO REGULATE THE OPERATION OF TRANSITORY FOOD SERVICE UNITS AND THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR TRANSITORY FOOD SERVICE UNITS.

THE CITY OF HART ORDIANS:

Section 1. <u>Purpose</u>

The purpose of this Ordinance is to establish a policy to regulate and manage Transitory Food Service Units in the City of Hart (the "CITY"); to permit and regulate Transitory Food Service Units in the City; to reduce vehicular and pedestrian traffic congestion; to encourage new business; and to protect the health, safety, and welfare of the City's business district and the City's people.

Section 2. <u>Definition</u>

Transitory Food Service Unit means a motorized vehicle, including pulled mobile trailer, a temporary food service station, cart, smoker, grill, freezing or cutting unit, or similar apparatuses that engages in the storage, preparation, service, sale or distribution of ready-to-eat or immediately consumable food items to the public directly from the unit. Transitory Food Service Unit includes a "special transitory food unit" and a "temporary food establishment" as defined under the Michigan Food Law, MCL 289.1111.

Section 3. <u>Permit Requirements</u>

Except as otherwise authorized under this Ordinance, no Transitory Food Service Unit may engage in the preparation service, sale, or distribution of food in the City of public or private property without first obtaining a permit from the City in the manner prescribed in this ordinance. The application fee will be set from time to time by resolution of the City Council. All fees must be paid to the City Treasurer at the time the application is submitted. All permits issued pursuant to this Ordinance must be available on sire for inspection upon request by the City Zoning

Administrator or law enforcement officer. Permits must be conspicuously displayed on the premises of any cart, stand, booth, motorized vehicle, mobile trailer, or similar apparatus used in the business at all times. No person may carry or display any expired, suspended, or revoked permit, or any license or permit for which a duplicate has been issued. Additionally, the Transitory Food Service Unit must comply with all applicable state licensing requirements, including but not limited to filing a Notification of Intent to Operate a Special Transitory Food Unit, and must further comply with all applicable requirements of the Oceana County Health Department. Failure to comply with all applicable licensing and regulatory requirements may result in the revocation of the permit by the City.

Section 5. Applications

1. A person requesting a Transitory Food Service Unit permit must submit a written application no more than 6 months in advance, and no less than 7 days prior to the proposed operation date.
2. Applications are to be on forms provided by the City and must state under oath such facts as may be required for, or applicable to, the granting of the permit. The City reserves the right to request additional information or documentation regarding the application to ensure proper compliance with this Ordinance and the safety of the general public.
3. The applicant must pay a fee of in an amount set by City Council from time to time by resolution. Fees must be made payable to "The City of Hart". All payments must be made by cash, check, credit card, or electronic fund transfers.
4. The application fee is nonrefundable and does not guarantee approval by the City.
5. Permits are valid for 14 consecutive days. Eash additional period of 14 days or less requires an additional application submitted in the same manner as an original application. Longer-term permits may be granted only by City Council resolution.
6. A Transitory Food Service Unit that is engaged in the business of selling prepared food that is cooked or heated with a device or appliance using any gas or liquid may nor receive a permit until and unless the motor vehicle, conveyance, cart, stand, booth or other similar structure of fixture, device or appliance is reviewed or inspected by the Oceana County Health Department.
7. Application Process
   A. Application must be submitted to: City of Hart, 407 South State Street, Hart MI 49420 in accordance with the requirements this Ordinance for approval by either the City Manager or the Chief of Police.
   B. The City reserves the right to deny the application for incompleteness. No permit may be granted to any person owing any personal property taxes, money, judgement, or any other indebtedness to the City, except for real property taxes and special assessments, or to any person using any personal property in the operation of a business upon which personal property in the operation of a business upon which personal property taxes are delinquent.
   C. If, within 14 days from application submission, the applicant is unable to furnish any required or requested initial or supplemental documentation and/or delinquent payments, the application will be considered abandoned.

Section 6. Regulations

All the following regulations must be followed at all times by any Transitory Food Service Unit operating in the City.

1. Transitory Food Service Units may operate in zoning districts B-1 and B-2, as designated by the current City of Hart Zoning Map on private property. Those applying for a permit to operate on public property may only operate in designated areas under an approved special event permit or otherwise approved by City Council.
2. No Transitory Food Service Unit may operate within the vicinity of a hospital entrance or within 100 ft of the main entrance of a brick – and – mortar food service establishment unless the unit is an accessory use of the restaurant.
3. Transitory Food Service Units may operate within the hours of 7:00am and 10:00 pm on Sundays though Thursdays and 7:00am and 12:00am on Fridays and Saturdays unless the City Council approves additional permitted hours upon request of a Transitory Food Service Unit.
4. No Transitory Food Service Units may be left overnight, unattended on public property, unless authorized by City Council by Resolution or under an approved Special Events Permit.

5. No Transitory Food Service Unit may block, obstruct, restrict, or otherwise interfere with the movement of vehicular traffic, or designated public parking.
6. No Transitory Food Service Unit may block, obstruct, restrict, or otherwise interfere with the flow of pedestrian foot traffic, movement or access to public walkways, trails or public amenities.
7. No furnishings are allowed on curbs, sidewalks, trails, in roads, pedestrian or vehicular right of ways. This includes, but not limited to, lights, signs, banners, chairs, tables, or external waste receptacles.
8. The City of Hart reserves the right to permit furnishings on any public lawn, lot, park, or space. All furnishings must be included on a site plan and submitted with application. And must be in good quality condition. Furnishings are subject to approval by the City Manager or Chief of Police.
9. No liquid, solid, or food waste, or debris will be permitted to emit from the Transitory Food Service Unit. The permittee must keep the premises whereon said Transitory Food Service Unit is located free from their own rubbish, waste products, cans, bottles and debris including napkins, straws, paper cups and plates and other waste material.
10. Only reasonable vapors, steam or exhaust will be permitted to emit from the Transitory Food Service Unit.
11. Use of generators may be prohibited if its use, location, or condition is anticipated to create a nuisance to neighbors or pedestrians.
12.The Transitory Food Service Unit must comply with all local, state, and federal laws set forth by the Michigan Food Code, Michigan Health Department, USDA, Michigan Department of Agriculture, Michigan Secretary of State, Michigan Liquor Control Code, Internal Revenue Service, Oceana County Health Department, or any other agency or entity with lawful jurisdiction over the Transitory Food Service Unit, its operation, or product sales.
13. Transitory Food Service Unit must comply with all regulations herein, and subsequent recommendations by the City of Hart. The Transitory Food Service Unit must furnish all documents as outlined, and any other proof or documents requested by Chief of Police.

Section 7. Indemnification

A Transitory Food Service Unit permit holder, and private property owner, agrees to hold harmless and indemnify the City of Hart, its agencies, its employees, or agents in all matters arising from the permitted application, and/or the operation of the Transitory Food Service Unit.

Section 8. Insurance

A Transitory Food Service Unit permit holder, operating on public property, must have no less than $1,000,000.00 business liability insurance naming the City of Hart as an additional insured for approved dates of operation. Proof of business insurance must be submitted with permit application. Proof of insurance is due prior to the Transitory Food Service Unit permitted operation dates.

Section 9. Impoundment

Any equipment associated with a Transitory Food Service Unit that is not in compliance with this Ordinance and is left on public property may be impounded at the owner's sole expense.

Section 10. Non-Exclusivity:

No provision in this chapter limits or intends to limit in any way the Transitory Food Service Unit, or its operator, the right to offer or sell its products to the general public, other business entities, municipalities, or agencies before, during or after the operation permitted herein. The permit does not limit the City of Hart from freely engaging other persons, organizations, or businesses to provide the same or similar products or services at any time. Approval for a permit does not constitute approval or agreement to approve future applications.

Section 11. Revocation, Suspension, or Refusal Appeal

Once a permit has been issued, the Zoning Administrator may, at any time, revoke or suspend a license for failure to comply with the provisions of this Ordinance or any rules or regulations promulgated by the city included, but not limited to one or more of the following reasons:

1. Failure to pay all required fees;
2. Fraud, misrepresentation or false statement contained in the application for a permit;
3. Fraud, misrepresentation or false statement made in the operation of a business;

4. Any violation amounting to a felony, or misdemeanor involving moral turpitude, resulting from a business in the City;
5. Conducting a business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a nuisance per se to the health, safety or welfare of the public;
6. Failure to comply with an requirement of any authorized City official as it relates to the operation or business pertaining to the permit;
7. The failure of any applicant or permittee (including all employees, agents and representatives of the applicant or permittee) to meet and satisfy any provision of this Code or any other duly established rule or regulation of the City applicable to the business for which the permit has been requested or granted;
8. Failure to obtain any other required license or permit for the business from any federal, state or local agency or authority and lack of any evidence that such state license or permit has been obtained and proof that all fees pertaining thereto have been paid;
9. Failure to provide any information reasonably requested by the Zoning Administrator related to the application;
10. Failing to comply with this Ordinance.

The City must provide a permittee with reasonable notice and an opportunity to be heard before revoking or suspending a permit.

If a permit application is denied or a permit is revoked or suspended, the aggrieved party may appeal to the City Council in writing withing ten days. If no appeal is timely filed, then the denial, revocation, or suspension is final.

Section 12. Other Permits.

A permit obtained does not relieve any Transitory Food Service Unit of its responsibility for obtaining any other permit or license or authorization required by any other ordinance, statute, law or administrative rule promulgated by any entity with jurisdiction over the location or conduct considered within this Ordinance.

Section 13. Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such holding will not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 14. Repealer Clause

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 15. Violation

A violation of this ordinance is a municipal civil infraction, and, in addition, the City of Hart is entitled to enforce this ordinance by seeking injunctive relief or any other remedy allowed by law.

Section 16. Effective Date

This ordinance is effective 30 days after publication.

- J. Cunningham motioned to recommend proposed Food Truck Zoning to City Council and supported by D. LaPorte.
  - Ayes: 5 Nays: 0 Absent: 1

- Review and Accept 2024 Planning Commission Annual Report

The Michigan Planning Enable Act requires the Planning Commission to provide an annual written report to the City Council concerning its operations and the status of planning activities, recommendations, and goals. Please find the following summary information for 2024 and potential goals for 2025

Action Summary Table

Type	2020	2021	2022	2023	2024
Meeting	7	6	4	2	5
Text Amendments	0	0	2	0	0
Site Plans	1	2	0	0	1
Special Land Uses	1	0	0	1	0
Plats	0	0	0	0	1
Site Condos	0	0	0	0	0
Rezoning	2	1	0	2	1

2024 Attendance

Month	Betty Root Chair	Jim Evans Councilor	Diane LaPorte Member	Gale Goldberg Member	Cynthia Fout Member	Jim Cunningham Member	Justin Adams Councilor
Meetings	**5/5**	**1/5**	**5/5**	**5/5**	**4/5**	**4/5**	**0/4**

2024 Reviews

Date	Application	Decision	Vote
2-1-2024	**Site Plan Review- Dollar General 4128 Polk Rd**	**Recommendation**	**5-0**
3-7-2024	**PUD Amendment and Re-plat Creeks Subdivision**	**Recommendation**	**5-0**
6-6-2024	**Rezone 3 E Main Street From B-2 to PUD**	**Recommendation**	**4-0**

2024 Discussions

1. Joint City Council retreat Planning Commission Members

2025 Goals

1. Continuing work on Redevelopment Ready Community Initiatives
2. Revisit food truck ordinance
3. Short-term rental ordinance
4. Continue regular review of all existing ordinances and suggest updates as necessary
5. Refine potential creation of overlay district using form-based code
6. Fill Planning Commission Vacancy
    - B. Root motioned to approve 2024 annual report with adding the Planning Commission Bi-Laws and supported by D. LaPorte
        - Ayes: 5 Nays: 0 Absent: 1

DISCUSSION ITEMS:

- D. LaPorte is going to speak with Lisa Clark regarding vacant seats on Planning Commission
- Joint City Council retreat is scheduled for March 1st invites are to be sent out
- Frozen Tinman Golf Outing is scheduled for Saturday February 8th

OTHER BUSINESS:

- NONE

PUBLIC COMMENTS ON NON-AGENDA ITEMS:

- NONE

ADJOURN:

- There being no further business to come before the Planning Commission, the meeting adjourned upon a motion by J. Cunningham and supported by B. Root. The next meeting scheduled will be held on March 6th, 2025.

Karla Swihart

Karla Swihart
City Clerk

MCKENNA

Memorandum

TO: City of Hart Planning Commission

THROUGH: Rob Splane, City Manager / Zoning Administrator

FROM: Eric Ensey, AICP

SUBJECT: **Site Plan and Special Land Use Permit**
3123 N. Oceana Drive

DATE: April 3, 2024

A Special Land Use Permit and associated Site Plan application and supporting documentation was submitted for construction of a new 250-foot telecommunications tower to be located at 3123 N. Oceana Drive has been reviewed. The applicant for this request is SMJ International, who will be the responsible party for construction of the proposed tower. The property owner, who is party to a lease agreement with the applicant, is Engage Real Estate, LLC. McKenna has reviewed the application and provided our analysis and recommendations as part of this memorandum.

APPLICATION

The site is approximately 14 acres in area and is zoned C-2, Limited Commercial. The application proposes construction of a new 260-foot high wireless communications tower on the subject property (tower structure is 250 feet with a 10-foot high lightning rod at the top). The application includes a 100-foot by 100-foot lease area with a 75-foot by 75-foot fenced area that will contain the tower and associated equipment. Access to the tower will be by an existing 12-foot wide gravel access drive.

Section 1243.18 of the Planning and Zoning Code indicates that towers are permitted in all zone districts subject to a Special Land Use Permit. The maximum allowed height in the C-2 zone district is 35 feet. However, Section 1243.10 indicates that the applicant can request consideration by the Planning Commission to exceed the height limitation in the zone district, which triggers a Site Plan review by the Planning Commission. Therefore, the Planning Commission will be considering the Special Land Use Permit along with the Site Plan.

ANALYSIS OF APPLICABLE LAND USE CRITERIA

The proposed land use is a wireless telecommunications tower, which is subject to the requirements of Section 12.43.18 of the code. The following is a review of the criteria outlined in Section 12.43.18 pertaining to the regulation of antennae and towers. The following table is a review of the criteria against the proposed application.

Regulation of Antennae and Towers	
Code Criteria	**Finding**
(a) The antenna or tower shall be permanently secured to a stable foundation.	***In conformance.*** The proposed tower will require a building permit to ensure a stable foundation and construction.
(b) No portion of the antenna shall conduct or display any advertising, message, or other graphic representation other than the manufacturer's name.	***In conformance.*** There are none shown on the plans.
(c) Freestanding antennae or towers shall be located only in the rear yard or the side yard and shall not be closer to a property line than its height or the required yard setback, whichever is the greater.	***In conformance.*** The location of the proposed tower is not in the front yard of the subject property. The proposed tower is setback from all property lines as follows: front (east): 292'; side (south): 204'; side (north): 330'; rear (west): 792'. The code requires that the proposed tower be setback a distance of the height of the proposed tower, which in this case is 260 feet. Although the proposed tower complies with the setback requirement from the north, east and west property line, it does not comply with the south setback. However, the applicant has submitted a letter from their engineer that describes that the tower is designed in a manner that would collapse inward in the event of a catastrophic event and not impact adjacent properties. Further they have included information that demonstrates their need for the height as proposed. As a result, the applicant will be required to submit application for a variance to the setback from the Board of Appeals. We recommend any approval of this application be contingent on the applicant either receiving approval of a variance from the Board of Appeals or revising the height of the tower to comply with the setback, in the event that a variance is not approved.
(d) An antenna or tower may be mounted on a principal or accessory building, provided it shall not exceed a height of ten feet, as measured from the base of the antenna or tower.	***In conformance.*** This criterion is not applicable to this application.
(e) All antennas or towers must be grounded to protect against damage from lightning.	***In conformance.*** The plans indicate a 10-foot lightning rod.

(f) An antenna or tower shall not be so located or constructed as to have a serious adverse effect on adjacent or nearby land uses.	***In conformance.*** The location of the tower appears to be far enough away from any property line so as not have a serious adverse impact on adjacent or nearby land uses. Additionally, they have provided a letter from their engineer that demonstrates the tower would collapse inward and not on any adjacent property in the event of a catastrophic event. The existing vegetation provides screening of the tower from adjacent properties.
(g) Freestanding antennae or towers (including satellite dish antennas, excluding amateur radio antennae) exceeding a height of twenty-five feet above grade, or exceeding a dimension of twenty-five feet in any direction, including any mounting structure, shall require approval by the Planning Commission as a special land use. A building permit shall be obtained before installation.	***In conformance.*** The applicant has provided a site plan that can be utilized for review by the Planning Commission. The applicant will also be required to obtain a building permit, should the Planning Commission approve the proposed Special Land Use Permit and Site Plan.
(h) A commercial or public antenna or tower, including accessory buildings or structures, shall be fully enclosed by a sturdy fence, securely gated, having such height as reasonably determined by the Planning Commission.	***In conformance.*** The Site Plan includes a proposed 6-foot high chain link fence with gate surrounding the proposed tower to safely enclose the tower and all equipment.
(i) The antenna or tower and the construction, installation, maintenance, and operation thereof shall comply with all federal, state, and local laws, ordinances, and regulations.	***In conformance.*** The applicant will comply with this requirement.
(j) The Planning Commission in its reasonable discretion may impose other terms and conditions regulating the construction, installation, use and maintenance of any such antenna or tower. Such other terms and conditions may include, though need not be limited to, the following: (1) The screening of an antenna, tower, or any accessory structure or structures. (2) The timely removal of unused or unsafe antenna, towers, or accessory buildings or structures. (3) The prohibition on the construction or occupancy of dwelling units or other buildings or the construction and use of other structure	***In conformance.*** Due to the location of the proposed tower on the site and the existence of the surrounding wooded screening, no additional terms or conditions are necessary to impose on the proposed tower.

within a specified isolation distance from an antenna or tower.	
(k) The regulations of this section must not preclude amateur service communications and the installation of amateur radio antenna (being antenna operated for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 or the U.S. Code and operated under a license by the Federal Communications Commission). Rather, these regulations must reasonably accommodate such communications and must constitute the minimum practicable regulations to accomplish the City's legitimate purpose in regulating such communications.	***In conformance.*** This criterion is not applicable to this project.

Based on the findings outlined in the table above, McKenna believes that the proposed telecommunication tower is consistent with the land use criteria outline in the code, subject to the condition that the applicant either receive approval from the Board of Appeals for a variance from the south setback or redesign the tower to comply with the setback.

ANALYSIS OF APPLICABLE REVIEW CRITERIA

McKenna has reviewed the proposed application for compliance with all applicable review criteria for each of the application types required for consideration by the Planning Commission: Special Land Use Permit and Site Plan. This section of the memorandum will include McKenna's findings based on the type of application.

Special Land Use Permit:

Section 1256.04 stipulates the standards required for approval of a Special Land Use Permit by the Planning Commission. The following table is an analysis of those requirements against the proposed development.

Special Land Use Permit	
Standard for Approval	**Finding**
(a) Be designed, constructed, operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not result in a detrimental change to the essential character of the area in which it is proposed.	***In conformance.*** The proposed tower is located on the site in a manner to minimize its impact of surrounding properties and the community. The C-2 zone district allows for commercial and light industrial uses. The proposed tower is consistent with the general character of those uses.
(b) Be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage	***In conformance.*** The proposed tower facility is adequately served by essential public facilities. However, the nature of the proposed use with no

structures, refuse disposal, water and sewage facilities and schools.	habitable employees effectively does not impact any public facilities.
(c) Not create excessive additional requirements at public cost for public facilities and services.	***In conformance.*** No additional costs associated with providing services to the site are anticipated.
(d) Not involve uses, activities, processes, materials and equipment or conditions of operation that will be overly detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.	***In compliance.*** The proposed tower will not increase traffic or effectively result in additional noise, smoke, fumes or odors. Because the proposed tower is in excess of the 200-foot height threshold, it will need to comply with FAA requirements for safety visibility, which includes a proposed flashing light at the top. The applicant has provided documentation of the need for the proposed height of the tower to provide RF coverage and indicated that they will comply with the FAA requirements for safety visibility. Due to the safety requirement associated with the flashing light at the top of the tower, we do not believe this will be detrimental to adjacent property, and in fact is common with telecommunication towers.
(e) Be consistent with the intent and purpose of the zoning district in which such use will be located.	***In conformance.*** The proposed tower is compatible with land uses in the C-2 zone district.
(f) Be compatible with and in accordance with the City Master Plan.	***In conformance.*** The proposed tower will provide enhanced telecommunications for wireless providers in the area. There are not any conflicts with the city's Master Plan.

Based on the findings outlined in the above table, McKenna ***recommends approval*** of the proposed application for Special Use Permit.

Site Plan:
Section 1258.07 outlines the standards for Site Plan approval that are to be considered by the Planning Commission. The following table is an analysis of those requirements against the proposed application.

Site Plan	
Standards for Approval	**Finding**
(a) Landscaping and buffer strips shall be provided and designed in accordance with the City's landscape provisions.	***In conformance.*** There are significant wooded areas to be preserved around the proposed tower site that will provide adequate buffering of the tower.
(b) All elements of the site plan shall be designed to take into account the topography, size and type of lot, character of adjoining property,	***In conformance.*** The location of the proposed tower has been designed in a manner consistent with this provision.

and type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Zoning Code.	
(c) The landscape shall be preserved in its natural state, insofar as practical. A development shall respect the natural resources of the City as recommended in the Hart Master Plan.	***In conformance.*** The proposed tower will require the removal of some plant materials to accommodate construction. However, the plan indicated that the vast majority of the existing tree area will be preserved.
(d) Areas of natural drainage shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns, and maintain the natural characteristics of the land.	***In conformance.*** The location of the proposed tower does not impact any areas of natural drainage.
(e) Provide reasonable visual and sound privacy for all dwelling units. Fences, walks, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.	***In conformance.*** The applicant proposes construction of a 6-foot high chain link fence to reasonably secure the proposed tower.
(f) All buildings shall be arranged so as to permit necessary emergency vehicle access.	***In conformance.*** The plans indicate that the applicant will provide an extension of a 12-foot gravel access drive to provide access to the facility.
(g) A pedestrian circulation system, separated from the vehicular circulation system, may be required. To ensure public safety, special pedestrian measures may be required in the vicinity of schools, playgrounds, shopping areas, and other uses which generate a considerable amount of pedestrian traffic.	***In conformance.*** This criterion is not applicable to the proposed application.
(h) The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian pathways in the area. Streets and drives which are part of existing or planned street patterns serving adjacent development shall be of a width appropriate to the traffic volume they will carry.	***In conformance.*** This criterion is not applicable to the proposed application.
(i) All streets and driveways shall be developed in accordance with Chapter 1222 or Michigan Department of Transportation specifications, unless developed as a private road in	***In conformance.*** This application includes the extension of an existing 12-foot private road on site.

accordance with the requirements for private roads in the City.	The applicant proposes extension of the proposed gravel road to access the tower.
(j) Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion particularly during construction, and the formation of dust. The use of retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles on paved areas. Catch basins may be required to contain filters or traps to prevent contaminants from being discharged to the natural drainage system.	***In conformance.*** This criterion is not applicable to the proposed application.
(k) Exterior lighting shall be arranged so that illumination is deflected away from adjacent properties and so that it does not interfere with the vision of the motorist along adjacent streets.	***In conformance.*** The only lighting associated with the proposed application is a flashing light at the top required by the FAA for safety of aircraft. As a result, the proposed application will not have lighting that would interfere with motorists on adjacent streets. Additionally, because of the location of the tower on the property along with the existing trees surrounding the site, there will be no impact of lighting on adjacent properties.
(l) All loading, unloading areas, and outside storage areas including dumpsters which face or are visible from residential districts or public thoroughfares shall be vertically screened by a structure or plant material no less than six feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.	***In conformance.*** This criterion is not applicable to the proposed application.
(m) Site plans shall conform to all applicable requirements of county, state, and federal statutes and approval may be conditional upon the applicant receiving necessary county, state, and federal permits before final site plan approval or an occupancy permit is granted.	***In conformance.*** The proposed application is in compliance with all applicable requirements and subsequent proof of compliance with those agencies will be required before any final occupancy or sign-off will be granted by the city.

Section 1258.12 outlines Access Control Standards that the Planning Commission shall use in reviewing vehicle access and circulation associated with Site Plans. The following table is an analysis of those requirements against the proposed application.

Access Control Standards	
Standards for Approval	**Finding**
(a) The Planning Commission shall have the authority to require a frontage road or service drive for contiguous parcels along Polk Road, Oceana Drive, State Street or on other streets as deemed necessary. The Planning Commission shall also have the authority to limit the number of driveways for a site, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, and that opposite driveways be directly aligned.	***In conformance.*** This criterion is not applicable to the proposed application.
(b) [Other considerations] For uses along Polk Road, Oceana Drive, State Street, and other streets as deemed necessary.	***In conformance.*** There is currently one driveway that accesses the site. The proposed tower will be accessed from the existing private driveway. No additional driveways or right-of-way access points are proposed.

Based on review of all applicable standards for approval and access control standards for Site Plan applications, McKenna ***recommends approval*** of the proposed Site Plan.

CONCLUSION

One component to consider when reviewing telecommunication tower requests is that these facilities also are regulated by the FCC and are subject to certain federal requirements. Certain studies and information are required by the FCC in review of telecommunication towers beyond local regulations. This procedure is a necessary step performed by the applicant that is separate from local review.

Following review of the application and supporting information provided by the applicant, the Special Land Use Permit application and Site Plan are ***recommended for approval, subject to conditions***. McKenna recommends that if the Planning Commission does approve the proposed Special Land Use Permit and Site Plan that a condition be included that the approval is contingent of the applicant receiving approval of a variance to the south setback by the Board of Appeals, or the tower will need to be revised to comply with the setback requirement.

McKenna will be in attendance at the meeting to answer any questions that the Planning Commission may have related to this application.

ATTACHMENTS

Exhibit A: Application
Exhibit B: Site Plan
Exhibit C: RF Analysis
Exhibit D: Engineering Structural Analysis

EXHIBIT A

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: Deb Brown, SMJ International, LLC for Vertical Bridge

Address: 49030 Pontiac Trail, Suite 100, Wixom, MI 48393

Telephone: 231-342-9222 E-mail: debbrown@smj-llc.com

Are you the owner of record for the property of the requested special land use? ____ YES ____ 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: Engage Real Estate, LLC Josh Ford

Address: 3416 Cobble St. Nashville, TN 37211

Telephone: 905-399-2382 E-mail: _____

LOCATION OF PROPERTY FOR WHICH THIS SPECIAL LAND USE IS REQUESTED

Property Address: 3123 N. Oceana Drive, Hart, MI 49420 (Adams Heating & Cooling)

Cross Streets: N. Oceana Drive and South of W.Tyler Road

Parcel ID Number: 020-313-002-00 Lot Size (in acres): 14 acres

Lot Width: 495' approx. Lot Depth: 1190' approx

Present Zoning Classification: C-2 - Limited Commercial

Requested Zoning Classification: no change -

Zoning District of Adjacent Properties to the: North M-1 South C-2 East Res West Highway

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

We are requesting a Special Land Use permit to build a 250' self supported telecommunications tower within a 100 x 100 ft. lease area with a 75' X 75' fenced compound area per attached drawings. There will be no shelter building, only a concrete pad with cabinets installed. Vertical Bridge will build the tower using all current Federal, State and local building codes and regulations. Verizon will be the anchor tenant offering both 4G & 5G coverage. We will use the existing driveway and extend beyond the dumpster area with a gravel drive to the compound area. Only signs that identify the tower with safety phone instructions will be on fence.

EXHIBIT A

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:

Site is located on a C-2 zoned -14 acre parcel to the rear of the lot beyond a warehouse/office used by Adams Electric. There is wooded wetlands buffering all sides of the site. The site is approx. 806 ft. to the river to the west, the Oceana County Medical Care Facility beyond the woods approx. 539 ft to the North, no buildings to the east (N. Oceana Drive) is 338 ft from site, and the nearest building to the south is the Hart Animal Clinic over 1041 ft away from the site. This site would meet the objective of a

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

Site is surrounded with wooded wetlands so any future building or land use within the immediate vicinity would not be a consideration.

3) Will be compatible with the city master plans:

Location outside the city residential district and in an area of large commercial parcels, many uninhabited. The master plan called for a need for more manufacturing, retail, medical and services as essential. Increase cellular communications would fit with that goal.

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 current parcel is served by good highway and drive to site with no additional strain on existing services like fire, safety, drainage, etc. Once built only a monthly visit by equipment maintenance tech is expected.

EXHIBIT A

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

As this side of the highway is all zoned for commercial use and the nearest residential is west of the river area, there should be no detrimental, hazardous, or disturbing to existing or future neighboring uses, persons,property, or the public welfare:

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:

No additional costs or services are required from the community, but they will benefit by better coverage.

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).

Deb Brown, SMj International, LLC for Vertical Bridge.

PRINT Name of Applicant

Deb Brown, SMJ for Vertical Bridge

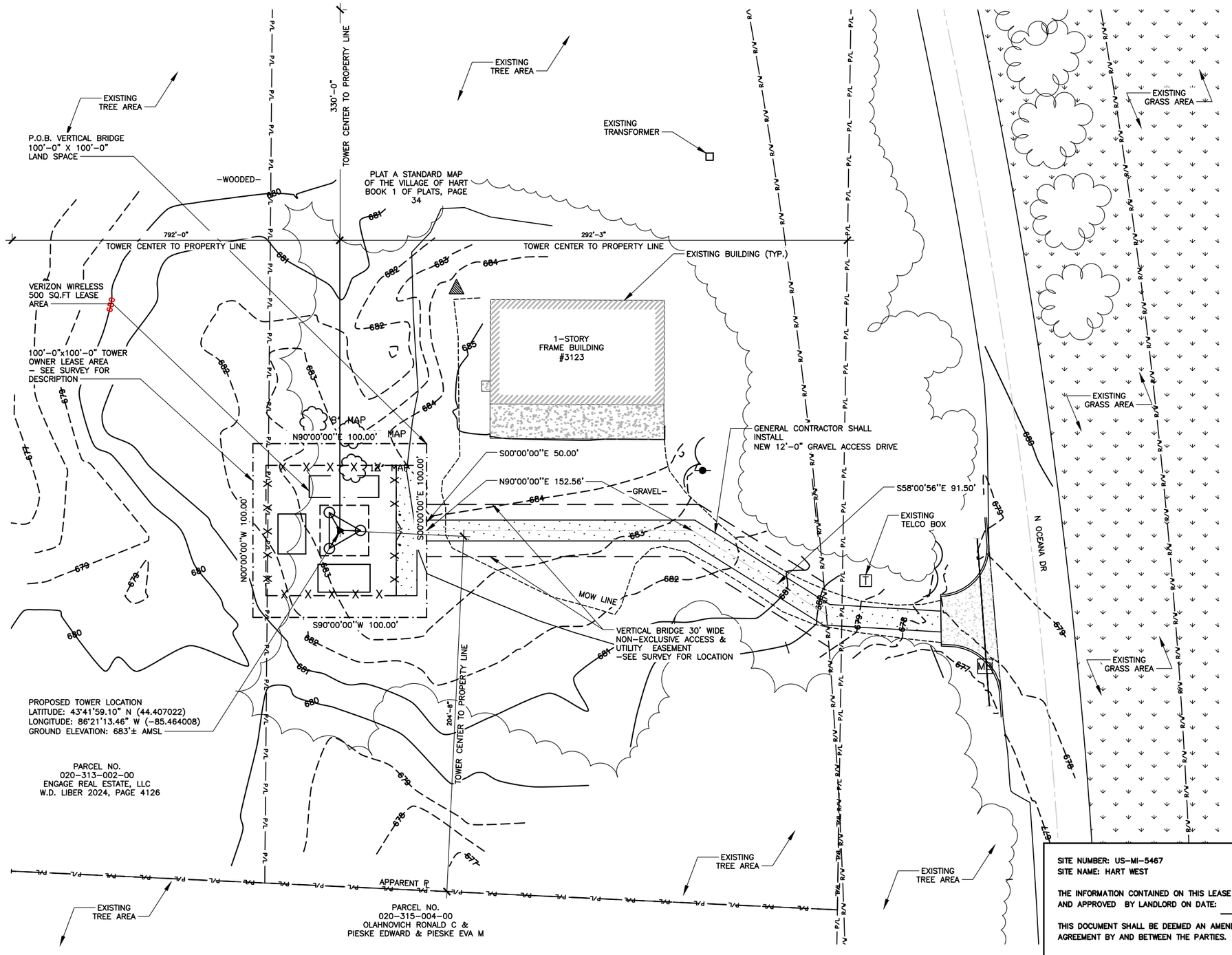
SIGNATURE of Applicant

_____February 6, 2025 _____ Date

FOR OFFICE USE ONLY

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

EXHIBIT B



811 Know what's below. Call before you dig.

TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN MICHIGAN, CALL MISS DIG
TOLL FREE: 1-800-482-7171 OR
www.missdig.org
MICHIGAN STATUTE REQUIRES MIN OF 2 WORKING DAYS NOTICE BEFORE YOU EXCAVATE

GRAPHIC SCALE
60 0 30 60 120

OVERALL SITE PLAN w/AERIAL OVERLAY

SCALE: 1" = 60'

NORTH

SITE NUMBER: US-MI-5467
SITE NAME: HART WEST

THE INFORMATION CONTAINED ON THIS LEASE EXHIBIT IS AGREED TO AND APPROVED BY LANDLORD ON DATE: _____

THIS DOCUMENT SHALL BE DEEMED AN AMENDMENT TO THE LEASE AGREEMENT BY AND BETWEEN THE PARTIES.

SIGNATURE

PRINT

verticalbridge
750 PARK OF COMMERCE DRIVE
BOCA RATON, FL 334487
PHONE: (561) 948-6367

LAB
49030 Pontiac Trail, Suite 100
Wixom, Michigan 48393
PHONE: (248) 705-9212

REV.	DATE	DESCRIPTION
A	12/27/24	ISSUED FOR REVIEW
B	01/14/25	REVISED CD
C	03/11/25	REVISED CD

SITE INFORMATION:

HART WEST

3123 N OCEANA DRIVE
HART, MI 49420
OCEANA COUNTY

SITE NUMBER: US-MI-5467

SITE NAME: HART WEST

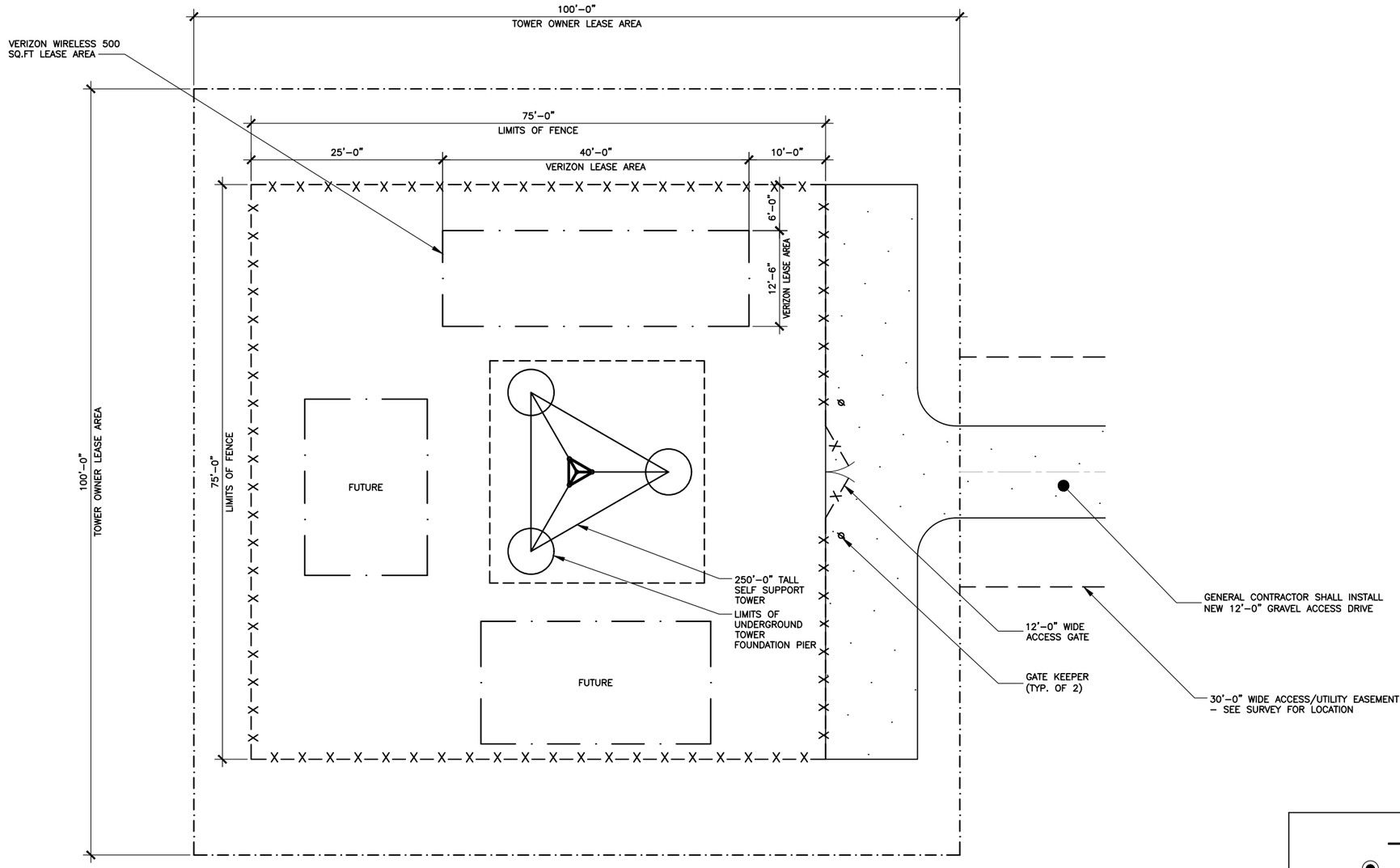
PID NUMBER:	17373326
DRAWN BY:	RC
CHECKED BY:	PL
DATE:	12.26.24

SHEET TITLE: OVERALL SITE PLAN w/AERIAL OVERLAY

SHEET NUMBER: C-1

MK PAD & CANOPY REV 4.3 FINAL 10/16/23

EXHIBIT B



LEGEND

- IRON PIN
- DRAINAGE LINE
- +XXX.XX SPOT ELEVATION
- GRAVEL COMPOUND
- CENTER LINE
- NEW FENCE LINE
- NEW SILT FENCE LINE
- POWER POLE w/OVERHEAD ELEC./TELE.
- EDGE OF NEW DRIVE
- UNDERGROUND ELECTRICAL CONDUIT
- UNDERGROUND TELEPHONE CONDUIT
- EXISTING CONTOURS
- NEW CONTOURS
- FENCED COMPOUND
- CONCRETE
- ACCESS DRIVE

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TOLL FREE: 1-800-482-7171 OR www.missdig.org

MICHIGAN STATUTE REQUIRES MIN OF 2 WORKING DAYS NOTICE BEFORE YOU EXCAVATE

*NOTE:
GENERAL CONTRACTOR IS TO ENSURE THERE IS NO DISTURBANCE OF PROPERTY, SOIL, ETC. OUTSIDE OF THE STAKED LEASE AREA WITHOUT APPROVAL FROM VERIZON WIRELESS CONSTRUCTION MANAGER

DETAILED SITE PLAN

SCALE: 1/16" = 1'-0"

NORTH

verticalbridge
750 PARK OF COMMERCE DRIVE
BOCA RATON, FL 334487
PHONE: (561) 948-6367

LAB
49030 Pontiac Trail, Suite 100
Wixom, Michigan 48393
PHONE: (248) 705-9212

REV.	DATE	DESCRIPTION
A	12/27/24	ISSUED FOR REVIEW
B	01/14/25	REVISED CD
C	03/11/25	REVISED CD

SITE INFORMATION:

HART WEST

3123 N OCEANA DRIVE
HART, MI 49420
OCEANA COUNTY

SITE NUMBER:
US-MI-5467

SITE NAME:
HART WEST

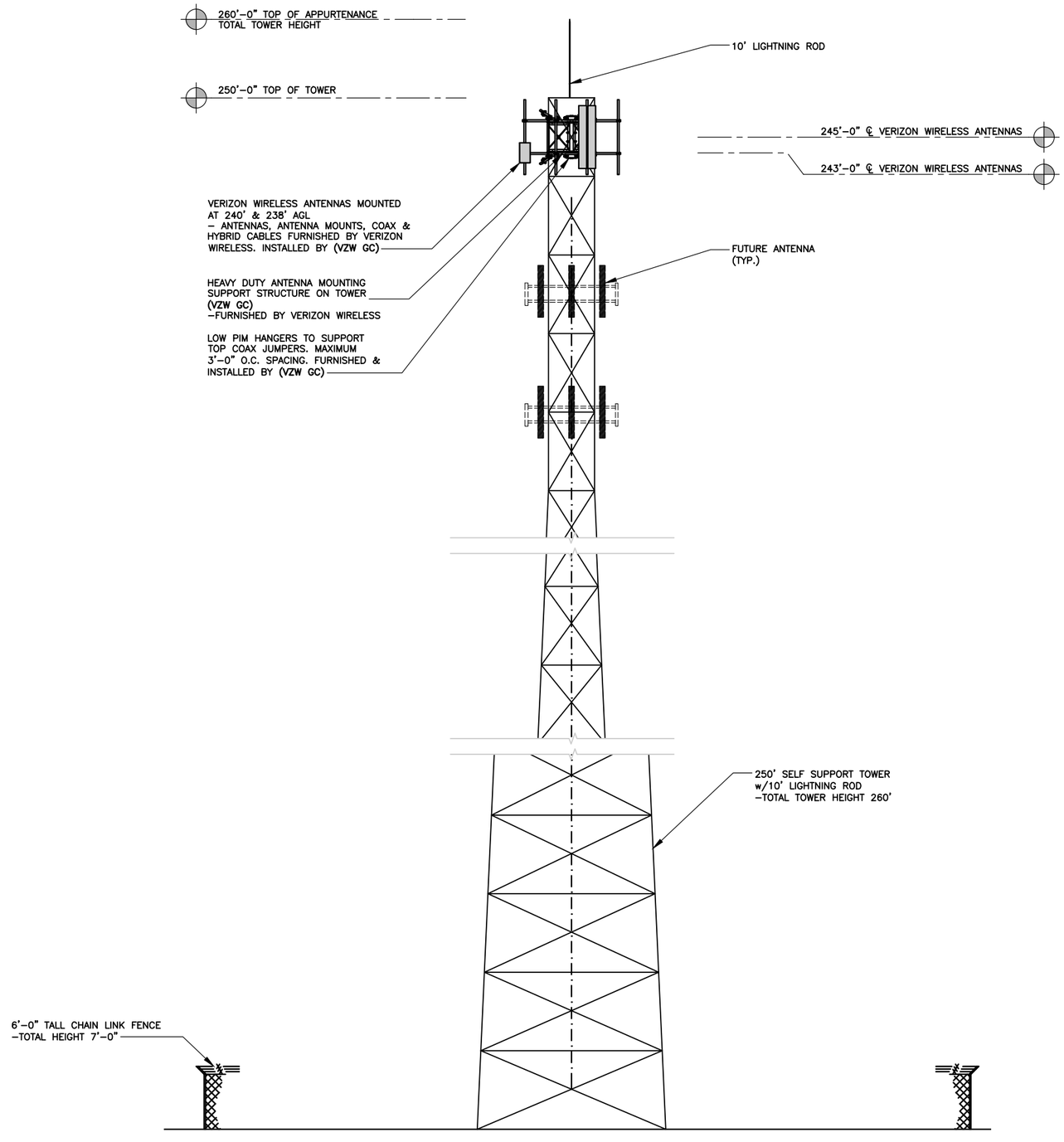
PID NUMBER:	17373326
DRAWN BY:	RC
CHECKED BY:	PL
DATE:	12.26.24

SHEET TITLE:
DETAILED SITE PLAN

SHEET NUMBER:
C-3

MK PAD & CANOPY REV 4.3 FINAL 10/16/23

EXHIBIT B



TOWER ELEVATION 1 / TE-1

SCALE: N.T.S.

verticalbridge
750 PARK OF COMMERCE DRIVE
BOCA RATON, FL 334487
PHONE: (561) 948-6367

LAB
49030 Pontiac Trail, Suite 100
Wixom, Michigan 48393
PHONE: (248) 705-9212

REV.	DATE	DESCRIPTION
A	12/27/24	ISSUED FOR REVIEW
B	01/14/25	REVISED CD
C	03/11/25	REVISED CD

SITE INFORMATION:

HART WEST

3123 N OCEANA DRIVE
HART, MI 49420
OCEANA COUNTY

SITE NUMBER:
US-MI-5467

SITE NAME:
HART WEST

PID NUMBER: 17373326

DRAWN BY: RC
CHECKED BY: PL
DATE: 12.26.24

SHEET TITLE:

TOWER ELEVATION

SHEET NUMBER:

TE-1

MK PAD & CANOPY REV 4.3 FINAL 10/16/23

EXHIBIT C

verizon

Statement of Network Need for a New Communications Tower
Hart West

1. My name is Jin Tang and I am a radio frequency (RF) engineer for Verizon Wireless ("Verizon"). I have been employed as an RF engineer for 19 years in the telecommunications industry, the last nine with Verizon.

2. The primary duties of my job as an RF engineer include the design and management of Verizon's wireless communications network in its Michigan/Indiana/Kentucky Market, which includes the area in and around Oceana County, Michigan. In this role, I am also responsible for identifying and correcting substantial service gaps that present themselves in Verizon's wireless network. These service gaps can be caused by lack of coverage or insufficient system capacity, or both.

3. Service gaps are identified through the use of internal Verizon network monitoring tools and analysis showing the capacity and/or coverage need in a particular area. As the customer base and data usage in a given area grow, network usage exceeds the available capacity, which creates a gap in service resulting in failed connections, dropped calls, and slow download speeds.

4. In the course of my employment at Verizon, I have become aware of a significant service gap in Verizon's wireless communications network in the area near Hart, Michigan (the "Gap Area"). Verizon RF engineers have determined that the cell sites surrounding the Gap Area have become saturated with increasing voice and data traffic, and Verizon must add another wireless communications facility in order to remedy the service gap. As a result of this significant service gap, Verizon customers using their devices in and around the Gap Area may experience diminished call quality, slow and unreliable data transmission speeds, call drops, and blocked calls. Verizon's service gap in the Gap Area has existed for several years.

5. This significant service gap will remain and cannot be resolved unless a communications tower is constructed within the Gap Area. Verizon must remedy this service gap in order to provide high-speed wireless broadband access to the communities in and around Hart, to fill in coverage gaps where wireless services are not reliable, and to provide enhanced E911 services.

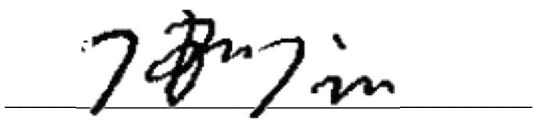
6. Verizon identified a search area in which the new tower would need to be located in order to resolve the service gap. Before proposing a new communications tower, Verizon first considered whether any existing towers in the area could be used to resolve the coverage gap in the Gap Area. There are no other existing towers in the search area on which Verizon could collocate its communications equipment to resolve the service gap. For this reason, Vertical Bridge began looking for available properties in the search area that would be suitable for a tower.

EXHIBIT C

7. Verizon and Vertical Bridge have worked together to identify a property in the Gap Area that could accommodate a communications tower to correct the significant service gap in Verizon's wireless communications network. Vertical Bridge has proposed to build a new tower on 3123 N Oceana Drive in Hart, Michigan ("Proposed Tower"). The Proposed Tower is required to be 250 feet tall in order to allow Verizon to install its equipment at a centerline of 245 feet. Verizon must operate its equipment from that height in order to provide the coverage needed in the Gap Area. Given the topography of the area and given the large area that must be reached, a lower tower height would not remedy the service gap in the Gap Area.

8. By co-locating its communications equipment on the Proposed Tower, Verizon will resolve the current significant service gap and will be able to provide improved service to residents, businesses, and emergency service providers in and around the Gap Area. If Vertical Bridge is unable to construct the new telecommunications tower, and Verizon is therefore unable to collocate its equipment on the proposed tower, the significant service gap in Verizon's wireless communications network will remain, and Verizon will be prohibited from providing reliable wireless service to its customers in the Gap Area.

Dated this Tenth day of March, 2025



Jin Tang
RF Engineer
Verizon

EXHIBIT C

700 RSRP (Current)

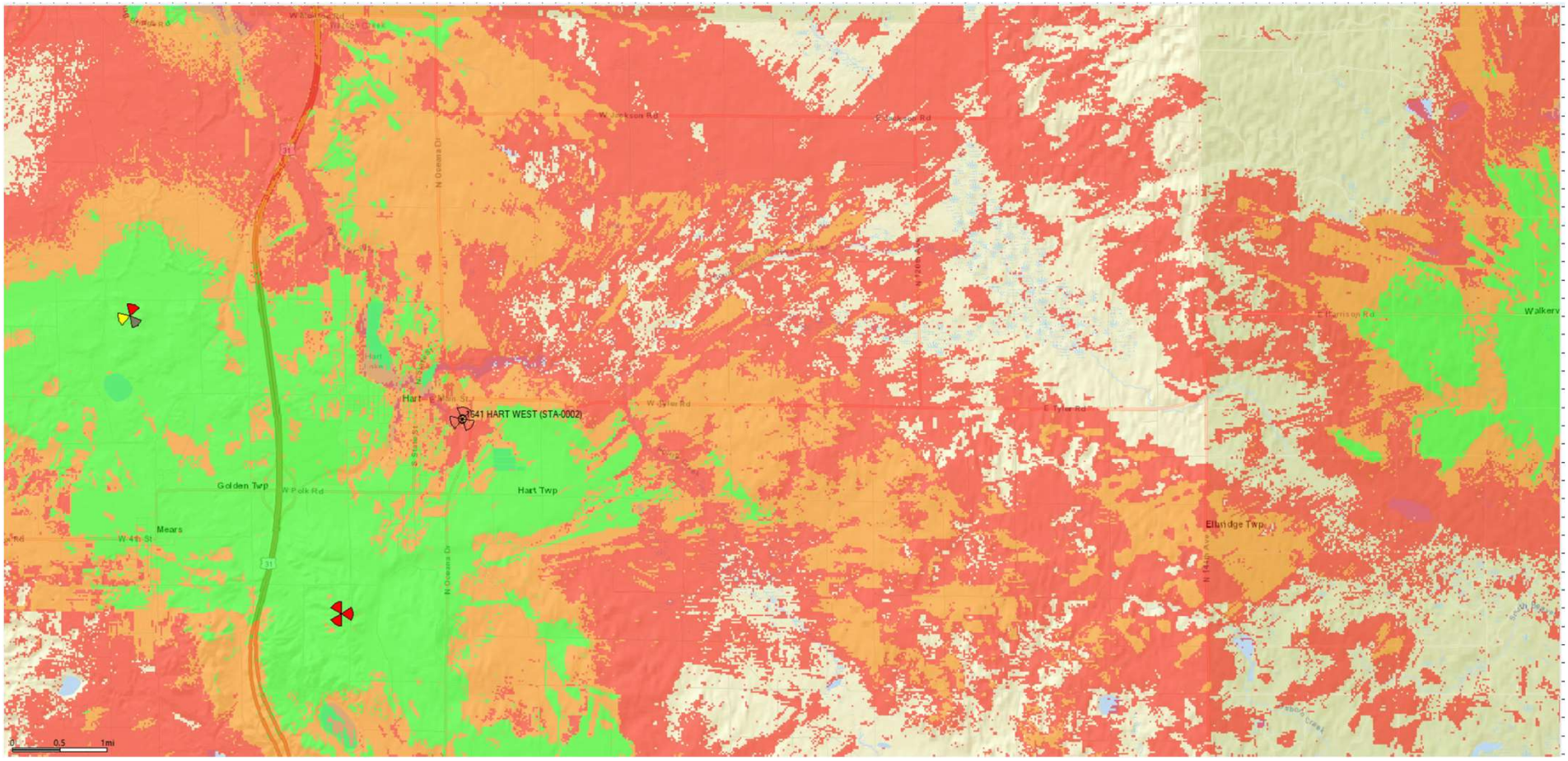
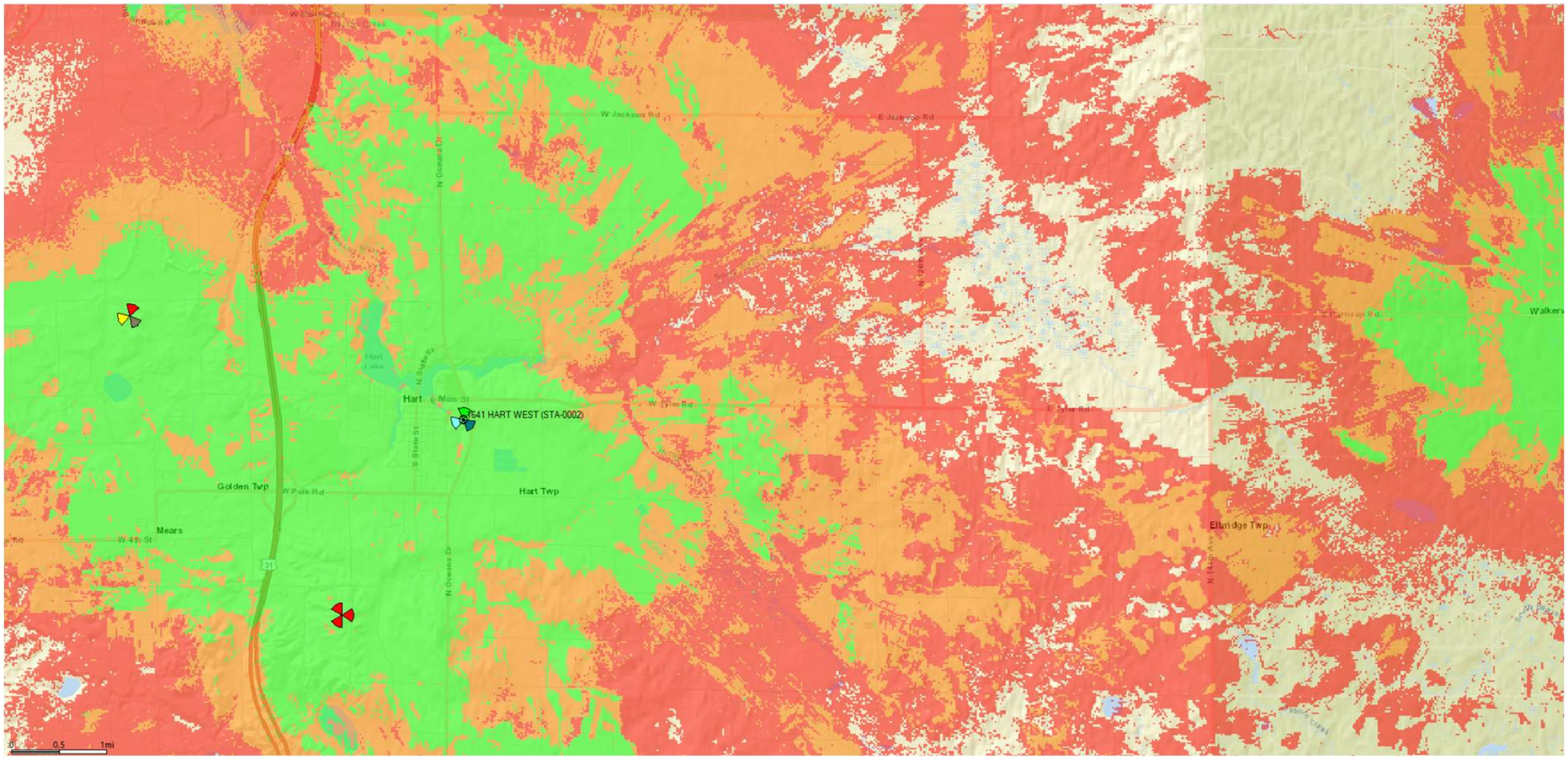


EXHIBIT C

43.69975 -86.353738, RAD 245’

700 RSRP



Legend

LTE: Zoning Meeting RSRP Plots

- Good In-Building Coverage
- Good Outdoor Coverage
- Fair to Poor Outdoor Coverage