

City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, May 5th, 2022
Minutes

MEMBERS PRESENT: Betty Root, Jim Cunningham, Jim Evans, Gale Goldberg, Diane LaPorte, Jack Wittman, and Peggy Wittman

ABSENT:

OTHERS PRESENT: City Manager – Rob Splane, and City Clerk – Karla Swihart

B. Root called the meeting to order at 4:00 pm.

APPROVAL OF AGENDA: J. Cunningham moved to approve the agenda and supported by J. Wittman
Ayes: 7 Nays: 0 Absent: 0

APPROVAL OF MINUTES: D. LaPorte moved to approve minutes from January 6th, 2022, and supported by J. Evans

Ayes: 7 Nays: 0 Absent: 0

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

ACTION ITEMS: Review and Acceptance of Annual Report

Overview:

The Michigan Planning Enabling 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 2021 and potential goals for 2022

Action Summary Table:

Type	2017	2018	2019	2020	2021
Meetings	11	7	6	7	6
Text Amendments	3	0	5	0	0
Site Plans	2	0	2	1	2
Special Land Uses	1	0	0	1	0
Plats	0	0	0	0	0
Site Condos	0	0	0	0	0
Rezoning	1	3	1	2	1

2021 Attendance:

Month	Betty Root Chair	Robert Splane Councilor	Diane Laporte Member	Gale Goldberg Member	Peggy Wittman Member	Jim Cunningham Member	Jack Wittman Member
January	X	-	-	X	X	X	X
March	-	X	-	X	X	X	X
April	X	-	X	X	-	X	-
May	X	X	-	X	X	X	X
October	X	X	X	-	X	X	X
December	X	X	X	X	-	X	-
Meetings	5/6	4/6	3/6	5/6	4/6	6/6	4/6

2021 Reviews:

Date	Application	Decision	Vote
1-7-21	Rezoning of 311 East Main St, B-1 Central Business District to A-Residential	Recommendation of Denial	5-0
1-7-21	Auto Zone Site Plan	Approved	5-0
12-2-21	Seneca Foods Site Plan Amendment	Approved	5-0

2021 Discussions:

1. Gale's IGA building future use.
2. Industrial Park covenants and restrictions.
3. Obscene signs.
4. Redevelopment Ready communities.
5. Permanent Makeup Business
6. Maximum lot coverage.

2022 Goals- To Discuss on May 5th, 2022

1. General review of Zoning Ordinance
2. Master Plan 5-Year Review

J. Cunningham moved to recommend approval to City Council and supported by J. Evan

Ayes: 7 Nays: 0 Absent: 0

DISCUSSION ITEMS: Mobile Food Unit planning and direction

Overview:

The topic of mobile food unit regulation has recently arisen. Sometimes known as "food trucks", a mobile food unit is defined as a motor vehicle, such as a van or truck, or a trailer that can be attached to a motor vehicle, which is used for preparation, sales, and service of food and beverages. Food preparation and service occur within the motor vehicle or alongside or inside the trailer.

In general, there are three placement scenarios for mobile food truck sales. Mobile food units can be placed in a single location permanently or seasonally, placed temporarily in a parking lot, or placed temporarily within the public right-of-way. In any of these scenarios, it is important to consider the pros and cons and potential implications.

It should be noted that owners of established restaurants are sometimes resistant to mobile food units as they create competition to serve a limited number of patrons in the market area. Other criticism sometimes relates to property taxes that are not paid by mobile food unit owners. However, mobile food units can serve as an incubator for new businesses and can even supplement the operations of existing restaurant owners.

Regulation:

The three scenarios mentioned earlier in this report should be discussed by the Planning Commission.

1. Mobile food unit as a permanent fixture on a site. In this case, the mobile food unit would essentially be comparable to a principal or accessory building, and all development regulations would remain applicable (lighting, landscaping, signs, utilities, parking, setbacks, etc.).
2. Mobile food unit as an accessory use in a parking lot or yard area. Where mobile food units are an accessory use, typical regulations include the following topics.
 - a. Zoning District/location
 - b. Timeframe and hours of operation
 - c. Number of mobile food units
 - d. Corner sight clearance
 - e. Maintenance of required parking spaces for principal use
 - f. Setbacks
 - g. Temporary displays and signs
 - h. Maintaining clear areas for pedestrian and vehicle travel
 - i. Waste Management

3. Mobile food units in the public right-of-way. In some cities, mobile food units are allowed to park in the public right-of-way, adjacent to sidewalks, for example, this scenario typically accommodates pedestrians in a downtown atmosphere. Since zoning does not regulate the public right-of-way, a separate ordinance would need to address this scenario.

Next Steps:

The Planning Commission should discuss whether mobile food units are a desirable option for food service in the City of Hart.

- City Manager R. Splane, three different entities have brought up wanting to bring Mobile food trucks to the City of Hart. Over the years the City has been somewhat relaxed on food trucks so periodically one would be parked in the old IGA parking lot, across the street from the fair grounds. It came to my attention that the current ordinance the City has there is nothing addressing food trucks in general, so the ordinance being permissive would allow that use, but without having any restraints or language in the ordinance for the City to be able to regulate that use and puts the City at disadvantage. Which is why this is being brought to the Planning Commission either we feel as a group “No” we do not want Mobile food trucks in the City and draft an ordinance to reflect that or Yes we want Mobile food trucks in the City and draft up an ordinance for exactly what the City wants regarding Mobile food trucks.

There is a gentleman interested in buy a lot on comfort drive across from tractor supply who wants to put his food truck there put a parking lot in along with some infrastructure and maybe even a bathroom, but also with intentions if other people wanted to bring their food trucks there, he would rent a space to them as well. That is the background on why it is being brought to the Planning Commission to discuss.

- J. Wittman stated that would basically a restaurant then as he is buying the lot and will be paying taxes, where just a basic Mobile food truck would not be paying taxes and to me would be taking away business from the local restaurants, Plus the one across from the fair grounds is on City property. Are they paying anything to be there, and do they have to be checked over by the health department? City Manager Splane answered all the food trucks are required to have certification from the Health Department, but as far as how often they are checked I do not know. Also, must present their certification prior to being issued a peddlers permit from the City which is \$1.00 a day. However, if the City is going to allow Mobile food trucks maybe entertain a licensing fee of \$500 a week or something along those lines.
- B. Root stated that there are limited number of restaurants open for afternoon and evenings and many are not open on Monday's.
- D. LaPorte stated that the M10 spot food trucks in Ludington are opening, and food trucks are not necessary the kind of food you can get at a sit-down restaurant.
- J. Cunningham stated that when he looked over this proposal, he looked at the word Mobile as moving on a day-to-day basis and during the summertime the City could have a Mobile food truck downtown for residents who don't have time for a sit down lunch while at work. I feel it would be a very popular thing.
- G. Goldberg depending on how many have interest the City should have a limit on the number of Mobile food trucks that would be allowed. If on City property would be a liability and should talk to our insurance company to see if it is even allowed.
- P. Wittman wanted clarification from D. LaPorte not sure where in Ludington these food trucks are located, they are located on US 10 down across where KFC, Wesco are at in that little strip mall parking lots.
- J. Evans stated there is no reason the City can't designate an area where the Mobile food trucks can be located.
- J. Cunningham moved that The Planning Commission table this discussion at the present time and conduct future research into the tax status, fee regulations, placement, how many and so on and come back with a full investigation on allowing Mobile food trucks at the next meeting held on June 2nd and J. Evans supported.
J. Evans would also take it upon himself to go up to Ludington and talk to them on how their ordinance is regarding Mobile food trucks.

P. Wittman would also like local restaurant owners be approached as part of the process.

Roll call vote:

Cunningham, Yes, Evans, Yes, Goldberg, Yes, LaPorte, Yes, Root, Yes, J. Wittman, Yes and P. Wittman, No. Motion carried

City Manager R. Splane, will have some proposed ordinances to present at the next meeting in June.

OTHER BUSINESS AND COMMUNICATIONS FROM THE COMMISSION MEMBERS:

P. Wittman stated there is a meeting tonight at the MSU building on Griswold for proposed 35 million new jail at 7pm Please come and hear how they want to sell it to you.

J. Evans there was some discussion at the City Council meeting concerns over parking on main street, one of the Council members made a comment while sitting in Stella's coffee shop noticed that the parking lot across the street had like 8 employees from State Farm parking there as there is not parking available behind the business, and I was wondering what the thought would be if there was anything the City could do to have them employees park down in the vacant lot the City owns down the street.

J. Cunningham regarding the draft plan sent out there was a minor error on the recreational plan in one place there is a place that states Hart is the only City in Oceana County, which is correct, but further down it states The City of Hart is in Hart Township additional municipalities include Weare Township, the City of Mears, Shelby and Pentwater. Mears, Shelby, and Pentwater are Villages. City Manager Splane will make sure that gets corrected.

D. Laporte reminder Asparagus festival is next month and wanted everyone to know that the Pancake Breakfast at Shelby Airport is back on.

ADJOURN:

- There being no further business to come before the Planning Commission, the meeting adjourned at 4:31 pm upon a motion by P. Wittman and supported by D. LaPorte. The next scheduled meeting will be held on June 2nd,2022



Karla Swihart
City Clerk