

City Of Hart

407 S. State St
Hart, Mi 49420

Planning Commission
Thursday, November 2nd, 2023
Minutes

MEMBERS PRESENT: Betty Root, Jim Cunningham, Cynitha Fout, Gale Goldberg, and Diane LaPorte

ABSENT: Jim Evans, Fred Rybarz

OTHERS PRESENT: City Manager – Rob Splane, City Clerk – Karla Swihart, Planning Consultant Jeff from Mckenna

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

APPROVAL OF AGENDA: J. Cunningham moved to approve the agenda and supported by D. LaPorte

◦ Ayes: 5 Nays: 0 Absent: 2

APPROVAL OF MINUTES: D. LaPorte moved to approve minutes from May 4th, 2023, and supported by G. Goldberg

◦ Ayes: 5 Nays: 0 Absent: 2

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- None

ACTION ITEMS: Consider council recommendation to rezone property at 2566 N 64th Avenue as C-2 limited commercial.

- Subject: Proposed Rezoning on 2566 N 64th Avenue

As requested by the applicant, Benjamin C. Liesberg Jr. we have reviewed the above referenced application for rezoning of 2566 N 64th Avenue 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 US31 and 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 below,



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 50x150; 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 US31 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.

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 rezoned B-2, General Business District and the applicant is proposing to rezone the property to C-2 Limited Commercial.



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.

	<i>Existing District B-2, General Business District</i>	<i>C-2, Limited Commercial</i>
Permitted Uses	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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,
	<i>Existing District B-2, General Business District</i>	<i>C-2, Limited Commercial</i>
	<p>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.</p> <ul style="list-style-type: none"> • Laboratory, medical or dental. • Ambulance service establishments. • Restaurants with microbreweries, brewpubs, small wineries, and/or small distilleries. 	<p>provided that any materials or equipment kept outside shall be well screened from the view of nearby properties and roadways.</p> <ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Special land uses as permitted in the B-1 Zone. 	<ul style="list-style-type: none"> • Adult businesses as regulated by Section 1256.13.

	<i>Existing District B-2, General Business District</i>	<i>C-2, Limited Commercial</i>
	<ul style="list-style-type: none"> • 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 services industry. The district permits low-intensity commercial uses like medical offices, entertainment venues, and retail businesses to supply the service industry. The 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 to 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 the 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.
 - J. Cunningham recommends that City Council rezoning 2566 N. 64th Ave from B-2 General Business District to C-2 Limited Commercial and supported by D. Laporte
 - Ayes: 5 Nays: 0 Absent: 2

DISCUSSION ITEMS:

- Upcoming Projects/tasks
- Establish regular meetings
- Revisit food trucks
- Discuss short term rentals
- Discuss 2024 City Council retreat (planning commission joining)

OTHER BUSINESS:

- Christmas Parade Nov 24th

ADJOURN:

- There being no further business to come before the Planning Commission, the meeting adjourned at 4:51pm upon a motion by D. LaPorte and supported by C. Fout the next scheduled meeting will be held on December 7th, 2023.

Karla Swihart

Karla Swihart
City Clerk