



*City of Hart, Michigan*  
**PLANNING COMMISSION**

**January 6, 2022**

**AGENDA**

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

**4:00 PM**

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

1. Call to order / roll call: Cunningham, Evans, Goldberg, LaPorte, Root, J. Wittman, P. Wittman
2. Approval of agenda
3. Approval of minutes of December 2, 2021, Commission meeting
4. Public comments
  - a. **Public Hearing: CITY OF HART CODE OF ORDINANCES, PART 12, TITLE FOUR, ZONING ORDINANCE, A TEXT AMENDMENT TO REMOVE THE MAXIMUM LOT COVERAGE REQUIREMENTS FOR THE C-2 ZONING DISTRICT IN SECTION 1251.04 AND THE D-1 ZONING DISTRICT IN SECTION 1252.04**
  - b. **Public Hearing: CITY OF HART CODE OF ORDINANCES, PART 12, TITLE FOUR, ZONING ORDINANCE, A TEXT AMENDMENT TO DEFINE PERMANENT COSMETIC SERVICES IN SECTION 1241.01, REGULATE PERMANENT COSMETIC SERVICES IN SECTION 1249.02 (B), AND AMEND THE DEFINITION OF TATTOO PARLOR IN SECTION 1256.13 (B)(20)**
5. Action Items
  - a. Consider recommendation to city council: CITY OF HART CODE OF ORDINANCES, PART 12, TITLE FOUR, ZONING ORDINANCE, A TEXT AMENDMENT TO REMOVE THE MAXIMUM LOT COVERAGE REQUIREMENTS FOR THE C-2 ZONING DISTRICT IN SECTION 1251.04 AND THE D-1 ZONING DISTRICT IN SECTION 1252.04
  - b. Consider recommendation to city council: CITY OF HART CODE OF ORDINANCES, PART 12, TITLE FOUR, ZONING ORDINANCE, A TEXT AMENDMENT TO DEFINE PERMANENT COSMETIC SERVICES IN SECTION 1241.01, REGULATE PERMANENT COSMETIC SERVICES IN SECTION 1249.02 (B), AND AMEND THE DEFINITION OF TATTOO PARLOR IN SECTION 1256.13 (B)(20)
6. Discussion Item.
7. Other business and communications from Commission members
8. Adjourn – Next regular meeting on February 3, 2021

# City Of Hart

407 S. State St

Hart, Mi 49420

Planning Commission

Thursday, December 2<sup>nd</sup>, 2021

Minutes

**MEMBERS PRESENT:** Betty Root, Jim Cunningham, Jim Evans, Gale Goldberg, and Diane LaPorte

**ABSENT:** Jack Wittman and Peggy Wittman

**OTHERS PRESENT:** City Manager – Rob Splane, City Clerk - Karla Swihart, Mayor – Vicki Platt, Horizon Community – David Jirousek, Dirk Williams, Kyle Visker, Nick Cadarette, and Amy Trudell

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 November 4<sup>th</sup>, 2021 and supported by J. Evans

- Ayes: 5 Nays: 0 Absent: 2

## **PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:**

- Mayor V. Platt I have in front of me the Planning Commission Charter 1220 and the Bylaws and Rules of Procedure. Things I have witnessed at your meetings are unacceptable for the City of Hart so I am going to read somethings and you as a group are going to absorb and are going to do differently so that these meetings run smoothly!

Chapter 1220.02 The City Planning Commission shall consist of seven members, who shall represent, insofar as is possible, different professions or occupations, and shall be residents of the City of Hart. The members shall be appointed by the Mayor, subject to the approval of the City Council. The term of each member of the City Planning Commission, shall be for three years and each member shall hold office until his or her successor has been appointed, Vacancies occurring otherwise then through the expiration of a term shall be filled for the remainder of the unexpired term by the Mayor, subject to approval by the City Council. The City Manager shall be a member ex-officio of the City Planning Commission and shall attend all of its meetings and may participate in all of its discussions, but her or she shall not have power to vote.

The Mayor, upon recommendation of the City Manager, may designate not more than two additional City employees to serve ex-officio on the City Planning Commission, and to assist said Commission in its work.

From what I have witnessed Mr. Evans has done a terrific job!

If there is a need I as the Mayor is able to remove members of this Planning Commission. As said in 1220.04 Removal of members. "Members of the City Planning Commission may, after public hearing, be removed by the Mayor for inefficiency, neglect of duty or malfeasance in office, provided that such removal must be approved by the City Council."

1220.05 Meetings and Records. "The City Planning Commission shall annually elect its Chairperson from amongst members and create and fill such other of its offices as it may determine. The City Planning Commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its proceedings. The record shall be public and open to inspection in the office of the City Clerk."

I am skipping thru most of Charter 1220 as you should all have a copy of this and have reviewed prior to being on the commission. As a group you represent our City and this is not how our City will be represented so under article 1 in our bylaws "Authority "As pursuant to the Michigan

Planning Enabling Act, Public Act 33 of 2008 and the Open Meetings Act, Public Act 267 of 1967, as amended. The Planning Commission shall have all and only such powers as are delegated to it by state enabling legislation, the MPEA and by the City ordinance or resolution, and shall exercise those powers only in the manner of those purposes, and in accordance with the procedures set forth within this document.”

Purpose “The general purpose of the Planning Commission shall be to guide and promote the efficient and coordinated development of the City in a manner which will best promote the health, safety, and general welfare of its people; preserve and protect the City and its historic and natural resources; and address the goals and principles of the City of Hart Master Plan.

Duties, skipping down to G, “Perform other duties and responsibilities that may be requested by the City Council.”

Membership Composition “The City of Hart Planning Commission membership shall be residents of the City of Hart. At least one (1) of the seven (7) persons shall be a member of the City Council as an ex-officio member, but no more than two (2) City Council members shall serve on the Planning Commission. Ex-officio members shall have full voting privileges but shall not serve as an officer of the Planning Commission. An employee of the City shall not serve as a member of the Planning Commission. Planning Commission members shall be representative of the Various interest and characteristics of the City as well as geographically representative.”

Terms of Office “The term of each appointed member shall be three (3) years, and members may be reappointed by the City Council in accordance with city protocol. The term of the ex-officio members from the City Council shall be the same as their term in office or until they are replaced by another representative from the City Council. In case of a resignation, removal, or vacancies for other reasons, openings shall be filled by the City Council for the remainder of the unexpired term.”

Removal, Absences, and Resignations I am going right to “Removal” “Upon written charges and after a public hearing, a Planning Commission member may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office. Failure to disclose a conflict of interest shall constitute malfeasance in office.”

Duties of Officers going to “Duties of the Secretary” Minutes. “The Secretary, or their delegate, is the recording officer responsible for preparation of the meeting minutes in accordance with Article VI. The Secretary or their delegate shall submit the official minutes of all Planning Commission prior to the following meeting.”

Duty of the City Council Representatives “City Council representations on the Planning Commission shall report on the actions of the Planning Commission to the City Council on a regular basis.”

Article II Conduct of Planning Commission Member.

(A) 1) A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision. For the purpose of this section, A family member is considered a spouse, child, stepchild, grandchild, parent, sibling, grandparent, parents in-law, grandparent in-law, or member of their household.

(A) 4) There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict.

Abstention from voting, “It is the duty of the Planning Commission members to vote on issues presented to the Planning Commission for consideration. A member shall abstain from voting on any issue where it is determined that the member has a conflict of interest. A member shall not abstain from voting for any other reason, except for actions considering the minutes of a meeting at which the member was absent.”

A few other items id like you to know is “Voting shall be by voice vote and a roll call vote shall be required if requested by any Planning Commission member or directed by the Chair. Also “A person shall not be excluded from a meeting of the Planning Commission except for breach of the peace committed at the meeting.”

Agenda and Order of Business

4) Public Comments on topics not scheduled on the agenda.

5) Official business and public comments related to official business.

Please keep it official!

## Article V Procedures at Public Meetings

### 5.1 Conduct at Meetings

A) Communications: The Planning Commission members, City administration members, consultants or staff, and any person from the audience shall direct questions to the Chair. The Chair may call for pertinent facts from the City consultants or staff or make appropriate comments pertinent to the issue. No Planning Commission member should debate or argue directly with any person in the audience, but rather address all comments through the Chair.

D) Rules of Public Comment:

1) All persons wishing to comment shall be given an opportunity to do so. And if we have to set a timer, we will put it at three (3) minutes.

2) The person addressing the Planning Commission should state their name and address and comments should be directed to the Chair.

3) Unless determined otherwise by the Planning Commission, a person is limited one (1) time allotment of three (3) minutes during general public comments time and for each public hearing during the meeting. Unless deemed appropriate by the Chair.

7) If at any time during the public hearing, the Chair feels no other relevant comments are being stated or the public is out of order, a motion may be requested to close the public hearing. The Chair may, at their discretion terminate unreasonably repetitive, irrelevant, or lengthy comments which are non-productive to the issue at hand.

At this point that is all I want to say to the Commission, and I hope you all heard it loud and clear!

### **ACTION ITEMS:**

- Nomination and election of Planning Commission Secretary  
Under the Rules of the state the secretary doesn't actually write the minutes, but according to the State Law we are required to have a secretary.  
J. Cunningham nominates G. Goldberg as Secretary for the Planning Commission "does not require a second". With no other nominations Chair B. Root closed the nominations and asked all in favor of G. Goldberg being secretary say I – Ayes: 5 , Nays: 0 Absent: 2, G. Goldberg has been nominated Secretary.
- Consider Site Plan approval – Seneca Foods – 3325 W Polk Rd new construction and accessory building relocation.  
Kyle Visker from Land and Resource Engineering 2121 3 Mile Rd. Walker Mi 49544 Project engineer for Seneca Foods is requesting a Site Plan review and consideration of the proposed building and site improvements located at 3325 W Polk Rd. The property is 18.22 acres in size and located south of West Polk Rd. The property and properties surrounding it are zoned Industrial (D-1) but there are some parcels to the west and south which are not in the City of Hart. There are several existing buildings on the property which are used for manufacturing and distribution of goods.

D. Jirousek submitted to the Planning Commission

Overview: The applicant requests approval of a site plan amendment to expand the Seneca Foods facility. The subject area is zoned D-1 Industrial District. The development of the site is subject to the site plan review process conducted by the City of Hart Planning Commission.

*Proposal:* Approval of this application would authorize the following site improvements:

- 900 square foot shipping/receiving office addition
- 100,000 square foot operations and warehouse addition
- Relocation of three accessory storage buildings
- Parking lot expansion
- Utility and drainage improvements

Completeness Review: Site plans shall contain the information required in Section 1258.05 of the Zoning Ordinance, Site Plan Review. The Planning Commission may waive requirements for a site plan if it is determined they do not apply to the property or use in question. The application is considered complete, except for a lighting plan and fixture specifications.

Site Plan Review:

1. **1243.21 FENCES AND WALLS.** Fences and walls are not proposed
2. **1243.22 LANDSCAPE REGULATIONS.** Landscape buffers are not required during the site development of the subject property. Parking lot landscaping is not required in the D-1 district when the parking area is to the rear of the building.
3. **1252.04 DISTRICT REGULATIONS.** The proposal complies with the dimensional requirements applicable to the D-1 zoning district.
  - A. Minimum lot area and width – One acre and 100 feet of lot width. **Not applicable**
  - B. Minimum required building setbacks.
    - (1) Front yard – 25 feet if on a local City Street and 20 feet if on a major City Street or State highway. **Not applicable**
    - (2) Side and rear yard – None required except where a D-1 property abuts a residentially zoned lot then the minimum setback shall not be less than two times the height of the building. **Complies**
  - C. Maximum lot coverage – 40 percent. **Unknown.** The total building and parking area is incorrect on the plan (sheet C2)
  - D. Maximum building height – 35 feet. **Complies.** The eave height is 34 feet.
  - E. Landscaping – Wherever a D-1 Zone abuts an existing residential zone, or property, landscaping shall be provided as required by Section 1243.22. **Not applicable**
4. **1252.05 SITE DEVELOPMENT STANDARDS.** All requirements specific to the D-1 district are satisfied except for dumpster screening. Dumpsters shall be screened as required by Section 1258.07 (I)
5. **1258.07 LIGHTING.** A photometric plan and light fixture specification sheets should be provided. 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.
6. **1258.12 ACCESS CONTROL STANDARDS.** New access to public roads is not proposed.
7. **CHAPTER 1259 SIGNS.** New signage is not proposed.
8. **CHAPTER 1260 OFF-STREET PARKING AND LOADING.** The proposed site plan demonstrates compliance with all parking and loading requirements, including dimensional requirements, minimum count, and loading area specifications. However, the site plan should be revised to indicate the correct parking count of one space per 600 square feet of floor space (sheet C2).

Recommendation: It is unknown if the site plan is consistent with the lot coverage requirement (40% maximum). The plan should not be approved unless compliance is demonstrated.

Other conditions include:

1. Provide a photometric plan and light fixture specifications for review and approval.
2. Provide dumpster screening in accordance with Section 1258.07 (I).
3. Satisfy all recommendations by the City Engineer.
4. Secure approvals for the Fire Department, Oceana County Drain Commissions, and all applicable City Department Superintendents.

Upon discussion from the Planning Commission, and from D. Jirousek.

- J. Cunningham moved to conditionally approve Site plan for Seneca Foods for phase one construction not to exceed 40% lot coverage to comply with Ordinance 1252.04 (C.) until such time the Ordinance can be amended to allow larger lot coverage and supported by D. LaPorte.
  - Ayes: 5 Nays: 0 Absent: 2

**DISCUSSION ITEMS:**

- Planning Consultant presentation and discussion on verbiage for potential revision of Ordinance 1256.13 to allow permanent makeup salon in B1/B2 business district.

Overview: Language is provided below to allow for business that conduct permanent cosmetic services in the same locations that allow personal service establishments (B-1 and B-2). A distinction is created between permanent cosmetic services and tattoo parlors. However, please note that state regulations treat traditional tattooing and permanent cosmetic services in the same manner, and both services require a State of Michigan Body Art Facility License.

Proposed Changes: Section 1241.01 Amend to include a new definition of “permanent cosmetic services.”

“Permanent cosmetic services” means a personal service establishment that applies permanent cosmetic coloration to the skin using muted pigmentations to disguise scars or tattoos: provide pigmentation in areas of the body affected by surgery or medical procedures: or apply permanent cosmetics: generally, to individuals with impairments or medical conditions, but not limited to these individuals. Services may include permanent eye lining, lip lining, re-pigmentation, or similar procedures but do not include traditional tattooing services associated with tattoo parlors, as defined in this ordinance.

Section 1256.13. Amend to revise the definition of “tattoo parlor.”

“Tattoo parlor” means a business having as its principal activity the application or placing, by any method, of designs, letters, scrolls, figures, symbols, or other marks upon or under the human skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin, not including permanent cosmetic services.

Section 1249.02(b). Amend to include permanent cosmetic services under personal service establishment as a permitted use in B-1 and B-2.

(b) Any personal service established which performs services on the premises within a completely enclosed building, such as but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and permanent cosmetic services.

Alternative Option: If the Planning Commission does not feel that there can be a sufficient distinction between permanent cosmetic services and traditional tattooing services, an alternative option would be remove “tattoo parlor” from under the “adult business” classification and allow it (permitted or special) in the business and commercial districts (B-1, B-2 and C-1). Additional requirements could be discussed such as minimum separation or other locational restrictions.

Upon much discussion amongst the Planning Commission.

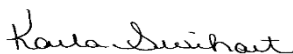
- J. Cunningham moved to support revision of Ordinance 1256.13 and set a Public Hearing for January 6<sup>th</sup>, 2022, Planning Commission meeting and supported by J. Evans.
  - Ayes: 5 Nays: 0 Absent: 2

#### **OTHER BUSINESS AND COMMUNICATIONS FROM THE COMMISSION MEMBERS:**

- D. LaPorte wanted to express how fun the Christmas Parade was this year and hopes everyone was able to make it and enjoyed themselves.

#### **ADJOURN:**

- There being no further business to come before the Planning Commission, the meeting adjourned at 4:55 pm upon a motion by D. LaPorte and supported by J. Cunningham. The next scheduled meeting will be held on January 6<sup>th</sup>, 2022, at 4 pm.



Karla Swihart  
City Clerk

**CITY OF HART  
ORDINANCE NO. \_\_\_\_\_  
ZONING ORDINANCE TEXT AMENDMENT**

At a regular meeting of the Hart City Council held at City Hall on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_ p.m.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following ordinance was offered by \_\_\_\_\_ and supported by \_\_\_\_\_:

THE CITY OF HART, COUNTY OF OCEANA, STATE OF MICHIGAN ORDAINS:

**CITY OF HART CODE OF ORDINANCES, PART 12, TITLE FOUR, ZONING  
ORDINANCE, A TEXT AMENDMENT TO REMOVE THE MAXIMUM LOT  
COVERAGE REQUIREMENTS FOR THE C-2 ZONING DISTRICT IN SECTION  
1251.04 AND THE D-1 ZONING DISTRICT IN SECTION 1252.04**

Section 1. Chapter 1251 C-2, Limited Commercial. Chapter 1251, Section 1251.04, is amended to strike paragraph (c), which currently, states “Maximum lot coverage - 40 percent,” and to re-letter the section accordingly.

Section 1. Chapter 1252 D-1, Industrial District. Chapter 1252, Section 1252.04, is amended to strike paragraph (c), which currently, states “Maximum lot coverage - 40 percent,” and to re-letter the section accordingly.

Section 3. Effective Date. This Ordinance shall be effective seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Karla Swihart  
City Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Hart City Council at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

---

Karla Swihart  
City Clerk



**CITY OF HART  
ORDINANCE NO. \_\_\_\_\_  
ZONING ORDINANCE TEXT AMENDMENT**

At a regular meeting of the Hart City Council held at City Hall on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_ p.m.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following ordinance was offered by \_\_\_\_\_ and supported by \_\_\_\_\_:

THE CITY OF HART, COUNTY OF OCEANA, STATE OF MICHIGAN ORDAINS:

**CITY OF HART CODE OF ORDINANCES, PART 12, TITLE FOUR, ZONING  
ORDINANCE, A TEXT AMENDMENT TO DEFINE PERMANENT COSMETIC  
SERVICES IN SECTION 1241.01, REGULATE PERMANENT COSMETIC SERVICES  
IN SECTION 1249.02 (B), AND AMEND THE DEFINITION OF TATTOO PARLOR IN  
SECTION 1256.13 (B)(20)**

Section 1. Chapter 1241 Definitions. Chapter 1241, Section 1241.01, is amended to include the following definition to be inserted in alphabetical order:

“Permanent cosmetic services” means a personal service establishment that applies permanent cosmetic coloration to the skin using muted pigmentations to: disguise scars or tattoos; provide pigmentation in areas of the body affected by surgery or medical procedures; or apply permanent cosmetics, generally to individuals with impairments or medical conditions, but not limited to these individuals. Services may include permanent eye lining, lip lining, re-pigmentation, or similar procedures but do not include traditional tattooing services associated with tattoo parlors, as defined in this ordinance.

Section 2. Chapter 1249 B-1, Central Business District. Chapter 1249, Section 1249.02 (b), is amended to read in its entirety as follows:

(b) Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and permanent cosmetic services.

Section 3. Chapter 1256 Special Land Uses. Chapter 1256, Section 1256.13 (b)(20), is amended to read in its entirety as follows:

“Tattoo parlor” means a business having as its principal activity the application or placing, by any method, of designs, letters, scrolls, figures, symbols or other marks upon or under the human skin with ink or any other substance resulting in the coloration of the

skin by the aid of needles or any other instrument designed to touch or puncture the skin, not including permanent cosmetic services.

Section 4. Effective Date. This Ordinance shall be effective seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Karla Swihart  
City Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Hart City Council at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

\_\_\_\_\_  
Karla Swihart  
City Clerk