



**City of Hart, Michigan  
PLANNING COMMISSION**

**December 4, 2025**

**AGENDA**

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

**4:00 PM**

**1. Call to order / Roll Call:**

- a. Commissioners: Cunningham, Fout, LaPorte, Mullen, Root, Clark

**2. Approval of Agenda**

**3. Approval of Minutes**

- a. November 6, 2025 Regular Meeting

**4. Public Comments on Agenda Items**

**5. Public Hearing**

**6. Action Items**

- a. Consider Board Member Application – Jim Evans
- b. Request for Interpretation – Dog Boarding/Grooming Use in the B-2 District (3730 W Polk Rd)
- c. Reschedule or cancel January Planning Commission Meeting (city hall closed Jan. 1, 2026)

**7. Discussion Items**

- a. Planning Commission Training Opportunities
- b. Act 425 Agreement – Status of Transferred Parcels Upon Agreement Expiration and Recommended Zoning Actions

**8. Other Business and Communications from Commission members**

**9. Public Comments (General)**

**10. Adjourn**

- a. *Next regular meeting January \_\_\_\_, 2025*

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# City Of Hart

407 S. State St

Hart, MI 49420

Planning Commission

Thursday, November 6<sup>th</sup>, 2025

Minutes

**MEMBERS PRESENT:** Lisa Clark, Jim Cunningham, Cynitha Fout, Diane LaPorte, and Betty Root

**ABSENT:** Andrew Mullen

**OTHERS PRESENT:** Interim City Manager Nichole Kleiner, City Clerk – Karla Swihart, Amanda Adams, Catalina Burillo, Shelli Comstock, Dean Hodges, Alec Nuumoust, and Anne Pawli

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

## **APPROVAL OF AGENDA:**

- J. Cunningham motioned to approve the agenda and was supported by B. Root
  - Ayes: 5 Nays: 0 Absent: 1

## **APPROVAL OF MINUTES:**

- L. Clark motioned to approve minutes from October 2<sup>nd</sup>, 2025, and was supported by B. Root
  - Ayes: 5 Nays: 0 Absent: 1

## **PUBLIC COMMENTS ON AGENDA ITEMS:**

- NONE

## **PUBLIC HEARING:**

- D. LaPorte motioned to open the Public Hearing on 710 S. State St, Special Land Use Request for a Drive-Thru at 4:03 pm, and was supported by B. Root
  - Ayes: 5 Nays: 0 Absent: 0
- There were lots of comments from the public in support of a drive-thru at 710 S. State St, including a letter from Shelby Township supervisor Richard Raffaelli, as well as business owners and property owners around the location, all in support. “Everyone loves Stella’s coffee shop, and if you’re going to have a college, you will need a coffee shop.” Also, there is talk about putting electric outlets up for a food truck court.
  - J. Cunningham motioned to close the public hearing on 710 S. State St, Special Land Use request for a Drive-Thru at 4:06 pm, and supported by D. LaPorte
    - Ayes: 5 Nays: 0 Absent: 1

## **ACTION ITEMS:**

- Site Plan Review – 710 S. State Street, West Shore Community College  
McKenna has reviewed the Site Plan for the proposed West Shore Community College mixed-use building, which was prepared and submitted to the City on October 20<sup>th</sup>, 2025. The mixed-use building will be located at 710 S State Street in the former Gale’s Grocery Store, and we offer the following review analysis comments.

## **Project Summary:**

West Shore Community College has purchased the former Gale’s Grocery Store and proposes to remodel it into a mixed-use building that will consist of an adult education facility, a Food club, and a Cafe. The Café will have a drive-thru pickup window as well. The drive-thru window triggers a Special Use request per the Zoning Ordinance.

The property includes an existing building and parking lot, and there are four (4) existing driveways that will continue to be used for the proposed project. Improvements are intended to be made to the parking lot in support of the new project.

## **Findings of Facts:**

The applicant proposes to remodel an existing grocery store and convert it into a mixed-use building with three new uses in the building. This type of development:

1. Is a permitted use in the B2 – General Business District subject to Site Plan Review. The Drive-Thru window is a permitted Special Land Use in the B2 District.
2. Is subject to additional reviews by the City of Hart Department of Public Works, City Engineer, and Fire Marshall. Further, the development may need to be reviewed by Oceana County Drain Commissioner regarding stormwater management.

**SPECIAL LAND USE REVIEW:**

This project is reviewed against Hart’s Zoning Ordinance and Master Plan. We offer the following comments for your consideration; underlined items require additional discussion and/or identify items that need to be addressed. Section 1256.04 of the City of Hart’s Zoning Ordinance lists the six (6) criteria for a Special Land Use to be approved.

**Harmony with Existing Character:**

The Special Use shall be designed, constructed, operated, and maintained so it will be harmonious and appropriate with the existing or intended character of the general vicinity...

**Findings:**

The proposed project seeks to redevelop an existing grocery store into a mixed-use building with a Drive-Thru Window. The subject property and the uses on three sides of the property are also commercial in nature, while the properties to the east are zoned and used as residential. The proposed use will not have a greater impact than the former grocery store.

Location	Existing Land Use	Zoning District	Future Land Use
Subject Property 710 S State Street	Vacant – Former Grocery Store	B-2 General Business District	General Commercial
North	Laundromat	B-2 General Business	General Commercial
South	Car Wash	B-2 General Business	General Commercial
East	Homes	A- Residential	Traditional Single-Family Residential
West	Hotel	B-2 General Business	General Commercial

**Adequate Public Services and Facilities:**

The Special Land Use shall be adequately served by essential public facilities and services such as streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.

**Findings:**

The proposed Drive-Thru window is not anticipated to place additional demands on existing public services and facilities in excess of the current capacity as this parcel has previously been developed. The City Engineer and Fire Chief will likely review the proposed Site Plan to verify compliance with non-planning and zoning issues.

**No Additional Public Costs:**

The Special Land use shall not create excessive additional requirements at public cost for public facilities and services.

**Findings:**

The proposed establishment of the Drive-Thru Window is not anticipated to create any additional requirements at public cost for any facilities, as this site was previously developed.

**Hazardous or Disruptive:**

The Special Land Use shall 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.

**Findings:**

The proposed establishment of a Drive-Thru Window is not anticipated to produce hazardous or disruptive activities which would be detrimental to the health, safety, and welfare or persons or property within the immediate vicinity.

**Compatible with the City Master Plan:**

The Special Land Use shall be compatible with and in accordance with the City Master Plan.

**Findings:**

The City Master Plan identified the property to be in the General Commercial future land use district. The proposed Drive-Thru Window will be compatible with that designation.

**Supplemental Reviews:**

Mckenna finds that supplemental reviews, including a Traffic Impact Analysis, Environmental Impact Statement, and an Economic Analysis, will not be needed in the evaluation of a Drive-Thru Window.

**SITE PLAN REVIEW:****Summary :**

Standards for Site Plan Review are set forth by several sections of the City of Hart's Zoning Ordinance. This review will evaluate each section individually so that the Planning Commission will have the necessary information to base their decision. Items that are underlined may require additional discussion and/or identify outstanding items that need to be addressed by the applicant.

**1. Zoning & Use:**

The subject site is zoned B2- General Business District. The intent of the B-2 District is:

“to provide for an orderly and concentrated development of business outside of the CBD in areas designated in the City Master Plan in order to serve the needs of the motoring public and local residents. A wide range of retail service, office, governmental, institutional, and limited residential uses are permitted.”

Location	Existing Land Use	Zoning District
Subject Site	Vacant – Former Grocery Store	B-2 General Business

**2. Schedule of Regulations:**

Section 1250.04 outlines the requirements as it pertains to lot size, yards, setbacks, and other dimensional regulations within the B-2 – General Business District.

**Findings:**

The proposed building meets dimensional standards for the RM – Multiple Family Residential District.

Requirement Type	Required	Proposed	Comments
Minimum Lot Size	None	1.75 acres	Complies
Minimum Lot Width	None	280 ft	Complies
Front Yard Setback	25 ft	160 ft	Complies
Side Yard Setback	0 ft	20 ft	Complies
Rear Yard Setback	10 ft	20 ft	Complies
Building Height	35 ft	25 ft	Complies

\*The primary building is approximately 20 feet off the ROW. The loading areas are approximately 4ft off the ROW. The building is existing and is not being expanded. The properties across Dryden St are zoned and are being used as Residential.

**3. Off-Street Parking:****Parking:**

Parking is regulated in Chapter 1260 of the Zoning Ordinance.

Section 1260.10 specifies that there is one parking space for each 300 square feet of floor space for Commercial uses.

**Findings:**

The existing building is approximately 24,500 square feet in size, so any new development would be required to provide 82 parking spaces per the Ordinance regulations. The Site Plan indicates that 83 parking spaces will be in site, of which four (4) will be designated as Handicapped parking.

In addition to the base requirement, the Ordinance regulations specify that landscaped islands be placed at the end of longer aisles of parking. The islands are included on the plans and are in compliance with that standard. The Site Plan also includes a Bike Rack.

**4. Site Plan Review Guidelines:**

Chapter 1258 provides the guidelines for the required information to be included on a Site Plan. Section 1258.05 outlines the following items that shall be included in a submitted Site Plan.

Required Items to be Considered	Complies
Appropriate Scale	Yes
Plan Completion Source (Architect, Engineer)	Yes
Date, North Point	Yes
Lot Dimensions	Yes
Contour Lines/Topography	Yes
Structure Siting	Yes
Architectural elevations of the Building	Complies
Setbacks, Egrass	Yes
Drivers/Parking	Yes
Loading Area	Yes
Pedestrian Walks	Yes
Walls/Fences	Not on Plan
Dumpster with Fencing	Yes
Lighting Plan	Complies*
Abutting Streets	Yes
Surface Treatments	Yes
Storm Water Management	Yes
Sewer and Water Lines	Yes
Signage	Yes**
Significant Environmental Features	N/A
Hazardous Materials	N/A

\*The light fixtures are not included in the Plans. The Planning Commission will need to verify that the lights are effectively shielded from neighboring properties and public roads.

\*\*The Wall signs are illustrated on the plan; however, the road sign is only indicated by a pedestal. A separate permit will need to be reviewed and approved administratively. The Planning Commission will also need to verify that the Wall Signs do not extend over the roof line.

## 5. Findings:

The Site Plan for West Shore Community College is in compliance with the provisions of the City of Hart's zoning ordinance, and we can recommend approval of the Plan, subject to administrative review and approval of the Signage and Light Fixtures.

- J. Cunningham recommends approval of the Site Plan for 710 S. State Street and was supported by B. Root
  - Ayes: 5 Nays: 0 Absent: 1
- Special Land Use Authorization – Drive-thru at 720 S State Street
  - J. Cunningham motioned to approve Special Land Use, Drive-Thru at 720 S. State St, and was supported by D. LaPorte
    - Ayes: 4 Nays: 0 Absent: 1 Abstained: 1
- Site Plan Review – 4043 W Polk Rd (New Commercial Building)
 

McKenna has reviewed the Site Plan for the proposed Spot On Pho and Boba Tea commercial building, which was prepared and submitted to the City on October 20<sup>th</sup>, 2025. The commercial building will be located at 4043 Polk Rd as a new building on the same parcel as Vicky's Spa and a residential house, and we offer the following review analysis comments.

## Project Summary:

Spot on Pho and Boba Tea has proposed to construct a new restaurant at 4043 Polk Rd. The property is currently in Hart Township and is proposed to be annexed into the City of Hart and be zoned B-2 – General Business.

The property includes an existing residential building with an attached Home Occupation commercial use. There are two current parking spaces on site, and the existing driveway is proposed to serve as access to the current and new uses. The submitted site plan illustrates a new parking lot and a new driveway access to an existing "Service Drive" on the west side of the parcel.

**Findings of Fact:**

The applicant proposes to construct a new building to house a new restaurant that will offer onsite seating and carry out service. This type of development

1. Is permitted use in the B2 – General Business District subject to Site Plan Review
2. Is subject to additional reviews by the City of Hart Department of Public Works, City Engineer, and Fire Marshall. Further, the development may need to be reviewed by Oceana County Drain Commissioner regarding stormwater management.

**SITE PLAN REVIEW:****Summary:**

Standards for Site Plan Review are set forth by several sections of the City of Hart's Zoning Ordinance. This review will evaluate each section individually so that the Planning Commission will have the necessary information to base their decision. Items that are underlined may require additional discussion and/or identify outstanding items that need to be addressed by the applicant.

**1. Zoning & Use:**

The subject site is zoned B-2 General Business District. The intent of the of the B-2 District is:

\*to provide for an orderly and concentrated development of business outside the CBD in areas designated in the City Master Plan in order to serve the needs of the motoring public and local residents. A wide range of retail service, office, governmental, institutional, and limited residential uses are permitted."

Location	Existing Land Use	Zoning District
Subject Site	Home and Home Occupation/Proposed use will be added to the property	B-2 General Business

**2. Schedule of Regulations**

Section 1250.04 outlines the requirements as it pertains to lot size, yards, setbacks and other dimensional regulations within the B-2 – General Business District.

**Findings:**

The proposed building meets dimensional standards for the RM – Multiple Family Residential District.

Requirement Type	Required	Proposed	Comments
Minimum Lot Size	None	1.57 acres	Complies
Minimum lot width	None	346.5 ft	Complies
Front Yard Setback	20 ft	20 ft minimum	Complies
Side Yard Setback	0 ft	83 ft	Complies
Rear Yard Setback	0 ft	6 ft	Complies
Building Height	35 ft	One-story	Complies

**3. Off-Street Parking:****Parking:**

Parking is regulated in Chapter 1260 of the Zoning Ordinance.

Section 1260.10 specifies that there is one parking space for each 300 square feet of floor space for Commercial uses.

**Findings:**

The existing building is approximately 1785 square feet in size, and the new building is proposed to be 1232 square feet in size, so the new development will be required to provide 13 parking spaces per the Ordinance regulations. The Site Plan indicates that 25 parking spaces will be on site, of which two (2) will be designated as Handicapped parking.

**4. Site Plan Review Guidelines**

Chapter 1258 provides the guidelines for the required information to be included on a Site Plan. Section 1258.05 outlines the following items that shall be included in a submitted Site Plan.

Required Items to be Considered	Complies
Appropriate Scale	Yes
Plan Completion Source (Architect, Engineer)	Yes
Date, North Point	Yes
Lot Dimensions	Yes

Contour Lines/Topography	Yes
Structure Siting	Yes
Architectural elevations of the Building	Not Included
Setbacks, Egrass	Yes*
Drivers/Parking	Yes**
Loading Area	Yes
Pedestrian Walks	Yes
Walls/Fences	Yes
Dumpster with Fencing	Yes
Lighting Plan	No
Abutting Streets	Yes
Surface Treatments	Yes
Storm Water Management	Yes***
Sewer and Water Lines	Yes
Signage	No
Significant Environmental Features	N/A
Hazardous Materials	N/A

\*There is a proposed egress onto a service drive on the west side of the property. This service drive appears to be privately owned. Has an easement been recorded or has permission been granted for this access drive?

\*\*Polk Road is included in the Business 31 route and is governed by MDOT. Since the use is a change to the existing use of the property, MODT will likely need to conduct a review of the existing access drive onto Polk Road prior to issuing any permits. The Planning Commission should have that documentation prior to issuing a final approval. Also, the Landscaping regulations indicate that both deciduous trees and coniferous trees need to be planted on site. The deciduous trees are illustrated; however, there are no coniferous trees on the plan. The plan does include Coniferous shrubs, and per the Ordinance, the Planning Commission does have some discretion with that requirement.

\*\*\*Storm water management verification should be completed prior to final approval.

## 5. Findings:

The Site Plan for Spot On Pho is reasonably in compliance with the provisions on the City of Hart's Zoning Ordinance; however, there are a few items beyond the items previously identified that need to be addressed before final approval can be given. First and foremost, the annexation and rezoning need to be completed before the Planning Commission can make an approval about the Site Plan. Second, an architectural profile that clearly illustrates the design of the new building needs to be submitted. That illustration should clearly indicate any wall signage that may be proposed for the new building. Third, the lighting plan needs to be more detailed. Schematics of the poles and fixtures need to be included with the Site Plan. All of the fixtures need to ensure that no stray lighting will go onto neighboring properties or the roads.

McKenna would recommend that a conceptual site plan approval be given for the proposed use and placement of the building, but formal site plan approval should be delayed until the items identified in this review have been completed and submitted for consideration.

## **DISCUSSION ITEMS:**

- Tiny Home
- Variance Request to go before ZBA on 11/12/2025 "APPROVED. "
- Food Truck Fee Schedule – will be presented at the December 4<sup>th</sup> meeting.
- Planning Commission Training Opportunities, Still time to get signed up for training, please get with Nichole regarding.

## **OTHER BUSINESS and COMMUNICATION FROM COMMISSION MEMBERS:**

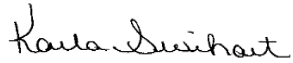
- NONE

## **PUBLIC COMMENTS GENERAL:**

- NONE

## **ADJOURN:**

- There being no further business to come before the Planning Commission, the meeting adjourned upon a motion by D. LaPorte and supported by L. Clark. The next meeting scheduled will be held on December 4<sup>th</sup>, 2025.

A handwritten signature in cursive script, reading "Karla Swihart".

Karla Swihart  
City Clerk





City of Hart  
407 S. State St.  
Hart, MI 49420

**BOARDS – COMMITTEES - COMMISSIONS**  
**APPLICATION FOR APPOINTMENT - REAPPOINTMENT TO**  
**SERVE ON CITY ADVISORY BOARDS – COMMITTEES - COMMISSIONS**

<input checked="" type="checkbox"/> Power Board	<input checked="" type="checkbox"/> Planning Commission
<input type="checkbox"/> Water/BioPure Board	<input type="checkbox"/> City Council
<input type="checkbox"/> Hart Lake Improvement Board	<input type="checkbox"/> Zoning Board of Appeals
<input type="checkbox"/> Housing Board of Review	<input type="checkbox"/> Neglected Properties Board
<input type="checkbox"/> Park Committee	<input type="checkbox"/> TIFA
<input type="checkbox"/> Other _____	<input type="checkbox"/> Hart Economic & Redevelopment Team H.E.A.R.T.

PLEASE CHECK OFF THE BOARDS/COMMITTEES/COMMISSIONS YOU ARE INTERESTED IN SERVING ON.

Name: JIM EVANS Home Phone: 231-301-8117  
Home Address: 410 S DRYDEN HART MI 49420  
Employer Address: RETIRED  
Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
Email Address: JCEVANS49@YAHOO.COM

What special experience, education or interest do you have for serving on each of the board(s), committees(s), commissions(s) you selected?

FORMER MEMBER OF PLANNING COMMISSION  
FORMER CITY COUNCIL MEMBER

What other board(s), committee(s), and commission do you currently serve on or have served on in the past?

CITY COUNCIL - LIBRARY - PLANNING - CEMETERIES - HISTORIC DISTRICT

[Signature] Date: 11-8-2025  
Signature

Please return completed application to:

City of Hart  
Rob Splane, City Manager  
407 S. State St.  
Hart, Michigan 49420  
Fax: 231-873-0100

City use only:

Date of Approval: \_\_\_\_\_

## City of Hart Memo

To: Hart Planning Commission

From: Nichole Kleiner, City Manager/Zoning Administrator

Date: December 4, 2025

Subject: Request for Interpretation – Dog Boarding/Grooming Use in the B-2 District (3730 W Polk Rd)

The City has received an inquiry from property owner Dave Hansen regarding the proposed conversion of 3730 W Polk Road (formerly a laundromat/car wash) to a dog grooming and potential dog boarding use. Before advising the applicant on next steps, I am requesting the Planning Commission's interpretation of the zoning ordinance as it applies to this request.

Section 1250.02 (Permitted Uses in the B-2 General Business District) does not list animal boarding, kennels, dog daycare, or similar animal-related uses among allowable uses.

Section 1250.03 (Special Land Uses in the B-2 District) also does not include dog boarding, kennels, or pet-related service establishments.

Because the ordinance allows only those uses explicitly listed, and "dog boarding" or "kennels" are not identified as either permitted or special land uses in the B-2 district, staff's preliminary interpretation is that dog boarding is not currently allowed in this district.

There are two possible paths for the applicant:

1. Zoning Board of Appeals Interpretation

The ZBA could be asked to interpret Section 1249.02(b), which permits "personal service establishments" within a completely enclosed building, such as repair shops, tailor shops, beauty parlors, decorators, photographers, and permanent cosmetic services.

Dog grooming may be considered similar in nature to other personal services. If the ZBA determines that grooming fits within this category, the use could potentially be permitted subject to conditions comparable to those placed on similar personal service uses.

This interpretation process would apply to grooming only. It is less likely that dog boarding would fit under this section.

2. Zoning Text Amendment

The Planning Commission could consider a zoning text amendment to add "dog

boarding,” “animal kennels,” or similar uses as a special land use in the B-2 district. This would require a public hearing, Planning Commission recommendation, and City Council approval.

**Guidance Requested**

I am requesting the Planning Commission’s direction on how to proceed so staff may advise the applicant appropriately.

Please advise on:

- Whether the Commission believes dog grooming could reasonably fit under the “personal service establishment” category with conditions;
- Whether dog boarding should be considered through a zoning text amendment process; and
- Any additional standards or concerns the Commission would like addressed.

## **City of Hart Memo**

To: Hart Planning Commission

From: Nichole Kleiner, City Manager/Zoning Administrator

Date: December 4, 2025

Re: Act 425 Agreement – Status of Transferred Parcels Upon Agreement  
Expiration and Recommended Zoning Actions

The purpose of this memo is to summarize what will occur to the parcels located within the Act 425 “Transferred Area” upon expiration of the 1996 Conditional Transfer Agreement between the City of Hart and Hart Township, and to outline recommended steps for updating zoning and the zoning map once the parcels come fully into the City.

The Act 425 Agreement, executed March 15, 1996, conditionally transferred certain territory from Hart Township to the City for a term of 30 years for the purpose of providing water, sewer, and other governmental services. Under Article IV, Section 4.1, the term of the Agreement is 30 years. Under Section 4.3, the Agreement provides that upon termination after the initial 30-year term, the Transferred Area will automatically, unconditionally, and for all purposes be within the sole, complete, and permanent jurisdiction of the City.

Upon expiration of the Agreement:

- All parcels identified in the Transferred Area become fully and permanently part of the City’s jurisdiction.
- The temporary governance structure created under the Agreement ends.
- Zoning and land use authority transitions entirely to the City, under the City’s zoning ordinance, Planning Commission, and Zoning Board of Appeals.

### **Recommendation for Updating Zoning and the Zoning Map**

Once the parcels are fully incorporated into the City, the Planning Commission will need to ensure they are assigned an appropriate City zoning classification and shown correctly on the official zoning map. To accomplish this, I recommend the following process:

1. Review Existing Township Zoning Classifications  
Compile the current Hart Township zoning designations for all parcels in the Transferred Area so the Commission understands how the properties are presently regulated.

2. Evaluate Appropriate City Zoning Districts

Compare the existing uses, parcel configurations, utilities, and surrounding development patterns with the City's zoning districts to determine which City classifications best align with the Master Plan and land use goals.

3. Prepare a Zoning Map Amendment (Rezoning) Proposal

Because these parcels are not currently assigned a City zoning district, a rezoning is required. This should take the form of a comprehensive zoning map amendment affecting all parcels in the Transferred Area.

4. Conduct Public Hearing

As required by the Michigan Zoning Enabling Act, the Planning Commission will hold a public hearing on the proposed zoning map amendment, followed by a recommendation to City Council.

5. City Council Adoption

City Council will consider and act on the Planning Commission's recommendation to formally amend the zoning map and assign zoning districts to the parcels.

6. Update the Official Zoning Map

Once adopted, update the City's official zoning map and make it available on the City's website and in print.

These steps will ensure a smooth transition from Township zoning to City zoning and will provide clarity to property owners, developers, and the public regarding future land use regulation in the area.

Please let me know if the Commission would like staff to prepare a draft zoning map amendment or provide parcel-by-parcel zoning information for preliminary review.