

City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, June 6th, 2024
Minutes

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

ABSENT: Justin Adams, Cynitha Fout

OTHERS PRESENT: City Manager – Rob Splane, City Clerk – Karla Swihart, Community & Economic Development Director – Nichole Kleiner, 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: 4 Nays: 0 Absent: 2

APPROVAL OF MINUTES:

- D. LaPorte moved to approve minutes from March 7th, 2024, and supported by G. Goldberg
 - Ayes: 4 Nays: 0 Absent: 2

PUBLIC COMMENTS on Agenda Items:

- Public Hearing Rezone 3 E Main Street from B-2 (General Business District) to PUD (Planned Unit Development)
In 2003, the City of Hart TIFA was able to acquire the site in an effort to perform environmental due diligence and remediate the property as necessary to seek redevelopment to a new or higher community use. TIFA is working with a redevelopment planning company named the Smith Group to design a plan that we can use to make the property attractive to a developer. They hope to have a couple of proposals for our Community, Planning Commission, and City Council to review in a few months. The Smith Group has indicated that due to current City zoning this redevelopment will require the site to be a PUD to allow for zoning flexibility.
Rezoning a property in the City of Hart requires both a Public Hearing and Planning Commission approval as well as two readings by the City Council before the new zoning can take effect following the publication waiting period. The Smith Group has asked that the Planning Commission recommend rezoning to the City Council using the base language in the PUD agreement included in this packet. Once the Smith Group produces their suggestions, the Planning Commission can then make a PUD amendment and the site can proceed with finding a developer and deploying the concept.

ACTION ITEMS:

- Consider Council recommendation to rezone 3 E. Main St to PUD – Planned Unit Development
This Planned Unit Development Agreement (the “agreement”) is made effective as of this day of June 6th, 2024, between City of Hart, a Michigan general law City (referred to as the “City”), with offices at 407 S. State St#1, Hart Michigan 49420; and a future Development (referred to as “The Development”), occupying most of the block located at 3 Main St. Hart Mi 49420 and states the following:

Recitals:

WHEREAS, the Zoning Ordinance of the City allows for a Planned Unit Development (PUD) zoning classification as an optional method of development whereby regulations may be provided for the conservation of natural resources and features, encourage innovation in land use planning, to enhance housing, employment, shopping, traffic circulation, and to ensure the compatibility of

design and use between neighboring properties and encourage development that is consistent and compatible with the City's Master Plan; and
WHEREAS, the City and the Developer with to enter into this Agreement consistent with the applicable codes, ordinances, and regulations; and
WHEREAS, the City and the Developer each represent and warrant it has the requisite approvals and authority to enter into this Agreement to be bound accordingly;
WHEREAS, the Development, located at approximately 3 Main St., under this Agreement shall be consistent with the terms of the Agreement and any violations may result in an immediate reversion of land back to the underlying zoning district, with all provisions of this agreement voided.

NOW, THEREFORE, in consideration of the mutual covenants and considerations herein contained and based on the approval of the Planned Unit Development (sometimes referred to as the "Project") and the City of Hart Zoning Ordinance, the parties to the Agreement hereby agrees as follows:

1. The Development site is made up of five individual parcels. The parent property with parcel number 020-207-001-00, is at the intersection of Main St., N. Water St., and S. Courtland St., which is situated in City of Hart, Oceana County, Michigan, and is described in Exhibit A, hereinafter as "Project Site." All of the parcels in the development are listed below. All other provisions and requirements of the Planned Unit Development (PUD) zoning district shall apply to the Project Site unless otherwise stated in this Agreement or unless otherwise set forth by this Agreement.

Parcels included in the development

- E. Main St. – 64-020-207-001-00 (Parent)
- E. Main St. – 64-020-207-004-50
- E. Main St. – 64-020-207-004-00
- S. Courtland St – 64-020-207-005-00
- S. Courtland St – 64-020-207-008-00

2. The land uses permitted by right on the Project Site are those presented in Exhibit A, and shall be residential and commercial uses, as defined in Chapter 1245 of the Hart Zoning Ordinance. Permitted uses include the following:
 - A. Multi-Family Dwellings.
 - B. Commercial Business Unit.
3. Additional land uses may be permitted, subject to determination by the Planning Commission (by majority vote) that they meet the requirements of the Zoning Ordinance. An amendment to this agreement shall be required to add a new permitted land use.
4. There shall be no uses permitted by Special Land Use on the project site.
5. The Development shall be built out, as shown in Exhibit A (the approved Site Plan). This provision shall supersede any contradictory provision in the Zoning Ordinance.
6. The approved Site Plan in Exhibit A shall be the governing Site Plan for the site. Exhibit A may be amended, if approved by a majority vote of the Planning Commission. An amendment to this Agreement shall be required in order to amend Exhibit A. This provision shall supersede any contradictory Zoning Ordinance.
7. For any zoning-related issue not specifically addressed in this agreement, the relevant provisions of the Zoning Ordinance shall apply.
8. The Developer shall obtain all required City, State, and other governmental reviews, approvals, and permits, including but not limited to Site Plan Approval from City and approvals by the Building Official, Fire Chief, and all County agencies with jurisdiction. All relevant Building codes shall be met prior to a Certificate of Occupancy being issued by the City.
9. The provisions of this Agreement shall be considered interdependent such that invalidation of any one or more of these covenants by judgement or decree or order of any court results in the invalidation of this entire Agreement unless the parties agree otherwise in writing. The covenants herein contained shall be binding upon the parties

hereto and their respective successors and assigns and shall run with the title to the land, unless and until amended, altered or terminated pursuant to the Agreement between the City, the Developer, and its successors or assigns.

10. This agreement shall be deemed to be mutually drafted and shall be construed under Michigan Law.
11. This Agreement is a fully integrated contact for all purposes under Michigan Law. This is the entire Agreement and supersedes any prior discussions or oral Agreements.
12. Each party herein reserves all legal rights, equitable and otherwise, to enforce the terms of this Agreement.

Signed:

City of Hart by vote at a Planning Commission meeting on June 6th,2024

_____ **By its** _____ **on** _____

Developer

- J. Cunningham motioned to establish the PUD and recommend to City Council for approval and supported by D. LaPorte
 - Ayes: 4 Nays: 0 Absent: 2

DISCUSSION ITEMS:

- None

OTHER BUSINESS:

- Airport breakfast is this Sunday at the Shelby airport, and don't forget about the asparagus festival downtown Hart Saturday

Public Comments Non-Agenda Items:

- None

ADJOURN:

- There being no further business to come before the Planning Commission, the meeting adjourned at 4:20pm upon a motion by D. LaPorte and supported by G. Goldberg. The next scheduled meeting will be held on August 1st, 2024.

Karla Swihart

Karla Swihart
City Clerk