

City Of Hart

407 S. State St

Hart, Mi 49420

Planning Commission

Thursday, September 22nd 2020

Work Session Minutes

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

ABSENT: Rob Splane

OTHERS PRESENT: Lynne Ladner (City Manager), and Karla Swihart (Dep. Clerk), Mark Van Allsburg (City Attorney), (Remote) David Jirousek (Horizon Community), and Luke & Eva Kostal (Harbor House)

Chairman B. Root called the meeting to order at 4:43 pm.

A motion was made by G. Goldberg to approve the agenda and supported by J. Cunningham
Ayes 6 Nays 0 Absent 1 The motion carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS: No Public

A motion was made by J. Cunningham to adjourn the meeting and move into the work session and supported by P. Wittman.

Ayes 6 Nays 0 Absent 1, The motion carried.

Next scheduled meeting October 1st, 2020

Worksession opened 4:45 pm

Discussion: A request for text amendment or rezoning for Harbor House.

City Attorney M. Van Allsburg was asked to evaluate and come up with some suggestions regarding The City's zoning ordinance. He drafted up a letter along with an ordinance handed out at the meeting.

One of the requirements in zoning is to establish a district, and those rules for that district need to apply to everyone. You can't just say, well, I want to apply the rules to this district one way and them differently for another. You have to have uniformity.

In 2004 the state legislature decided to make an exception to that uniformity rule. They are going to allow an applicant to voluntarily offer conditions, and those conditions can be considered as part of the rezoning. We will have to make sure the conditions that we offer are acceptable to the applicant.

Question- Is this going to open up a can of worms for the City.

The answer is no, under zoning; you only look at the use, not the property owner. You can only use this for the use stated in the letter and nothing else. This would only apply for 315 S State St. If someone else wanted to do this same thing, they would have to go through the same process. You would treat each applicant separately.

Question- If the property sold, would the new owner have to do exactly as the prior owner is doing, or would the new owner have to write a letter and sign it as well?

The answer is no, as the letter and ordinance is tied to the property address not the owner. Only if the new owner wanted to change the use, say they wanted to have eight people instead of six, then yes, they would have to get a zoning ordinance amendment.

This property has a dissolution clause where they can't just sell the property to anyone. It is not Luke and Eva's property. It is The Harbor House property.

Question- Will there be another meeting on the draft letter and then another Planning Commission meeting before the public hearing.

The answer is no. There should be a public hearing held; get the public input and all the information you can before having another Planning Commission meeting

Changes suggested by the Harbor House to the drafted letter

2.) The applicant and all successors and assigns of the Property, hereby offer and agree that the Property shall be used and developed only as follow:

- a. The Property shall be used, under the category of Hotel and Motel, being Zoning Ordinance Section 1249.02(n), only by a non-profit organization offering transitional lodging to women between the ages of 18 and 25, inclusive (a "Resident" for purposes of this document).

Ages 18-25 is suitable but would like to look at changing the age to 17-25. Foster care allows for an independent living program from 17. In working with DHHS, if they have a 17 yr old deemed ready for an independent living program.

- c. A Resident may not dwell or live at the Property for more than 12 months in any 24-month period. As a transitional, we don't want to limit them to 12 months if they are finishing up school or other variables that may come up.

Would like to change to 18 months.

- e. Other than the Residents and the household of the Owner Representative, overnight lodging by other persons, on a transitory basis or any other basis, shall not be permitted on the Property.

Would like to allow a family member to stay w/ approval no more than 2 nights with in 60day period.

- f. The Property shall comply with all building codes and other applicable laws, ordinances, and rules. L. Ladner and M. Van Allsburg will look into this one.

The next steps would be to hold a public hearing, and then the other step that would need to be done is get with the applicant prior to the public hearing and have a finalized "draft" letter on file for anyone who wants to review it before the public hearing can do so.

Public Hearing will be held on November 5th at the Planning Commission meeting

A motion was made by P. Wittman to adjourn the work session and supported by D. LaPorte
Ayes 6 Nays 0 Absent 1

Next scheduled meeting Oct 1st 2020

