



City of Hart, Michigan
PLANNING COMMISSION

June 6, 2024

AGENDA

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

4:00 PM

1. Call to order / Roll Call: Adams, Cunningham, Fout, Goldberg, LaPorte, Root
2. Approval of Agenda
3. Approval of Minutes of March 7, 2024 Meeting
4. Public Comments on Agenda Items
 - a. Public Hearing Rezone 3 E Man St From B-2 (General Business District) to PUD (Planned Unit Development)
5. Action Items
 - a. Consider council recommendation to rezone 3 E Man St to PUD - Planned Unit Development
6. Discussion Items
7. Other business and communications from Commission members
8. Public Comments
9. Adjourn – Next regular meeting on August 2, 2024

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City Of Hart

407 S. State St
Hart, Mi 49420

Planning Commission
Thursday, March 7th, 2024
Minutes

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

ABSENT: Justin Adams

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

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

APPROVAL OF AGENDA: J. Cunningham moved to approve the agenda with proposed change to item #4 public comments on agenda Items only and adding item #8 as additional Public Comments on non-agenda items and supported by G. Goldberg

◦ Ayes: 5 Nays: 0 Absent: 1

APPROVAL OF MINUTES: D. LaPorte moved to approve minutes from February 1st, 2024, and supported by G. Goldberg

◦ Ayes: 5 Nays: 0 Absent: 1

PUBLIC COMMENTS on Agenda Items:

- Eric and Karen Owen are just here as part of the agenda item the Creeks subdivision, it's been a long time in the works, and we are excited to get things started and move to Hart.

ACTION ITEMS: PUD Amendment – Creeks Subdivision.

- City of Hart: Creeks Subdivision Planned Unit Development Agreement

THIS PLANNED UNIT DEVELOPMENT AGREEMENT (the "Agreement") is made effective as of this day of March 7, 2024, between City of Hart, a Michigan general law City (referred to as the "City"), with offices at 407 S State Street #1, Hart Mi 49420: and Creek Subdivision, located on Enterprize Drive. Hart Mi 49420 (referred to as "Creek Subdivision") 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 Creeks Subdivision wish to enter into this Agreement consistent with the applicable codes, ordinances, and regulations; and

WHEREAS, the City and Creeks Subdivision each represent and warrant it has the requisite approvals and authority to enter into this Agreement to be bound accordingly; and

WHEREAS, the Development known as Creeks Subdivision under this Agreement shall be consistent with the terms of the Agreement and any violations may result in an immediate reversion of land bank 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 agree as follows:

1. The parent property with parcel number 020-665-000-00 at the Enterprize Dr. and Creek Dr., which is situated in City of Hart, Oceana County, Michigan, and is described in Exhibit A, hereinafter as "Project

Site," will be amended and the number of permitted housing units will be reduced from 62 to 49. 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.

2. The land uses permitted by right on the Project Site are those presented in Exhibit A, and shall be single-family and multi-family housing, as defined in Chapter 1245 of the Hart Zoning Ordinance. Permitted uses include the following.

(a) Single family detached dwellings.

(b) Two-Family dwellings (duplexes) including the conversion of single-family dwellings to a two-family dwelling. Two off-street parking spaces for each dwelling shall be provided on the same parcel as the two-family dwelling. Such dwelling shall have the exterior appearance of a one-family dwelling.

3. Additional land uses may be permitted, subject to a 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. **Prohibitions:** Only single-family detached dwellings and two-family dwellings are permitted on the site. All other uses are prohibited.

6. Creek Subdivision shall be built out, as shown in Exhibit A (the approved site plan). The provision shall supersede any contradictory provision in the Zoning Ordinance.

7. 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. No amendment to this Agreement shall be required in order to amend Exhibit A. The provision shall supersede any contradictory Zoning Ordinance.

8. For any zoning-related issue not specifically addressed in this agreement, the relevant provisions of the Zoning Ordinance shall apply.

9. Creeks Subdivision shall obtain all required City, State, and other governmental reviews, approvals, and permits, including but not limited to Site Plan Approval from the 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.

10. 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 validation 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, Creek Subdivision, and its successors or assigns.

11. This Agreement shall be deemed to be mutually drafted and shall be construed under Michigan Law.

12. This Agreement is a fully integrated contract for all purposes under Michigan Law. This is the entire Agreement and supersedes any prior discussions or oral Agreements.

13. 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 March 7, 2024.

Creeks Subdivision

_____ by its _____ on _____

- J. Cunningham motioned to approve PUD Amendment – Creeks Subdivision with correction of 44 sites to 49 sites and supported by D. Laporte.
 - Ayes: 5, by Voice Vote all approved Nays: 0 Absent:

DISCUSSION ITEMS:

- None

OTHER BUSINESS:

- MECD results – response to Ceres Solutions response will be in April.

Public Comments Non-Agenda Items:

- The Owens would like to thank the Planning Commission for their approval of the PUD – Creeks Subdivision.

ADJOURN:

- There being no further business to come before the Planning Commission, the meeting adjourned at 4:35pm upon a motion by D. LaPorte and supported by C. Fout the next scheduled meeting will be held on April 4th, 2024.

Karla Swihart

Karla Swihart
City Clerk

City of Hart
407 State Street
Hart, MI 49420



April 26, 2024

Planning Commission Members,

I am including this communication in the May 2nd Planning Commission Packet to help explain the nature of the rezoning request for 3 East Main Street the site of the former Ceres Solutions / Farmers Co-Op Property.

In 2023, 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 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.

We can discuss this workflow more on Thursday, I just wanted to explain impetus for this effort at this time.

Thank you,



~Rob Splane
City Manager
City of Hart
231-873-3546-office
www.cityofhart.org

NOTICE OF PUBLIC HEARING
HART CITY PLANNING COMMISSION
Parcel Rezoning

The City of Hart Planning Commission will conduct a Public Hearing to seek comment on adopting a Planned Unit Development (PUD) Agreement for the five parcels (64-020-207-001-00, 64-020-207-004-50, 64-020-207-004-00, 64-020-207-005-00, 64-020-207-008-00) owned by the City of Hart TIFA at 3 E Main Street and 15 Courtland Street, Hart, MI. Currently zoned as B-2 General Business District, the PUD Agreement would encourage innovation in land use planning, to enhance housing, employment, shopping, traffic circulation, and ensure the compatibility of design and use between neighboring properties and encourage development consistent and compatible with the City's Master Plan. The PUD Agreement document is available for review at Hart City Hall. The hearing will be conducted at Hart City Hall, 407 State Street, Hart, MI on Thursday, May 2, 2024 at 4:00 PM.

CITY OF HART
ORDINANCE NO. 2024-01

AN ORDINANCE TO RE-ZONE 020-207-001-00 FROM B-2 GENERAL BUSINESS TO PUD – PLANNED UNIT DEVELOPMENT

First Reading: 06/11/2024
Second Reading & Adoption: 06/25/2024
Publication: 07/04/2024
Effective Date: Ten days after publication

THE CITY OF HART ORDAINS:

The rezoning of 3 East Main Street parcel ID #020-207-001-00, 020-207-004-00, 020-207-004-50, 020-207-008-00, 020-207-005-00, and 020-207-008-00 with from B-2 General Business District to PUD Planned Unit Development. The property proposed for rezoning is legally described as follows:

CITY OF HART: LOT 1, LOT 2 EXC S 1 RD OF E 4 RDS THERE OF, W 1 RD OF LOT 3 EXC S 1 RD THOF, W 76 FT OF LOT 6, W 86 FT OF LOT 7 & ALL OF LOTS 11 & 12 - BLK 7. QCD 2017/18423. WD978072 QC-L2011P3320, E 1/2 OF LOT 4 EX S 1 RD BLK 7. QCD 2017/18423. WD-L2001P5520 QC-L2011P3320. 1978 INCLS 207-002 & 011-00. W 1/2 OF LOT 4 EX S 1 RD & E 3 RDS OF LOT 3 EX S 1 RD BLK 7. QCD 2017/18423 WD978072 QC-L2011P3320. LOT 5 & S 1 RD OF LOTS 2, 3 & 4 EX W 10 FT OF LOT 2 & E 1/2 OF LOT 6 EX W 10 FT BLK 7. QCD 2017/18423. WD-L2001P19858 QC-L2011P3320 QCD 2020/426. LOT 8 & E 1/2 OF LOT 7 EX 20 FT OF W SIDE OF E 1/2 OF LOT 7 BLK 7. WD 2017/9144 & DC FOR STEVEN JAY BRUCE 2017/9144. WD922409 QC-L2011P25345

STATE OF MICHIGAN)) SS.

COUNTY OF OCEANA)

I, the undersigned, the duly qualified City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the foregoing Ordinance amendment was adopted by City of Hart at a regular City Council meeting duly held on the ____ day of _____, 20__; and that the meeting with held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended, I hereby certify that I published the Ordinance amendments and additions in the _____ on the ____ day of _____, 20__.

Karla Swihart
Hart City Clerk



MCKENNA

April 4, 2024

City of Hart Planning Commission
407 State St.
Hart, MI 49420

Subject: City of Hart: Planned Unit Development Agreement

THIS PLANNED UNIT DEVELOPMENT AGREEMENT (the “Agreement”) is made effective as of this day of April 4, 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 wish 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 agree 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 Street - 64-020-207-005-00
 - S. Courtland Street - 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 Uses.
 3. Additional land uses may be permitted, subject to a 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 the 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 judgment 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 contract 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 May 2, 2024

_____ by its _____ on _____

Developer