



City of Hart, Michigan
PLANNING COMMISSION

August 1, 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 June 6, 2024 Meeting
4. Public Comments on Agenda Items
5. Action Items
6. Discussion Items
 - a. Review Overlay District Draft Language and Suggest Potential Edits
 - b. Review Food Truck Ordinance Draft Language and Suggest Potential Edits
7. Other business and communications from Commission members
8. Public Comments
9. Adjourn – Next regular meeting on September 5, 2024

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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

CITY CENTER OVERLAY DISTRICT

AUTHORITY

Pursuant to authority granted in Section 125.3503 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), this Overlay District is written to permit flexibility in the regulation of land development in the Hart City Center as needed to achieve the vision set forth in the City Center Overlay.

INTRODUCTION AND ELEMENTS OF THE CITY CENTER OVERLAY

a. City Center Overlay. This Section of the Zoning Ordinance is intended to implement the Vision, Concept and Design Guidelines for the City Center as established in the City Center Overlay. The City Center Overlay articulates design principles to support a unified vision for downtown Hart and gives examples of how sites along the corridor could redevelop. The Design Guidelines provide standards for building, site and district design for the City Center. The regulations contained in this Section enumerate the principles of the City Center Overlay inasmuch as possible.

b. Overlay District Elements. To achieve the vision set forth in the City Center Overlay, the City has established an Overlay District comprised of the following key elements:

1. Regulating Plan. Shows recommended building height and location of streets in the City Center, and Primary Frontages where regulation of building mass is most important to create the streetscape and environments envisioned. Some flexibility in the location of streets may be permitted by the City, upon recommendation by the Planning Commission as discussed in this Section.
2. Form-Based Code. Enumerated in this Section, provides the regulatory framework for development and redevelopment in the City Center Overlay District, as shown on the Regulating Plan discussed above.

PURPOSE AND DEVELOPMENT PRINCIPLES

The purpose of this District is to accomplish the following:

- a. Define a City Center area for Hart that will create an identity for its commercial core

b. Implement a City Center Vision

c. Promote development of an integrated, mixed-use, pedestrian-oriented environment with buildings containing commercial, residential and office uses

d. Provide street linkages to serve the development within the district, and logical street connections to developments outside the district

e. Regulate building height and require appropriate landscaping and screening to achieve appropriate scale along streetscapes and ensure proper transition to nearby residential neighborhoods.

f. Create a definable sense of place for the City with a pedestrian oriented, traditional urban form that encourages residents to visit, stay, and enjoy the district

g. Encourage development consistent with the desired vision through incentives that will encourage use of the form-based code option

APPLICABILITY

a. Application of Regulations. Within the City Center Overlay District, all requirements of the Hart Zoning Ordinance shall apply, except as modified by this Section. When applying the regulations to the form-based zones, if regulations elsewhere within this ordinance conflict or appear to conflict with the regulations of this Section, the regulations of this Section shall apply.

b. Interpretations and Appeals. This Overlay District relies on the Hart Planning Commission to interpret the intent of the Overlay. As such, certain flexibility is required to implement the City Center Overlay, depending on the timing, location and nature of redevelopment within the City Center. Therefore, the Planning Commission shall have the authority to act on appeals, interpretations or modifications, in order to ensure they are consistent with the overall vision.

c. Underlying Zoning. Where the term "underlying zoning" is used, it shall refer to the zoning of the subject property as designated on the official Zoning Map for the City of Hart and any applicable

regulations that apply to that zoning district. Underlying this City Center Overlay District are the following underlying zoning districts:

1. A, Residential Zone
2. A-1, Residential Zone
3. A-2, Apartment Zoning District
4. B-1, Central Business District
5. B-2, General Business District
6. C-2, Limited Commercial
7. D-1, Industrial District
8. D-2, Industrial Park District
9. M-1, Medical/Institutional District
10. PUD, Planned Unit Development

d. Expansion of the District. In order to provide for the harmonious development and use of land within the City Center, and to see to its logical extension, the City Council, upon recommendation by the Planning Commission, may extend the boundaries of the City Center where development is proposed that is consistent with the City Center Overlay and the Purpose and Development Principles of the Overlay.

e. Conflicts. Where the provisions of this Section conflicts with other provisions of the Hart Code of Ordinances, the provisions of this Section shall govern.

f. Triggers for Compliance. Use and development of land within this Overlay District shall be as follows:

1. Existing Uses. An existing use shall be permitted to continue.
2. Changes in Use. Changes in use from one use to another use that does not require additional parking or building additions shall be permitted.
3. Site Improvements. Site and building maintenance shall be allowed.

4. Building Expansions

a. Exempt Expansions. Additions of a size equal or less than 10% of the gross square footage of the existing buildings may be permitted and may be constructed according to the requirements of the City Center Overlay District or the underlying zoning, at the property owner's discretion.

b. Minor Expansions. Additions of a size greater than 10% but equal or less than 25% of the gross square footage of the existing building, shall be permitted, but shall meet the Site Plan Review Requirements in the Hart Zoning Ordinance for the district in which it is located.

c. Major Expansions. Additions of a size greater than 25% of the gross square footage of the existing building shall meet the requirements of this City Center Overlay District.

5. New Buildings and Development. New development projects proposed under this City Center Overlay District, shall meet all requirements of this City Center Overlay District.

6. Modifications. Modifications of the requirements in this City Center Overlay District may be approved when consistent with the City Center Overlay, determined by the Planning Commission.

STANDARDS FOR NEW DEVELOPMENT

a. Streets and Access. The Regulating Plan shows recommended street locations to provide interconnectivity and access to internal portions of the City Center. These streets will be maintained by City of Hart.

1. Location. The location of streets shall be generally consistent with the Hart Zoning Ordinance but may be modified by the Planning Commission upon their consideration.

2. Street Design. All streets and service drives shall be constructed to meet the requirements of the Hart Zoning Ordinance.

3. Temporary Access. Where a planned street is not constructed at the time of redevelopment of a property and connections cannot be immediately provided, temporary access may be allowed provided the following is met:

a. Such access meets the construction requirements of the zoning ordinance in terms of width and design.

b. The development has dedicated the necessary easements to accommodate any streets or service drives planned within their site.

c. If shared parking is necessary, parking agreements have been executed on the developer's site to allow for future shared parking.

d. Deed restrictions are recorded that ensure its removal when such streets and service drives are constructed.

4. Street Furniture. Benches, trash receptacles and other furniture may be required in park and plaza areas and along adjoining sidewalks where the Planning Commission determines that pedestrian activity will benefit from these facilities. Street furniture shall be permanent, durable, and consistent with national standards for outdoor furniture.

b. Public Open Space. A minimum of 5% of the gross floor area of all stories of proposed buildings shall be provided as open space. Such areas shall be located to complement existing or planned public greenspaces, and shall be one of the following:

1. Greenspace. Greenspaces are open spaces that provide recreation or leisure areas that serve the entire City Center area.

a. Location and design of greenspaces shall generally follow those shown on the City Center Overlay, with flexibility allowed by the Planning Commission to waive requirements.

b. To the greatest extent possible, greenspaces should be adjacent to other greenspaces on adjoining parcels to create contiguity of greenspace.

c. Greenspaces shall be landscaped and shall not be counted toward parking lot, greenbelt or buffer requirements.

2. Park or playground. Parks and playgrounds are best suited near residential areas at the perimeter of the City Center.

3. Corner Plaza. Required build-to lines may be modified to accommodate a plaza. The typical size of a plaza is 25 feet by 25 feet, but may vary depending on site conditions.

CONTRIBUTIONS IN LIEU

The City recognizes that certain physical elements of the City Center may be best developed in a coordinated fashion rather than piecemeal as development occurs. Therefore, where desired by the applicant or where required by the City, payments in lieu of those improvements may be made in accordance with the following:

a. Payments in lieu may be accepted for the following improvements:

1. Streets as shown on the Regulating Plan.

2. Streetscaping

3. Parking

4. Public Open Space

5. Required Landscaping

b. In cases where the elements above cannot reasonably be developed on a parcel, or for those where coordinated installation (on-street parking, for example) is needed for logical development, the City may allow developers to defer construction in one of the following ways:

1. Payment into a dedicated fund, of an amount equal to the cost to install all deferred improvements on the subject site. Improvement costs must also consider off-site improvements and utilities needed to serve the site. The developer shall submit to the City an estimate of costs to construct these items for verification by the City's engineer.

2. The City may facilitate, through a special assessment district or other means, construction of streetscaping as development progresses in the City Center. Developments proposed under this City Center Overlay District shall participate in the special assessment district, and agree to pay back the costs to serve their portion of the City Center. The assessment district may be created to install or replace some or all of the items listed above, the costs of which will be distributed amongst developed parcels consistent with the standards listed.

ZONES AND PERMITTED USES

a. Zones. The City Center Overlay District shall be and is hereby divided into Zones as enumerated on the Regulating Overlay.

1. Mixed Use Zone. The Mixed Use Zone is intended to provide for a traditional mixture of office buildings, retail stores, entertainment establishments, public spaces, residential uses and related activities that are mutually supporting and serve the needs of City residents. The intent of the zone regulations is to encourage a lively social environment and economically viable City Center with a wide variety of uses in a pedestrian oriented unified setting, with shared parking and access.

2. Residential Zone. The Residential Zone is intended to support the activities of the Mixed Use Zone through increased residential densities and pedestrian-oriented design. It is also intended to provide a transition between the tall mixed use buildings located near Southfield and 13 Mile Roads, and the neighborhoods abutting the City Center.

b. Permitted Uses.

1. Mixed Use Zone.

a. Any of the uses allowed in the underlying zoning districts may be permitted.

b. Residential units, consistent with the City Center Overlay, may be permitted. These include dedicated residential areas as shown, but also mixed-use buildings as discussed in the City Center Overlay.

c. Reconstruction and expansion of existing single-family structures is permitted, provided such is consistent with the underlying zoning requirements.

d. Other complementary uses, consistent with the City Center Overlay and adjacent land uses, may be permitted by the City Council upon recommendation by the Planning Commission.

2. Residential Zone.

a. Uses permitted in the underlying zoning districts shall be allowed.

b. Residential units, consistent with the City Center Overlay, may be permitted.

c. Reconstruction and expansion of existing single-family structures is permitted, provided such is consistent with the underlying zoning requirements.

MIXED USE ZONE REQUIREMENTS

a. Streetscaping. The following shall be installed along all Primary Frontages, as shown on the Regulating Overlay, as part of a comprehensive street and streetscape network:

Required Streetscaping

Sidewalks

Sidewalks shall be installed along all street frontages and shall be a minimum five (5) feet wide. Sidewalks along all Primary Frontages, as shown on the Regulating Plan, shall be a minimum of seven(7) feet wide, whichever is wider

Wider sidewalks are encouraged, and may encompass all or a portion of the front yard build-to zone as defined in sub-section c. Building Requirements below

Accessible sidewalk connections shall be provided between parking areas and building entrances

Street Trees

Tree grates may be installed, and when used shall be five (5) to ten (10) feet in length, and shall have access to irrigation systems provided by the developer

Street Lights

Pedestrian level street lighting of a decorative nature shall be installed along all sidewalks consistent with the City Center Overlay or street light standards adopted by the City

Light poles shall be installed at least every 30 ft. or closer in order to provide required illumination

Illumination levels shall comply with the Hart Zoning Ordinance.

DRAFT

Food Trucks

1. Food trucks may cater to outdoor public entertainment events only with an approved Peddler's Permit, issued by the City of Hart. The food truck must be removed from the property at the conclusion of the event.
2. Up to two (2) food trucks are allowed as accessory uses at restaurants, wineries, and breweries. No more than two (2) food trucks can operate simultaneously on any site that directly touches a residential zoning district.
3. All food trucks must have all the necessary permits from the Oceana County Health Department and the State of Michigan and shall demonstrate compliance to the City of Hart prior to receiving a Peddler's Permit.

Mobile food vending is permitted in all zoning districts in the City of Hart, subject to the following requirements:

- (a) Each individual mobile food vendor must obtain a Peddler's Permit from the clerk's office to operate within the city limits.
- (b) The property owner or event organizer offering mobile food vending shall obtain a zoning permit as required.
- (c) Mobile food vendors may not park overnight at any mobile food vending event location, unless specifically permitted by City of Hart through the Peddler's Permit.
- (d) A 12-foot one-way aisle where one-way vehicle circulation is required must be maintained around mobile food vending.
- (e) A 26-foot two-way aisle where two-way vehicle circulation is required must be maintained around mobile food vending.
- (f) Mobile food vending may not impede the use of a minimum number of parking spaces based on the site's parking demand.
- (g) Mobile food vending must be setback at least ten feet from any building.
- (h) No alcoholic beverages may be sold via mobile food vending - unless this alcohol service is part of an otherwise permitted event such as a temporary outdoor event in a commercial district or outdoor festivals, fairs, carnivals, craft shows, athletic tournaments and events, concerts, farmer's markets, auto shows, or as permitted by the Michigan Department of Licensing and Regulatory Affairs and/or the Michigan Liquor Control Commission
- (i) All mobile food vending must comply with the City of Hart's noise ordinance.

(j) No mobile food vendor may be located within 200 feet of an open restaurant, unless the mobile food vendor is part of the restaurant business, or the restaurant's property owner gives written permission.

(k) Mobile food vendors are encouraged to operate in large, open and vacant lots in the city with a Peddler's Permit and written permission from the landowner.

(l) Mobile food vending may be located in a public right-of-way or on public property where all the following apply:

(1) The mobile food vending activity is stationary and is authorized by an owner of property adjacent to the right-of-way location.

(2) The front and rear ends of the mobile food vendor do not extend beyond the adjacent boundary of the hosting property.

(3) The public right-of-way is in a location where on-street parking is permitted.

(4) The mobile food vendor is not within 60 feet of an intersecting street.

(5) No portion of the mobile food vendor shall be parked directly across from a driveway.

(6) No portion of the mobile food vendor shall block any driveway.

(m) Waste receptacles shall be provided for the general public in the vicinity of the food or vendor truck.

(n) The standards above shall not apply to food trucks that do business by travelling on public rights-of-way from neighborhood to neighborhood, such as ice cream trucks. Such vendor trucks shall not be regulated by this Ordinance.

(o) Waivers from this section, including the time and frequency restrictions, may be obtained from the City of Hart.