

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