City of Hart, Michigan

PLANNING COMMISSION

March 7, 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 February 1, 2024, meeting
4. Public comments
5. Action Items
    a. PUD Amendment – Creeks Subdivision
6. Discussion Item.
7. Other business and communications from Commission members
8. Adjourn – Next regular meeting on April 4, 2024

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City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, February 1st, 2024
Minutes

MEMBERS PRESENT: Betty Root, Jim Cunningham, Cynitha Fout, Gale Goldberg, and Diane LaPorte
ABSENT: Jim Evans, Fred Rybarz
OTHERS PRESENT: City Manager – Rob Splane, City Clerk – Karla Swihart, Planning Consultant Jeff from Mckenna, Dick Huntington, Eric and Karen Owen, Brian Stadler and Jessaca Wadel

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: 5 Nays: 0 Absent: 2

APPROVAL OF MINUTES: D. LaPorte moved to approve minutes from November 2nd, 2023, and supported by J. Cunningham

- Ayes: 5 Nays: 0 Absent: 2

PUBLIC COMMENTS:

- None

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Introduction and Communication from the Smith Group regarding redevelopment of Ceres Solutions Property,
  Kathleen Duffy from the Smith group, Excited to share with you while we are here, we are consultants/designers that work with the Michigan Economic Development Corporation, for the last 10 years on their redevelopment ready Community program and as a certified redevelopment ready community, the City of Hart is eligible for extra technical services to help with redevelopment in the community.
  We are here to get some ideas from the community for the Ceres property, share how we envision the City. Please join us this evening at 5:30 for our public hearing meeting.

ACTION ITEMS:

- Site Plan Review for proposed Dollar Tree at parcel: 64-020-818-400-14 (At or about 4128 Polk Rd)
  Mckenna,
  The applicant, Cole Stadler, is requesting a site plan review of the proposed 9, 876 square foot Dollar Tree commercial store, and 37 parking spaces, on 1.75 acres on vacant land on West Polk Rd. The property is on the North side or W. Polk Rd. between the current locations of Excel Propane and AutoZone. Other land uses on the North side of W. Polk Rd. are a gas station and Biggby Coffee store, Big Hart Brewing Company, McDonald's, and Memorial Health Care Center. The South side of W. Polk Rd. also has a mixture of commercial uses. The parcel does not currently have an address, but it is approximately 4128 W. Polk Rd.
  CONSISTENCY WITH THE HART ZONING MAP AND ZONING ORDINANCE
  The parcel is zoned B-2 General Business District on the Hart Zoning Map. The Hart Zoning Ordinance states the propose of the B-2 district as, is primarily intended to provide for orderly and concentrated development of business outside the Central Business District in areas designated in the City Master Plan in order to serve the needs of the motoring public and local residents. A wide range of retail service, office governmental, institutional, and limited residential

uses are permitted. According to the Hart zoning ordinance and zoning map, the proposed Dollar Tree store would fit the zoning district as a permitted use at this location.

CONSISTENCY WITH THE HART MASTER PLAN AND FUTURE LAND USE MAP

The 2017 Master Plan and Future Land Use Map envision the area of W. Polk Rd. as a Regional Commercial Corridor. The district has a Commercial Corridor Overlay that regulates access management, landscaping design, architecture, signs, and sidewalks along the Regional Commercial Corridor Overlay District, the store would fit the goals of this district in the Master Plan.

CONSISTENCTY WITH THE DISTRCIT DESIGN STANDARDS.

Section 1250.04 of the Hart Zoning Ordinance outlines the following site guidelines for the B-2 General Business District.

Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained.

(a) Minimum lot area and width – None required – **CONSISTENT**

(b) Minimum required building setbacks.

(1) Front Yard – 25 feet for local street and 20 feet on any major city street or State highway, - **CONSISTENT**

(2) Side yard and rear yard - None required except where a lot abuts a residential zone or use, a 10-foot side and rear yard shall be provided. – **CONSISTENT**

(c) Maximum building height – 35 feet – **CONSISTENT (25')**

(d) Dumpsters shall not be located within the front yard and shall be screened as required by Section **1258.07** (i). – **CONSISTENT**

The applicant submitted a 4-page site plan that includes the front elevation, sign design and height, building color scheme, parking areas, stormwater retention and runoff, truck turning radius, placement of parking spaces and non-motorized pathways, and location of the dumpster corral, among other items. The submitted site plan does appear to be consistent with the district standards listed above. The applicant did not appear to submit a lighting plan showing zero lumens at the property's edges.

RECOMMENDATION

We believe that the proposed 9,876sq. ft. Dollar Tree store on W. Polk Rd. is consistent with the B-2 zoning district, the Hart zoning map, the 2017 Hart Master Plan, and the Future Land use Map. As a result, we are recommending that the Hart Planning Commission approve the project with the following conditions:

- The Planning Commission should determine if the applicant should submit a lighting plan showing zero lumens (Which they did after) at the property's edges as a condition of approval.
- The Hart City Engineer should review the stormwater runoff and retention areas of the plan for consistency with the City standards as a condition of approval.
- Any other conditions that the Planning Commission feels are relevant.

We recommend that the Hart Planning Commission make the decision to approve the construction of a Dollar Tree store on W. Polk Rd. and approve it when the conditions listed above are met.

- J. Cunningham motioned to approve the site plan for the Dollar Tree and recommend to City Council with recommendations made by Mckenna and upon City Engineer Review on the stormwater runoff and supported by D. LaPorte.
  - Ayes: 5 Nays: 0 Absent: 2

DISCUSSION ITEMS:

- Winter Fest is this weekend, there will be a soup walk downtown, Snowmobile show/display at the fairgrounds, and Golf game out at the BioPure spray fields.

OTHER BUSINESS:

- J. Cunningham mentioned that it would be nice to see a second public comment at the end of the meeting for the public comments after the meeting.

ADJOURN:

- There being no further business to come before the Planning Commission, the meeting adjourned at 4:34pm upon a motion by D. LaPorte and supported by G. Goldberg the next scheduled meeting will be held on March 7th, 2024.

Karla Swihart

Karla Swihart
City Clerk

MCKENNA

March 1, 2024

City of Hart Planning Commission
6586 W M-21
Bengal Township, MI

Subject: City of Hart: Creek 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 St. #1, Hart, Michigan 49420; and Creek Subdivision, located on Enterprize Dr. 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 Creek Subdivision wish to enter into this Agreement consistent with the applicable codes, ordinances, and regulations; and

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

WHEREAS, the Development known as Creek Subdivision 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 parent property with parcel number 020-665-000-00, at the intersection of 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 44. All other provisions and requirements of the Planned Unit Development (PUD) zoning district shall

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Grand Rapids, Michigan 49503

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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). This 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. This 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. Creek 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 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, 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.

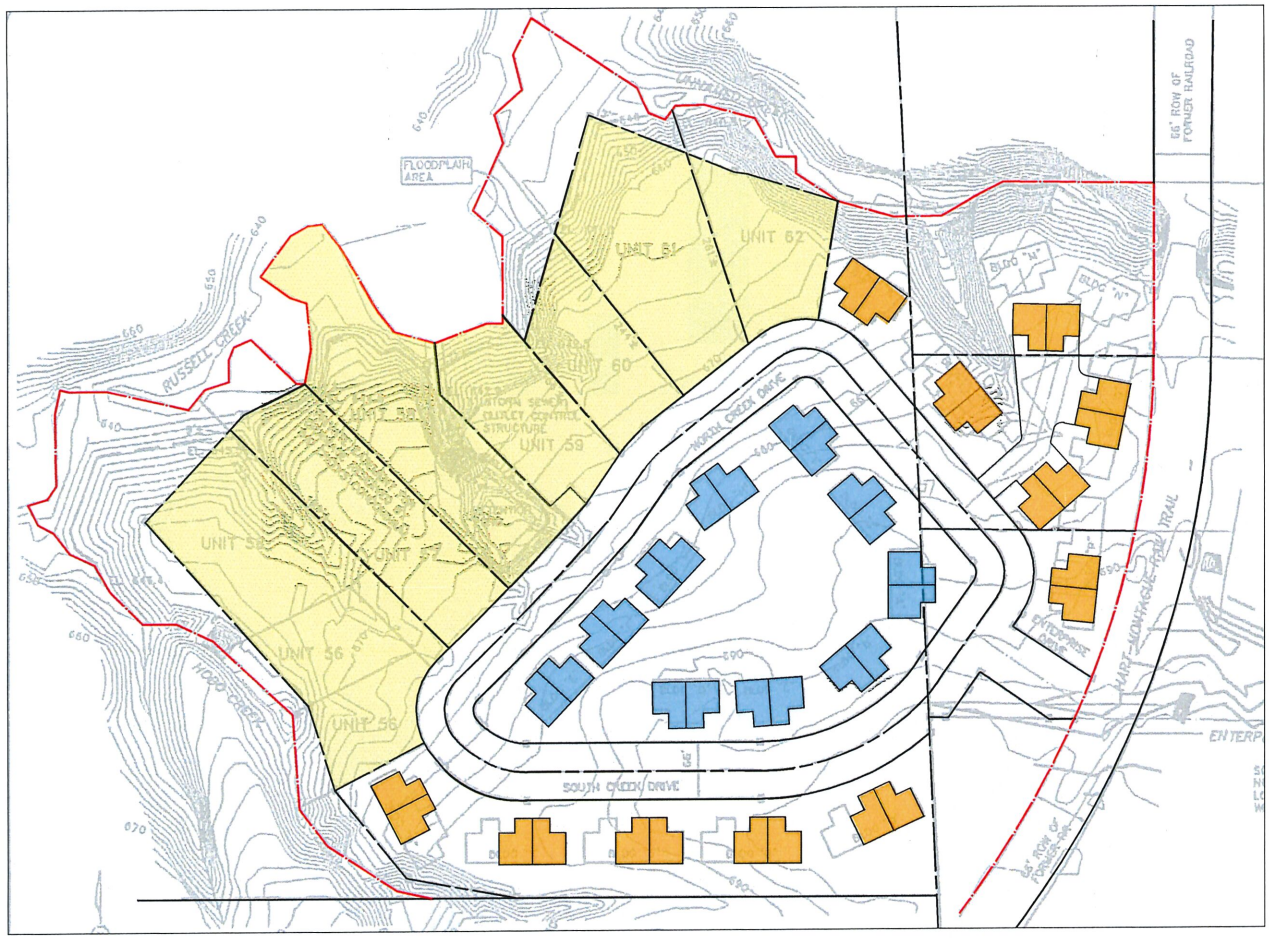
Signed:

_____

City of Hart by vote at a Planning Commission meeting on March 7, 2023

Creek Subdivision

_____ by its _____ on _____



CREEK SUBDIVISION PLAN

City of Hart.
Oceana County, MI.

March 5, 2024.

LEGEND

- Duplex Residential development.
- Single Family Residential lots.
- Site Condeminium development

MCKENNA