



City Hall  
208 North First Avenue  
Alpena, Michigan 49707  
[www.alpena.mi.us](http://www.alpena.mi.us)

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## *Planning, Development, & Zoning*

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### **City of Alpena Planning Commission**

Regular Meeting

Tuesday, February 8th, 2022 @ 6:00 p.m.

This meeting will be held in Council Chambers as well as virtually.

Please join my meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/CityofAlpena/planning-commission>

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### **AGENDA**

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Meeting January 11, 2022

PUBLIC HEARING #1 AND COMMISSION ACTION:

#### **Case # 22-Z-02 327 N Addison St Conditional Rezone Request**

1. Rezoning Finding of Facts (Appendix A)
2. Site Plan Documents (Appendix B)

UNFINISHED BUSINESS:

By-laws Finalization (Appendix C)

NEW BUSINESS:

Sidewalk Cafes (Appendix D)

COMMUNICATIONS:





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*Planning, Development, & Zoning*

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REPORTS:

CALL TO PUBLIC:

MEMBERS' COMMENTS:

ADJOURNMENT:

MINUTES  
City of Alpena Planning Commission  
Regular Meeting (Council Chambers and Virtual)  
January 11, 2022  
Alpena, Michigan

CALL TO ORDER:

The regular meeting of the Planning Commission was called to order at 6:40 p.m. by Paul Sabourin, Planning Commission Chairman.

ROLL CALL: PLANNING COMMISSION

PRESENT: Wojda, Boboltz (attended virtually), Vanwagoner, Kostelic, Sabourin,  
Bauer, Peterson

ABSENT: Gilmore

STAFF: Rachel Smolinski (City Manager), Montiel Birmingham (Planning, Development,  
and Zoning Director), Donald Gilmet (Contractual Staff), Kathleen Sauve  
(Recording Secretary)

Sabourin welcomed new Planning Commission member Ashley Peterson.

PLEDGE OF ALLEGIANCE: Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Agenda was approved as corrected.

APPROVAL OF MINUTES: Meeting December 14, 2021, minutes were approved as printed.

PUBLIC HEARING AND COMMISSION ACTION: Before the first case is heard, Sabourin states that he would like to recuse himself from participating in Case #22-SU-01, due to his personal and business relationship with Mr. Powell.

VanWagoner states that because of the same reasons as Sabourin, he feels he should also recuse himself from participating in Case #22-SU-01.

Wojda asks Birmingham what the by-laws say regarding a quorum for voting purposes. He asks if it is the majority of the entire board, or the majority of the members present. Birmingham states that the by-laws say that it is the majority of the total amount of members. Wojda asks how many need to be present for a vote and Birmingham confirms there is a lack of clarity in

the by-laws. Wojda requests the Robert's Rules of Order be reviewed to determine the number of votes to transact business to ensure any actions taken are valid. Wojda states that relying on an online search of Robert's Rules of Order, assuming that our by-laws do not say that it has to be a majority of the membership, the default rule under Robert's Rules, which our by-laws refer back to, is that the majority of those present can transact business on behalf of this commission.

Wojda makes a motion that both Sabourin and VanWagoner are permitted to abstain themselves from discussion, deliberation and voting on this public hearing #22-SU-01.

Bauer seconded the motion.

Before the vote, Gilmet states that under Robert's Rule of Order, there is clarification on what makes a conflict of interest. It says that "No member can be compelled to refrain from voting simply because it is perceived that he or she may have some conflict of interest with respect to the motion under consideration if a member has a direct personal, pecuniary, monetary interest in a motion under consideration not common to other members. The role of Robert's Rules of Order is that the member should not vote on such a motion, but he cannot be compelled to refrain." Gilmet states that having a relationship with Powell, or having done work for him in the past, would not necessarily preclude you from voting.

Sabourin states that his business relationship with Powell did not pertain to specific property involved in this case. Wojda asks Sabourin if his relationship with Powell would color his decision today in this case. Sabourin says he does not think so, but he wanted to make it known that if he voted one way, how it could look, and if he voted the other way how it could look.

Wojda moves to withdraw his earlier motion and replace it with a motion to allow Sabourin and VanWagoner to continue participation in this hearing.

Kostelic seconded the motion.

Motion approved by a vote of 6-0.

**Case # 22-SU-01** – Larry Powell, has requested the property he owns at 124 E. Clark St. be rezoned from R-2 to R-T to allow for a residential duplex rental dwelling.

Montiel Birmingham presented the Finding of Fact report and recommendation of approval. (See Appendix A & B).

**FAVOR:** Grace Marshall, Broker/Owner of Up North Property Services, stated that they currently manage the property on Mr. Powell's behalf. She also stated that she was the property manager for the previous owner, which also used the property as a duplex. Mr. Powell purchased it as a duplex, and the use has not changed. She stated that they are on top

of any concerns that may be addressed by anyone in the neighborhood and that they maintain the property in the summer. She addressed a letter of opposition received stating that there is not enough parking and confirmed there is actually enough parking for about eight vehicles if not more. There is alley access off the back of the building for additional parking. She said there has never been a problem at 124 E. Clark Street, and she does not think Mr. Powell should be penalized because previous people had converted the unit. It has had separate access to each unit since they have managed the property, which has been at least six years, if not more. She says it adjoins the Salvation Army parking lot and the neighborhood remains quiet.

OPPOSITION: None.

With no other public in attendance in person or virtual, the public hearing was closed by Sabourin at 7:04 pm for deliberation.

Wojda asked, when it was converted to a duplex without permits, did it meet all standards in terms of building codes. Birmingham stated that is an additional review that would need to be taken if this was approved; there has been an inspector there who inspected the bottom apartment, and while he was there he did a walk-through of the upper unit to make sure there was not anything concerning. Gilmet stated that the inspection Steve did initially on the second unit was for life/health/safety and there was nothing out of the ordinary; we did not report it as an official inspection of a duplex due to the fact that it had a certificate of occupancy as a single-family home. He stated that if the board approved the rezoning request, Mr. Powell will have to apply for a building permit and anything done without building permits will be looked at; he will need a building permit for change of occupancy from single family residence to a duplex.

Sabourin asked if Mr. Powell was aware of all the above mentioned by Gilmet. Mr. Powell states that he was aware of it all except the building permit.

Gilmet said some of the things that would apply to a new duplex, would now apply to this because the last the city knew, from city records, it was a single-family residence and was never converted to a duplex through the legal process of obtaining a building permit.

Sabourin asks Mr. Powell if he understands. Powell confirms he understands.

VanWagoner asked Gilmet how often the city inspects rental properties. Gilmet said the city was at this property in 2018 and at the time it was registered by the previous owner as a single-family residence. The downstairs was being inspected, and the city's understanding at the time was that the upstairs was not being used based on the documents he could find from Mike Kieliszewski (previous building inspector), and everything was fine. Gilmet further explains that the only reason we knew it was a duplex three years later (a little more than three years due to Covid), was due to a rental inspection of the single-family residence, as what had been paid for, and then the property agent there with the inspector asked him if he wanted to look at the

upstairs. Steve agreed, but this inspection was not counted as an official inspection due to the fact that he was only there to inspect what we knew to be a single-family home. Gilmet stated that Dick Smigelski was the former owner of the property, and he had applied for a rezoning to convert it to a duplex and then he stopped the process for whatever reason; initially he had been stopped by the building official as well for illegally turning it into a duplex. He dropped his request and therefore was only issued a certificate of occupancy for a single-family residence.

VanWagoner then asks Gilmet if the Building Inspector looked throughout the entire building when doing a rental inspection. Gilmet confirmed they only look at the portion that is being rented and that a landlord could have an upstairs and only rent the downstairs. He says if it is not accessible by the tenant, then we do not inspect it.

Kostelic addresses Marshall, inquiring about handling garbage, adequate parking, and snow removal? Marshall confirmed that the tenants are responsible for snow removal. Kostelic asked if any of the tenants have ever parked on the lawn in the past, or anything similar. Marshall responded no. Kostelic stated that in the photos provided the overall upkeep of the house is very good and it wouldn't be an issue with the new blight ordinance. She said that if you look at the upkeep, it is obvious that Mr. Powell is doing a good job of making sure the home isn't causing any unwanted nuisance from the outside. Kostelic asks if there are tenants in the unregistered upstairs unit. Marshall responded yes, and that they have been living there for at least two and a half years. Kostelic asked if they are long term renters and Marshall responded yes. Kostelic said she believed a long-term tenant would be more likely to have pride in their space. Kostelic said she feels all potential issues have been addressed and she has no issues with it.

Gilmet adds that the City finds unregistered rental units a few times every year and the way that we generally find is through normal code enforcement such as garbage scattered, grass not cut, and sidewalks not shoveled. He explained that he went back into the records of code enforcement on the property and there were none; so, to alleviate some concerns that anybody may have, the upkeep is obviously very good on the property, otherwise we would have been there for other reasons. He said that is the reason we didn't know about it until the inspection, because we have not had any problems of any kind at this house.

Motion made by Wojda to adopt the rezoning standards and findings regarding the rezoning standards set forth in Appendix A of the packet, and based upon that, approve the rezoning request, subject to obtaining inspections and obtaining proper permits for change of use.

Kostelic seconded the motion.

Approved by vote of 6-0.

**Case # 22-TXT-01** – Adult use Marihuana Text Amendment – Birmingham presented the board with Appendix C, which explains the changes to the City of Alpena Zoning Ordinance Articles 2,

5 and 7 to add ordinances specific to Adult Use Marihuana including but not limited to definitions, zoning districts, Use Matrix and establishments. She explained that the reason for these additions to the Zoning Ordinance is because of the approval by city council to allow recreational marihuana sales.

Discussions by board members regarding the specific age of "Adult" referenced in the Zoning Ordinance and clarification on that. It was determined to follow the definitions as outlined by the state of Michigan.

As there were no public in attendance, this public hearing was closed at 7:31pm for board discussions.

Motion made by Bauer to adopt the amendment to the City of Alpena Zoning Ordinance Article 2, Article 5, and Article 7 regarding Adult-Use Marihuana.

Motion seconded by Peterson.

Motion approved by vote 6-0.

UNFINISHED BUSINESS: New standard meeting time of 6:00 pm agreed upon by all Planning Commission members.

Birmingham gave an overview of the suggested amendments to the by-laws that were discussed at the last Planning Commission meeting as seen in Appendix D of the meeting packet. Board members discussed the proposed amendments and agreed upon having another reading at the next planning commission meeting which would summarize all changes discussed.

NEW BUSINESS: None

COMMUNICATIONS OR REPORTS: Birmingham brought the Planning Commission up to date on City Council action of approving the Conditional Rezoning Ordinance.

Birmingham also informed members of an Outdoor Dining Ordinance in the works, in collaboration with the Downtown Development Authority.

PUBLIC COMMENT: No public present

MEMBERS' COMMENTS: Sabourin inquired about electric car charging stations and whether there has been any progress on that with the DDA. Wojda states that he believes it is still at the committee level and no action has been taken by the DDA as of yet. Bauer stated she feels Alpena needs a super charger for electric cars and feels that at some point the Planning Commission will take it up. She states that it is more about "getting ready" standards, than saying "you've got to do this".

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:12 p.m., by Sabourin, Planning Commission Chairman.

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Steve Gilmore, Secretary



**FINDINGS OF FACT  
REZONE REPORT**

**APPLICANT:** JUSTIN PRENA  
**PROPOSED USE:** DUPLEX – 327 N ADDISON ST  
**DISTRICT:** R-2  
**REVIEW DATE:** 1/17/22  
**REPORT:** 22-Z-02

**Summary of Request:** Applicant would like to convert single family home to a duplex via a Conditional Rezone. Applicant is not living at the property address. Property will be used as a rental.

**REZONING STANDARDS: SECTION 10.2**

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

**A. Consistency with Comprehensive Plan**

A goal of the Comprehensive Plan is to allow suitable housing opportunities for all income levels, age groups, household types, and resident types (year-round/seasonal). The Future Land Use map incorporates Single (R-1, R-2) and Two-Family (R-T) Residential districts into the same zone (Single & Two Family Residential).

**B. Consistency of Use in Proposed District with Surrounding Properties**

1. Surrounding properties are all zoned as R-2, single family homes
2. An RM-2 district is 2 blocks East

**C. Adverse Physical Impact**

1. Surrounding properties are residential. No exterior changes to the size of the building have been proposed by applicant.

**D. Changes in Land Use to Immediate Area**

No recent changes. Housing shortages in the area do exist.

**E. Creation of a Deterrent**

Suggested rezone will continue to be for residential housing.

**F. Special Privilege**

Although not a duplex, other rental units exist within 1.5 blocks of 327 N Addison St.

**G. Use Within Present Zoning Classification**

The property could continue to be used as single family residential.

**H. Public Facilities**

Adequate public facilities exist.

**I. Surrounding Sites**

There are sites nearby that are already zoned for multi-family use, but that does not necessarily mean there are units available to buy or rent.



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**ADDITIONAL NOTES**

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Statement of Conditions by Applicant:

*"Our plan is to utilize this property as a duplex to increase the available housing in the area."*

See drafted Statement of Conditions which is recordable with register of deeds once signed and notarized.

**Objection Received:**

Two objections were received to the conditional rezone request and are included in the packet.

## City of Alpena

### CONDITIONAL REZONE - STATEMENT OF CONDITIONS

DATE: \_\_\_\_\_

PROPERTY OWNER(S): \_\_\_\_\_

PROPERTY ADDRESS : \_\_\_\_\_

PROPERTY LEGAL DESCRIPTION: \_\_\_\_\_

PROPERTY TAX IDENTIFICATION NUMBER: \_\_\_\_\_

CURRENT ZONE: \_\_\_\_\_ CONDITIONAL ZONE: \_\_\_\_\_

STATEMENT OF CONDITIONS :

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I, \_\_\_\_\_, attest that I have read  
(Property Owner(s) – Print)

Section 10.3 Conditional Rezoning within the City of Alpena's Zoning Ordinance and that I voluntarily offer and consent to the provisions contained within the Statement of Conditions. I understand that the Statement of Conditions runs with the land and is binding upon successor owners of the land. I understand that the Statement of Conditions may be recorded by the City with the County Register of Deeds and that any documentation incorporated by reference may be examined in property files located at City Hall.

\_\_\_\_\_  
(Property Owner – Print)

\_\_\_\_\_  
(Property Owner – Print)

\_\_\_\_\_  
(Property Owner – Sign)

\_\_\_\_\_  
(Property Owner – Sign)

All property owners must sign in front of the Notary Public. Any additional property owners should print and sign their name on page 2.

**Prepared By:**

\_\_\_\_\_  
(City of Alpena representative – Print)

\_\_\_\_\_  
(Address)

**Notary Public:**

Acknowledged on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Notary Public – Print)

\_\_\_\_\_  
(Notary Public – Sign)

State of \_\_\_\_\_

County of \_\_\_\_\_

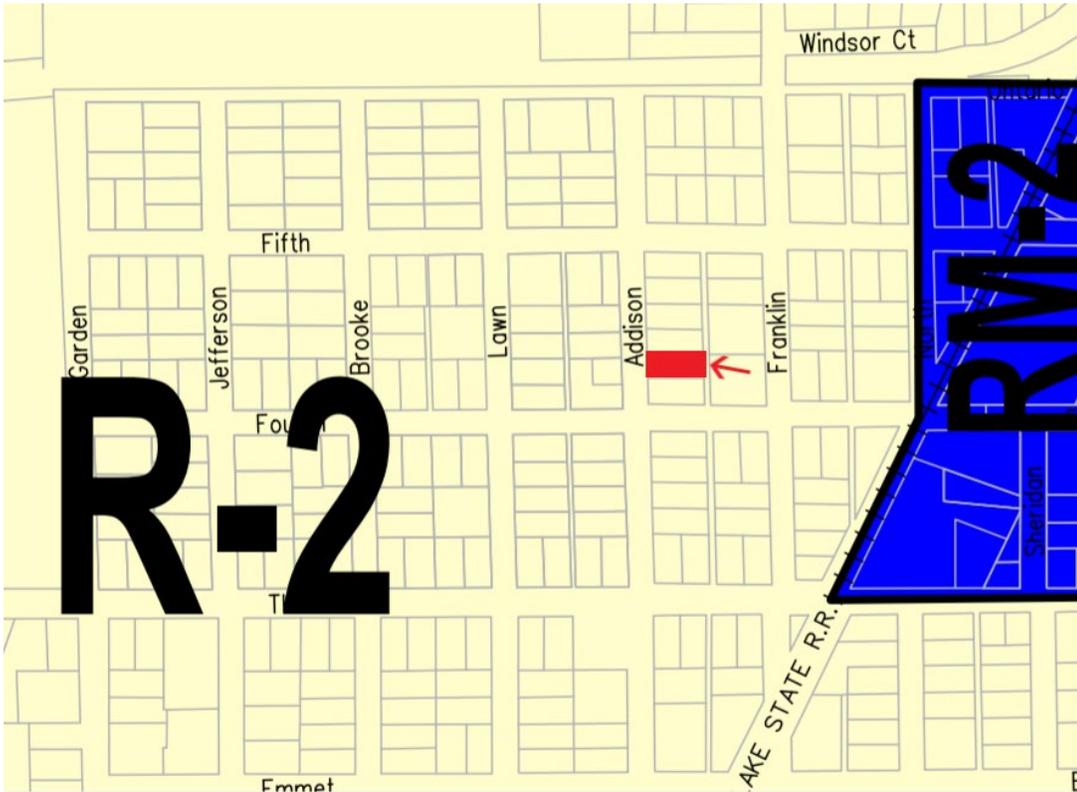
Acting in \_\_\_\_\_, \_\_\_\_\_  
(County) (State)

Kelli Prena  
\_\_\_\_\_  
(Property Owner – Print)

\_\_\_\_\_  
(Property Owner – Sign)

## Appendix B

Site Location and Photos:





City of Alpena  
Ordinance No. \_\_\_\_ of 2022

An ordinance to amend the City of Alpena Zoning Ordinance Article 3 (General Provisions), Article 4 (Signs), Article 5 (Zoning Districts) and Article 7 (Supplemental Development Regulations).

City of Alpena, Alpena County, Michigan ordains:

**SECTION 1: AMENDMENT TO THE CITY OF ALPENA ZONING ORDINANCE**

(Additions in red text)

**That the City of Alpena Zoning Ordinance, Article 3 (General Provisions) is hereby amended to read as follows:**

**Section 3.28 Fences and Walls**

B. **Commercial and Industrial Fences and Walls:** Fences and walls which are not part of an approved site plan require a Zoning Permit from the Zoning Administrator. All fences and walls shall comply with the following regulations and requirements:

**Table 3.28B:** Add footnote to Front Yard: **Front yard fence setbacks do not apply to the Downtown Overlay District.**

**That the City of Alpena Zoning Ordinance, Article 4 (Signs) is hereby amended to read as follows:**

**Section 4.5 Regulations by Zoning Districts: Office, Business and Industrial Districts**

**E. Temporary Signs**

1. **Number and Size of Temporary Signs:** No more than two (2) temporary signs shall be allowed per commercial or industrial establishment for a total of thirty (30) square feet in sum. The larger of any one (1) temporary sign shall be no greater than twenty (20) square feet.
2. **Portable Signs:** One (1) portable sign shall be considered the same as two (2) temporary signs and shall be no greater than thirty (30) square feet. The portable signs shall be permitted as a temporary sign for a period not to exceed fourteen (14) days in a one (1) year period. In no instance shall such sign be located so as to obstruct automobile or pedestrian travel lanes. Such signs shall neither be illuminated nor connected to an energy source. Such signs shall not constitute a safety hazard to the public.

*(Re-number the following (A-Frame Signs) to #3 instead of "a" because A-Frame Signs will no longer fall under #2 (Portable Signs) above.*

3. **A-Frame Signs:**

- (1) Shall be permitted by right in all the **DOD, CBD, WD, CCD, OS-1, B-1, B-2, B-3, P-1, I-1, I-2, and PUD** districts. ~~May be permitted in the B 1, B 2, B 3 and the OS 1 districts upon submittal of a request to the Zoning Administrator or Planning Director per the criteria listed below.~~

- (2) No more than one (1) sign per business per street frontage shall be allowed.
- (3) ~~An annual no fee permit is required.~~ No permit is required.
- (4) Must be constructed of durable materials
- (5) Sign shall be removed when business is closed.
- (6) Maximum size 2' wide by 4' in total height for each panel with a maximum of 2 panels per sign. ~~Maximum spread between the two panels at the base shall be 2'6".~~ A-frame signs located entirely on private property may be a maximum of 3' in width.
- (7) Must be located on or adjacent to the lot in which the business is located. Exception: If a building has no front yard the sign may be located on the sidewalk. ~~upon approval of the Zoning Administrator so long as the sign is not an obstacle to either pedestrians or vehicles. If located within the DDA District the Zoning Administrator must receive a recommendation from the DDA Director before acting.~~ Signs located on the sidewalk shall provide at least three (3) feet of continuous pedestrian clearance.

Sign shall not be illuminated.

- (8) **Off-Premise A-Frame Signs:** Sign may be located in a right-of-way as a directional off-premise sign upon approval by the Zoning Administrator. ~~and DDA Director if necessary~~ approval is also required if the sign is proposed within the DOD. See **Section 4.8.**
4. Non-rigid material which is used to cover an existing permanent sign shall be placed on the sign on a temporary basis not to exceed six (6) months. Such material shall not be considered a temporary sign and shall not be affixed permanently to the sign.

**That the City of Alpena Zoning Ordinance, Article 5 (Zoning Districts) is hereby amended to read as follows:**

**Section 5.13 Downtown Overlay District**

**B. Design Standards**

**14. Sidewalk Encroachment**

- a. **Outdoor Seating:** ~~An outdoor seating area on the public right of way may be allowed if approved by City Council.~~ See **Section 7.28 (Outdoor Seating and Dining Service).**
- b. **Awnings:** First floor awnings may encroach upon the frontage line and public sidewalk but must avoid street trees. At least eight (8) feet of clearance must be provided above the sidewalk and set back a minimum of two (2) feet from the curb.
- c. **Street Furniture:** Benches and trash receptacles may be permitted in areas where feasible.

That the City of Alpena Zoning Ordinance, Article 7 (Supplemental Development Regulations) is hereby amended to read as follows:



**Section 7.28 Restaurants with Outdoor Dining**

Outdoor dining service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted, subject to the following conditions:

- A. ~~Outdoor seating/dining shall be included as part of an approved site plan.~~
- B. ~~An outdoor cafe shall be allowed during normal operating hours of the establishment.~~
- C. ~~An outdoor cafe may not be in operation on property adjacent to a residentially zoned district between the hours of 12:00 a.m. and 7:00 a.m. (Ord. No. 94-242).~~
- D. ~~The exterior of the premises shall be kept clean, orderly, and maintained. Exterior food preparation may be permitted if approved by the Health Department.~~
- E. Any outdoor seating located within the public right-of-way must be approved by the City Council.

**Section 7.28 Outdoor Seating and Dining Service**

Outdoor seating or dining service operated by a restaurant or other food or drinking establishment which sells food for immediate consumption may be permitted, subject to the following conditions:

- A. **Private Property and Public Right-of-Way:**
  - 1. The request for outdoor seating or dining service may be included as part of the original site plan review for the business. If the request is made subsequent to the original site plan approval, a review and approval of a plot plan (at no cost to the applicant) is required prior to placement of any fixtures.
  - 2. A zoning permit and/or building permit may be required, depending on the plot plan.
  - 3. The exterior of the premises shall be kept clean, orderly, safe, and maintained.
  - 4. Exterior food preparation may be permitted if approved by the Health Department.
  - 5. Outdoor seating and service shall be allowed during normal operating hours of the establishment.
  - 6. Outdoor seating and service may not be in operation on property adjacent to a residentially zoned district between the hours of 12:00 a.m. and 7:00 a.m.
- B. **Additional Requirements for Outdoor Seating and Service on the Public Right-of-Way:**



## APPENDIX C

### By-Laws City of Alpena Planning Commission

The following rules of procedure are hereby adopted by the Planning Commission of the City of Alpena to facilitate the performance of its duties as outlined in PA 207 of 1921, as amended.

#### Section 1.0 OFFICERS

- 1.1 Selection. At the regular meeting in May of each year, the Planning Commission shall select from its membership a Chair, Vice-Chair, and Secretary. All officers are eligible for re-election.
- 1.2 Tenure. The Chair, Vice-Chair, and Secretary shall take office immediately following their selection and shall hold office for a term of 1 year or until their successors are selected and assume office.
- 1.3 Duties. The Chair shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Planning Commission.

The Vice-Chair shall act in the capacity of Chairperson in her/his absence; and in the event the office of the chair becomes vacant, the vice-chair shall succeed to this office for the unexpired term and the Planning Commission shall select a successor to the office of vice-chair for the unexpired term.

The Secretary shall execute documents in the name of the Planning Commission, perform the duties hereinafter listed, and shall perform such other duties as the Planning Commission may determine.

#### Section 2.0 DUTIES OF THE SECRETARY

- 2.1 Minutes. The secretary shall be responsible for the minutes of each meeting and shall have them spread in suitable volumes **unless a recording secretary is responsible.**
- 2.2 Communications, Petitions, etc. All communications, petitions, and reports shall be addressed to the Planning Commission and delivered or mailed to the secretary.

#### Section 3.0 MEETINGS

- 3.1 Regular Meetings. Meetings of the Planning Commission will generally be held the second Tuesday of each month at Alpena City Hall and announced at least three (3) working days prior to the meeting. When the regular meeting day falls on a legal holiday, the Planning Commission shall select a suitable alternate date in the same month.
- 3.2 Special Meetings. Special meetings shall be called at the request of the chair or at the written request (to the secretary) of a majority of the commission members. Notice of special meetings shall be given by the secretary to the members of the Planning Commission at least three working days prior to such meeting and shall state the purpose and time of the meeting.
- 3.3 Public. All regular and special meetings, hearings, records, and accounts shall be open to the public.

- 3.4 Quorum. A majority of the total number of **seated** members, **but in no event fewer than 4 members**, shall constitute a quorum for the transaction of business and the taking of official action for all matters except the adoption of a comprehensive plan or any part of a comprehensive plan. ~~All members have the right to vote.~~

~~Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present, by approval of the minutes of that meeting at which a quorum was not present.~~

- 3.5 Order of Business: Agenda. The secretary, **or designee**, will prepare an agenda for each meeting and the order of business shall be as follows:

1. CALL TO ORDER, **ROLL CALL, PLEDGE OF ALLEGIENCE**

**ROLL CALL:**

2. APPROVAL OF AGENDA:
3. APPROVAL OF MINUTES:
4. PUBLIC HEARING:
  - a. **COMMISSION ACTION:**

**ACTION ON PUBLIC HEARING:**

5. BUSINESS:
  - a. **UNFINISHED**
  - b. **NEW**
  - c. **COMMUNICATIONS OR REPORTS**
  - d. **CONTINUING EDUCATION**

**COMMUNICATIONS:**

**REPORTS:**

1. ~~Committees~~

2. ~~Staff~~

6. ~~CALL TO PUBLIC~~ **PUBLIC COMMENT:**

7. MEMBERS COMMENTS:

8. ADJOURNMENT:

- 3.6 Motions. Motions shall be restated by the chair before a vote is taken. The name of the maker and supporter of a motion shall be recorded.

- 3.7 Voting. Voting shall be by **voice roll call** and shall be recorded by yeas and nays. **Roll call votes will be recorded only upon request by a member of the Commission.** Only those

appointed members who are present at the time of a vote shall be eligible to cast a vote, unless otherwise as approved by law.

- 3.8 Commission Action. Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded. **A majority vote of the total number of members present shall be required to approve a motion.**
- 3.9 Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, except where state statute or local ordinance direct otherwise.
- 3.10 Audio Recordings of Meetings. ~~(amended by the Planning Commission on 6-12-07)~~
- (a) All hearings and meetings shall be recorded.
  - (b) All recordings of meetings or hearings shall be maintained at City Hall until such time as the minutes for the particular meeting are formally approved by the Planning Commission, or until such time as either the Planning Commission or City Council completes final action on an issue or case included in the recording upon which it has final disposition.
  - (c) The Planning Commission may require retention of recordings of meetings concerning a particular issue or petition for a longer period of time by a majority vote of its total membership.
- 3.11 Attendance Policy. In the event that a Commissioner has unexcused absences from either three (3) consecutive regular Planning Commission meetings, or from 60% of all (special and regular) Planning Commission meetings in any 12 month period the Chairman shall discuss the attendance record with the member and report his findings along with any extenuating circumstances to the commission. A recommendation for dismissal of the Commissioner shall be automatically forwarded to the Mayor and City Council unless the Commission acts within 60 days of the receipt of the chairman's report to overturn such recommendation upon a finding that the Commissioner will demonstrate satisfactory attendance in the future.

#### Section 4.0 HEARINGS

##### 4.1 Rules of Procedure and Conduct of Public Hearings.

- (a) The Chairperson opens the hearing on time and announces the subject of the hearing.
- (b) The procedures are summarized for all present. ~~Usually they are also posted on wall or given to people on a one page handout. Be sure~~ **Request** each person who speaks **to** identify themselves.
- (c) The staff presents the essence of the application and any staff reports or other pertinent information.
- (d) Individuals speaking in support are next invited to speak, beginning with the applicant and his/her representative.
- (e) Individuals speaking in opposition ~~usually~~ go next. If several people (from the same subdivision for example) who have the same view are present, it is not unreasonable

to ask a single representative to speak for the group. However, do not prevent any one from having an opportunity to speak. Irrelevant and off-the-subject comments should be ruled "out-of-order" by the Chairperson.

- (f) The Chairperson can allow "cross-examination" or rebuttal, but should ensure that all comments are directed through the Chair and not to a particular individual. The hearing body should refrain from debating or arguing with persons. The purpose of the hearing is to gather facts, not to carry on an adversary relationship.
- (g) The Chairperson should announce the close of the public comment portion of the hearing or announce the continuation of the public hearing to another specified time and date if the hour is late or additional pertinent information must be obtained.
- (h) The hearing body then deliberates on the matter.

- 4.2 Notice of Hearings. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner as required by law, and to persons or group representatives most interested.

Upon receipt from the City Clerk of Planning and Zoning cases referred to the Commission by the City Council, the Secretary shall schedule a public hearing for the earliest appropriate scheduled Planning Commission meeting.

~~Not more than three (3) public hearings will be scheduled for the same Planning Commission meeting.~~ Staff, in consultation with the Chair, may limit the number of cases heard at a meeting to facilitate the effectiveness of the meeting and the deliberations of the Commission.

- 4.3 Notice of Decision. A written notice containing the decision of the Planning Commission, **and City Council if required**, will be sent to petitioners and originators of requests which result in an action or decision by the Planning Commission.

#### Section 5.0 MATTERS TO BE CONSIDERED BY THE PLANNING COMMISSION

- 5.1 The following matters shall be presented for consideration at a meeting of the Planning Commission:
- (a) Matters designated by the City's Zoning Ordinance to be included in the jurisdiction of the Planning Commission.
  - (b) Such other matters as the Planning Director or City Council shall find it advisable or essential to receive consideration by the Planning Commission.

#### Section 6.0 MATTERS TO BE ACTED UPON BY STAFF ON BEHALF OF THE COMMISSION

- 6.1 The Director shall take action or make recommendations in the name of the Planning Commission in accordance with such plans, policies, and procedures as are approved or established by the Planning Commission from time to time. Where there is a serious conflict of interest, public controversy, or uncertainty or doubt as to the plans, policies, or procedures approved or established by the Planning Commission, presentation of the matter shall be made at a Planning Commission meeting.

- 6.2 The responsibilities given in Section 6.1 shall include the review of plans requiring submission to the Planning Commission in accordance with provisions of the Zoning Ordinance.

#### Section 7.0 PLANNING COMMISSION STAFF

- 7.1 Authorization. The Planning Commission staff may consist of a Planning Director and such other personnel as may be authorized by the legislative body.
- 7.2 General Responsibility. The Planning Commission staff is charged with the duty of preparation and administration of such plans as are appropriate for the municipality and its environs and are within the scope of the Michigan state planning enabling act(s).
- 7.3 Planning Director's Duties. The Planning Director shall be responsible for the professional and administrative work in directing and coordinating the program of the Planning Commission. The Director's work shall be carried on with the widest degree of professional responsibility, subject to the policy determinations of the Planning Commission and administrative policies of the municipality.
- 7.4 Policy Formulation. The Planning Director shall:
- (a) Be responsible for carrying out the directives of the Planning Commission.
  - (b) Advise and assist the Planning Commission in the establishment of general planning policy.
  - (c) Be responsible for formulation of staff policy.
- 7.5 Effectuation of Plans. The Planning Director shall recommend to the Planning Commission whatever action is necessary for effectuating plans with respect to both public and private endeavors through such control techniques as:
- (a) Zoning and subdivision control.
  - (b) Programs for capital expenditures.
  - (c) Long-range comprehensive plans for the guidance of the municipality's growth.
- 7.6 Public Relations. The Planning Director shall:
- (a) Officially present the Planning Commission's recommendations to the legislative body.
  - (b) Officially represent the Planning Commission and its staff at planning conferences, interdepartmental meetings of the municipal government, and serve generally as a liaison between the Planning Commission and the public.
  - (c) Encourage private development or investment in accord with comprehensive plans.
  - (d) Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.

- (e) Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding and approval of planning.
- (f) Accept other responsibilities as may be directed by the Planning Commission, legislative body, or chief executive.

Section 8.0 AMENDMENTS

8.1 These rules may be amended at any regular or special meeting by a two-thirds vote of the ~~present~~ **seated** membership.

ADOPTED: October 7, 1986  
AMENDED: December 1, 1987  
January 3, 1989  
July 11, 1989  
December 1, 1992  
April 8, 1997  
November 11, 2003  
October 14, 2004  
June 12, 2007  
December 14, 2021  
**February 8, 2022**

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Paul Sabourin, Chair

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Date