

**AGENDA**

*The City of Buchanan Planning Commission in compliance with Michigan’s Open Meetings Act, as amended, B2103192 of 2021 hereby gives notice of a Public Hearing, immediately followed by a regular meeting to be held electronically in order to protect the health and safety of our community due to the novel coronavirus (COVID-19).*

Join Meeting via Computer: <https://zoom.us/j/2435931819>

Join Meeting via Mobile Phone: +16465588656,,2435931819#

Join Meeting via Land Line Telephone: +1 646 558 8656

Meeting ID: 243 593 1819

Toggle #6 to mute/unmute. #9 to raise your hand.

*\* All members of the public will be muted by the moderator with the exception the public comment portions of the agenda. In order to minimize background noise and/or feedback, we ask that participants manually mute their phone or computer microphone during this portion of the agenda if not speaking.*

*\* Comments may also be submitted in writing at least 4 hours in advance to the Community Development Director Richard Murphy at [rmurphy@cityofbuchanan.com](mailto:rmurphy@cityofbuchanan.com)*

*\* Buchanan City will provide necessary and reasonable auxiliary aide and services to those individuals with disabilities who wish to attend the public meeting upon receiving at least one (1) week’s prior notice. Any such individual requiring such aids or services should contact the city in writing or by telephoning: Buchanan City Clerk; 302 North Redbud Trail, Buchanan, MI 49107, 269-695-3844.*

**I. Public Hearing - Call to Order**

**II. Public Hearing - Roll Call**

**III. Open Public Hearing**

**IV. Announcement of the Rules of Hearing**

**V. Presentation by Applicant**

**VI. Presentation by the Opposition**

**VII. Applicant's Rebuttal**

**VIII. Closing of Public Hearing**

**IX. Regular Meeting - Call to Order**

**X. Regular Meeting - Roll Call**

**XI. Pledge of Allegiance**

**XII. Public Comments - Agenda Items**

**XIII. Approve Agenda**

**XIV. Approve Minutes**

**A. [May 11, 2021 Minutes](#)**

**XV. Old Business**

## XVI. New Business

### A. Special Use Permit - Boone Labs

A Special Use Application from Boone Labs, Rick Boone, to operate an Medical Marihuana Processing Facility at 106 E. Chicago Street, Buchanan MI 49107. A Public Hearing has been set for Tuesday, June 8, 2021 at 7:00 p.m. at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan 49107. At the above time and place all interested parties will be given an opportunity to be heard.

### B. 106 Chicago St. Medical Marihuana Processor Special Use Permit

Findings of Fact

### C. Community Development Director Update

### D. University Buchanan Project, The Master Plan Timeline, and the Social District

### E. Approve Criteria for Reviewing Board Appointment Recommendations

### F. Review Board Applicants Using Approved Criteria

Applications received:

- **Dan Vigansky** - Planning Commission reviewed previous application and recommended to the City Commission he not be appointed. He has since reapplied using the new board application, expressing interest in the Borwnfield Redevelopment Authority, B.A.R.B, and Zoning Board of Appeals, in addition to the Planning Commission.
- **Joe Paolucci** - Indicated interest in the Design Review Committee in additon to the Planning Commission.
- **Michael Rowland** - Indicated interest in the Design Review Committee and Common Committee in addition to the Planning Commission. Has since been appointed to the Common Committee.

### G. Approve Amended Bylaws

Amended April 13, 2021 to modify the order of business

### H. Consider Further Amending Bylaws

- Public Hearing
- Others

## XVII. Public Comment - Non-Agenda Items Only

## XVIII. Community Development Director Comments

## XIX. Commissioner Comments

## XX. Adjournment



**CITY OF BUCHANAN PLANNING COMMISSION**  
**TUESDAY, MAY 11, 2021 – 7:00 PM**  
**ELECTRONIC MEETING**

**MINUTES**

**I. Call to Order**

Chair Jason Lietz called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

**II. Roll Call**

**PRESENT:** Jason Lietz, Kevin Barker, Sean Denison, Ralph McDonald, Donna Monnell

**ABSENT:** None

**STAFF:** Rich Murphy, Community Development Director; Barbara Pitcher, City Clerk

**GUESTS:** Penny Slocum, Larry Money, Shane Turay, Kim Moyer

**III. Approve Agenda**

***Motion made by Barker, Seconded by McDonald to approve the agenda. Roll call vote carried unanimously. Voting Yea: Lietz, Barker, Denison, McDonald, Monnell***

**IV. Approve Agenda**

***Motion made by Barker, Seconded by McDonald to accept the agenda. Voting Yea: Lietz, Barker, Denison, McDonald, Monnell***

A. *Consider approval of April 13, 2021 Planning Commission Minutes.*

***Motion made by Barker, Seconded by Denison to approve the minutes of April 13, 2021 as submitted. Roll call vote carried unanimously. Voting Yea: Lietz, Barker, Denison, McDonald, Monnell***

**V. Public Comments - Agenda Items**

None

**VI. Old Business**

A. All the suggested changes discussed at the April 13 meeting have been finalized in the attached final draft of the Master Plan. Additionally, we have updated the Master Plan to include a reference to the Complete Streets policy that was recently adopted by the City Commission in Resolution NO. 2021.04/223, A Resolution to Develop Complete Streets as Part of the City of Buchanan's Master Plan, passed unanimously by the Buchanan City Commission on April 12, 2021.

Consider the approval to send the Draft Master Plan to the City Commission for distribution, review and comment in order to start the public adoption process.

Please see the update timeline for the adoption of the Master Plan:

1. May 11 – PC meeting – Submit draft plan to city council for distribution and review by motion
2. May 24 - City Commission meeting – approve by motion distribution of the plan and post on website (planning commission secretary distributes plan on May 25 – giving 63 days for review (July 27)).
3. Aug 10 - Planning Commission votes to hold a comment period and hearing at next meeting (Sept 14)

4. Sept 14 – Hold public hearing (notice published week of Aug 23), PC adopts plan by resolution
5. Sept 27 - City Council adopts plan by resolution

***Motion made by Barker, Seconded by McDonald to end the Draft Master Plan to the City Commission for distribution, review and the public adoption process. Roll call vote carried unanimously. Voting Yea: Lietz, Barker, Denison, McDonald, Monnell***

## VII. New Business

- A. Consider approval of proposed sign at Redbud Hardware, 266 E. Front St. as recommended by the Design Review Committee at their May 5, 2021 meeting.

***Motion made by McDonald, Seconded by Monnell approve proposed sign at Redbud Hardware, 266 E. Front St. Roll call vote carried by majority.***

***Voting Yea: Lietz, Barker, McDonald, Monnell***

***Voting Abstaining: Denison (due to conflict of interest)***

- B. The Planning Commission is comprised of 7 members each serving staggered 3-year terms. Terms for two current members must be addressed as Kevin Barker's term expired June 30, 2020 and Donna Monnell's term will expire June 30, 2021.

*Consider a recommendation to the City Commission to retroactively reappoint Kevin Barker to a 3-year term commencing July 1, 2020.*

*Consider a recommendation to the City Commission to reappoint Donna Monnell to a 3-year term commencing July 1, 2021.*

There are currently three vacancies on the Planning Commission. Several interested parties have submitted applications:

- **Dan Vigansky**, who was previously considered and a recommendation made to the City Commission against his appointment. The City Commission postponed action on the item pending development of the updated Board Application and Appointment Process. Vigansky has since reapplied using the new application. He has also indicated interest in the Brownfield Redevelopment Authority, B.A.R.B, and the Zoning Board of Appeals.
- **Joe Paolucci** applied to serve on the Planning Commission and the Design Review Committee, in order of preference. The Design Review Committee is not recommending his appointment to that board in favor of another applicant.
- **Michael Rowland** applied to serve on the Common Committee, Planning Commission, and the Design Review Committee. He has already been appointed to the Common Committee. The Design Review Committee is not recommending his appointment in favor of another candidate.

*Consider a recommendation to the City Commission to appoint one or more of the above candidates.*

Considerable discussion regarding the board application and appointment process and criteria. Denison invited guest, Shane Turay, to introduce himself as he is considering applying for the Planning Commission. Barker stated the North Side is not well-represented on this committee. Group discussed having each member submit a brief bio of what they offer, how they represent the community including geographically and whether a business owner or resident. The information can then be reviewed to see where the Commission is and what is still needed. There was also a question if the Design Review Committee was actually a subcommittee of the Planning Commission or the now disbanded DDA.

***Motion made by McDonald, Seconded by Denison to approve recommendations to the City Commission to retroactively reappoint Kevin Barker to a 3-year term commencing July 1, 2020, and to reappoint***

***Donna Monnell to a 3-year term commencing July 1, 2021. Roll call vote carried unanimously. Voting Yea: Lietz, Barker, Denison, McDonald, Monnell***

***Motion made by Monnell, Seconded by McDonald to postpone taking action on new board appointments until more structure and criteria is developed. Roll call vote carried unanimously. Voting Yea: Lietz, Barker, Denison, McDonald, Monnell***

- C. The Design Review Committee (DRC) met on Wednesday, May 5, 2021 and discussed board appointments and reappointments. The DRC is comprised of 3 members serving 3-year terms. Chair, Chris Brayak's term expired June 30, 2020. Kevin Barker's term expires June 30, 2021. A vacancy currently exists on the committee following the death of Willard Gustafsen whose term expired on June 30, 2020. The DRC reviewed applications from Dan Carlson, Joseph Paolucci and Michael Rowland. The recommendation to the Planning Commission of board appointments to the Design Review Committee are as follows:

- Retroactive reappointment of Chris Brayak to a 3-year commencing July 1, 2020
- Reappointment of Kevin Barker to a 3-year term commencing July 1, 2021
- Appointment of Dan Carlson to a 3-year term commencing immediately through June 30, 2024.

*Consider forwarding the recommendation of the board appointments above to the City Commission for their approval.*

***Motion made by Monnell, Seconded by McDonald to recommendation to the Planning Commission of board appointments to the Design Review Committee are as follows:***

- ***Retroactive reappointment of Chris Brayak to a 3-year commencing July 1, 2020***
- ***Reappointment of Kevin Barker to a 3-year term commencing July 1, 2021***
- ***Appointment of Dan Carlson to a 3-year term commencing immediately through June 30, 2024.***

***Roll call vote carried unanimously. Voting Yea: Lietz, Barker, Denison, McDonald, Monnell***

#### **VIII. Public Comment - Non-Agenda Items Only**

None

#### **IX. Community Development Director Comments**

Thanked the Commission for their formal action on the Master Plan and encouraged the public to follow the process. Is currently in talks with a medical marijuana processor. Working on a parallel track to create an online zoning map. Shared his appreciation for the action on the Design Review Committee and believes it will be an important committee going forward.

#### **X. Commissioner Comments**

Monell - None

McDonald - Thanked everyone for their work on the Master plan draft, is excited it is going to the next level and believes it will be well-received.

Barker - Gave kudos to Murphy for moving the Master Plan forward at a good pace, for Monell stepping in to help, and to Lietz for his thoroughness and accuracy.

Denison - Murphy is doing a great job of getting things back on track. For some of these things that are taking longer than usual, it's important to set examples of how to do things properly. Even though it's taking a little longer now, it's going to pay off in the end and glad to see all the work the City staff and Murphy have been doing.

Lietz - It's a great thing the City is dusting off the cobwebs on recordkeeping and transparency. These are all very good trends. We're bringing some organization and rigor that gives confidence in the process.

**XI. Adjournment**

***Being no further business, Motion made by Barker, Seconded by Denison to adjourn the meeting at 8:30 p.m. Voice vote carried unanimously. Voting Yea: Lietz, Barker, Denison, McDonald, Monnell***



**STAFF REPORT TO THE PLANNING COMMISSION  
SPECIAL USE REQUEST: 106 E. CHICAGO STREET:  
Med. Marihuana SU-1-2021 FINDINGS OF FACT 06.04.2021**

**I. GENERAL INFORMATION:**

Applicants:	Rick Boone, Boone Labs
Status of Applicants:	Developer
Existing Zoning:	M -1 Light Industrial
Property Address:	106 Chicago Street, Buchanan MI 49107
Present Land Use:	Light Industrial
Adjacent Use:	N – Neighborhood Commercial S – Light Industrial and Residential E – Residential W– Residential

The applicant has requested a special use approval to operate a Medical Marihuana Processing Facility at 106 E. Chicago Street. The applicant has stated that the Processor Facility will be compliant with all City and State regulations related under MRTMA. This report will address the standards contained in the Zoning Ordinance.

**Section 20.03 - Basis of Determination** Prior to approval of a special use application, the Planning Commission shall insure that standards specified in this Article, as well as applicable standards established elsewhere in this ordinance, shall be satisfied by the completion and operation of the special use under consideration.

**1. General Standards.** The Planning Commission shall review the particular circumstances of the special use application under consideration in terms of the special use standards and shall approve a special use only upon a finding in consideration of each of the following standards, as well as applicable standards established elsewhere in this ordinance.

A. The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

The proposed special use Medical Marihuana Processing Facility will be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area because it will be used in accordance with the requirements of the Zoning Ordinance, Ordinance 2019.10.413. (Adult Use Marihuana Police Power Ordinance), Ordinance 2019.11/414 (Zoning Ordinance Amendment), and all State of Michigan requirements.

B. The special use shall not change the essential use of the surrounding area.

The special use shall not change the essential use of the surrounding area because it is an adaptive reuse of a parcel already zoned light industrial.

C. The special use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.

The special use shall not be hazardous to the adjacent property or detrimental to the health, safety and welfare of persons and property because it will be conducted in a locked facility in compliance with all applicable City Ordinances and State of Michigan requirements. It will have an air filtration system and exterior lighting and security cameras. The Fire Department previously reviewed the application and will inspect the facility as required by both the City and State.

D. The special use shall not place demands on public services and facilities in excess of current capacity.

The special use shall not place demands on public services and facilities in excess of current capacity because it will be constructed in compliance with all City and State requirements. Water, sewer and electric utilities are available to the site, as is gas if required. Adequate parking is available on site.

E. The special use is in compliance with the City of Buchanan Comprehensive Plan.

The special use is in compliance with the City of Buchanan Master Plan. The special use allows for an adaptive reuse of a building zoned light industrial.

2. **Conditions.** The Planning Commission may require reasonable conditions in conjunction with approval of any special land use. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure the compatibility with adjacent uses of land, and to promote the use of land in a socially acceptable and economically desired manner. Conditions imposed shall consider all of the following:

A. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

B. Be related to the valid exercise of the police power and purposes which are affected by the purposed use or activity.



C. Be necessary to meet the intent and purpose of the zoning regulations: be related to the standards established in the Ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

D. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the public record of the approval action and remain unchanged except upon the mutual consent of the Plan Commission and the landowners.

The Planning Commission may impose the condition that the special use approval is limited specifically to a Medical Marihuana Processing Facility.

Prepared By:

Richard Murphy  
Community Development Director

Note: There were 50 letters sent, none returned.  
I have not received any phone calls or emails about this project.



## **CRITERIA FOR CONSIDERING APPOINTMENTS TO CITY BOARDS, COMMISSIONS, & COMMITTEES:**

Official Boards, Commissions, and Committees that operate under the umbrella of the City of Buchanan come in lots of shapes and sizes, with varying levels of responsibility and areas of oversight. However, one thing that they all have in common is that all are reflections of the City as a whole. Consequently, it is important that when City Boards, Commissions, and Committees are reviewing applicants to consider making recommendations to the City Commission regarding who should or should not be recommended to be appointed to various Boards, Commissions, and Committees, the current members of the Board, Commission, or Committee being asked to make the recommendation should consider the following general criteria at the time of the assessment:

- Is the applicant someone who is believed to be capable of acting courteously during meetings? This includes treatment of the public, members of City staff, and other members of the Board, Commission, or Committee. [Though disagreements are inevitable, appointees must be capable of remaining civil and focused on issues rather than on personal differences].
- Is the applicant capable of observing good parliamentary practice?
- Is the applicant able and willing to commit to attending all regular meetings, with an expectation of arriving on time? [Attendance issues can prevent a quorum and greatly disrupt the Board, Commission, or Committee's ability to perform official business].
- Is the applicant capable of maintaining consistent and respectful communications with City staff and other members of the Board, Commission, or Committee?
- Is the applicant able and willing to commit to arriving to meetings prepared, meaning that they will commit to review minutes, agenda packets, and other information ahead of time to allow for informed deliberation?
- Is the applicant able and willing to commit to attending education and training related to their service, as recommended by City staff and/or the City Commission?
- Will the applicant represent the Board, Commission, or Committee appropriately in the eyes of the public? As an official City appointee, a member of a City Board, Commission, or Committee is often viewed by the public as someone who speaks on behalf of the City Board, Commission, or Committee, and it is important that applicants are capable of appropriate communications and actions in public. [Appointees should not speak for the Board, Commission, or Committee they serve on unless appropriately authorized to do so, and they should make clear that they are speaking in their personal capacity only if they are not so authorized].

**IMPORTANT**- It is important for each Board, Commission, or Committee to keep in mind that the City Commission is greatly aided by the recommendations made by the underlying Board, Commission, or Committee, but that the City Commission is not bound to follow the recommendations made. However, that being said, though decisions to recommend or not recommend particular candidates can seem difficult, it is nonetheless important that a vote be held on the record by the underlying Board, Commission, or Committee so that the City Commission can view a record of the recommendation made. Simply deciding not to make a recommendation one way or the other is not an option, as that does not allow the City Commission to have the information it needs to make an informed decision regarding appointments. Thank you!

\*The "criteria" listed above are copied and/or paraphrased from criteria developed by the City of Ann Arbor in their "Boards & Commissions Handbook." See <https://www.a2gov.org/departments/city-clerk/Boards-and-Commissions/Pages/Handbook.aspx>

# **CITY OF BUCHANAN PLANNING COMMISSION BYLAWS**

*Approved by PC on February 12, 2013*

BYLAWS: Standing rule(s) governing the regulation of an organization's internal affairs.

## **Article I – Purpose**

The following by-laws are adopted by the *Planning* Commission of the City of Buchanan (hereafter referred to as the Commission), as rules governing the transaction of business by the Commission, in accordance with Act. No. 33 of the Public Acts of 2008 as amended, being section 125.3801 et seq of the Michigan Compiled Laws and the *Planning* Commission Ordinance of the City of Buchanan, Ordinance No. \_\_\_ ??Effective Date \_\_\_\_\_

## **Article II- Membership**

The Planning Commission shall consist of seven (7) members appointed by the chief elected official subject to approval by a majority vote of the members of the City Commission. Members shall be appointed for a three (3) year term. When first appointed, a number of members shall be appointed to 1-year or two year terms, such that, as nearly as possible, the terms of 1/3 of the planning commission members will expire each year. If a vacancy occurs on the planning Commission, the vacancy shall be filled for the unexpired term in the same manner as provided for on original appointment. A member shall hold office until his or her successor is appointed.

Members of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational and social development of the local unit of government, in accordance with the major interests as they exist in the City of Buchanan. Members must be qualified electors of the City of Buchanan or another local unit of government except that no more than 2 (two) members may reside outside of the city.

## **Article III – Officers**

In accordance with the Planning Commission Ordinance, the Commission shall annually elect a Chairperson, Vice-Chairperson and Secretary from its members and create and fill other offices as it considers advisable. Term of office for these positions shall commence on July 1<sup>st</sup> and terminate on June 30<sup>th</sup>. The Chairperson shall preside at all meetings in accordance with these bylaws and all powers under parliamentary procedure as governed by "Robert's Rules of Order". The Recording Secretary shall restate all motions prior to any vote being taken, appoint committees, call special meetings, and perform such other duties as may be ordered by the Commission. In the absence of the Chairperson, the Vice-Chairperson shall serve as Acting Chairperson for the purpose of conducting business at that meeting and shall perform such other duties as may be ordered by the Commission. In the absence of the Chairperson, the Vice-Chairperson, **and the Secretary**, the other Commission members present shall elect from their numbers an individual to serve as Acting Chairperson for the purposes of conducting business at that meeting.

The City Clerk or his or her designee shall act as Recording Secretary of the Commission. The Recording Secretary shall be responsible for the minutes of each meeting and submit them to the Commission for approval, receive all communications, petitions and reports to be addressed by the Commission, keep attendance records, provide notice to the public and members of the Commission for all regular and special meetings, prepare an agenda as directed by the Chairperson and/or Zoning Administrator for each Commission meeting, advise the Commission of lack of a quorum for a meeting, and perform other such duties as may be ordered by the Commission.

The Secretary shall execute documents in the name of the commission, approve the agenda prior to the meeting in coordination with the Recording Secretary, preside over meetings in the absence of the both the

Chairperson and Vice-Chairperson, and make decisions regarding the cancelling of meetings when there is no business or for other reasons; the Recording Secretary shall contact the Secretary regarding cancelling a meeting when the Recording Secretary has confirmation of a lack of quorum prior to the meeting.

**Article IV – Meetings: Open Meetings, and Freedom of Information**

In accordance with the Plan Commission Ordinance, the Commission shall hold not less than four (4) regular meetings each year. The regular meeting of the Plan Commission shall be held at 7:00 p.m. on the second Tuesday of each month at City Hall, Changes in the schedule of regular meetings shall not be made except upon the approval of the majority of the Commission members. Special meetings of the Commission may be called at the request of the City Manager, the City Zoning Administrator, the Chairperson of the Commission, or upon the written request of any three members of the Commission to the Recording Secretary, and filed with the City Manager’s office. The Recording Secretary shall send written notice of a special meeting to the Planning Commission members not less than 48 hours before the meeting.

The business of the Planning Commission shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public Notice of the time, date and place of a regular or special meeting shall be given in the manner required by that act.

A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

Commission members shall notify the Recording Secretary if they cannot attend a meeting. A meeting shall be cancelled due to lack of a quorum.

**Article V – Attendance**

In the event that any member of the Commission is absent for a total of three (3) regular monthly meetings in any calendar year, or for any two (2) consecutive regular monthly meetings, the next regular Commission agenda may include consideration of reporting such non-attendance to the City Commission, in order that the Mayor and City Commission can consider removal of that individual from the Commission, in accordance with Section 3 “Removal of Members” of the Plan Commission Ordinance.

The member in questions shall be informed of such referral to the City Commission, so that member may have the opportunity to address the reasons for his/her unavailability for regular meetings.

**Article VI – Quorum**

In order for the Commission to conduct business or take official action, a quorum consisting of at least four (4) of the seven (7) of the Commission shall be present. When a quorum is not present, no official action, except closing the meeting, may take place. The members of the Commission may discuss matters of interest, but can take no action until the next meeting in which a quorum is present.

**Article VII– Conflict of Interest**

A Commission member shall be disqualified from participating and voting on any issue in which the member has a conflict of interest. A Commission member shall be deemed to have a conflict of interest as to any matter pending before the Commission if: (1) the member has a direct or indirect financial interest in the outcome of the issue being considered; or (2) the issue considered involves the member’s business or place of employment; or (3) the member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. However, the issue of a conflict of interest may also be raised by another Commission member or by the applicant whose matter is pending before the Commission. Conflict of interest concerns shall be raised prior to consideration of an issue by the Commission or as soon as the conflict is discovered.

The determination of a conflict of interest shall be made by a vote of the Commission upon a motion of the member acknowledging a conflict of interest or upon a motion of another member of the Commission.

The City Commission may remove a member of the Planning Commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing. Failure of a member to disclose a potential conflict of interest as required by PA 33 of 2008 constitutes malfeasance in office.

### **Article VIII – Conduct of Meetings**

A. The order of business at a regular or special meeting of the Commission shall be as follows:

*Public Hearings: may be held prior to a regular or special meeting.*

1. Call to Order.
  2. Roll Call.
  3. Public comments and communications concerning agenda items.
  4. Approval of Agenda
  5. Approval of minutes of previous meeting.
  6. Old business (any unfinished or ongoing business).
  7. New business
  8. Public comments and communications concerning items not on the agenda.
  9. Zoning Administrator comments
  10. Commissioner comments
  11. Adjournment
- B. Members of the public shall be allowed to address the commission regarding matters pending before it. This period of public comments shall take place prior to the Commission taking any actions or votes.
- C. Motions for decisions on matters before the Commission shall be restated by the Recording Secretary before a vote is taken. The name of the maker and supporter of the motions shall be recorded and the reasoning or rationale for the decision shall be clearly stated in the motion.
- D. An affirmative vote by a majority of the Commission members present shall be required for an action or motion to be approved. Voting shall ordinarily be by voice vote except that a roll call vote may be required if requested by any member of the Commission. No member shall abstain from voting unless it has been determined that he/she has a conflict of interest.
- E. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedures as governed by "Robert's Rules of Order".
- F. Matters for discussion under New Business may be initiated by any Commission member.
- G. The Recording Secretary of the Commission shall prepare minutes or a record of its proceedings. The minutes shall contain a brief synopsis of the meeting, including a complete statement of all motions and recording votes, a complete statement of the decision or recommendation, including any conditions attached to the decisions of the Commission, and a recording of attendance. All correspondence and other communications, any written resolutions, decisions or other documentation of any actions taken and any exhibits submitted shall be attached to the minutes and become a part of the public record.

### **Article IX – Conduct of Public Hearings**

A. Public Hearings shall be held prior to a regular or special meeting or at a date and time determined by the Plan Commission in accordance with the Open Meetings Act.

- B. The order of business at a public hearing shall be as follows:
1. Call to Order.
  2. Roll Call
  3. Opening of Hearing and statement of the purpose of the hearing
  4. Announcement of the Rules of the Hearing
  5. Presentation by the applicant
  6. Presentation by the opposition
  7. Applicant's rebuttal
  8. Closing of Hearing
- C. The Chairperson of the Commission shall officially open the hearing and he/she shall announce the subject being considered. The Chairperson shall state that the purpose of the hearing is to receive input from the applicant and members of the public and to determine the recommendation of the Commission and Zoning Administrator. The Chairperson shall also state that the final decision regarding the subject being considered rests with the City Commission.
- D. The Chairperson shall also announce the following hearing rules:
1. This is a public Hearing designed to receive comments on (insert subject of hearing). Only comments regarding this subject will be accepted.
  2. All persons wishing to comment shall be given the opportunity to do so.
  3. The person addressing the Commission shall stand, state his/her name, and direct their comments directly to the Commission.
  4. In the event a large number of people wish to comment, the Chairperson may announce that each person speaking shall limit his/her comments to three (3) minutes.
  5. Each person shall have an opportunity to speak before anyone is allowed to speak a second time.
  6. The Chairperson may, at his/her discretion, terminate comments which are unreasonably lengthy or unrelated to the subject of the public hearing.
  7. When the Chairperson observes that there are no further public comments, he/she shall close that portion of the hearing.
- E. The order of presentation of the comments shall be as follows:
1. Presentation by the Applicant:
    - a. Remarks by the applicant or spokesperson for the applicant, if any.
    - b. Reading, by the Secretary, of correspondence received by the Commission in support of the applicant's request.
    - c. People in the audience speaking in support of applicant's request.
    - d. Questioning by the Commission.
  2. Presentation by the opposition.
    - a. Remarks by the spokesman for the opposition, if any.
    - b. Reading, by the Secretary, of correspondence received by the Commission in opposition to the applicant's request.
    - c. People in the audience speaking in opposition to the applicant's request.
    - d. Questioning by the Commission.
  3. Applicant's Rebuttal
    - a. The applicant will be allowed to respond only to specific issues raised in the opposition's presentation and shall not include matters previously covered in the applicant's presentation.
    - b. Addition questioning by the Commission, if any.
- F. Closing of Hearing

Upon the conclusion of the presentations and comments from the audience, the Chairperson shall announce that the public comment portion of the hearing is closed. No further input from the applicant or public shall be allowed. The Planning Commission will deliberate and act on this matter at its next regular or special meeting. The Chairman will announce the time and place of said meeting.

### **Article X: Duties and Responsibilities of the Commission**

**Powers:** The planning Commission shall have those powers relating to the administration and execution of the zoning ordinance pursuant to M.C.L. 125-3301 of the Zoning Enabling Act.

**Zoning Adoption or Amendment:** The Commission shall review and act upon all proposed zoning ordinances or zoning amendments pursuant to the Zoning Enabling Act including Planned Unit of Development (PUD) zoning amendments. At least one hearing shall be held on each proposed zoning ordinance with notices given as specified in the zoning ordinance and the Zoning Enabling Act. After the hearing, action taken shall be in the form of a recommendation to the City Commission.

**Special Use Permit (including PUDs):** The Commission shall review and act on all special use permits pursuant to the Zoning Enabling Act and Zoning Ordinance. At least one hearing shall be held on each proposed zoning ordinance with notices given as specified in the zoning ordinance and the Zoning Enabling Act. After the hearing, action taken shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for action and the Commission's action.

**Site Plan Review:** The Commission shall review and act on all those site plans for which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains a finding of fact, conclusions as to a list of reasons for the action and the Commission's Action.

**Appeals:** The Commission shall not act, or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation or variance. Such matters shall be exclusively the responsibility of the Zoning Board of Appeals.

**Training:** Training shall be determined and coordinated by the Zoning Administrator.

The Commission shall make an annual written report to the City Commission concerning its operations and the status of planning activities, including recommendations regarding actions by the City Commission related to planning and development. The report shall contain statistical information on the number and types of actions taken by the Commission as well as the outcomes of those actions.

The Commission shall make, approve, and adopt a master plan as a guide for development within the City of Buchanan subject to regulations and requirements of PA 33 of 2008 as amended. The Commission shall submit the proposed Master Plan to the City Commission for review, and comment and, when approved, adoption. Said Master Plan shall be reviewed and updated every 5 years.

The Commission may, by a majority vote of the members, adopt a subplan for a geographic area less than the entire City. The Commission shall submit the proposed subplan to the City Commission for review, and comment and, when approved, adoption.

Prior to its authorization or construction, the Commission shall review plans for all capital improvement projects in the City and state its reasons for approval or disapproval in accordance with the regulations and requirements of PA 33 of 2008 as amended. The results of the review shall be forwarded to the City Commissions with the finding of facts leading to approval or disapproval. The City Commission may overturn the decision of the Commission by a majority 2/3 vote. If the Commission fails to act within 35 days of the date of receipt by the Recording Secretary, the plan is considered approved.

The Commission may recommend programs for public structures and improvements and for the financing thereof in accordance with the regulations and requirements of PA 33 of 2008 as amended.

The Commission may recommend to the City Commission provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the Land Division Act, PA288 Of 1967, MCL 560.105 in accordance with the regulations and requirements of PA 33 of 2008.

The Commission may make use of maps, data, and other information and expert advice provided by the appropriate federal, state, regional, county and municipal officials, departments and agencies.

**Article XI: Adoption, Repeal, Amendments**

Upon the adoption of these Bylaws, dated \_\_\_\_\_, they shall become effective and all previous Bylaws shall be repealed. These Bylaws may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.

**APPROVED BY THE PLAN COMMISSION AT THEIR REGULAR MEETING ON TUESDAY, FEBRUARY 12, 2013.**

PROPOSED AMENDMENT - APRIL 15, 2013