



BANGOR PLANNING COMMISSION

REGULAR MEETING AGENDA

Date: November 14, 2024

Time: 7:00 PM

Location: 257 W Monroe St Bangor, MI 49013

City Council meetings are conducted in accordance with Michigan's Open Meeting Act (OMA), 1976 PA 267, MCL 15.261 et seq. and Roberts Rules of Order Newly Revised.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call of Board Members**
4. **Approval of Agenda**
5. **Approval of Regular Meeting minutes for 05/09/24**
6. **Other Regular Business** (Members, Resignations, Open Seats)
 - a. **Members**
 - i) **Expired Seat(s)**
 - Carla Gray - Expired 06/30/24 City Manager Weber
 - Kevin Gruetzmacher - Expired 06/30/24 City Manager Weber
 - ii) **Resignation(s)**
 - Accept Dick Watkins Resignation Effective 10/14/24 City Manager Weber
 - iii) **Open Seat(s)**
 - One (1) Open Seat - Expires 06/30/25 City Manager Weber
7. **Opportunity for Public Comment*** A limit of three (3) minutes per speaker is in effect.
8. **Unfinished Business**
 - a. None
9. **New Business**
 - a. Approve/Deny Special Use Permit - 20 E Monroe City Manager Weber
 - b. City Attorney Memo – General Information for Members City Attorney Graham
 - c. Planning Commission By Laws City Attorney Graham
10. **Opportunity for Public Comment*** A limit of three (3) minutes per speaker is in effect.
11. **Board Member Comments**
12. **Adjournment**

*The purpose of the public comment periods are for members of the public to inform the council of their views. Traditionally, Council does not respond to comments made at the meeting; however, the Mayor or City Manager may direct staff to follow up with the speaker as appropriate. Public and council comments are not required to be recorded. "Meeting Minutes are a record of what was done, not what was said" - Roberts Rules of Order Newly Revised (RONR)



CITY OF BANGOR

Train City USA in the Heart of Apple Country

257 West Monroe Street
Bangor, Michigan 49013
Telephone: 269.427.5831

PLANNING COMMISSION

OPEN SEAT* (*10/14/24)	07/01/2019 – 06/30/2025	(Chair)
STEVE HONEYCUTT	05/01/2019 – 05/30/2025	(Vice Chair)
JEREMY UPLINGER	05/01/2022 – 05/30/2026	(Council)
YVONNE BEASLEY	07/01/2019 – 06/30/2025	
CARLA GRAY	07/01/2018 – 06/30/2024	
KEVIN GRUETZMACHER	07/01/2018 – 06/30/2024	
LYNNE FARMER – MAYOR	05/01/2019 – 05/30/2025	
DAVE MARKEL	07/01/2023 – 06/30/2026	
ADAM BURROUS	07/01/2023 – 06/30/2026	

- 3 Year Terms or until replacement/new member appointed
- One Seat for Council Member
- Staggering Terms
 - 2 – 1 yr
 - 2 – 2 yrs
 - Remaining 3 yrs



CITY COUNCIL AGENDA FACT SHEET

To: Mayor Farmer, Pro Tem Martinez-Serratos, Councilmember Rivers, McCrumb, Garcia, Muenzer and Uplinger

CC: Justin Weber, City Manager

From: Shelly Umbanhowar, Clerk

CC: Stephenie Cagle, Treasurer

Subject: Planning Commission Resignation

Date: 10/16/24

Council Information:

Dick Watkins has resigned from the Planning Commission. Effective 10/14/24.

Council Action:

Motion to accept the resignation of Dick Watkins from the Planning Commission effective 10/14/24.



CITY OF BANGOR

257 West Monroe Street / Bangor, Michigan 49013
Telephone: 269.427.5831 / Email: clerk@bangormi.org
Website: www.cityofbangormi.org

City Manager Justin Weber

Treasurer Stephenie Cagle

Clerk Shelly Umbanhowar

9/4/2024

CITY OF BANGOR NOTICE OF REZONING CONSIDERATION

City of Bangor Planning Commission,

A situation has been brought to my attention regarding the property of 20 E. Monroe St. A complainant contacted the Code Enforcement Officer. The Code Enforcement Officer was informed a retail business was being operated at 20 E. Monroe St. which is zoned as residential.

The Code Enforcement Officer investigated the report and on Saturday, August 31st, 2024, observed business activity at 20 E. Monroe St. The Code Enforcement Officer stopped at the address and spoke to the property owner, Ethel Bartlett.

Upon speaking with Ethel, it was discovered that she was operating a business (Patch Posse and Unique Finds) at the property. Ethel explained that she had received permission from the prior City Manager to continue operating her business at that address. The Code Enforcement Officer informed her that the zoning of her property did not allow commercial business at that address.

On 9/3/2024, I contacted Ethel Bartlett. It has been known to me that Ethel has had a business at that address for many years. Ethel informed me it had been for over 10 years. Prior to the current sewing and resale business, it was known as Patch Posse, a sewing and seamstress business that was promoted and utilized by the city to make alterations to the police department's police uniforms. So, the City of Bangor was aware and was using Ethel's services at this same location.

While speaking with Ethel, she also informed me that previously, she had attempted to have her address rezoned as commercial zone, but was informed it was too difficult of a process and that she would be in the DDA District and not to go forward with that process. I believe Ethel's statements to be true and I believe she has been misled and misinformed by previous city officials. I believe it would be equitable and appropriate for the Planning Commission to review these issues.

It is requested that the Planning Commission review the request from property owner, Ethel Bartlett to rezone 20 E. Monroe St from R-1 Residential Zoning to B-2 General Business or allow some type of special use.

The address of the property in question is: 20 E Monroe St
Parcel Number 40-54-407-009-10
Current zoning is R-1; Single Family Residential
Proposed zoning is B-2; Commercial

Respectfully,

Justin Weber

City Manager
City of Bangor

City of Bangor

Planning Commission (PC)

General Information for Members

Purpose of the Planning Commission

The PC exists to make recommendations on certain land use and zoning requests. The four main PC functions are:

1. Prepare and make recommendations regarding revisions to the Bangor Master Plan, and work to implement the goals and objectives of the Plan.
2. Conduct public hearings and make recommendations to the City Commission regarding: 1) the City Zoning Map and City Zoning Ordinance, 2) Special Use Permit requests, and 3) Planned Unit Developments (PUD's) requests.
3. Review sign requests per the Code of Ordinances and approve or deny.
4. The performance of all other functions identified by statute and ordinance.

The PC was created and operates based on the authority of the Michigan Planning Enabling Act, the City Charter, the City Ordinances, the PC Bylaws, and PC Code of Ethics.

Planning Commission Composition

There are nine (9) voting members who are appointed by the City Commission to three (3) year terms, unless appointed to fill a vacant seat. Full term appointments are from May 1st through April 30th for three years.

The Chair, Vice-Chair, and Secretary are selected annually by the members of the PC.

Planning Commission Meeting Information

Regular meetings are held on the second Thursday of each month, beginning at 7:00 pm at City Hall. Applicants seeking a determination by the PC must submit an application at least 24 days prior to the meeting at which the request will be considered. On occasion, special meetings are scheduled. Applicants are responsible to attend meetings in order to present their applications. You should expect applicants to fully present their positions either in person or through qualified agents.

Planning Commission Member Responsibilities

All PC members are responsible to:

- Attend the meetings or notify staff as soon as possible when unable to attend.
- Familiarize themselves with the City's Zoning Ordinance, the Master Plan, and other relevant ordinances.
- Follow the applicable Ordinance provisions when reviewing and making decisions.

- Follow the PC Bylaws and Code of Ethics.
- Attend training.
- Review and comply with the Michigan Open Meetings Act.
- Identify potential conflicts of interest as early as possible and notify staff of any such potential conflicts.
- Review all meeting materials and come to the PC meeting prepared.
- Be fair to everyone and allow them the opportunity to speak and present evidence during the public hearing.
- Listen to all public comments with an open mind.
- Be respectful to all during meetings.
- Participate in deliberation on the request and in the preparation of findings based on the applicable review standards
- Always feel free to express your opinion.
- Remember that the PC will be required to make difficult decisions that might be unpopular.

Staff Support

The Friday before the meeting, staff typically delivers the agenda packet which includes: 1) meeting agenda; 2) draft meeting minutes from last meeting; 3) staff memo; 4) photographs of the site along with an aerial and zoning maps of the surrounding area; and 5) the applicant's completed application with supporting documents. Depending on the case, written public comments may be included in the packet.

PLANNING COMMISSION FOR THE CITY OF BANGOR, MICHIGAN

PLANNING COMMISSION BYLAWS

I. PURPOSE:

These Planning Commission (sometimes "PC") bylaws are adopted to establish the rules of operation for the PC so that matters coming before the PC can be handled promptly and efficiently.

II. AUTHORITY AND JURISDICTION:

The City Planning Commission derives its authority from Michigan law, the City Charter, and the City Zoning Ordinance. This authority provides that the City Planning Commission shall have in part the powers and duties authorized and directed by the Michigan Zoning Enabling Act (P.A. 12 of 2008 as amended), and the Michigan Planning Enabling Act (P.A. 33 of 2008 as amended).

III. OFFICERS:

A Chairperson, Vice-Chairperson, and Secretary shall be elected by majority vote of the members of the PC every year at the first regular meeting in the month of January. The PC Chairperson is authorized to appoint other officers as that the PC determines to be appropriate.

- A. Chairperson:** The Chairperson shall preside at all meetings, shall appoint persons to committees that are authorized by the Commission, and may serve as an ex-officio member of such committees. The Chairperson, subject to these rules, shall decide all points of order or procedure, subject to appeal by a member of the Commission. The vote of a majority of members, including the Chairperson, shall decide the appeal. In the event an appeal is taken by any member from the ruling of the presiding officer, the Commissioner desiring to appeal shall state that a claim of appeal is being taken and shall state briefly what in that Commissioner's opinion the ruling should have been. If this appeal is seconded, the recording secretary shall state clearly the question at issue, and then shall call for the vote of the Commission on the question: "Shall the decision of the presiding officer be sustained?" Such decision shall be final and shall be binding on the presiding officer.
- B. Vice-Chairperson:** The Vice-Chairperson shall preside and exercise all of the duties of the Chairperson in his or her absence.
- C. Presiding Officer:** Should neither the Chairperson, nor the Vice-Chairperson be present at a meeting, any member may call the meeting to order and immediately proceed to call a special election to elect a temporary Chairperson who shall preside over the meeting. The election of a temporary Chairperson shall follow the process outlined in Item F. and the role of the temporary Chairperson shall terminate upon the adjournment of the meeting.
- D. Secretary:** The Secretary shall record the meeting minutes, unless delegated to staff.

E. Vacancies: In the event that an officer shall leave the Commission before the expiration of his or her term, an individual shall be appointed to the vacancy in the same manner for Planning Commission appointments as defined by City ordinance.

F. Election of Officers: The process for the election of officers shall be as follows:

1. The current Chairperson or temporary Chairperson presides over the election of the officers.
2. The Chairperson declares the nominations are open for offices in the following order: Chairperson, Vice-Chairperson, and Secretary.
3. Nominations: Any member of the Planning Commission may nominate. To do so:
 - a. Members of the Planning Commission should raise their hand if they wish to make a nomination. Planning Commissioners will be called on in the order they raised their hand to ensure proper order of nominations.
 - b. The Planning Commissioner may state their nomination. Nominations are not required to be seconded.
 - c. After being nominated, the nominee shall accept or reject the nomination.
4. Close of Nominations:
 - a. After a reasonable period of time, the Chairperson will then entertain a motion to close nominations.
 - b. The motion to close nominations must be seconded.
 - c. The motion to close nominations must pass by 2/3 affirmative vote and is not debatable.
5. Vote on Nominations:
 - a. The Chairperson shall call for a vote on nominee(s) individually, in the order that nominations were made.
 - b. The first nominee who receives the majority of votes is elected for that office.

IV. MEETINGS:

A. All Commission meetings shall be open to the public.

- B. A quorum of five (5) members must be present to constitute an official meeting of the Commission.
- C. The conduct of the Planning Commission business shall be governed by the current edition of Robert's Rules of Order unless otherwise modified by law, ordinance, or these rules of the Planning Commission. For example, based on state law, all members, including the Chairperson, shall be authorized to make and support motions and shall vote on all questions.
- D. The regular meetings of the Commission shall be held on the second Thursday of each month, except when such Thursday falls on a legal holiday or conflicts with the City Commission meeting schedule.
- E. All regular meetings shall begin at 7:00 p.m. unless otherwise noticed by the PC.
- F. A special meeting of the Commission may be called by the City Manager, the Chairperson, the Vice-Chairperson in the event the Chairperson is unavailable, or any three members of the Commission. Each member of the Commission must receive at least eighteen (18) hours' notice as to the time, place and purpose of the meeting via email to the Commissioners' City-issued email addresses, except that the announcement of a special meeting at a time at which all members are present shall be sufficient notice of such meeting. In the event a request to call a Special Meeting is initiated by a member of the Commission other than the Chairperson, or ViceChairperson in the event the Chairperson is unavailable, the initiating Commissioner shall submit a written request to City Clerk and the City Manager requesting the Special Meeting. The request shall contain the item(s) to be considered. The City Clerk shall then forward the request within two business days to the Commission and request if there are two (2) additional Commissioners who would like to call the Special Meeting; and any Commissioner who would like to join in making the request shall respond directly to the City Clerk.
- G. The City Manager and the Chairperson shall prepare meeting agendas. The City Manager or any member of the Commission may place items on the agenda. Items to be placed on the agenda by a member of the Commission shall be submitted at least ten (10) calendar days in advance of the given meeting, unless for a Special Meeting called for a specific purpose in accordance with these bylaws. The agenda shall be sent to Commissioners no later than on the Thursday preceding the regularly scheduled meeting. The Commission shall only consider the items listed on the originally released agenda, unless six (6) members of the Planning Commission, by affirmative vote, suspend this rule to add an item to the agenda.

V. VOTES:

- A. All proceedings, decisions and resolutions of the Commission shall be initiated by motion. The vote upon motions and resolutions may be recorded by roll-call vote. All members,

including the Chairperson, shall vote on each motion unless they have stated there is a conflict of interest, or the appearance of a conflict of interest, as defined in these bylaws.

- B. The concurring vote of a majority of members present at a regular or special meeting shall be necessary to pass on any matter referred to them.
- C. The adoption of a master plan, or of any such part, amendment, extension or addition shall require the concurring vote of 2/3 of the members of the Commission.

VI. CONFLICT OF INTEREST:

Upon disclosure of a conflict of interest the member may recuse themselves from voting on the issue or participating in the making of a decision. If a conflict of interest exists, the member shall not participate in discussion on the item.

- A. Appearance of Conflict. An appearance of a conflict exists when a reasonable person would believe that because of certain facts a Planning Commissioner's participation in a proceeding would create an appearance of impropriety, partiality, bias or lack of fairness.
- B. Contractual Conflicts of Interest. The conduct of City officials and employees in relation to conflicts of interest involving contracts shall be as established by State law.
- C. Financial Conflict of Interest. An official or employee who has a financial interest, direct or indirect, in any matter to be decided by the Planning Commission, other than with respect to a contract, shall make that interest known and shall refrain from voting upon or otherwise participating in the making of the decision. Violation of this subsection with the knowledge, express or implied, of the person or corporation dealing with the Planning Commission shall render the decision voidable by the City Manager or the City Commission. Any official or employee violating the provisions of this subsection shall forfeit office.

VII. PROCEDURE:

- A. All inquiries, applications or matters requiring official action by the Commission which is not specifically mentioned below shall be submitted in writing to the City Clerk and the City Manager at least fourteen (14) days prior to the meeting of the Commission at which consideration is requested, unless otherwise specified by ordinance or policy.
- B. Requests for rezoning, zoning ordinance text amendments, subdivision approvals, site plan reviews, special land use permits, or planned unit developments shall be filed on application forms obtained from the Planning Department.
- C. All applications or requests requiring the payment of fees shall not be considered until the fees are paid in full. The PC does not have authority to waive the payment of fees.
- D. The Commission may require such surveys, plans, or other information as required for the proper evaluation or consideration of the matter. Written documentation from the applicant

should be presented to the Commission which will give full information as to the intentions of the applicant, as well as a legal and informal description of the property in question.

- E. In the event an applicant requests that his or her item be deferred to a future meeting, after it has been published, noticed and scheduled, the public hearing may be held to allow interested citizens an opportunity to speak to the request, then deferred to a specific future meeting and scheduled in sequence on the agenda.
- F. Whenever there is an administrative decision to be made by the Commission, members of the Commission shall avoid ex parte contact. An administrative decision resolves an application for a decision to be made by the Planning Commission, such as a rezoning, a Special Land Use Permit or a request for a Planned Unit Development. Ex parte contact is contact with the applicant outside of a Planning Commission meeting when there is a pending request requiring PC action, regardless of means, such as a telephone conversation, email, in-person conversation. In the event such contact is made, the member of the Commission shall submit a document to the City Clerk and the City Manager outlining the nature of the contact, and what was said. The document shall be provided to all Commissioners before the next PC meeting.

VIII. PUBLIC HEARINGS:

- A. The primary function of a public hearing process is the gathering of information through public testimony and written documentation. The nature of the evidence received during this process may in some cases require further careful consideration to assure a logical and just decision. The Commission may therefore determine at each public hearing the meeting date at which a decision will be rendered.
- B. An applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the request. If the applicant or agent is not present, the request may be tabled until the next meeting or dismissed at the discretion of the Commission.
- C. The Commission shall hold a public hearing on any proposed amendment to the zoning ordinance or zoning map. Official notice for the Commission public hearings shall comply with the requirements and procedures established by the Bangor Code of Ordinances. The Commission shall recommend approval or denial of the amendment, and shall transmit, in writing, its recommendation to the City Commission for official action.
- D. The Commission shall hold a public hearing on any proposed City Commission authorized Special Land Use Permit. The official notice of public hearing shall comply with the Bangor Code of Ordinances. The Commission may recommend denial, approval or approval with conditions after said hearing and notification as provided herein. Its recommendation shall be incorporated in a statement of conclusions specifying the basis for the recommendation and any conditions imposed, which statement shall be transmitted to the City Commission for official hearing and action.

- E. The Commission may hold a public hearing with such notice as it deems advisable for Planned Unit Developments. The official notice of public hearing shall comply with the Bangor Code of Ordinances. After review by the Commission, it shall submit a written recommendation to the City Commission.
- F. In the case of lots splits for unusual or unique circumstances, the Commission may in its discretion hold a public hearing on the matter and make a recommendation to the City Commission for appropriate action.
- G. The Commission may hold a public hearing with such notice as is deemed advisable for public street and alley vacations and openings. After review by the Commission, it shall submit a written recommendation to the City Commission.
- H. The Commission will not reconsider any request on which a negative decision has been rendered within one (1) year from the date of the Commission's decision on the request unless it can be shown by the applicant that substantial new information affecting the request which was not presented to the Commission at the previous hearing(s) is now available and would affect the original decision rendered. Said substantial new information shall be described in writing by the applicant at the time of application. Before re-hearing the request, the Commission shall decide whether there is substantial new information allowing the new hearing.

IX. PUBLIC COMMENT AT REGULAR AND SPECIAL MEETINGS:

The Planning Commission welcomes public comment pursuant to the following rules:

- A. Public Comment During Agenda Items. Any interested person wishing to address the Planning Commission regarding an Agenda Item may do so during discussion of an agenda item prior to action recognized by the presiding officer or upon request of any Commissioner. All persons are encouraged to identify themselves and their address and shall direct their comments to the Commission. The comment of any member of the public or any special interest group may be limited in time to three (3) minutes except as provided in subsection (D). As part of its deliberation, the Planning Commission may clarify, answer questions, and ask questions as a result of public comment.
- B. Public Comment During the Designated Public Comment Section - General. Any interested person wishing to address the Planning Commission regarding other matters may do so under the designated Public Comment section. All persons are encouraged to identify themselves and their address and shall direct their comments to the Commission. The comment of any member of the public or any special interest group may be limited in time to five minutes except as provided in subsection (D). Questions posed may be answered at the meeting or may be referred to staff for response at a later time.
- C. Public Comment During the Designated Public Comment Section - Planning Commissioners. Planning Commissioners interested in making a public comment may do

so under the designated Public Comment section. Further, Planning Commissioners may briefly respond for clarification purposes as a result of public comment.

- D. Order and Duration of Any Public Comment. The presiding officer shall control the order and duration of any public comment subject to appeal. The presiding officer shall have the authority to limit and terminate any public comment that becomes disruptive, unduly repetitive, or impedes the orderly progress of the meeting. Items not appearing on the agenda will not be acted upon by the Planning Commission except in accordance with these rules.

X. AMENDMENTS:

- A. These bylaws may be amended or modified provided that such amendment or modification is presented in writing at a meeting and that favorable action is taken thereon at a subsequent meeting.
- B. Six (6) members of the Commission, by due motion and recorded vote, may suspend or vary the application of these rules to a particular application, case, problem, or proceeding pending before the Commission.

I hereby certify that the Bangor Planning Commission adopted the above document on _____.

Secretary
Bangor Planning Commission