



HASTINGS PLANNING COMMISSION COMMUNICATION

DATE: March 30, 2022

TO: Members of the Planning Commission and Staff

FROM: Dan King

SUBJECT: Information – April 4, 2022 Planning Commission Meeting.

Unofficial Site Plan Review for Marv Helder – 134 E. Court Street

Mr. Marvin Helder has requested the Planning Commission conduct an unofficial review of a site plan for a vacant parcel of property located at 134 E. Court Street. Mr. Helder acquired the former vacant gasoline station parcel via auction in December of 2021.

Mr. Helder is proposing an eight-unit townhouse style residential development for the parcel.

Below is Section 90-128 from the Code pertaining to Unofficial Review. Please be familiar with this section prior to the meeting on Monday.

Sec 90-128 Unofficial Review

Any person who may eventually file for official review of a site plan by the planning commission can first informally discuss the plan with the commission. To do this, a person can request the city clerk/treasurer to place such item on the commission agenda. This request must be made at least seven days before the commission meeting. The commission, in discussing the proposed plan, may give guidance to the person regarding compliance with the regulations for site plan review contained in this chapter. The commission shall make no decision on this unofficial site plan, and any comments made by the commission shall not be considered as a final decision on the site plan if it is subsequently submitted for official review.

Capital Improvement Plan

Prein and Newhof assisted City staff in development of the Capital Improvement Plan (CIP). The CIP is now a very robust plan which will assist City staff in preparation of the annual budget as well as providing a roadmap for the future. Due to the electronic file size, the CIP can be found on the City of Hastings website with the Planning Commission meeting packet.

Below is Section 2-149 (f) Powers and Duties of the Planning Commission pertaining to the Capital Improvement Plan.

Sec 2-149 Powers And Duties

The commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 et seq.; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (MCL 125.3101 et seq.). In addition, duties shall include the following:

(f) The planning commission, assisted by city staff, shall prepare an annual capital improvements program (CIP) as part of the city budget process. The CIP shall show those public structures and improvements in their general order of priority that in the judgment of the commission will be needed or desirable and can be undertaken within the ensuing six-year period. The CIP shall be forwarded as a recommendation to the city council.

Due to the budget timing and the completion of the CIP by Prein and Newhof, City Council reviewed the CIP at the March 28, 2022 Council meeting.

HASTINGS PLANNING COMMISSION A G E N D A

Monday April 4, 2022

1. **Call to Order/Roll Call** (Regular meeting starts at 7:00 p.m.)
2. **Pledge of Allegiance**
3. **Approval / additions / deletions to agenda**
4. **Approval of Minutes** March 7, 2022 Draft Meeting Minutes of the Planning Commission *
5. **Informative Items:** Ex parte contact *
6. **Public Hearings:**
 - A. Consider postponing public hearing for site plan review and amendment of the Meadowstone PUD Phase IV until the May 2, 2022 meeting to allow applicant additional time to prepare architectural and engineering components of the site plan.
7. **Old Business:**
 - A. Receive JPA / JPC Update.
 - B. Consider Planning Commission 2022 General Work Task List. *
 - C. Report Regarding Tracking of Terms and Conditions Imposed by the Planning Commission. *
 - D. Continue Review of Planning Commission By-laws and Rules of Procedure. *
 - E. Duplex Text Amendment Joint Planning Commission/City Council Workshop Discussion.
8. **New Business:**
 - A. Unofficial site plan review for Marv Helder regarding property located at 134 E. Court Street. *
 - B. Introduce site plan, special use, and rezoning tracking format that aligns with the Redevelopment Ready Communities certification process. *
 - C. 2022 Capital Improvement Plan.
9. **Open public discussion and comments**
10. **Commission comments**
11. **Adjourn**

*Indicates attachment

CITY OF HASTINGS
DRAFT PLANNING COMMISSION MEETING MINUTES
March 7, 2022

The meeting was called to order at 7:00 p.m. by Chairperson Hatfield with the following Commissioners present: Jordan Brehm, Lynn Denton, David Hatfield, Tom Maurer, Sarah Moyer-Cale, Michelle Peltier, John Resseguie, and Dave Tossava. Commissioners absent: Lois Bowers.

Call to Order

Also present: Community Development Director Dan King and Planning Consultant Rebecca Harvey.

It was **MOVED** by Tossava and **SECONDED** by Maurer to approve the agenda as presented. All members present voting yes, motion carried.

Approval of the Agenda

It was **MOVED** by Tossava and **SECONDED** by Maurer that the proposed minutes of the meeting of February 7, 2022 be approved. All members present voting yes, motion carried.

Approval of the Minutes

Chairperson Hatfield noted the inclusion of an article on Spot Zoning provided to commission members.

Informative Items

Public hearing to consider text amendment to Chapter 90, Article 90-VI District Regulations, Division 90-VI-4 R-1, Section 90-289, Division 90-VI-5 R-2 , Section 90-312, Section 90-314, Division 90-VI-6 R-D, Section 90-339, Division 90-VI-8 A-1, Section 90-391, Section 90-392 (b), Section 90-393 (a), Section 90-394, Division 90-VI-9 A-2, Section 90-423 (a), Section 90-424, and Division 90-VI-10 A-O, Section 90-452 (b), Section 92-453 (a), and Section 90-454 pertaining to two family dwelling units.

Public Hearing:
Two Family Dwellings

Discussion was held by the Planning Commission. Chairperson Hatfield opened the floor for public comment regarding the proposed amendment at 7:37 p.m. Hearing no comments from the public, the Chairperson closed the comment period at 7:38 p.m.

It was **MOVED** by Brehm and **SUPPORTED** by Resseguie to postpone action on this item until such time as a workshop joint session with the City Council could be scheduled. All members present voting yes; motion carried.

It was **MOVED** by Brehm and **SUPPORTED** by Mauer to postpone the public hearing for site plan review and amendment of the Meadowstone PUD Phase IV until the April 4, 2022 meeting to allow applicant additional time to prepare architectural and engineering components of the site plan. All members present voting yes; motion carried.

Public Hearing:
Meadowstone PUD

Old Business

Moyer-Cale reported that neither the JPA nor JPC had met in February.

JPA and JPC Updates

King noted that a discussion regarding modification of the commission's bylaws would be on the agenda for the April meeting.

General Work Task List

King reported no substantive changes to the tracking chart at this time.

Tracking Terms and Conditions of Site Approvals

Mr. Jerry Ballard, Pro Auto Service, appeared to seek approval for the site plan of a parking lot at 220/222 W. Mill Street. This is a 0.6 acre site located in the B-1 zoning district. The project does not include the expansion of the existing building. The Commission discussed the elements of the site plan review report conducted by consultant Harvey.

New Business
Site Plan Review of 220 and 222 W. Mill Street

Eight elements were identified in the review that required the attention of the commission.

1. **Fencing details are required to determine compliance with Sec 90-918 (g)(2).** Mr. Ballard presented the commission with a photo sample of a wrought iron fence that met the requirements of the ordinance.
2. **The parking layout along the south edge of the parking lot is unclear.** Mr. Ballard indicated where the edge was displayed on the site plan.
3. **Detail is lacking to determine required parking spaces; existing number of spaces is unknown.** Mr. Ballard noted for the commission that there are 16 existing parking spaces. Harvey stated that with the additional spaces presented in the plan, there will be 30 spaces available where only 19 are required. The parking standard is met.
4. **The site plan does not reflect the existing or proposed loading spaces.** Mr. Ballard described that trucks usually park in the street to unload or in the center of the existing parking lot. No change to the loading procedures or location would be modified as a result of the new parking lot. It was the consensus of the Planning Commission that this was adequate for the site.
5. **Dumpster enclosure details are required.** Mr. Ballard noted that he would move the dumpster from its current location in the front of the business to the new rear lot and enclose it appropriately. He stated that he planned to use a wood, dog-eared style enclosure and would meet the ordinance terms.

6. **Existing/proposed landscaping has not been identified.** Mr. Ballard stated that the existing trees indicated on the site plan will remain. Harvey confirmed that this meets the landscape requirements.
7. **Approval shall be subject to review and approval by the Department of Public Services.**
8. **Site Access/circulation shall be subject to Fire Department review and approval.**

Mr. Ballard also noted that the sidewalk and curb would be replaced on the site.

MOTION by Resseguie with SUPPORT from Brehm to approve the site plan for Pro Auto Service with the condition that the site be subject to the screening standards and all other representations made by Mr. Ballard presented at this meeting. All members present voting yes; motion carried.

None.

Public Comment

Chairperson Hatfield announced that he will be running for the new county commissioner seat that will be representing the City of Hastings. This will not impact his ability to serve on the Planning Commission.

**Commission
Comments**

Tossava noted that all members should use their city email addresses and reminded everyone to sign their annual conflict of interest forms if they have not already done so.

It was MOVED by Denton and SUPPORTED by Brehm to adjourn the meeting. All members present voting yes, motion carried. Meeting adjourned at 8:27 p.m.

Respectfully submitted,

Sarah Moyer-Cale,
Recording Secretary



Avoid *ex parte* contact to ensure impartiality

By Kurt H. Schindler, Michigan State University Extension

For members of a local planning commission, or zoning boards of appeals, it is particularly difficult to avoid having *ex parte* contact.

Ex parte contact happens when a member of a planning commission or zoning board of appeals (ZBA) are contacted by someone outside of the meeting concerning a pending issue, such as approval of a special use permit, planned unit development, site plan, or appeal. This type of contact should be avoided.

But to many, avoiding this type of contact is counter-intuitive. We believe one should hear concerns and listen. That is, after all, local representative government. So this becomes a big concern whenever presenting an education program on planning and zoning ethics.

But here is the other side of that coin: if a member of the planning commission or ZBA has a conversation on the street, etc. then how does someone else ever know what was said and have an opportunity to respond, supporting the conversation or refuting it? That basic level of fairness is important and what a planning commission and ZBA should strive for.

It is similar to going to court. You expect the judge to be fair and neutral. You expect that both sides to hear what the other has to say, and you have a fair opportunity to respond. If you did not even know the conversation took place, let alone what was said, you do not have any ability to respond. You would not expect the judge to be swayed by some talk about the case s/he had outside the courtroom.

In Michigan, planning commissions and ZBAs are administrative bodies. They are duty-bound to make decisions based on standards (found in the zoning ordinance), not on what the popular majority wants. Representing the will of the majority of electors in a community is the job of the legislative body – the township board, village council, city council or county board of commissioners. It is not the job of the planning commission or ZBA.

The planning commission and ZBA need to behave closer to the expectation of fairness one has for a court. Some basic points are:

- Make sure that every member of the planning commission, ZBA, gets to hear everything that is said.
- What is said should be said at a public meeting, not elsewhere.
- Members of a planning commission and ZBA should not pre-judge a case.
- Make sure that others also hear everything that is said, and that others have an opportunity to respond.

The basic idea is that all members and all people that are interested enough to be at the meeting can hear all sides of an issue, and can add to or respond to what has been said. One federal court said it well:

“Parties at the hearing . . . are entitled to an opportunity to be heard, to an opportunity to present and rebut evidence, to a tribunal which is impartial in the material, having had no prehearing or *ex parte* contacts concerning the question at issue” – *Fasano V., Board of County Commissioners of Washington County*.

So what does a planning commissioner or ZBA member do when someone stops you on the street or during a site inspection? Explain to them about *ex parte* contact, ask them to attend the meeting or hearing and share their concerns so everyone can hear, or write a letter to the commission or ZBA.

If this approach fails, then as soon as you can, take detailed notes on what that person said. At the hearing or meeting, explain that the person spoke to you and would not stop, that you tried to get them to attend the meeting, but to the best of your ability this is what was said. Then using your notes, repeat what you were told. Name the person you are reporting about. This is not perfect, but it gets the comments on the record at the meeting and allows others to hear and respond.

Often issues of *ex parte* contact occur during site inspections. So the planning commission and ZBA should talk through how they want to handle this and should spell out their procedures in their bylaws (planning commission) or rules of procedure (ZBA).

Originally posted on the Michigan State University Extension web site, July 23, 2012.

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City of Hastings
Planning Commission
Work Tasks for 2022
STATUS REPORT FOR APRIL 2022

1. Continue to work with Hastings Charter Township, Rutland Charter Township and others in regional growth planning and management efforts.
2. Review the Court Street PUD using hypothetical build out scenarios.
3. Consider actions strategies as identified in the Master Plan to accomplish specific desired outcomes within commercial and residential zoning districts.

- Provide for a wide variety of housing types, sizes, and densities.
- Maintain existing housing stock and infrastructure.
- Encourage residential development within areas targeted for growth and investment.
- Provide for land use options/incentives designed to encourage reuse of vacant buildings and infill development.

4. Consider zoning amendments related to the M-37 Access Management Plan.
5. Monitor plan to construct sidewalks and trail system throughout the City of Hastings.

- Ongoing. City seeking funding where available.
6. Consider changes to the infrastructure requirements to accommodate denser or more traditional residential development.
7. Consider development of “Complete Streets” ordinance or policy.
8. Consider the following principles to align with Blue Zones Activate Program:

- Offer incentives or expedited approvals for the following Blue Zone principles:
 - Locate new development adjacent to existing infrastructure
 - Create a mixed-use community
 - Build pedestrian amenities (sidewalks, lights, benches, etc) on both side of the streets
 - Provide public facilities for physical activity such as shared-use paths or trails
 - Create bike lanes and bike parking
 - Create opportunities for resident interaction
 - Create mid-block cross walks for traffic calming

9. Deal with outdated language in ordinances. (Example from 90-1)

Service station or filling station means a place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale at retail to the public, including sale of accessories, oiling and light motor service on the premises, but in no case to include major automotive repairs. *Ordinance 605 Adopted 2.28.22*

10. Review Sec. 90-973 Signs in the B-1, B-2, B-3, B-4, and B-6 districts (as related to portable sidewalk ground signs).
11. Consider development of a Planned Residential District zoning classification to allow for higher density housing through smaller lot sizes and smaller dwelling square footage requirements.
12. Consider two family dwellings as a permitted use in the R-1, R-2, R-R, R-S, and R1-A Residential Zoning Districts.
13. Continue path to Redevelopment Ready Communities (RRC) certification by reviewing zoning related codes and procedures.
14. Review Section 90-929 Supplemental Parking Requirement in Residential Zones and other pertinent sections relating to the parking of semi-tractors, semi-trailers, and vehicles with two or more rear axles.
15. Review By-Laws and Rules of Procedure.

| Date | Project Name | Description | Conditions of Approval | Compliance Date | |
|---------|------------------------|----------------------------------|-------------------------------------|-----------------|------|
| 2.4.19 | Ravenna Holdings, LLC | Townhouse Construction | Max 35 ft. building height | | |
| | | | Exterior masonry material | 4/5/2021 | XXXX |
| | | | 3 BF parking spaces | | |
| | | | Extension of sidewalk int./ext | | |
| | | | Front yard and pk lot landscape | | |
| | | | 1 Year Site Plan Extension | 1/6/2020 | XXXX |
| | | | Building Permit Issued | 1/29/2021 | XXXX |
| | | | | | |
| 4.1.19 | Todd Porritt | Building Expansion | Applicable setback requirements | | |
| | | | Building design standard compliance | | |
| | | | Second floor egress | | |
| | | | 1 Year Site Plan Extension | 3/2/2020 | XXXX |
| | | | | | |
| 9.3.19 | Royal Coach Apartments | Planned Unit Development | Density | | |
| | | | Setbacks | | |
| 12.2.19 | Julie Fox | Site Plan and Special Use Permit | First Floor Elevations (Glamping) | | |
| | | | Setbacks (Glamping) | | |
| | | | Parking to be reviewed in 1 year | | |
| | | | 1 Year Site Plan Extension | 11/2/2020 | XXXX |
| | | | | | |
| 3.2.20 | Meadowstone MH Park | Final Site Plan Approval | PED X Insulation from roadway | | |
| | | | Natural Feature Buffer | | |
| | | | | | |
| 3.2.20 | Kendall Place | Final Site Plan Approval | | | |
| | | | | | |
| 3.2.20 | EWB Properties, LLC | Final Site Plan Approval | Storm Water Runoff Compliance | | |
| | | | | | |
| 1.4.21 | Royal Coach PUD | Amended Site Plan Approval | Parking Lot Lighting Detail * | | |
| | | | Stormwater Management * | | |
| | | | Landscaping * | | |
| | | | *Subject to staff review | | |
| | | | | | |

**CITY OF HASTINGS
PLANNING COMMISSION BY- LAWS
AND RULES OF PROCEDURE**

ADOPTED JANUARY 6, 2020

1. AUTHORITY OF COMMISSION AND MEMBERSHIP

1.1 These rules of procedures are adopted by the City of Hastings Planning Commission (hereinafter referred to as the Commission) pursuant to Public Act 33 of 2008 the Michigan Planning Enabling Act, as amended, and Public Act 267 of 1976, as amended, the Open Meetings Act.

1.2 Membership.

A. The Planning Commission shall consist of nine members as appointed by the Mayor subject to the approval of the City Council. No more than two of the members can be members of the City Council. The membership shall be generally representative of important segments of the community such as industry, retail, finance, education, recreation, healthcare, government and public service.

B. The membership shall also be representative of the entire geography of the City of Hastings to the extent practicable.

C. Members of the Planning Commission shall be qualified electors of the City of Hastings except that one member may not be a qualified elector but may be an individual who operates a business in the City, whose place of employment is in the City, who owns property in the City or is representative of an important segment in the City as noted in Section 1.2 A above.

2. OFFICERS

2.1 Selection. At the January meeting, the Commission shall select from its membership a Chairperson, Vice-chairperson and Secretary who shall serve for a twelve-month period and who shall be eligible for re-election. A member of the planning commission who is also a member of the City Council shall not serve as the Chairperson of the Planning Commission

2.2 Tenure. The officers shall take office immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

2.3 Duties.

A. The Chairperson

1. The Chairperson shall be the chief executive of the Commission and shall preside at all meetings of the Commission.
2. The Chairperson shall appoint all committees or advisory committees established and provided by the Commission.
3. The Chairperson shall sign all contracts or legal documents authorized by the Commission.

B. The Vice-Chairperson

1. In the event of the absence of the Chairperson or his or her inability to discharge the duties of his or her office, such duties shall, for the time being, be performed by the Vice-Chairperson.
2. In the event that the office of Chairperson becomes vacant, the Vice-Chairperson shall serve as Chairperson until a new Chairperson is elected.

C. The Secretary

1. The Secretary shall keep minutes of all meetings of the Commission and sign the adopted version of the minutes.
2. The Secretary shall be responsible for all correspondence and notices pertaining to meetings and official acts of the Commission.

3. MEETINGS

3.1 Meeting Notices. All meetings shall be posted at Hastings City Hall according to the Open Meetings Act. The notice shall include the date and time of the meeting.

3.2 Regular Meetings. Regular meetings of the Commission shall be held monthly in the Hastings City Hall on the first Monday of each month at 7:00 p.m. The dates and times shall be posted at the Hastings City Hall in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meetings Act.

3.3 Special Meetings. A special meeting may be called by two members of the Commission upon written request to the Secretary or a special meeting may be called by the Chairperson. The business which the Commission may perform shall be

conducted at a public meeting of the Commission held in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the Municipal Planning Act if applicable and the Secretary shall send written notice of a special meeting to Commission members not less than 48 hours in advance of the meeting.

3.4 Quorum. Five members of the Commission shall constitute a quorum. In order for the Commission to conduct business or take any official action, a quorum shall be present. When a quorum is not present, no official action, except for closing of the meeting may take place. The members of the Commission may discuss matters of interest but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time, and place is announced at the meeting.

3.5 Hearings. Hearings shall be scheduled, and due notice given in accordance with the provisions of the acts and ordinance cited in Section 1.

Public hearings and the dates thereof shall be set by a vote of the Commission, except that in case of an emergency (as determined by the Chairperson) the Chairperson may schedule a public hearing for the next available regularly scheduled Commission meeting, or for a special meeting subject to due notice procedures.

Public hearings conducted by the Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

A. The Chairperson shall open the hearing indicating the basic nature of the request, citing public notice in official newspaper, and notification of neighboring properties (if applicable).

B. The Chairperson shall announce the order of hearing which is as follows:

- (1) Explanation of request by the applicant.
- (2) Review by planner/professionals.
- (3) Comments and explanations by applicant.
- (4) Questions by Commission.
- (5) Responses by professionals and/or applicant.
- (6) Opening of hearing for public comments.
- (7) Close hearing to public comments.
- (8) Response by professional and/or applicant
- (9) Consideration of action by Commission.

3.6 Motions. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded.

3.7 Voting. An affirmative vote of the majority of the total membership (which is five members) of the Commission shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson.

All members of the Commission including the Chairperson, shall vote on all matters, but the Chairperson shall vote last. Any member may be excused from voting but only if that person has a bonafide conflict of interest as set forth in Section 8 herein.

3.8 Order of Business. A written agenda for all regular meetings shall be prepared as follows. The order of business shall be:

- (1) Call to order/Roll Call
- (2) Pledge of Allegiance
- (3) Approval of Agenda
- (4) Approval of Minutes
- (5) Information Items
- (6) Public Hearings (Public Comment Limited to Three Minutes)
- (7) Old Business
- (8) New Business
- (9) Public Comments and Communications Concerning Items not on the Agenda (Limited to Three Minutes)
- (10) Commissioner Comments
- (11) Adjournment

3.9 Rules of Order. All meetings of the Commission and its Sub-Committees shall be conducted in accordance with generally accepted parliamentary procedure, as governed by "Robert's Rules of Orders".

3.10 Notice of Decision. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request.

4. MINUTES

4.1 Commission minutes shall be prepared under the supervision of the Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with and kept by the City Clerk.

5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

5.1 All meetings of the Commission shall be opened to the public and held in a place available to the general public.

5.2 All deliberations and decisions of the Commission shall be made at a meeting open to the public.

5.3 A person shall be permitted to address a hearing of the Commission under the rules established in Subsection 3.5, and to address the Commission concerning non-hearing matters under the rules established in Section 3.8 to the extent that they are applicable.

5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.

5.5 All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes are governed by the Freedom of Information Act.

6. ANNUAL REPORT, WORK PROGRAM and CAPITAL IMPROVEMENTS PROGRAM

6.1 *Annual Report.* The Commission shall, before the 31st of January of each year, submit to the City Council, a written report of its activities covering the previous year, indicating the status of planning activities including recommendations regarding actions by the City Council related to planning and zoning.

6.2 *Annual Work Program.* The Planning Commission will prepare and update monthly a Program of Work detailing the tasks to be undertaken by the Commission as time and resources permit.

6.3 *Annual Capital Improvements Program.* The Planning Commission, assisted by City Staff, shall prepare an annual Capital Improvements Program (CIP) as part of the City budget process. The CIP shall show those public structures and improvements in their general order of priority that in the judgment of the Commission will be needed or desirable and can be undertaken within the ensuing six-year period. The CIP shall be forwarded as a recommendation to the City Council.

7. AMENDMENTS

These rules may be amended by the Commission by a concurring vote pursuant to Subsection 3.7, during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered.

8. CONFLICT OF INTEREST

A Planning Commissioner shall vote on all matters unless there is a legitimate conflict of interest. Commissioners shall be guided by the following in determining if a legitimate conflict of interest exists:

- A. Planning Commission members may declare a conflict of interest and *should* abstain from participating in a hearing or deliberations of a request when:
 - 1. A relative or other family member has a business or financial interest in any request for which the planning commission is asked to make a decision;
 - 2. The planning commission member has business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association, or is an employer, employee, or business partner of the applicant or;
 - 3. There is a reasonable appearance of a conflict of interest, as determined by the planning commission member declaring such conflict.
 - 4. The planning commission member "represents" the applicant or other party favoring or opposing the request.
- B. The planning commission member declaring a conflict of interest should state the nature of the conflict and whether they believe they can impartially consider the request before the commission. They should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict.

The member declaring a conflict however may ask the other planning commission members to decide if they should abstain, although this is not required. If this is requested, the remaining planning commission members shall vote on the abstention, and the results of the vote shall determine the participation of the member declaring a conflict.
- C. The member declaring a conflict should excuse him or herself from the commission table during deliberations and voting. He or she may, but need not, leave the room in which the meeting is taking place.

THESE BY-LAWS AND RULES OF PROCEDURES ARE ADOPTED THIS SIXTH DAY OF JANUARY 2020.

CITY OF HASTINGS PLANNING COMMISSION

Site Plan Tracker

| Project Name and Address | App and fees paid | Site plan and prints to staff | PC Agenda Date | PC Decision | Conditions for completion | COI |
|--------------------------|----------------------|----------------------------------|-------------------|-------------|---------------------------|-----|
|--------------------------|----------------------|----------------------------------|-------------------|-------------|---------------------------|-----|

SLU Tracker

| App and fees paid | Data to staff | 15 day notice publication | 300' letter mailed | Agenda date | Decision Approved (A) or Denied (D) |
|----------------------------|------------------|---------------------------------|--------------------------|----------------|--|
|----------------------------|------------------|---------------------------------|--------------------------|----------------|--|

Project Name and Address

Rezoning Tracker

| Zoning district from/to | App and fees paid | 15 day notice publication | 300' Letter | Data to staff | Agenda Date | Approve / Deny | CC 1st | CC 2nd |
|-------------------------------|----------------------|---------------------------------|----------------|---------------------|----------------|-------------------|-----------|-----------|
|-------------------------------|----------------------|---------------------------------|----------------|---------------------|----------------|-------------------|-----------|-----------|