

Village of Bellaire

PLANNING COMMISSION

Commissioners: Dan Bennett, Butch Dewey, Bill Drollinger, Fred Harris, and Don Seman

PLANNING COMMISSION MEETING MINUTES

May 2, 2017

5:00 p.m.

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:00 p.m.
2. **Roll Call Attendance:**
 - Present:** Chairman Drollinger, Dan Bennett, Butch Dewey, Fred Harris and Don Seman
 - Absent:** None.
 - Staff Present:** Lori Luckett, Zoning Administrator
 - Also Present:** Colette Stanish, Sandy Arsnoe, Mike Arsnoe, Pam Vitaz, Scott Newman-Bale, Chris Clore, Dave Fischbach and Diane Fischbach
3. **Public Comments:** None presented
4. **Approval of Minutes:** The minutes of the February 7, 2017 meeting were approved as written.
Motion by Commissioner Harris, seconded by Commissioner Harris, to approve the minutes of the February 7, 2017 meeting as written. Motion carried by unanimous voice vote.
5. **New Business:**
 - a) **2018-2022 Recreation Plan:** Zoning Administrator Luckett provided copies of the draft 2018-2022 Recreation Plan with work done to date. She explained that surveys were going to be mailed out with the property tax bills and hoped to have community input. She indicated that the current focus of the plan was improving accessibility to existing parks and recreational opportunities. Zoning Administrator Luckett explained the timeline for completion of the plan. The Parks Committee and Planning Commission will be providing input to the plan before it is posted for public review, hearing and approval by the village council.
 - b) **Short Term/Vacation Rentals:** Zoning Administrator Luckett explained that the item was on the agenda because there has been a surge of short-term rentals. Currently they are not allowed in the zoning ordinance. She explained that she had raised the issue at the last village council meeting requesting their input and direction. The item was on the agenda in an effort to be proactive. She noted that copies of the agenda had been sent to owners of recognized properties listed on the AirBnB site. The intent was to involve the property owners in the process, not to convey a “got you” message, a list for enforcement, or to develop an ordinance without their input. Zoning Administrator Luckett explained that the planning commission packet included ordinances from the Village of Elk Rapids and Milton Township and copies of proposed legislation being considered by the Committee on Tourism and Outdoor Recreation. If approved it would amend the Michigan Zoning Enabling Act. There would still be items that could be regulated by the local government. Planning commission members asked what the difference was between short-term versus long-term rentals. Zoning Administrator Luckett explained the under the current zoning ordinance short-term rentals are not allowed. She explained that the proposed legislation refers to residential districts. The planning commission might wish to consider allowing them in other districts where residences are allowed. Chairman Drollinger asked who in the audience was here representing short-term/long-term rentals. Pam Vitaz addressed the planning commission. She explained that she had been in the industry since 2006 prior to AirBnB. She began with short-term luxury rentals. She has also attended

the AirBnB conference in Paris. She has properties in other states and vacation rental programs. Ms. Vitaz explained that she is an investor in the community and loves Bellaire. She appreciated received notice of the meeting to provide input. She explained that she lives out of the area but has a home in the village that she had used and rented. Family, friends, and an artist in residence program have used her home. Short-term rentals allow people to visit the area and bring investment money to the community. Ms. Vitaz explained that when people are going up north from Detroit, Cincinnati, Indianapolis they do not care where they go, they just want to go “up north”. The vacation rental provides the opportunity to showcase an area. She thought there could be reasonable regulation to ensure that properties are safe. She also thought it reasonable to pay a hospitality tax. Chairman Drollinger explained that the village does not have such a tax. He asked if there had been any downfalls to short-term rentals. Ms. Vitaz explained that she has only had positive experiences. She has gotten to know her neighbors. She has been able to provide jobs to the local community and a home for family and friends who visit. It is a job to own a short-term rental. The properties have to be well maintained. Renting allows families to keep their homes in the family. She thinks there should be safety regulations i.e. windows have to open, fire extinguishers, smoke detectors. Commissioner Harris stated that the items were not a zoning but a building thing. She relayed an experience in an international AirBnB. She recommended that the planning commission view the AirBnB website. Commissioner Dewey stated that we are a tourism town. We may wish to do something but we should wait to see what the state does. Chairman Drollinger agreed. Sandy Arsnoe addressed the planning commission. She explained that she and her husband had just started the weekly rentals after years of renting long-term. She was tired of the renters not taking care of the property, not paying rent and damaging the property. She said there are benefits to short-term. She is on site three times a week. So far, the experience has been positive; guests want to return. Property owners with their homes rented wondered what would be happening. Zoning Administrator Luckett indicated that village council was aware that short-term rentals are not addressed in the current zoning ordinance. Because the use was being addressed, enforcement action was not going to be taken at this time. Eventually it will need to be addressed to distinguish between boarding houses, bed and breakfast establishments. Scott Newman Bale explained that he had been on the VRBO site with his properties. The VRBO and AirBnB sites have ratings and requirements for monitoring properties. Both property owners and guests are rated. Concerns were expressed about allowing confirmed rentals through the summer. Chairman Drollinger reiterated that the meeting was not about enforcement action; the village was trying to be proactive in responding. Diane Fischbach stated that the zoning administrator had to be aware that over the last ten years properties were being rented. Zoning Administrator Luckett acknowledged an awareness of long-term rentals due to other office duties. The short-term rentals are not as obvious. Mrs. Fischbach expressed her opinion that there was a lack of consistency in zoning enforcement. Commissioner Harris suggested that they could start fresh with this issue and provide the basis for language with this issue. She described the manual containing house rules that her renters have to read. According to Mrs. Fischbach, a neighbor’s barking dog causes more trouble than the renters do. It was suggested that long-term renters could cause more problems than short-term. Chris Clore asked whether the apartments downtown would be included as short-term rentals. He thought being open to short-term rentals in all districts where there are residences would be good. Zoning Administrator Luckett thought it best to include a provision in the zoning ordinance with definitions. Chairman Drollinger suggested that the planning commission wait to see what is being done at the state level. Questions continued about rental of single-family homes by extended families or more than one family. Scott Newman-Bale agreed that it should eventually be addressed in the zoning ordinance. Planning commission members were encouraged by members of the audience to check out the AirBnB website for more information. Audience members were asked to provide their names and contact information to receive future notices. It was suggested that the police department be notified that certain properties are being rented.

c) **Microbrewery and Distillery – Other Districts:** Zoning Administrator Luckett explained that she had received requests for microbreweries and distilleries in other than the manufacturing district. She explained that a request for dimensional variance had been submitted by Short’s Brewing Company. They would eventually like to do something with their micro brewing; currently they are brewing incidentally to their restaurant operations. They own property behind their building it is in the village commons district. The question is whether the planning commission wants to consider allowing this use in the commercial, village commons and central business districts. Scott Newman Bale explained that the variance request is unrelated to the use of the building; they would eventually like to move the brewing operations from the basement of the restaurant. The restaurant is the last building to be “propped back up”. It would be efficient to move the brewing into the new building. The use is not allowed in the village commons district. Two companies, Short’s Brewing and Mammoth Distillery have asked about the use in the village. Chairman Drollinger suggested that it be reviewed. Zoning Administrator Luckett asked whether the two members who had worked on the new ordinance would be available to review a draft ordinance. The draft had been developed for use in another community but it could be a starting point. Commissioner Harris asked about the projected length of the process. Zoning Administrator Luckett explained that if the planning commission wishes to address an amendment at the meeting on August, it would be necessary to have a special meeting before. Scott Newman Bale indicated that they could proceed with their building plan regardless as the first step in the process for the property is a variance request.

6. **Unfinished Business:** None presented.

7 **Correspondence/Reports:**

a) **Zoning Administrator’s Report:** Zoning Administrator Luckett provided a written report of the permits issued since the date of the last meeting. There was no correspondence.

8. **Adjournment:** Meeting adjourned at 6:01 p.m.

Minutes compiled by:
Lori Luckett, Zoning Administrator & Recording Secretary

Approved: _____
William Drollinger, Chairman

Date: _____