

**OFFICIAL PROCEEDINGS  
OF THE  
PLANNING COMMISSION-CITIZEN ADVISORY COMMITTEE  
CITY OF LOWELL, MICHIGAN  
FOR THE REGULAR MEETING OF  
MONDAY, MAY 14, 2018 AT 7:00 P.M.**

**1. CALL TO ORDER: PLEDGE OF ALLEGIANCE, ROLL CALL.**

The Meeting was called to order at 7:00 p.m. by Commissioner Chair Bruce Barker.

Present: Commissioners David Cadwallader, Marty Chambers, Tony Ellis, Amanda Schrauben, Colin Plank, Kristen Breimayer and Chair Bruce Barker.

Absent: None.

Also Present: City Clerk Susan Ullery and Andy Moore with Williams & Works.

**2. APPROVAL OF AGENDA.**

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to approve the agenda as corrected moving New Business- Public Hearing – John Baar – Short Term Rental- Special Land Use – 2179 Gee Drive before Old Business.

YES: 7. NO: 0. ABSENT: 0. MOTION CARRIED.

**3. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.**

IT WAS MOVED BY CHAMBERS and seconded by CADWALLADER to approve the minutes of the April 9, 2018 regular meeting as written.

YES: 7. NO: 0. ABSENT: 0. MOTION CARRIED.

**4. PUBLIC COMMENTS AND COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA.**

There were none.

**5. NEW BUSINESS.**

- a. Public Hearing – John Baar – Short Term Rental – Special Land Use – 2179 Gee Drive

Andy Moore with Williams and Works explained that short term rentals are an item that is pretty popular in planning and zoning right now in Michigan specifically and the City of Lowell really had not addressed short term rentals in any capacity in any direction. The City Council and Planning Commission decided that short-term rentals were something that could be permitted and should be regulated as a special land use in the zoning ordinance. Moore continued stating that the Planning Commission drafted and approved, then the City Council also approved an amendment to the zoning ordinance that would allow for short-term rentals as a special land use with a list of regulations that apply specifically to any short term rentals proposed thereafter. After the amendment was approved, published and became official, Baar submitted his application for short-

term rental back in March of 2018, however because he was not present at the May Planning Commission meeting, it was postponed until the applicant could be present to explain his intent and address some of the concerns. That in turn would help the Commissioners be able to make a more informed decision. Chair Barker suggested the general standards of a Special Land Use be reviewed.

Special Land Use Review Standards requires the Planning Commission must find that the use satisfies the general standards of Section 17.03 applying to all special land uses.

1. The proposed special land use shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

Remarks: Planning Commissioners asked Baar about trash, lawn and house maintenance and Baar stated he has a local agent that comes down every week when he is gone and takes care of bringing the trash to the road and maintains the house and that there is a hired lawn service. All the Commission agreed these standards are met.

2. The proposed special land use shall be generally consistent with the City of Lowell Master plan.

Remarks: All the Commission agreed these standards are met.

3. The proposed special land use shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structure, refuse disposal, water and sewage facilities.

Remarks: All the Commission agreed these standards are met.

4. The proposed special land use shall not create excessive additional requirements at public cost for public facilities and services.

Remarks: All the Commission agreed these standards are met.

5. The proposed special land use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

Remarks: All the Commission agreed these standards are met.

6. The proposed special land use shall comply with all applicable federal, state, and local requirements, and copies of all applicable permits shall be submitted to the City.

Remarks: All the Commission agreed these standards are met.

City Clerk Sue Ullery read emails from the following:

Terry & Gerre Abel, who reside at 2450 Gee Drive, are not in favor of the special land use for 2179 Gee Drive.

Tony Beers who resides at 1751 Gee Drive, is not in favor of the special land use for 2179 Gee Drive.

Dawn Puehler who resides at 1775 Gee Drive, is not in favor of the special land use for 2179 Gee Drive.

Tim Bruce who resides at 2255 Gee Drive, is not in favor of the special land use for 2179 Gee Drive.

Rick and Mari Onan who reside at 2836 Gee Drive, are not in favor of the special land use for 2179 Gee Drive.

Mary Ollis who resides at 2177 Gee Drive, is not in favor of the special land use for 2179 Gee Drive.

Carolyn and Randolph Hall who reside at 2156 Gee Drive, are not in favor of the special land use for 2179 Gee Drive.

Herb Vanderbilt who resides at 2204 Gee Drive, spoke not in favor of the special land use for 2179 Gee Drive.

Mike Pirok who resides at 2146 Gee Drive, spoke not in favor of the special land use for 2179 Gee Drive.

Kent McCay who resides at 1775 Gee Drive, spoke not in favor of the special land use for 2179 Gee Drive.

Dawn Puehler who resides at 1775 Gee Drive, spoke not in favor of the special land use for 2179 Gee Drive.

Robert Ollis who resides at 2177 Gee Drive, spoke not in favor of the special land use for 2179 Gee Drive.

Mary Ollis who resides at 2177 Gee Drive, spoke not in favor of the special land use for 2179 Gee Drive.

Carol Stull who resides at 2429 Gee Drive, spoke not in favor of the special land use for 2179 Gee Drive.

Andy Moore with William & Works reviewed the following Short Term Rental Performance Standards. Section 17.04, EE of the Zoning Ordinance that contains the requirements for short-term rentals in Lowell. Most of these standards are included as conditions of approval. However, the following comments were noted:

- Section 17.04, EE, 4 requires that the short-term rental be located on a parcel that meets all required dimensional standards of the SR District. The subjects property satisfies this

standard.

- Section 17.04, EE, 5 restricts occupancy to two persons per bedroom. The applicant's Airbnb listing indicates that the property contains five bedrooms, so the home may be occupied by not more than ten guests. The Planning Commission will not permit more than ten guests because the home is not located on more than two acres.
- Section 17.04, EE, 6 requires one parking space per bedroom. Parking spaces are not clearly delineated on the site plan, though it appears that the site can accommodate at least five vehicles.

By general consensus, all the Commission agreed that all these requirements had been met.

At the May 14, 2018 public hearing, the Planning Commission carefully listened to the comments from the applicant and the public. Subject to those comments, recommended approval of the request, subject to the following conditions:

1. No demolition or earthwork shall be undertaken on the site until a building permit has been issued consistent with this site plan approval.
2. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
3. The applicant shall maintain all required state, federal, and local permits and approvals.
4. The applicant shall comply with the stipulations of the City Fire Department and any other applicable emergency personnel regarding emergency access to the structure.
5. The site shall not accommodate more than 10 guests at a time. No more than 5 cars on site, parking spaces shall be provided, and such spaces shall be located in a manner acceptable to the police and fire departments.
6. The applicant shall notify, in writing, the Lowell Area Fire Department and Lowell Police Department of the dates and number of guests for each unique stay.
7. The applicant shall provide the City with a 24-hour telephone number with which the host or host's agent can be reached in case of emergency and/or enforcement matters.
8. The applicant shall provide an in-unit notice in a conspicuous place that indicated the property address, a 24-hour telephone number with which the host or host's agent can be reached, all applicable rules and ordinances related to the short-term rental, and the maximum occupancy of the dwelling unit as permitted by this subsection.
9. The short-term rental shall be conducted in a manner that is consistent with the customary use of a single-family dwelling. The unit shall provide safe, reasonable, and adequate sleeping arrangements in traditional bedrooms with proper egress or as consistent with law. The use of campers, tents, or similar arrangements to provide additional occupancy on the premises is prohibited.

10. Occupants shall not encroach on neighboring properties.
11. The applicant shall provide sufficient waste receptacles substantially screened from view; and the premises shall be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.
12. The appearance of the short-term rental shall not conflict with the residential character of the neighborhood. The dwelling shall be properly maintained per all applicable local and state codes, and kept in good repair so that the use in no way detracts from the general appearance of the neighborhood.
13. The applicant or his agent shall be available to accept telephone calls at all times that the short-term rental is rented. The host or host's agent must have a key to the unit and be capable of being physically present at the unit within 60 minutes to address issues unless arrangement are made for a substitute person to address issues within the same timeframe.
14. Update property website to reflect the Lowell City Ordinance.
15. The Special Land Use will be reviewed annually. The applicant will return to the May 2019 Planning Commission meeting.

IT WAS MOVED BY BARKER and seconded by CHAMBERS to approve the Short-Term Rental Special Land Use at 2179 Gee Drive subject to all the above conditions.

ROLL CALL: COMMISSIONER BREIMAYER, COMMISSIONER CADWALLADER, COMMISSIONER CHAMBERS, COMMISSIONER ELLIS AND COMMISSIONER PLANK, COMMISSIONER SCHRAUBEN, AND CHAIR BARKER.

YES: 7                      NO: 0                      ABSENT: NONE                      MOTION CARRIED

6. **OLD BUSINESS.**

- a. Code of Ordinance, Chapter 19 – Revisions were discussed, no further changes at this time.
- b. Code of Ordinance, Chapter 20 – Revisions were discussed, no further changes at this time. A Public hearing will be set for June (second meeting in June) for Revisions to Chapter 19 and Chapter 20 and then will be sent to City Council for motion to approve.

7. **STAFF REPORT.**

All the Commissioners welcomed Kristen Breimayer.

Commissioner Breimayer asked about road repairs. Commissioner Chambers explained that once the results of the underground infrastructure study come back (November of this year), then the roads will get classified and then they can start the process of road repairs.

Commissioner Cadwallader addressed yard waste and what residents are to do with it. Chambers recommended he attend the next City Council meeting Monday, May 21<sup>st</sup> 2018 at 7:00 p.m.

8. **COMMISSIONERS REMARKS.**

Chair Barker thanked all the Commissioners for their service and thanked those who attended. He also welcomed Kristen Breimayer.

9. **ADJOURNMENT.**

IT WAS MOVED BY CADWALLADER and seconded by CHAMBERS to adjourn at 9:02.

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Chair Bruce Barker

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City Clerk Susan Ullery