



Planning Commission
97 North Broad Street
Hillsdale, Michigan 49242-1695
(517) 437-6440 Fax: (517) 437-6450

Planning Commission Agenda **December 17, 2019**

- I. Call to Order 5:30**
 - A. Pledge of Allegiance
 - B. Roll Call

- II. New Member Welcome**
 - A. Elias McConnell
 - B. Jacob Parker

- III. Public Comment**

Any Commission related item – 3 min. limit

- IV. Consent Items/Communications**
 - A. Approval of agenda – **Action**
 - B. Approval of Planning Commission 11.19.2019 minutes – **Action**

- V. Zoning Ordinance Public Hearing**

Short term rental ordinance – Secs. 36-6, 36-436 and 36-437 – **Action**

- VI. Old Business**

None

- VII. New Business**
 - A. Officer Elections – **Action**
 - B. 2020 Meeting Schedule – **Action**

- VIII. Master Plan Review**

Joint Meeting – January 25, 2019

- IX. Zoning Ordinance Review**

- X. Zoning Administrator Report**

- XI. Commissioner’s Comments**

- XII. Adjournment**

Next meeting January 21, 2020 at 5:30 pm

PLANNING COMMISSION MINUTES

HILLSDALE CITY HALL,

97 N. Broad Street

November 19, 2019 at 5:30 PM

I. Call to Order

- A. Chairwoman Amber Yoder called the meeting to order at 5:29 pm
- B. Members present: Vice Chairman Samuel Nutter, Secretary Kerry Laycock, Mayor Pro-tem William Morrissey, Commissioners, Ron Scholl and Penny Swan
- C. Commissioner Eric Moore was absent.
- D. Others present: Alan Beeker for the City, Jack McLain, Ben Herrick with Faulk and Foster on behalf of Tillman Infrastructure, James M Barnwell and Fernando Abudeye with Desine Inc on behalf of Old West Properties, LLC.

II. Public Comment

Jack McLain spoke again on the petition for a new communication tower. He stated that the tower has components attached that extend above the tower and that the total height would exceed the 170 ft. fall zone. He asked how the ATT tower located near Fayette was put up without questions being raised and questioned if it was legal. He also noted that the definition of a Bed and Breakfast was not included in section 36-6 as referenced in the proposed short-term rental ordinance.

III. Consent Items/Communications

Commissioner Laycock moved to approve the consent items. Commissioner Scholl seconded. All were in favor.

IV. Member recognition

The Planning Commission recognized Chairwoman Yoder and Secretary Laycock for their service as members of the Commission. Both members have completed their statutory terms as Commissioners. Both Chairwoman Yoder and Secretary Laycock thanked the commission for the recognition and praised the commission for its accomplishments over the years.

V. Site plan review

- A. 181 Uran – New communications tower.

Mr. Beeker reviewed the letter submitted by the city attorney, John P. Lovinger. Mr. Beeker noted that the language in section 36-464(2) of the city ordinance is somewhat unclear and likely dates to before 1979. Mr. Lovinger's letter reviews the ordinance and appropriate case law where there is disagreement on the interpretation of ordinance language. Mr. Lovinger concluded the proposed tower meets the requirements of the ordinance.

The Planning Commission then reviewed the updated drawings for the project as submitted by petitioner. Commissioner Swan noted that there is antenna that extend beyond the 170-foot height of the monopole tower. Mr. Herrick indicated that these are not included in the crumple zone calculation of the tower. Mr. Beeker indicated that the ATT tower near Fayette was approved based on the calculated crumple zone. Commissioner Scholl questioned if an additional engineering study was required as was suggested in the SBA Communications objections to the project. Mr. Beeker indicated that this is not required.

Commissioner Laycock moved to approve the petition. Commissioner Nutter seconded. All were in favor.

B. 3011 W. Carleton – New Taco Bell Restaurant

Mr. Abudeye of Desine Inc. presented an overview of the project. Commissioner Scholl asked if there were environmental issues associated with the site. Mr. Barnwell of Desine Inc. responded that minimal issues were identified and had been resolved. A scan of the site found no abandoned underground infrastructure. Commissioner Scholl asked about traffic flow in the area. Mr. Beeker indicated that traffic issues on Carleton Road are under the jurisdiction of MDOT. MDOT considers the traffic on Carleton to be minimal. He also stated that MDOT had approved the access to the site after it was reduced to one entry/exit point.

Commissioner Nutter moved to approve the petition. Commissioner Swan seconded. All were in favor.

VI. Old business

There was no old business.

VII. New Business

There was no new business.

VIII. Master Plan review

Mr. Beeker indicated that there is a proposal for a joint meeting of City Council, the Planning Commission, the Economic Development Corporation and the Tax Increment Finance Authority. A facilitated goal setting meeting is proposed for January 25, 2020.

IX. Zoning Ordinance Review

A. Short term rental ordinance

Mr. Beeker acknowledged that the definitions have yet to be included in section 36-6 of the ordinance. He also noted that short-term rentals currently operate in a grey zone without a specific ordinance. Regulation has defaulted to the State, but State law is under development and a point of controversy. The proposed ordinance had been created earlier but was not moved forward pending clarification of State law. Given that the State has not moved to regulate short-term rentals, it was seen as appropriate to move forward with a city ordinance. The Commission held a discussion of the proposed ordinance. Commissioner Nutter asked about enforcement. Mr. Beeker responded that this would be handled as any other code enforcement issue. Commissioner Scholl asked about special use requirements. Mr. Beeker responded that the property owners must register the short-term rental as a special use. There was additional discussion of the requirements for the number of bathrooms and limitations on structural modifications.

Commissioner Morrisey moved to set a public hearing at the next Planning Commission meeting. Commissioner Nutter seconded. All were in favor.

X. Zoning Administrator's Report

Mr. Beeker thanked Commissioners Yoder and Laycock for their service on the Planning Commission.

XI. Commissioner Comments

Commissioner Morrisey discussed aerial mapping in Monmouth County New Jersey and indicated that he would share additional information by email.

XII. Adjournment

Commissioner Laycock motioned to adjourn. Commissioner Nutter seconded. All in favor. The meeting adjourned at 6:34 pm.

Next meeting: December 17, 2019 at 5:30 pm.

DRAFT

Planning Commission Report: 2018-2019

City of Hillsdale, Michigan



Overview

- Site plan reviews
- Form based code
- Zoning Districts
- Parking Ordinance
- Temporary Rental Ordinance
- Joint Recreation Plan

Site Plans Reviewed

- 260 Industrial Drive, Precision Gage LLC
- 4H Fairgrounds Shooting Range
- 190 Uran Street, Dow Automotive
- Gier Elementary Parking Lot Expansion
- Geizer Hardware
- Hillsdale Commons ****
- College Parking Lot
- Hillsdale Historical Society (new barn)
- 3461 Beck Road, New Storage Building
- 3383 West Carleton Road- Cottage Inn Pizza
- Hillsdale County Fairgrounds, New Horse Barn
- 37 North Street New Parking Lot, MT Engineering
- 54 North West Street, New Wells Apartment Building

Lot Divisions:

- West Street Living LLC Lot Division Application
- 3980 West Carleton Road
- 48 McClellan & 67 College

Zoning Ordinance Reviews:

- Chapter 26 Sign Ordinance
 - Division 2 R-1 One-Family Residential Districts (Bed and Breakfast supplemental ordinance)
 - Division 6 B-1 Local Business District
 - Division 8 B-3 General Business District
 - Division 9 (I) Industrial District
 - Sec. 36-6 Short term rental definition
 - Sec. 36-411 Schedule of Regulations
 - Sec. 36-413 Average sized lots
 - Sec. 36-436 Prohibition of Marijuana Establishments Ordinance
 - Sec. 36-149 Landscape Ordinance
 - Secs. 36-431 & 36-432 Accessory Structure Ordinance
 - Sec. 36-436 Bed and Breakfast
 - Sec. 36-414 Permitted and Special Conditional uses
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Other Activities:

- Baw Beese Trails Master Plan
 - Joint Recreation Plan (Hillsdale Township)
 - Downtown Overnight Parking
 - Commission By-Laws Update
 - Updated Zoning Map
 - Form-Based Code
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Goals for 2020

- Master Plan Revision
 - Existing Tree Ordinance
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Progress is everywhere



TO: Planning Commission

FROM: Zoning Administrator

DATE: December 10, 2019

RE: Short Term Rental Ordinance Public Hearing

Background: At the November regular meeting, the Commission voted to hold a public hearing to review the proposed ordinance for short term rentals. The Public Hearing was noticed on the City website and in the Hillsdale Daily News in accordance with the requirements set forth in the Michigan Zoning Enabling Act. The Ordinances up for review are Section 36-6, to review new definitions for Bed and Breakfasts and Short Term Rental along with Section 36-436 Bed and Breakfast Operations and Section 36-437 Short Term Rentals.



PUBLIC HEARING

PLEASE TAKE NOTICE that the Hillsdale City Planning Commission has set a Public Hearing for December 17, 2019 at 5:30 p.m. in the Council Chambers, City Hall, 97 N. Broad St., Hillsdale, Michigan to consider the proposed ordinance amendments. You may view the proposed amendments in their entirety at www.cityofhillsdale.org. Printed documents are available upon request at the Hillsdale City Hall Clerk's Office.

Proposed Ordinance Amendments

Sec. 36-6 Definitions

Chapter 36, Article IV Supplemental Regulation

Sec. 36-436 Bed and Breakfast Operation

Sec. 36-437 Short Term Rentals

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Proposed Ordinance Amendments

Sec. 36-6 Definitions

Chapter 36, Article IV Supplemental Regulation

Sec. 36-436 Bed and Breakfast Operation

Sec. 36-437 Short Term Rentals

Chapter 36, Article IV- Supplemental Regulation

Sec. 36-436 Bed and Breakfast Operations as defined in Sec. 36-6 are permitted subject to the following:

1. The bed and breakfast operation shall be conducted entirely within the dwelling unit on the premises, which dwelling unit shall comply with the International Property Maintenance Code (IPMC) bedroom and living room requirements as adopted by the City, and which dwelling unit shall be located on a private lot. The dwelling unit shall not be physically altered for the primary purpose of increasing the space available for the bed and breakfast operation.
2. A bathroom shall be provided on each floor where bed and breakfast sleeping rooms are provided and there shall be at least one bathroom for every four bed and breakfast sleeping rooms.
3. There shall be provided a minimum of one parking space for the dwelling unit plus one additional parking space for each bed and breakfast room within the dwelling unit.
4. There may be one unanimated, non-illuminated sign attached to the dwelling unit according to allowances within Chapter 26 of the sign ordinance.
5. During such times as the bed and breakfast operation is being conducted, the premises shall not be used for any other permitted use or use subject to special conditions, other than as a single-family dwelling unit. The facilities provided on the premises shall be exclusively for the use of bed and breakfast guests and residents of the dwelling unit.
6. If the Owner is not on-site at the time of rental, the Owner must provide a contact person. This contact person must be available to accept telephone calls at all times that the dwelling is rented. The contact person must have a key to the dwelling and be capable of being physically present at the dwelling within two hours to address issues within the same time frame.

Sec. 36-437 Short Term Rentals as defined in Sec. 36-6 are permitted subject to the following:

1. Occupants shall not encroach on neighboring properties.
2. Campfires shall be maintained in designated fire pits and comply with Hillsdale Municipal Code, Sec. 16-46.
3. Owners shall provide sufficient waste receptacles which shall be screened from view. Premises shall be free of visible debris. Garbage shall be disposed of on not less than a weekly basis.
4. Room Area: shall comply with International Property Maintenance Code (IPMC) bedroom and living room requirements as adopted by the City.
5. Occupants shall not create a nuisance. For purposes of this subsection, a nuisance includes but is not limited to the following:
 - a. An activity that violates the city noise regulations found in the Hillsdale Municipal Code, Chapter 14, Article III; and
 - b. Any activity that violates the city firework regulations found in the Hillsdale Municipal Code, Sec. 22-234.

6. If the owner of the Premises does not reside in the dwelling unit, the owner must provide him or herself, or provide a contact person. This contact person must be available to accept telephone calls at all times that the dwelling is rented. The contact person must have a key to the dwelling and be capable of being physically present at the dwelling within two hours to address issues within the same time frame.

Secs. 36-438—36-460. - Reserved.

Additional Definitions for 36-6

Short-Term Rental means the rental or subletting of any dwelling for a term of 27 days or less, but does not include the use of campgrounds, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental- health facility, or other health-care related clinic.

Bed and Breakfast means a family home structure or small hotel, with no more than 15 sleeping rooms, offering accommodation for the night and breakfast the next morning for one inclusive fee.

Planning Commission Meeting Dates
City Hall, 2nd Floor
Conference Room 5:30 p.m.

January 21, 2020	July 21, 2020
February 18, 2020	August 18, 2020
March 17, 2020	September 15, 2020
April 21, 2020	October 20, 2020
May 19, 2020	November 17, 2020
June 16, 2020	December 15, 2020