

**Planning and Zoning Commission Work Session Minutes
February 24, 2022
Conference Room 1A & 1B - 1st Floor City Hall**

Call to Order

Commissioners Present – Kimbell, Carroll, Stanton, Geuea-Jones, Loe, Rushing, Placier, and Burns
Commissioners Absent – MacMann
Staff Present – Thompson, Zenner, Kelley, Palmer, C. Smith

Introductions

Approval of Agenda

Meeting Agenda adopted unanimously.

Approval of Minutes

February 10, 2022 work session minutes adopted as presented.

Old Business

A. Short-term Rental Regulations – Permitted Use Table Modifications & Proposed Definitions

Mr. Zenner reintroduced the topic by recapping the discussion of the previous meeting as it pertained short-term rentals (STRs) as an accessory use. Commissioners chose to discuss three tiers of STRs for this work session which includes the accessory use, the principal commercial use, and an in-between classification. Fleshing out the definitions of these classifications would allow the Commission to begin honing in on the Permitted Use Table. It was noted that ‘permanent resident’ and ‘primary residence’ would need to be defined if included in any other language or use-specific standards.

Conversation began with the in-between use, or ‘middle-tier’, of STRs. Commissioners inquired as to whether this might include a professor who is gone on sabbatical for 6 months and chooses to lease out their residence for several months, which is common in the community. Staff replied that that scenario would not be considered a STR but rather a long term lease. Commissioners felt that with discussing the scenarios the process is getting too complicated. Staff noted tracking time periods of absence is reminiscent of the original ordinance and agreed the process was becoming complicated.

Commissioners brought up executive rentals which are a private arrangement not advertised through a third party such as AirBnB. These private agreements are discussed in the by-laws of some Home Owner Association’s (HOA) covenants and are often brought forward to HOAs for approval.

Commissioners reiterated to the group that focus should be on regulation that can be reasonably and practically enforced. In discussing potential tiers, it was proposed that thresholds could be set for number of days rented per year as it may be required that operators of STRs report on their operations annually to the City.

Commissioner Geuea-Jones moved to discuss three STR tiers which was seconded by Commissioner Kimball and passed unanimously. Tier 3 was roughly outlined as a principal, commercial use driven by investors. The Permitted Use Table was displayed up for reference and comparisons were made to the ‘Bed and Breakfast’ use and its treatment by the UDC. The use was noted for its definition and use-

specific standard that requires that the establishment be owner-occupied and managed. This use is conditional in the R-2, R-MF, and M-OF districts but permitted by-right in M-N, M-C and M-DT. Some commissioners felt that tier 3 STRs should be allowed in the mixed-use districts but not residential districts. For discussion purposes, Commissioners Carroll made a motion to make Tier 3 STRs conditional in M-OF and permitted in M-N, M-C, and M-DT. Motion was seconded by Commissioner Rushing and passed unanimously.

Moving back to the in-between use, tier 2 was outlined as a STR operated out of a primary residence not affiliated with investors. The Commission generally felt that this tier would need the most consideration by the group and discussed in which zones it should be a conditional use. There was disagreement over what would define a primary residence. Staff relayed information for definitions of owner-occupied STRs in Ann Arbor, MI as had been discussed on prior occasions. Relating to bad actors and regulation that is enforceable, some commissioners noted that the STR operations would become complaint driven. Commissioners inquired as to whether there is a gap between tier 2 and 3 in terms of definitions or use classifications.

With time left for one more motion, Commissioner Geuea-Jones moved to require all tiers of STRs to submit quarterly audits giving some City department the ability to review the audits for compliance. Motion was seconded by Kimball and passed unanimously. Mr. Zenner thanked the Commission for their time highlighting that progress has been made on the ordinance during recent work sessions. He indicated that the next work session would take a break from STRs and return to familiar topics of UDC text changes or public outreach regarding updating the Comprehensive Plan

ADJOURNMENT

Meeting adjourned approximately 6:59 pm

ACTION(S) TAKEN:

Motion made by Commissioner Geuea-Jones, seconded by Commissioner Kimball, to approve the agenda as presented. Motion passed unanimously. Made motion by Commissioner Burns, seconded by Commissioner Kimball, to approve the February 10, 2022 work session minutes as presented. Motion passed unanimously.