

**Planning Commission**  
***Regular Meeting***

November 15, 2023  
6:30PM

Big Rapids City Hall  
226 N Michigan Ave

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
  - a. October 19, 2023
5. Public Comment Unrelated to Items on the Agenda
6. Public Hearing
  - a. Short Term Rentals
7. General Business
  - a. Update on previously approved projects
    - i. Krist Oil
  - b. City Commission actions related to PC Recommendations
    - i. Wireless Communications Facilities
  - c. Master Plan Update
8. Unscheduled Business
9. Adjourn

**CITY OF BIG RAPIDS  
PLANNING COMMISSION MINUTES  
October 18, 2023  
*Unapproved***

Chair Montgomery called the October 18, 2023 Meeting of the Planning Commission, to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**PRESENT** Tim Vogel, Kate McLeod, Sarah Montgomery and Jacob Buse

**EXCUSED** Rory Ruddick

**ABSENT** None

**ALSO PRESENT** Michelle Stenger, Community Development Director  
Brad Fowler & Johnathan, City Attorney

There was 1 member of the public in attendance.

**APPROVAL OF MINUTES**

**Motion was made by Tim Vogel seconded by Jacob Buse, to approve the minutes of the September 20, 2023 meeting of the planning commission with one correction to change Time to Tim under Present.**

**Motion was passed with all in favor.**

**PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA**

None heard.

**PUBLIC HEARINGS**

**Ordinance for Small Cell Wireless Facilities**

The Public Hearing was opened at 6:31 p.m.

City Attorney Brad Fowler gave an overview of how the ordinance came to be, what small cells are and areas where the ordinance was changed. Fowler also explained that changes were being recommended for wireless facilities as the current ordinance

does not align with recent legislation. Fowler informed the board that the City Commission would also be reviewing a city code ordinance to coincide with the zoning ordinance for the permitting process. The City Attorney then took questions from the Board.

Commissioner Buse asked about the colocation requirement.

Fowler clarified that the with colocations it would likely be an administrative review.

Commissioner Buse asked if the state and federal exemption meant they were limited in review.

Fowler confirmed.

Commissioner Vogel asked if public right of way was exempt.

Fowler stated that it was.

Vogel asked if they could place as many as they wanted.

City Attorney Fowler stated that was not necessarily the case, but that they have to be allowed.

Vogel asked about language that required them to take the structures down if they were no longer in use.

Fowler stated that requirement is addressed in the police power ordinance the City Commission will be reviewing.

Vogel asked what the difference in the two acts that were referenced in the ordinance.

Fowler explained that one was legislation for permitting and one was for zoning.

Vogel asked why the master plan was included.

Fowler explained that if there was some future development planned that may not coincide with applicants plans it would be important to be able to note that.

McLeod asked if there is any ability to require the disguise of the poles.

Fowler explained that Macro poles could be required, and it fell under the police power.

The public hearing was closed at, and the commission stated they were satisfied to decide on the request as presented.

Those Who Spoke in Favor of the Request: None

Those Who Spoke in Opposition of the Request: None

Telephonic or Written Correspondence Received by Staff: None

The public hearing was closed at, and the commission stated they were satisfied to decide on the request as presented.

**Motion was made by Buse, seconded by Vogel that the proposal for a new ordinance amending the City of Big Rapids Zoning Ordinance to regulate zoning review and approval of small wireless facilities and wireless support structures and matters related thereto be approved.**

**The motion passed with all in favor.**

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## **GENERAL BUSINESS**

- a. Update on previously approved projects

*(See item b.)*

- b. City Commission actions related to PC Recommendations

Community Development Director Stenger stated she would reach out the Krist Oil to see what their timeframe was for building and also check to see if they will need an extension on their site plan approval.

Stenger also gave an update regarding the city's new master plan.

- c. Short Term Rentals

Stenger presented to the Board the working Draft Ordinance that had been prepared after previous discussion. The board reviewed the ordinance and discussed options and changes they would like to see. The changes amounted to combining the options for occupancy maximums to be a limit of two people per bedroom with a maximum of

ten people in a house. The Board also discussed owner occupancy in the R-1 District. After much discussion about how to handle short term rentals in the R-1 District and wanting to protect our single-family homes the Board came to the conclusion to limit short term rentals in the R-1 District to owner occupied houses and only allow for one occupant. The Board agreed that the definition of owner occupied meant the owner did not need to be present during the rental of the property but that the house must qualify as a primary residence exemption within the assessing database.

Attorney Fowler stated that one thing he had experienced as a homeowner is being notified of a short-term rental in his neighborhood by the community with contact information for any issues that may arise.

The Board requested that language be added to the ordinance requiring notification to all property owners within 300 feet of the property upon the renewal or issuance of any short-term rental certificate.

Resident Paul Reed from 612 Lilac spoke about a new short-term rental in his neighborhood and the importance of protecting the R-1 (single-family) neighborhoods. He had concerns over allowing them due to noise, traffic, maintenance, lawncare, and possible parties. Paul gave examples of issues he has heard of and seen on TV regarding Airbnb's. He also stated that he is concerned that there will be a decrease in available housing in allowing them, putting more pressure on the already tight market. He does not believe the city should allow them in the R-1 district. He appreciated the City addressing the issues.

Commission asked if the ordinance and discussed restrictions alleviated Mr. Reed's concerns. Mr. Reed stated that they did.

d. Housing Education

Stenger provided the Board with information regarding the housing market, the need for different types of housing in Big Rapids and across the nation and how zoning can play a role in housing. Stenger stated with the Master Plan going she just wanted to provide the board with some education as it will be helpful in discussions in the future.

### **UNSCHEDULED BUSINESS**

**There being no further business, Chair Montgomery adjourned the meeting at 8:20 p.m. with all in favor.**

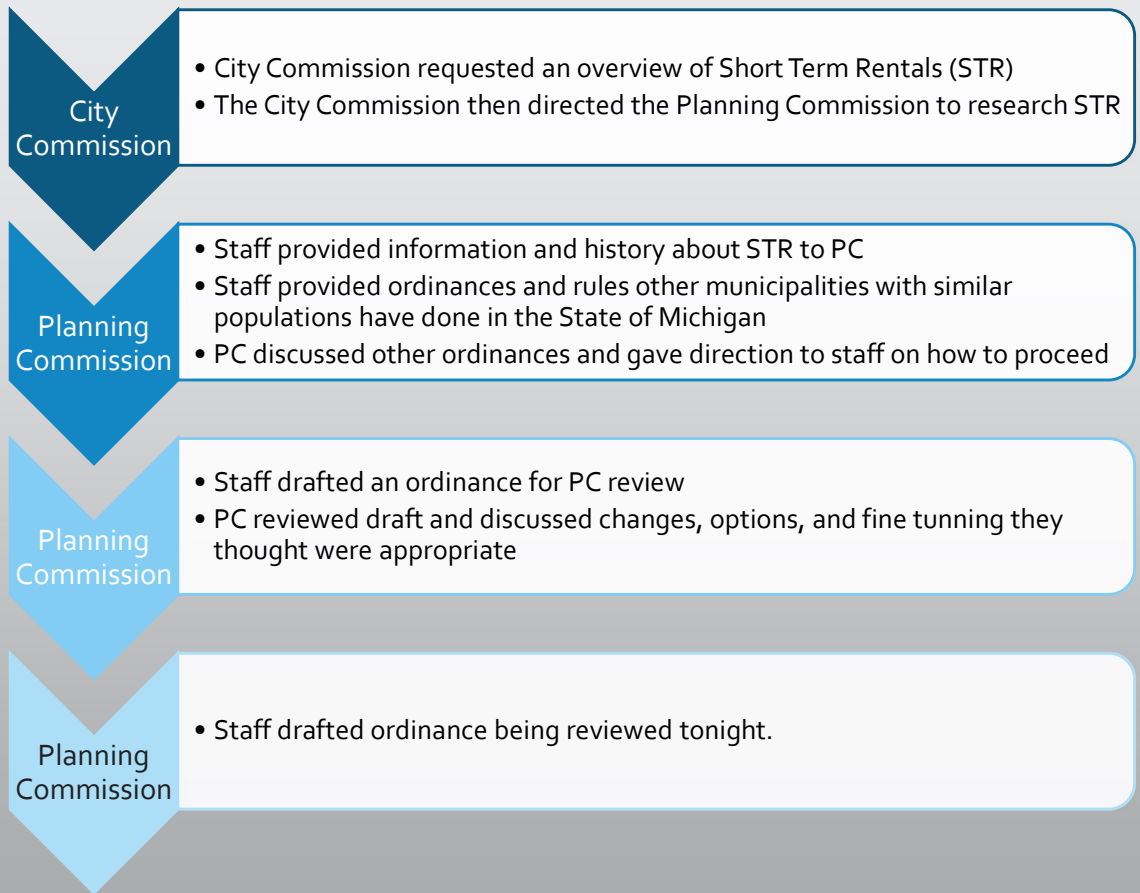
Respectfully submitted,

Joey Walker  
Planning & Zoning Technician and Planning Commission Secretary

# Short Term Rentals

Ordinance Changes

# How we got here





# Next Steps

## Planning Commission

- Planning Commission will review ordinance and if appropriate recommend approval to City Commission
- It is also an option to table for further discussion or changes at next meeting



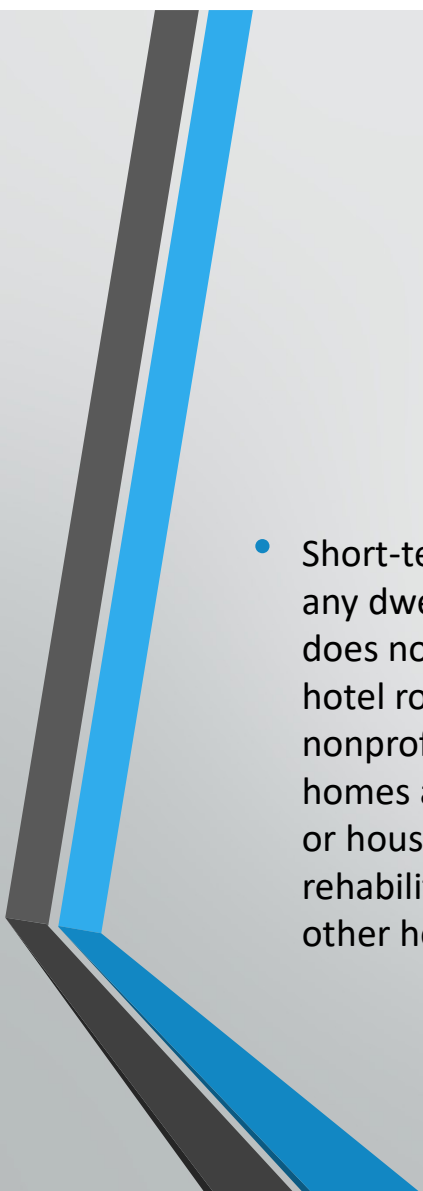
## City Commission

- City Commission reviews ordinance recommended by Planning Commission
- Options are approval, approval with changes, send back to Planning Commission for further discussion, denial, or no motion



## Ordinance Adoption

- If the ordinance is approved by the City Commission the ordinance will become effective 7 days after publication.



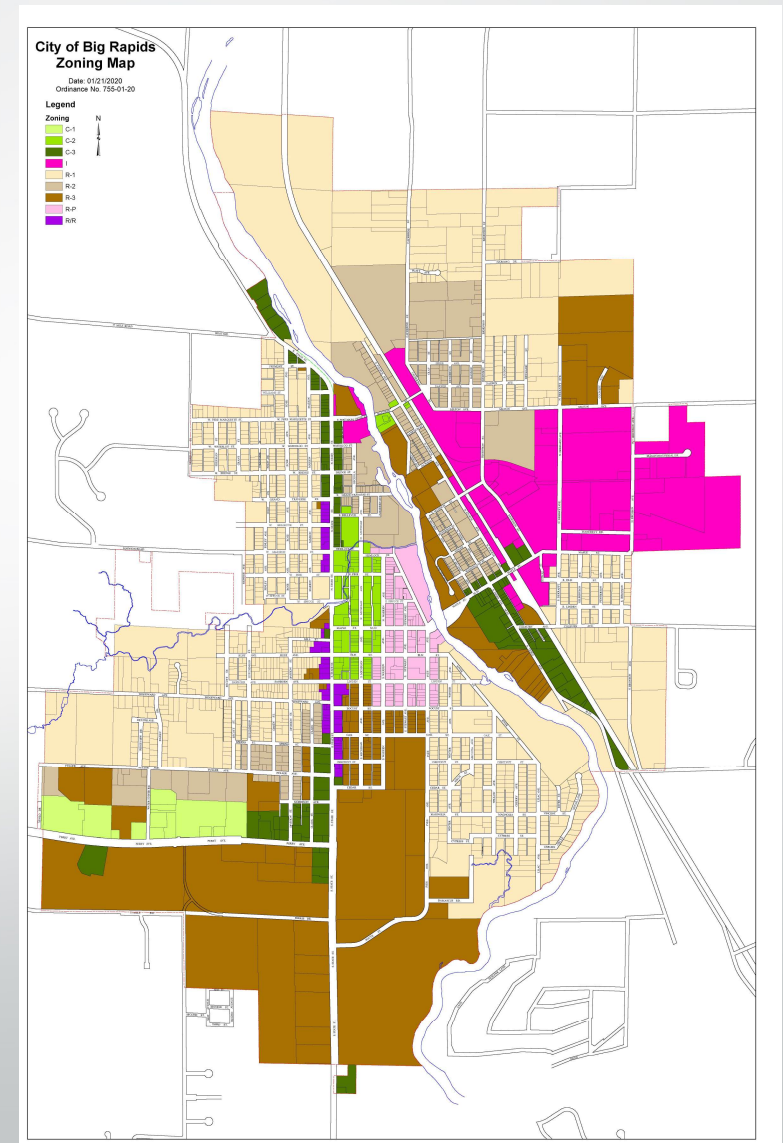
# Ordinance Changes Definitions

- Short-term rental – the rental or subletting of any dwelling for a term of 28 days or less, but does not include the use of campgrounds, hotel rooms, transitional housing operated by a nonprofit 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 healthcare related clinic.
- Owner-Occupied Rental - a dwelling unit qualifies for a personal residence exemption, and the owner is allowing one or more persons to rent a portion or whole dwelling unit for a period of time.

# Zoning Changes

Where are they allowed?

- R-P – Residential Professional
- R-1 – Residential District
- R-2 – Residential District
- R-3 – Residential District
- RR – Restricted Residential District
- C-2 – Commercial District (Downtown Area)



# What are the Rules?

## All Districts

- Occupancy Standards of the District must be met
- Limited to 2 people per bedroom with a maximum of 10 people per house
- Maximum length of stay is 28 days
- Once approved notice sent to everyone with 300 feet of property
- Chapter 151: Housing Regulations must be followed

## R-1 & R-P Districts

- House must be owner occupied – qualify for PRE tax break
- Shall only allow for one supplemental occupant

Why are there  
no rules on  
parking,  
inspections, or  
upkeep.

- By including that the rentals must adhere to Chapter 151: Housing Regulations it ensures that the rentals will be held to the same standard as other rentals.
- Parking is handled elsewhere in the zoning ordinance, which requires one parking space per bedroom for all residential properties.

## **ORDINANCE NO.**

Commissioner \_\_\_\_\_ moved, supported by Commissioner \_\_\_\_\_, the adoption of the following Ordinance.

### **ORDINANCE AMENDING THE CITY OF BIG RAPIDS ZONING ORDINANCE TO REGULATE ZONING REVIEW AND APPROVAL OF SHORT-TERM RENTALS AND MATTERS RELATED THERETO**

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Article 2 Section 2.2:93 of the Zoning Ordinance of the City of Big Rapids is hereby amended by the addition of:

Short-term rental – the rental or subletting of any dwelling for a term of 28 days or less, but does not include the use of campgrounds, hotel rooms, transitional housing operated by a nonprofit 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 healthcare related clinic.

Section 2. Article 2 Section 2.2:94 of the Zoning Ordinance of the City of Big Rapids is hereby amended by the addition of:

Owner-Occupied Rental - a dwelling unit qualifies for a personal residence exemption, and the owner is allowing one or more persons to rent a portion or whole dwelling unit for a period of time.

Section 3. Article 3 of the Zoning Ordinance of the City of Big Rapids is hereby amended by the addition of the following defined use in Section 3.3:2, 3.4:2(10), 3.5:2(11), 3.6:2(15), 3.8:2(8), 3.10:2:

Short term rental, as regulated under Section 11.1:32

Section 5. Article 11 Section 11.1:32 of the Zoning Ordinance of the City of Big Rapids is hereby amended by the addition of the following:

Short term rentals are permitted by right in all residential districts and the C-2 zoning district, provided the following standards are met:

- (1) All occupancy standards within the zoning district shall be met.
- (2) Occupancy shall be limited to 2 people per legal bedroom with a maximum of 10 people per house.
- (3) Maximum length of stay is 28 days.

(4) In the R-1 and R-P District the house must be an owner occupied rental and shall only allow for one supplemental occupant.

(5) Upon application and approval, notice of the short-term rental with City contact information will be sent by the City to all property owners within 300 feet.

(6) All short-term rentals must adhere to Chapter 151: Housing Regulations of the City Code of Ordinances.

Section 7. This ordinance shall be effective upon publication.

Section 8. The City Clerk is directed to publish this ordinance in The Pioneer.

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

The Mayor declared the ordinance \_\_\_\_\_.

Dated: \_\_\_\_\_

Published: \_\_\_\_\_



November 8, 2023

Michelle Stenger, Director of Community Development  
City of Big Rapids  
226 North Michigan Avenue  
Big Rapids, MI 49307

**Site Plan Approval Extension at 827 N. State St on Behalf of Krist Oil Company and KSK**

Dear Mrs. Stenger:

Construction of the Krist Oil Food Mart was delayed due to market conditions and material shortages. KSK intends to begin construction during the fall of 2024. There are no proposed changes to the site plan. We hereby request that the City approves a formal extension of the site plan approval for 827 N. State Street for 365 calendar days (April 2025).

If you have any questions, comments, or require additional information, please do not hesitate to contact Craig at 906.284.3903 or [crichardson@wickwiresolutions.com](mailto:crichardson@wickwiresolutions.com).

Sincerely,

WICKWIRE, P.C.

A handwritten signature in blue ink, appearing to read "Craig Richardson".

Craig Richardson, P.E.  
President

A handwritten signature in blue ink, appearing to read "Logan Schmutzler".

Logan Schmutzler,  
Project Engineer

Cc: WW File 23029-1015

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