



## AGENDA - Planning Commission

DATE: December 2, 2024 7:00 PM City Council Chambers

- I. Call to Order
- II. Roll Call
- III. Approval of Meeting Minutes
  - I. Approval of October 21, 2024 Minutes
  - II. Approval of November 20, 2024 Joint Meeting Minutes
- IV. Unfinished Business
  - I. Short-Term Rental Zoning Ordinance Provisions
  - II. Public Hearing: Zoning Ordinance
- V. New Business
  - I. Adopt 2025 Meeting Schedule
- VI. Public Comment
- VII. Adjournment

**Public Comment:** Public Comments are limited to three minutes.

**Live Stream:** The meeting will be livestreamed to the Official City of Grosse Pointe Park YouTube Channel.

Planning Commission MEETING - October 21, 2024  
7:00 PM

CALL TO ORDER

Vice-Chair Vethacke called the meeting to order at 7:00 PM.

ROLL CALL

MEMBERS PRESENT: Saros, Taylor, Stachecki, Kozak, and Vethacke

MEMBERS EXCUSED: Hodges and Coletta

ALSO PRESENT: Warren Rothe, Assistant City Manager & Commission Secretary; Laura Haw, McKenna

APPROVAL OF MEETING MINUTES

APPROVAL OF MEETING MINUTES:  
APPROVAL OF JULY 22, 2024 MINUTES

Motion by Saros, seconded by Stachecki to approve the July 22, 2024, meeting minutes.

The motion carried on a unanimous voice vote.

PUBLIC COMMENT (AGENDA ITEMS)

Two public comments were given.

UNFINISHED BUSINESS

UNFINISHED BUSINESS:  
ZONING ORDINANCE

Laura Haw from McKenna presented a revised draft of the zoning ordinance and map. The Commission reviewed and asked questions about the draft.

Motion by Vethacke, seconded by Taylor to schedule the Public Hearing on the proposed zoning ordinance for the December 2, 2024, Planning Commission meeting.

The motion carried on a unanimous voice vote.

UNFINISHED BUSINESS:  
SHORT-TERM RENTALS INVENTORY

Assistant City Manager Rothe presented a listing of short-term rentals that were identified to be operating in Grosse Pointe Park. The Commission reviewed the listings and discussed the ongoing work on creating short-term rental regulations. A joint meeting with the City Council will be held on November 20 to review updated draft regulations.

NEW BUSINESS

PUBLIC COMMENT (NON-AGENDA ITEMS)

Three public comments were given.

ADJOURNMENT

Motion by Vethacke, seconded by Stachecki to adjourn the meeting.

The motion carried on a unanimous voice vote.

The meeting adjourned at 8:00 PM.

DRAFT PENDING APPROVAL

Planning Commission & City Council MEETING -  
November 20, 2024, 7:00 PM

CALL TO ORDER

Chair Coletta called the meeting to order at 7:00 PM.

ROLL CALL

PLANNING COMMISSION MEMBERS PRESENT: Kozak, Saros, Stachecki, Vethacke, Hodges, and Chair Coletta

CITY COUNCIL MEMBERS PRESENT: Caulfield, Hodges, Wiener, Kolar, Gallagher, and Dreaver

ALSO PRESENT: Nick Sizeland, City Manager; Warren Rothe, Secretary and Assistant City Manager; Morgan Martin, City Attorney

APPROVAL OF MEETING MINUTES

Motion by Caulfield, seconded by Dreaver to approve the minutes from the August 26, 2024, Joint Council/Commission Meeting as amended.

The motion carried on a unanimous voice vote.

NEW BUSINESS

SHORT-TERM RENTAL ORDINANCE DRAFTS

Assistant City Manager Rothe, City Manager Sizeland, and City Attorney Martin delivered a presentation on the draft short-term rental ordinances and answered questions from the Council/Commissioners.

PUBLIC COMMENT

Six public comments were given.

The Council/Commissioners gave closing statements.

ADJOURNMENT

Motion by Vethacke, seconded by Dreaver to adjourn the meeting.

The motion carried on a unanimous voice vote.

The meeting adjourned at 9:11 PM.



## PLANNING COMMISSION MEETING

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DATE: December 2, 2024

**SUBJECT:** Short-Term Rental Zoning Ordinance Provisions

**SUMMARY:** At the Joint Planning/City Council Meeting on November 20th City Administration and the City Attorney both presented a draft zoning ordinance for consideration and to solicit feedback from both bodies.

This meeting was extremely productive and generated a lot of discussion about how the Zoning Ordinance Amendment should address the issue of the legal non-conformities for short-term rentals. As we discussed during that meeting, the issue of legal non-conformities, also known as grandfathering, is a complex legal issue. In order to address the question of legal non-conformities, the City proposed creating a definition for short-term rentals in the amended Zoning Ordinance which will hopefully streamline questions regarding which uses were considered lawful at the time of the amendment to the Zoning Ordinance.

The City is presenting two options for consideration. **Exhibit A** presents an option several members of the Commission and Council expressed concern about the definition of “established” found in the draft Zoning Ordinance Amendment. Specifically, members were concerned that the definition of “established” did not explicitly state that the property had to have been operated as a short-term rental at the time of the Amendment to the Ordinance.

**Exhibit B** presents an option a member of the public presented a question about the City’s definition of grandfathering as including only short-term rentals that possess a landlord business license. He expressed concern that he specifically had been operating a Short term rental for over a year in the City without a landlord business license at the direction of a City employee. He was concerned that he would no longer be able to operate moving forward though he has operated for an extended period without generating any complaints from neighbors. Several members of Council and the Planning Commission expressed concern that this would result in harm to members of the community that the City is seeking to protect. As a result, the general consensus of Council and the Planning Commission seemed to be that there should be some amendment to the terms of the Zoning Ordinance that would ensure that law abiding property owners are entitled to maintain short-term rentals following the amendment to the Zoning Ordinance.

**FINANCIAL IMPACT:**

**RECOMMENDATION:** Planning to consider approval of the Short Term Rental Zoning Ordinance utilizing Exhibit A or B

**PREPARED BY:** Warren Rothe, Assistant City Manager



Daniel J. Kelly  
Brittney K. Ellis  
Nancy L. Olind  
Jake Mertes  
Morgan McAtamney Martin  
Nicholas Castro  
Wallace G. Long  
Ralph (Skip) Maccarone, III, of Counsel  
2825 University Drive  
Auburn Hills, Michigan 48326  
Office: (248) 655-7025  
morgan@kellyfirm.com

November 26, 2024

Planning Commission  
City of Grosse Pointe Park  
15115 E. Jefferson Ave.  
Grosse Pointe Park, MI 48230

**Re: Short Term Rental Zoning Ordinance Options**

Dear Planning Commission Members:

First, I want to thank the Planning Commission for working so hard on ensuring that Council and the public understand both the Amendments to the Zoning Ordinance as a whole and the policy decisions behind Short-Term Rental Ordinances. In the view of myself and the administration, the joint Planning Commission and Council meeting on November 20<sup>th</sup> was extremely productive and generated a lot of discussion about how the Zoning Ordinance Amendment should address the issue of the legal nonconformities for short-term rentals. As we discussed ad nauseum during that meeting, the issue of legal nonconformities, also known as grandfathering, is a complex legal issue. In order to address the question of legal non-conformities, the City proposed creating a definition for short-term rentals in the amended Zoning Ordinance which will hopefully streamline questions regarding which uses were considered lawful at the time of the amendment to the Zoning Ordinance.

At the November 20<sup>th</sup> meeting, several members of the Commission and Council expressed concern about the definition of “established” found in the draft Zoning Ordinance Amendment. Specifically, members were concerned that the definition of “established” did not explicitly state that the property had to have been operated as a short-term rental at the time of the Amendment to the Ordinance. Our office has made this Amendment and is presenting the same for the Planning Commission’s review and recommendation. **(EXHIBIT A)**

In addition, at the November 20 joint meeting, a member of the public presented a question about the City’s definition of grandfathering as including only short-term rentals that possess a landlord business license. He expressed concern that he specifically had been operating a short-term rental for over a year in the City without a landlord business license. He was concerned that he would no longer be able to operate moving forward though he has operated for an extended period without generating any complaints from neighbors. Several members of Council and the Planning Commission expressed concern that this would result in harm to members of the

community that the City is seeking to protect. As a result, the general consensus of Council and the Planning Commission seemed to be that there should be some amendment to the terms of the Zoning Ordinance that would ensure that law abiding property owners are entitled to maintain short-term rentals following the amendment to the Zoning Ordinance. In that regard, our office is presenting an alternative Zoning Ordinance Amendment for consideration. **(EXHIBIT B)** This amendment would require operators of short-term rentals in residential districts to register with the City within 120 days to create a rebuttable presumption that the use was legal at the time of the Zoning Ordinance amendment. This would ensure that the City has record of these uses and is able to ensure compliance with the Licensing Ordinance, which would accomplish the City's primary goal of ensuring the safety of residents and visitors.

Please do not hesitate to reach out should you have any questions or concerns.

Very truly yours,

**THE KELLY FIRM, PLC**

*Morgan Martin*  
Morgan McAtamney Martin

# EXHIBIT A



### Section 3.13 Short-Term Rentals

- A) An Investor-Owned Short-Term Rental established in a Residential Zoning District prior to (effective date of zoning ordinance) shall be considered a legal nonconforming use and may continue and be maintained subject to Section 8.06 of this Ordinance if the property owner obtains a license for the use with the City in accordance with Code Sec. \_\_ within 120 days of the adoption of this ordinance. For the purpose of this section, “established” shall mean the property was being operated as a short-term rental and possessed a valid Certificate of Occupancy and Landlord Business License at the time this ordinance was adopted.
- B) A Principal Residence Short-Term Rental established prior to (effective date of zoning ordinance) shall be considered a legal nonconforming use and may continue and be maintained subject to Section 8.06 of this Ordinance if the property owner obtains a license for the use with the City in accordance with Code Sec. \_\_ within 120 days of the adoption of this ordinance. For the purpose of this section, “established” shall mean the property was being operated as a short-term rental and possessed a valid Certificate of Occupancy and Landlord Business License at the time this ordinance was adopted.

# EXHIBIT B



### Section 3.13 Short-Term Rentals

- A) An Investor-Owned Short-Term Rental established in a Residential Zoning District prior to (effective date of zoning ordinance) shall be considered a legal nonconforming use and may continue and be maintained subject to Section 8.06 of this Ordinance if the property owner obtains a license for the use with the City in accordance with Code Sec. \_\_ within 120 days of the adoption of this ordinance. For the purpose of this section, an Investor-Owned Short-Term Rental shall be considered as having been “established” if the owner of the property applies for a Short-Term Rental License in accordance with Code Sec. \_\_\_\_\_ within 120 of adoption of this ordinance and provides documentation to the City showing that he or she was operating the premises as an Investor-Owner Short-Term Rental prior to the adoption of this ordinance. Failure to submit an application in accordance with Code Sec. \_\_\_\_\_ and failure to submit documentation showing prior operation of the premises as an Investor-Owned Short-Term Rental within 120 days of the adoption of this ordinance shall result in a presumption that the use was not lawful at the time of the adoption of the Ordinance. ~~shall mean the property possessed a valid Certificate of Occupancy and Landlord Business License at the time this ordinance was adopted.~~
- ~~B)~~ A Principal Residence Short-Term Rental established prior to (effective date of zoning ordinance) shall be considered a legal nonconforming use and may continue and be maintained subject to Section 8.06 of this Ordinance if the property owner obtains a license for the use with the City in accordance with Code Sec. \_\_ within 120 days of the adoption of this ordinance. For the purpose of this section, an Principal Residence Short-Term Rental shall be considered as having been “established” if the owner of the property applies for a Short-Term Rental License in accordance with Code Sec. \_\_\_\_\_ within 120 of adoption of this ordinance and provides documentation to the City showing that he or she was operating the premises as an Investor-Owner Short-Term Rental prior to the adoption of this ordinance. Failure to submit an application in accordance with Code Sec. \_\_\_\_\_ and failure to submit



documentation showing prior operation of the premises as an Investor-Owned Short-Term Rental within 120 days of the adoption of this ordinance shall result in a presumption that the use was not lawful at the time of the adoption of the Ordinance. shall mean the property possessed a valid Certificate of Occupancy and Landlord Business License at the time this ordinance was adopted.

C)B)



## PLANNING COMMISSION MEETING

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DATE: December 2, 2024

**SUBJECT:** Public Hearing: Zoning Ordinance

**SUMMARY:** At its October 21, 2024, meeting, the Planning Commission voted to schedule a public hearing on the proposed comprehensive zoning ordinance rewrite. This public hearing is required by the Michigan Zoning Enabling Act. Notice of the public hearing was published in the Grosse Pointe News as required by the MZEA. The public hearing represents the final step in the Planning Commission's work on the zoning ordinance rewrite, and at the conclusion of the hearing, the Commission is free to consider advancing the Zoning Ordinance to the City Council for consideration at its December 9th City Council Meeting.

Accompanying this memo is a copy of the public notice. The drafts of the zoning ordinance and zoning map are available [here](#).

**FINANCIAL IMPACT:**

**RECOMMENDATION:** Hold the public hearing and consider a motion to recommend the City Council adopt the proposed Zoning Ordinance.

**PREPARED BY:** Warren Rothe, Assistant City Manager

**NOTICE OF PUBLIC HEARING  
ON ZONING ORDINANCE AMENDMENT**

PLEASE TAKE NOTICE The Planning Commission of the City of Grosse Pointe Park will hold a Public Hearing on Monday, December 2, 2024, at 7:00 PM in the Council Chamber of City Hall, Fourth Floor, 15115 E. Jefferson Avenue, Grosse Pointe Park, Michigan 48230 on the following matter:

The City has proposed an amendment of the City's Zoning Ordinance. The City is proposing a revision to the entire Zoning Ordinance. A copy of the proposed revision to the Zoning Ordinance is available for review at the City Hall Office and online at the City's website.

Further information concerning this request may be obtained from the Public Service Department during regular business hours from 8:00 a.m. to 4:30 p.m., Monday through Friday, or by calling (313)-822-4365. Written comments concerning this request will be received by the Public Service Department prior to the public hearing or by the Planning Commission at the public hearing. Comments can be submitted via email at [planning@grossepointepark.org](mailto:planning@grossepointepark.org). The recommendation will be forwarded to the City Council after the Public Hearing.

**Bridgette Bowdler,**  
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City Clerk



## PLANNING COMMISSION MEETING

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DATE: December 2, 2024

**SUBJECT:** Adopt 2025 Meeting Schedule

**SUMMARY:** The Commission will consider the following dates for Planning Commission meetings in 2025:

- Monday January 27, 2025
- Monday March 3, 2025
- Monday May 19, 2025
- Monday September 15, 2025
- Monday November 17, 2025

**FINANCIAL IMPACT:**

**RECOMMENDATION:** Review the proposed meeting schedule.

**PREPARED BY:** Warren Rothe, Assistant City Manager