

**Au Train Township, Planning Commission
Special Meeting**

Thursday, April 18, 2024 – 6:00pm

Au Train Township Hall - N7569 Spruce St – Au Train, MI 49806

MINUTES

- **CALL TO ORDER** - The meeting was called to order by Chair Cain at 6:00pm, followed by the Pledge of Allegiance.
- **ROLL CALL** – Members present: Chair Jason Cain, Vice Chair Bill Weisinger, Secretary Donna Shields, Member Billy Gramm, Township Board Liaison Jake Miller

Others present: Zoning Administrator Kathleen Lindquist, Wyatt Seaberg, Sheri Knaack, Jeff Cromell, Kittie Mahoney, Dennis Mahoney, Sharon Tesch, Ashley Eaton, Stan Rathburn, Amy Hernandez, Luis Hernandez, Brian & Kristen VanWieren, Brian & Misty Suhs, Gary Vieth, and John Carr.

- **APPROVAL OF AGENDA** – Motion by Shields, second by Gramm to approve agenda as presented. Motion Carried
- **APPROVAL OF MINUTES** – Motion by Miller, second by Weisinger to approve minutes of the April 11, 2024 Planning Commission Regular Meeting. Motion Carried
- **PUBLIC COMMENT** – None
- **BOARD COMMENTS** – None
- **ZONING ADMINISTRATOR COMMENTS** – ZA Lindquist reports there are no new applications at this time.
- **PUBLIC HEARINGS**
 - a **Application to Rezone – David Charlton, N7771 Evergreen, Christmas, Parcel ID# 001-179-001-12 – Rezone from Residential one/two to Town Development**

Chair Cain opened the hearing at 6:07pm.

Secretary Shields declared herself a conflict of interest by way of residing within the boundaries of the hearing notification area.

Ashley Eaton spoke on behalf of David Charlton. Mr. Charlton would like to rezone this parcel for the purpose of combining it with the adjacent parcel to the north, which he also owns. She states that he would need this parcel for parking space should he choose to build either a hotel or condos. The existing home on this parcel which is currently used as a short-term-rental would be removed to make way for the development.

Chair Cain opened the public comment period at 6:22pm

Public comment in the form of an email was read first, as requested by its author, resident Gary

Vieth. Public comments from those in attendance were also heard from: John Carr, Jeff Cromell, Kitty Mahoney, Sharon Tesch, Luis Hernandez, Amy Hernandez, and Dennis Mahoney, all of which were opposed to the rezoning. Main concerns were traffic into the adjacent residential subdivision where they all lived, as well as the fact that the combining of the parcels would give lake access to any future development and the small 25-acre lake and its wildlife would be adversely affected. There were also concerns with the fact that this parcel was just rezoned along with others in the subdivision from Town Development to Residential one/two in 2022 to help preserve the neighborhood and if we rezone it back just because its adjacent, then aren't we setting a precedence and who's next?

Chair Cain closed the public comment period at 6:42pm

The Board discussed the fact that this had just been rezoned in 2022. Miller advised Ms. Eaton that as the zoning stood being R1/2, that parcel could potentially still be allowed to have a two family/multi-family dwelling as a conditional use. The board then reviewed and discussed the Standards of Review of Amendments from the Zoning Ordinance Section 1204. See **Attachment A**.

Motion by Gramm, second by Miller to deny the rezoning based on Section 1204 Standards of Review of Amendments, namely Item #3.

Gramm: yes, Miller: yes, Weisinger: yes, Cain: yes. Motion carried 4-0

Chair Cain closed the public hearing at 7:05pm and declared a 10-minute recess.

Chair Cain resumed the public hearings at 7:15pm

b Conditional Use for Mike & Susan Cole to operate a short-term rental at E7174 Doe Lake Rd, Munising, Parcel ID# 001-236-014-00

Sheri Knaack, manager for the Cole's presented to the Board. The Cole's are requesting a conditional use permit for the purpose of operating a short-term rental in their vacation home during the months of May through October.

Chair Cain opened the public comment at 7:21pm

Secretary Shields started the public comment period by reading aloud comments received through telephone conversations with the following neighbors: Del & Lynn Vasey, Virgil Robinson, and Nicole Jenks. None of who were totally opposed to the Cole's renting their home but Robinson felt there should be "rules" in place and Jenks provided a long list of conditions she wished to be applied to the issuance of the permit. Further comments were heard by those in attendance including Stan Rathbun who did not oppose. Also commenting from the audience were Brian and Misty Suhs who have a hobby farm. They are not opposed but had concerns about dog control, fireworks, and quiet times mainly for the welfare of their livestock.

Chair Cain closed the public comment at 7:29pm

The Board reviewed the General Standards from Section 802A of the Au Train Township Zoning

Ordinance. See **Statement of Facts and Findings, Attachment B.**

Motion by Gramm, second by Weisinger to approve the conditional use of short-term rental.
Gramm: yes, Weisinger: yes, Cain: yes, Miller: yes, Shields: yes. Motion carried 5-0

Chair Cain closed the public hearing at 7:38 and declared a 5-minute recess.

Chair Cain resumed the public hearing at 7:43pm

c Wyatt & Kirsten Seaberg – Conditional Use permit for a Contractor’s Yard & Shop – N7840 Ridge Rd, Munising, Parcel ID# 001-325-020-00

Board member Miller declared himself a conflict of interest for this hearing.

Wyatt Seaberg appeared before the Board requesting a conditional use permit for the operation of a contractor’s yard and shop. The Board asked many questions of Mr. Seaberg. He stated that he started using his parcel for this purpose about a year ago and now realizes he needs the conditional use permit to come into compliance. Mr. Seaberg also stated that he only planned to operate the contractor’s yard & shop Monday through Friday from 8am to 5pm but is on call 24/7 for emergency services. He does not plan to erect any sign, lighted or otherwise to advertise. The Board noted that in addition to Mr. Seaberg’s residence, this parcel is also permitted as a hobby farm and most recently was granted a use permit for a 6-cabin resort. The board also noted that the contractor yard’s location on the parcel was farthest away from neighboring residences and the future resort.

Chair Cain opened the public comment at 7:59pm

Secretary Shields read an e-mail sent in by Dan & Phyllis Lacombe who oppose the contractor’s yard and shop citing reasons of incompatibility with the surrounding area and that visually it ruins the beginning of Ridge Rd being an eye sore and decreases the value of their home. E-mail comments from Duane Newton were also received, mainly outlining procedure, and not directed at the request for the permit itself.

Public comment was also heard from Kristen Van Wieren. She stated that they did not oppose Mr. Seaberg’s business, however cited that Section 415 of the Zoning Ordinance calls for screening. She also stated that since the parcel lies in both Town Development and Rural Residential one/two, she would request that access to his contractor’s yard and shop be purely through the portion of his parcel that lies in Town Development as they do not want to him to be moving his heavy equipment down their private road that his parcel abuts to the south.

Chair Cain closed the public comment at 8:05 pm

The Board discussed the Ordinance Section 415 - Screening in detail with Mr. Seaberg. Mr. Seaberg noted that with the paving of the beginning of Ridge Rd. that is forthcoming this year, the road commission will be reworking the road sides and approaches.

Motion by Shields, second by Gramm to approve the contractor’s yard & shop provided a six-foot screen, solid in nature, extending 100 feet in length from the north side of the driveway, bearing

north, be installed by April 18, 2025 and maintained in perpetuity of the permit.

Shields: yes, Gramm: yes, Cain: yes, Weisinger: yes. Motion carried 4-0

Chair Cain declared the public hearings closed at 8:35pm

- **OLD BUSINESS**

- a **Bylaws** – The Au Train Township Planning Commission Bylaws document was brought to the table for final review of amendment to Section 2 - Meetings, Item E – Agenda as agreed to in the April 11, 2024 meeting.

Motion by Cain, second by Weisinger to approve the bylaws as amended.

Cain: yes, Weisinger: yes, Miller: yes, Shields: yes, Gramm: yes. Motion carried 5-0

- b **Zoning Ordinance Review and Updates** – Tabled until next meeting
- c **Master plan Review and Updates** – Chair Cain will check with Ryan at CUPPAD to see if he might be ready to attend soon with the proposed survey. Further review tabled until next meeting.

- **NEW BUSINESS** – None

- **CORRESPONDENCE / ANNOUNCEMENTS** – None

- **PUBLIC COMMENT** – None

- **BOARD COMMENT** – None

- **NEXT MEETING** – Monday, May 6, 2024 at 6pm the Planning Commission will hold a special meeting for further review of the Zoning Ordinance and Master Plan.

- **ADJOURNMENT** – Motion by Cain, second by Miller to adjourn the meeting at 8:44pm. Motion carried

Minutes including attachments A, B, and C respectfully submitted by: Donna Shields, Secretary, to the Au Train Township Planning Commission

Approved on: May 6, 2024

Signed: 
Donna Shields

ATTACHMENT A

SECTION 1204 – STANDARDS FOR REVIEW OF AMENDMENTS TEXT AND REZONING CHECKLIST -

A. In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board.

B. The general standards to be considered by the Planning Commission shall include, but are not be limited to, the following:

1. **Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.**

Discussion: This parcel was just rezoned in 2022 from Town Development to Residential one/two.

2. **Whether the requested zoning change is consistent with the Goals and Policies and other elements of the Au Train Township Master Plan.**

Discussion: The parcel was rezoned with others in that neighborhood to protect the residential nature of the subdivision.

3. **The precedents and the possible effects of such precedents which may result from approval or denial of the petition.**

Discussion: If we rezone this parcel just because it's adjacent to the Town Development district, then we are setting a precedent and others may want the same.

4. **The ability of the Township or other government agencies to provide any services, facilities or programs that might be required if the petition is approved.**

Discussion: No differences noted.

5. **Whether there are any significant and negative environmental impacts which would potentially occur if the petitioned zoning change and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources.**

Discussion: The health Department would dictate allowable uses.

6. **Effect of approval of the petition on adopted development policies of the Township and other governmental units.**

Discussion: See item #3.

ATTACHMENT B

STATEMENT OF FINDINGS AND CONCLUSIONS - CUP HEARING

Date of Hearing: April 18, 2024 Hearing opened: 7:21pm Hearing Closed: 7:38pm

Applicant: Mike & Susan Cole E7174 Doe Lake Rd, Munising

Parcel ID: 001-236-014-00 Request: Short-term Rental

Section 802 – Basis of Determination / General Standards

A. The Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards and shall approve a conditional use only upon a finding of compliance with each of the following standards as well as applicable standards established elsewhere in this Ordinance:

1. The conditional use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and surrounding area.

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes, Miller: yes
Discussion: Is existing 2 story home with 3 bedrooms

2. The conditional use shall not change the essential character of the surrounding area.

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes, Miller: yes
Discussion: Rural wooded lots

3. The conditional use shall not interfere with the general enjoyment of adjacent property.

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes, Miller: yes
Discussion: Rural wooded lots

4. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes, Miller: yes
Discussion:

5. The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials, or excessive production of traffic, noise, smoke, odor, fumes, or glare.

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes, Miller: yes
Discussion:

ATTACHMENT B

- 6. The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to adequately provide for the services and facilities deemed essential to the conditional use under consideration.**

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes, Miller: yes
Discussion: Adequately served by all services

- 7. The conditional use shall not place demands on public services and facilities in excess of current or immediately planned capacity.**

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes, Miller: yes
Discussion: No more than if owners lived there

- 8. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any adopted county or township development plan.**

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes, Miller: yes
Discussion:

Motion by Gramm, second by Weisinger to approve the conditional use of short-term rental.
Gramm: yes, Weisinger: yes, Cain: yes, Miller: yes, Shields: yes. Motion carried 5-0

Approved: _X_

Denied:

Approved with Conditions: (List):

Conditional Sign Requirements: None

ATTACHMENT B

Section 802F – Basis of Determination / Short Term Rentals

- A. The following standards shall be used by the Planning Commission when considering Short Term Rentals
1. The name, address, telephone number, and email address of at least one local contact person responsible for handling any problems that arise with the rental property shall be prominently displayed in the rental
 2. Adequate off-street parking shall exist for tenants' vehicles and trailers (e.g. boat, ATV, snowmobile, RV.)
 3. The Au Train Township Noise Ordinance shall be prominently displayed in the rental property.
 4. Occupancy of the rental shall be limited to not more than 2 persons per bedroom plus 2 persons per occupied finished floor. Example: 4 bedrooms and 2 floors = $8+4 = 12$ persons.

Based on our findings you are allowed a maximum of 10 (ten) total occupants (including children.)

Be it further known as stated in the Zoning Ordinance Section 421 Short-term Rentals:

5. Short-term rentals are subject to the following conditions and limitations:
 1. Pets shall be secured on the premises or on a leash at all times.
 2. All occupants must practice courtesy to neighbors in regard to noise and activities.

ATTACHMENT C

STATEMENT OF FINDINGS AND CONCLUSIONS - CUP HEARING

Date of Hearing: April 18, 2024 Hearing opened: 7:43pm Hearing Closed: 8:35pm
Applicant: Wyatt & Kirsten Seaberg N7840 Ridge Rd, Munising
Parcel ID: 001-325-020-00 Request: Contractor's Yard & Shop

Section 802 – Basis of Determination / General Standards

- B. The Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards and shall approve a conditional use only upon a finding of compliance with each of the following standards as well as applicable standards established elsewhere in this Ordinance:

9. The conditional use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and surrounding area.

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes

Discussion: Town Development is the only district in Au Train Township that this is permitted as a use, though Conditional.

10. The conditional use shall not change the essential character of the surrounding area.

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes

Discussion: The placement of the lot within the parcel is furthest from adjacent residences

11. The conditional use shall not interfere with the general enjoyment of adjacent property.

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes

Discussion: See #10

12. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes

Discussion:

13. The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials, or excessive production of traffic, noise, smoke, odor, fumes, or glare.

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes

Discussion: Will only operate between hours of 8-5 M-F with the exception of emergency call outs.

ATTACHMENT C

14. The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to adequately provide for the services and facilities deemed essential to the conditional use under consideration.

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes
Discussion: Served by all services adequately

15. The conditional use shall not place demands on public services and facilities in excess of current or immediately planned capacity.

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes
Discussion: Standard trash pickup services are adequate

16. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any adopted county or township development plan.

Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes
Discussion: See # 1

Motion by Shields, second by Gramm to approve the contractor's yard & shop provided a six-foot screen, solid in nature, extending 100 feet in length from the north side of the driveway, bearing north, be installed by April 18, 2025 and maintained in perpetuity of the permit.

Shields: yes, Gramm: yes, Cain: yes, Weisinger: yes. Motion carried 4-0

Approved: _x_

Denied: _

Approved with Conditions: _ (List):

Conditional Sign Requirements: Mr. Seaberg stated he does not intend to erect any signs to advertise.