

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

Monday, July 15, 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: Township Supervisor Michelle Doucette, Zoning Administrator Kathleen Lindquist, John Carr, Cory Cole, Peggy and Scott Smith

- **APPROVAL OF AGENDA** – Motion by Shields, second by Weisinger to approve agenda as presented. Motion Carried
- **APPROVAL OF MINUTES** – Motion by Cain, second by Gramm to approve minutes of the June 20, 2024 Planning Commission Special Meeting. Motion Carried
- **PUBLIC COMMENT** – None
- **BOARD COMMENTS** – None
- **ZONING ADMINISTRATOR REPORT** – Zoning Administrator Lindquist presented her June report to the commission. She is currently working on two violations. There are no new CUP applications pending.
- **SPECIAL PRESENTATION** – Ryan Carrig of CUPPAD presented a summarization of the Master Plan survey. We received a total of 145 responses, the results of which will be included in the Master Plan update. Next, we will work on establishing the Township’s goals. Carrig also presented on Alternative Energy Systems and how the recent legislation under PA 233 of 2023 affects our Township. Our existing Zoning Ordinance allows for “solar power” as a permitted use in all districts with no described limitations on size, or other regulation. Carrig told us, technically what we have would be considered a “Compatible Renewable Energy Ordinance” (CREO) for PA 233 applications, meaning large scale solar, wind, and battery would apply through our Zoning Administrator and be approved in any district without having to go through the Michigan Public Service Commission. The Planning Commission plans to review Alternate Energy Systems in relation to our township further.

The Special Presentation ended at 7:12pm. Chair Cain declared a short recess from 7:14 to 7:18pm

- **PUBLIC HEARINGS**
 - a **Conditional Use Permit – Parcel 001-332-014-00 – Pamela Kuivanen requesting Short-term Rental at E5487 Grove Street, Au Train**

Chair Cain opened the hearing at 7:18pm.

Liaison Miller declared a conflict of interest and will abstain from participating in this hearing.

Pamela Kuivanen presented to the commission. She currently holds a permit to operate a Bed & Breakfast at this location, in which she rented rooms in the finished basement of the home. She now wishes to do short-term rentals of the entire home.

Chair Cain opened the public comment period at 7:22pm

No comments were received by e-mail. No comments from the public were offered at the hearing.

Chair Cain closed the public comment period at 7:22pm

The Board reviewed the General Standards from Section 802A and the short-term rental regulations of the Au Train Township Zoning Ordinance. See *Statement of Facts and Findings Attachments A1 and A2*.

Motion to approve the short-term rental by Gramm, second by Weisinger.

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

Chair Cain closed the public hearing at 7:30pm

• **OLD BUSINESS –**

a Zoning Ordinance Review and Updates

i Process for Zoning Violations

1. New *ARTICLE XIII – ENFORCEMENT and VIOLATIONS* was established using an adaptation of a template from The Michigan Township Association (MTA). It was suggested by Supervisor Doucette that we also look at the Infractions Ordinance for Forsyth Township. Chair Cain will research.
2. Citation forms for civil infractions were researched by Shields who contacted the MTA's Cindy Dodge regarding the "Uniform Civil Infractions Citation" form UC 03 (rev 3/21, Michigan Supreme Court.) It was the opinion of Dodge that we should be using this form. The forms can only be printed by State designated printers. One such printer quoted a minimum order of 40 books (1,000 forms). It may be possible to get just one or two books through the MTA. Shields is waiting to hear back on this.

ii *Article X – Site Plans*

iii *Bars/Taverns*

iv Review definitions for *Setbacks* and *Yard* for consistency

v *Contractor's Yard* and *Contractor's Shop* definitions. Review and what districts?

Items ii through v were tabled for a future meeting.

- **NEW BUSINESS** – None
- **CORRESPONDENCE / ANNOUNCEMENTS** – Shields noted that we have received correspondence regarding old forms and outdated information related to zoning applications on the Township website. A review of all forms will be done and updated as necessary.
- **PUBLIC COMMENT** – Public comment was received from Cory Cole regarding undeveloped roads.
- **BOARD COMMENT** -- None
- **NEXT MEETING** – August 19, 2024 at 6:00pm the Commission will hold a special meeting to work on the Zoning Ordinance and Master Plan.
- **ADJOURN** – Motion by Cain second by Shields to adjourn at 8:14pm. Motion Carried

Minutes submitted by: Donna Shields, Secretary, to the Au Train Township Planning Commission

Approved: August 19, 2024

Signed: 
Donna Shields

STATEMENT OF FINDINGS AND CONCLUSIONS - CUP HEARING

Date of Hearing: July 15, 2024 Hearing opened: 7:18 pm Hearing Closed: 7:30 pm

Applicant: Pamela Kuivanen

Parcel ID: 000-332-014-00 Request: Short-term rental

Address: E5487 Grove Street, Au Train

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 Weisinger: Yes Shields: Yes Gramm: Yes

Discussion: Is currently operating as an approved Bed & Breakfast. Short-term rental considered similar in character.

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

Cain: Yes Weisinger: Yes Shields: Yes Gramm: Yes

Discussion: Is currently operating as an approved Bed & Breakfast. Short-term rental considered similar in character.

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

Cain: Yes Weisinger: Yes Shields: Yes Gramm: Yes

Discussion: Is currently operating as an approved Bed & Breakfast. Short-term rental considered similar in character.

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

Cain: Yes Weisinger: Yes Shields: Yes Gramm: Yes

Discussion: Is currently operating as an approved Bed & Breakfast. Short-term rental considered similar in character.

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 Weisinger: Yes Shields: Yes Gramm: Yes

Discussion: Is currently operating as an approved Bed & Breakfast. Short-term rental considered similar in character.

- 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 Weisinger: Yes Shields: Yes Gramm: Yes

Discussion: Is currently operating as an approved Bed & Breakfast. Short-term rental considered similar in character.

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

Cain: Yes Weisinger: Yes Shields: Yes Gramm: Yes

Discussion: Is currently operating as an approved Bed & Breakfast. Short-term rental considered similar in character.

- 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 Weisinger: Yes Shields: Yes Gramm: Yes

Discussion: Is currently operating as an approved Bed & Breakfast. Short-term rental considered similar in character.

Motion:

Motion to approve the short-term rental by Gramm, second by Weisinger.

Gramm: Yes, Weisinger: Yes, Cain: Yes, Shields: Yes Motion carried 4-0

Approved

Denied

Approved with Conditions - (List):

Conditional Sign Requirements:

Public Comments:

No Emails received. No public comments received from those in attendance at hearing.

CUP HEARING
SHORT TERM RENTALS

Date of Hearing: July 15, 2024

Applicant: Pamela Kuivanen

Parcel ID: 000-332-014-00

Address: E5487 Grove Street, Au Train

Section 802F – Basis of Determination / Short Term Rentals

- F. 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 12 total occupants (including children.)

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

- A. 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.