

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

Wednesday, March 13, 2024 – 6:00pm
Au Train Township Hall - N7569 Spruce St – Au Train, MI 49806

- **CALL TO ORDER** - The meeting was called to order by Chairperson 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. Absent: Township Board Liaison Jake Miller

Others present: Township Supervisor Michelle Doucette, Donald Paaanen, Barry Hoover, Jacob & Jennifer Beebe, Mark Hurliman, John Carr, Dan & Phyllis LaCombe, Peg & Scott Smith, Ashley Eaton, Brian & Kristen VanWieren, Chad St. Martin, Mike Henrickson, Bob Kordish, Pat Sanderson, Amy Allen, and Tim Palomaki

- **APPROVAL OF AGENDA** – Motion by Shields, second by Weisinger to approve agenda as presented. Motion Carried
- **APPROVAL OF MINUTES** – Motion by Weisinger, second by Shields to approve minutes of the February 22, 2024 Planning Commission Special Meeting. Motion Carried
- **PUBLIC COMMENT** – Tim Palomaki voiced concerns about the quantity of short-term rentals in the township. Asked please don't allow any more.
- **BOARD COMMENTS** – None
- **GENERAL STANDARDS & RECORDING THEREOF** – Secretary Shields presented a new form “Statement of Findings and Conclusions – CUP Hearing” to be used for public hearings. Its purpose will be to guide the members in reviewing each of the standards in the Zoning Ordinance, Section 802 Basis of Determination and to record the findings of each. It will also list the final outcome along with any conditions imposed. This form will be included as a part of the official minutes. All were in agreement to the use of this new form.
- **PUBLIC HEARINGS**
 - a **Conditional Use Permit – Parcel 001-332-008-00 – David Charleton requesting RESORT designation and addition of 4 cabins to use as vacation rentals at E5295 Grove St, Au Train**

Chair Cain opened the hearing at 6:14pm.

Ashley Eaton, representative for Mr. Charleton presented the request. This parcel already holds a CUP for the addition of four recreational vehicle style rental units that were approved in a hearing held on June 29, 2023. The requested cabins would be built on foundation, not on trailer chassis as the other RV units. With the assistance of visuals prepared by Secretary Shields, the layout and photos of some existing RV units were detailed. It was explained that the Resort

designation was something that was unclear after the June 23, 2023 hearing so they wanted to be sure of that designated use.

Chair Cain opened the public comment period at 6:21pm

There were no public comments. There was also no correspondence received for this application.

Chair Cain closed the public comment period at 6:21pm

The Board reviewed the General Standards from Section 802A of the Au Train Township Zoning Ordinance. See ***Statement of Facts and Findings, Attachment A.***

Motion by Shields, second by Cain to approve the conditional use permit for David Charleton for Resort designation and to add four stick-built structures.

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

Chair Cain closed the public hearing at 6:31pm

b Conditional Use Permit – Parcel 001-326-010-00 – Jacob Beebe requesting short-term rental of property E6629 W State Hwy M28, Munising, MI 49862

Chair Cain opened the hearing at 6:31pm.

Jacob Beebe presented the Board with a listing of basic information which described the management policies and contacts. He plans to allow a max of 12 occupants, 4 cars/trucks with trailers. No events allowed and pets are not allowed at this time. The property will be managed by Freshwater Vacation Rentals, which the owner Mark currently lives in Marquette. Local caretakers are listed as Lisa Barabas & Todd of Wetmore, and Amy Allen of Chatham.

Chair Cain opened the public comment period at 6:38pm

There were no public comments. One e-mail was received from Bret Seely, Design Point, Inc. who owns a neighboring property. Mr. Seely has no objections to the proposed use change.

Chair Cain closed the public comment period at 6:38pm

The Board reviewed the General Standards from Section 802A of the Au Train Township Zoning Ordinance. See ***Statement of Facts and Findings, Attachment B.*** The Standards of Review for Short-Term Rentals Section 802F were covered with the applicant.

Motion by Gramm, second by Shields to approve the conditional use permit with no conditions.

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

Chair Cain closed the public hearing at 6:46pm

c **Conditional Use Permit – Parcel 001-534-001-00 – Daniel Leudtke – L5 Holdings, LLC requesting short-term rental of property E8005 North Pole St, Christmas, MI 49862**

Chair Cain opened the hearing at 6:51pm.

Mike Henrickson, representing Mr. Leudtke, presented to the Board. This property, if approved, is to be managed By Northwoods Resort in Au Train. The previously vacant home is currently under a full rehab inside and out including electric, plumbing, HVAC, new roof, new back porch and front deck. 8 Occupants and 4 parking spots planned.

Chair Cain opened the public comment period at 6:54pm

Public comments were heard from:

Don Paajanen, a 52 yr resident who is opposed to anymore short-term rentals in residential areas in Christmas.

Bob Kordish, resides next to Paddlers Village and says the traffic is bad already. No more rentals.

Chad St. Martin, opposed to any more short-term rentals.

John Carr, 67 year resident of Christmas commented that the lot sizes are very small in that area. He is opposed to anymore short-term rentals.

Correspondence was received from the following persons: **Dave & Erin Hoffman, Maureen Tippen, Anna Howes, Dennis Kennedy, Donald & Jean Paajanen, and David Paajanen**. All correspondents requested the permit be denied. Majority of their concerns included traffic, parking congestion, trespassing for lake access, noise, and the increased density of short-term rentals in residential neighborhoods.

Chair Cain closed the public comment period at 7:02pm

The Board reviewed the General Standards from Section 802A of the Au Train Township Zoning Ordinance. See **Statement of Facts and Findings, Attachment C**. The Standards of Review for Short-Term Rentals Section 802F were covered with the applicant.

Motion by Shields, second by Gramm to approve for short-term rental with conditions that a map of the public beach access and the neighbor's property lines be posted in the rental and there is to be no parking along the street. Shields: yes, Gramm: yes, Weisinger: yes, Cain: yes. Motion Carried 4-0


Chair Cain closed the public hearing at 6:46pm

Chair Cain closed the public hearing portion of this meeting and called for a 5 minute recess at 7:37pm

Chair Cain called the meeting back in session at 7:43pm.

- **NEW BUSINESS**
 - a CUPPAD will present at the PC regular meeting on April 11, 2024 regarding updating our Master Plan.
 - b Priority areas and issues for revisions to our Master Plan to include alignment with the State’s green energy mandates. It was decided the Board would wait and see if CUPPAD had suggestions for us.
- **OLD BUSINESS**
 - a The petition for a Contractor’s Yard & Shop – Seaberg, will be heard on Thursday, April 18, 2024 at 6:00pm.
 - b The petition to rezone – Charleton, will be heard on Thursday, April 18, 2024 at 6:00pm.
- **MASTER PLAN REVIEW and UPDATES** – Tabled
- **ZONING ORDINANCE REVIEW and UPDATES** – Tabled
- **CORRESPONDENCE / ANNOUNCEMENTS** – Secretary Shields announced that at their Monday, March 11, 2024 meeting, the Au Train Township Board approved a pay increase for the Planning Commission. Effective April 1, 2024 the pay scale will be \$50 per meeting for Chair and Members and \$75 per meeting for Secretary.
- **NEXT MEETING** – The next meeting of the Planning Commission will be held on Thursday, April 11, 2024 at 6:00 pm. No CUPS will be heard at this meeting.
- **PUBLIC COMMENT** – Comments were heard from Kristen VanWeiren asking if there is a limit on the number of CUPS per parcel and how soon after denial of a CUP can one reapply? Also, she would like a clarification of having a second residence (mother-in-law) home on their parcel in RR1/2. They were told no by the Zoning Administrator, yet their neighbors that built a garage first which includes living quarters, now have built their home, thus have two residences. How does this differ?
- **BOARD MEMBER COMMENTS** – None
- **ADJOURNMENT** – Motion by Cain, second by Shields to adjourn at 8:11pm

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

Approved: April 11, 2024. Signed: 
Donna Shields

Attachments: A, B, C

STATEMENT OF FINDINGS AND CONCLUSIONS - CUP HEARING

Date of Hearing: March 13, 2024

Hearing opened: 6:14pm

Hearing Closed: 6:31pm

Applicant: Charleton, David

Parcel ID: 332-008-00
E5295 Grove St, Au Train

Request: 4 cabin resort

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
Discussion: Meets standard
 2. **The conditional use shall not change the essential character of the surrounding area.**
Cain:Yes, Gramm:Yes, Shields:Yes, Weisinger:Yes
Discussion: Meets standard
 3. **The conditional use shall not interfere with the general enjoyment of adjacent property.**
Cain:Yes, Gramm:Yes, Shields:Yes, Weisinger:Yes
Discussion: Meets standard
 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
Discussion: Meets standard
 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
Discussion: Meets standard
 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
Discussion: Meets standard

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

Discussion: Meets standard

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

Discussion: Meets standard

Motion by Shields, second by Cain to approve the conditional use permit for David Charleton for Resort designation and to add four stick-built structures.

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

Approved: X

Denied:

Approved with Conditions: (List):

Conditional Sign Requirements: None

Public Comments: None

STATEMENT OF FINDINGS AND CONCLUSIONS - CUP HEARING

Date of Hearing: March 13, 2024

Hearing opened: 6:31pm

Hearing Closed: 6:46pm

Applicant: Jacob Beebe

Parcel ID: 001-326-010-00

E6629 W State Hwy M28, Munising, MI 49862

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
Discussion: Meets standard
 2. **The conditional use shall not change the essential character of the surrounding area.**
Cain: Yes, Gramm: Yes, Shields: Yes, Weisinger: Yes
Discussion: Meets standard
 3. **The conditional use shall not interfere with the general enjoyment of adjacent property.**
Cain: Yes, Gramm: Yes, Shields: Yes, Weisinger: Yes
Discussion: Meets standard
 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
Discussion: Meets standard
 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
Discussion: Meets standard
 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
Discussion: Meets standard

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
Discussion: Meets standard

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
Discussion: Meets standard

Motion by Gramm, second by Shields to approve the conditional use permit with no conditions.
Gramm: yes, Shields: yes, Cain: yes, Weisinger: yes. Motion carried 4-0

Approved: x

Denied:

Approved with Conditions: (List):

Conditional Sign Requirements: None

CUP HEARING
SHORT TERM RENTALS

Date of Hearing: March 13, 2024

Applicant: Jacob Beebe

Parcel ID: 001-326-010-00
E6629 W State Hwy M28, Munising, MI 49862

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 (twelve) total occupants including children.
(3 finished floors + 3 bedrooms)

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.

ATTACHMENT C

STATEMENT OF FINDINGS AND CONCLUSIONS - CUP HEARING

Date of Hearing: March 13, 2024

Hearing opened: 6:51pmm

Hearing Closed: 7:37pm

Applicant: Leudtke, Daniel & Kari – L5 Holdings, LLC

Parcel ID: 001-534-001-00

E8005 North Pole St, Christmas

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
Discussion: Meets Standard. Plans for property to be professionally managed by Northwoods Resort.
 2. **The conditional use shall not change the essential character of the surrounding area.**
Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes
Discussion: Meets standard. Residential community within Town Development zoning which currently contains a mix of full-time residents, summer residents, and short-term rentals adjacent to commercial parcels.
 3. **The conditional use shall not interfere with the general enjoyment of adjacent property.**
Cain: yes, Gramm: yes, Shields: yes, Weisinger: yes
Discussion: Meets standard. Condition imposed that requires owner post a map of the local beach access along with neighboring property lines to avoid issues of trespassing. Renters must adhere to noise ordinance as posted within and be respectful of neighbors.
 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
Discussion: Meets standard. Extensive renovations are taking place and planned to fix this currently vacant home.
 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

Discussion: Meets standard. Short-term rental of home will produce no more traffic than would if were long-term rental or owned residence. Renters must adhere to noise ordinance as posted within and be respectful of neighbors. Condition imposed to require all parking be contained within the parcel. No on street parking allowed to avoid congestion and to allow for adequate flow of traffic and access by emergency vehicles.

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: n/a
Discussion: Meets standard.

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: n/a
Discussion: Meets standard.

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: n/a
Discussion: Meets standard.

Motion by Shields, second by Gramm to approve for short-term rental with conditions that a map of the public beach access and the neighbors' property lines be posted in the rental and there is to be no parking along the street. Shields: yes, Gramm: yes, Weisinger: yes, Cain: yes. Motion Carried 4-0

Approved: ____

Denied: ____

Approved with Conditions: X (List):

1. Must post map within that shows local beach access point and neighboring property lines.
2. No on-street parking allowed.

Conditional Sign Requirements:

See item 1. In listed condition

CUP HEARING
SHORT TERM RENTALS

Date of Hearing: March 13, 2024

Applicant: Leudtke, Daniel & Kari

Parcel ID: 001-534-001-00
E8005 North Pole St, Christmas

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.)
 - i. Note: Condition imposed. No on street parking.
 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.) (3 bedrooms, 2 floors)

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 activity.