

# **AU TRAIN TOWNSHIP PLANNING COMMISSION – SPECIAL MEETING**

**December 14, 2023 – 6:00 PM – AU TRAIN TOWNSHIP HALL**

## **Call to Order / Pledge of Allegiance:**

Meeting was called to order at 6:00 PM and the Pledge of Allegiance was recited by all in attendance.

## **Roll Call:**

**Members Present:** Matt Lang, Bill Weisinger, Jake Miller, William Gramm, Jason Cain.

**Members Absent:** None

**Others Present:** Kathleen Lindquist, ZA; Michelle Doucette, Township Supervisor; John Carr, ZBA; Dan LaCombe; Phyllis LaCombe; Joe Bonner; Katie Bonner; Marela Iardachescu; Wyatt Seaberg; Bob Desarmo; Tina Desarmo; Adrienne Wolf; Brian VanWieren; Christine VanWieren; Dave Martin; Becky Martin; Scott Smith; Peg Smith; Susannah LaCombe.

## **Approval of Agenda:**

**Motion:** To approve the agenda.

**Moved:** Cain

**Supported:** Gramm

**Motion Carried Unanimously**

## **Approval of Minutes:**

**Motion:** To approve minutes of the October 19, 2023 regular meeting.

**Moved:** Cain

**Supported:** Weisinger

**Motion Carried Unanimously**

## **Public Comment:**

None.

**Board Member Comments:**

Matt Lang said that not everyone will be satisfied with zoning and those decisions that come from the planning commission, and that the board tries to interpret and apply the zoning ordinance to the specific issue at hand.

**Conditional Use Permit – Wyatt Seaberg requesting CUP for a short term rental on parcel 001-325-020-20 at N7818 Ridge Road, Munising MI 49862.**

Chair Lang opened the hearing at 6:05 PM.

No comments presented by Mr. Seaberg.

Chair Lang opened the public comment period at 6:07 PM.

Wyatt Seaberg stated that this is a CUP request.

Linda Cross stated there is someone living at the rental in question already.

Wyatt Seaberg replied stating that he has a 6 month lease in place with a long term renter, and if it goes well he may decide to continue with monthly rentals. He would like the option to move to a short term rental if driven by necessity due to income or destructive monthly renters.

Adrian Wolf spoke on behalf of McDonald & Wolf, PLLC, and the residents of Ridge Road area near the requested short term rental. She stated that the planning commission must abide by Section 802 and specifically Section 802F for short term rentals CUP approvals. She questioned whether or not resorts or short term rentals are harmonious with a neighborhood. She requested the planning commission emplace conditions for a two year approval on short term rentals.

Chair Lang closed the public comment period at 6:11 PM.

Board members asked multiple questions regarding the property and the application. Mr. Seaberg stated there would be 8 renters maximum, which fits what the ordinance requires.

Board members went through section 802, Chair Lang read aloud the standards and requirements, and asked the board members to place their remarks on the board handout and return them to the planning commission secretary not later than the next scheduled meeting.

**Motion:** To approve the application with conditions that the township noise ordinance and property contact information be posted inside the rental.

**Moved:** Lang

**Supported:** Cain

**Ayes:** Lang, Cain, Gramm, Weisinger

**Nays:** None

**Abstained:** Miller

**Motion Carried**

Chair Lang closed the hearing at 6:27 PM.

**Conditional Use Permit – Wyatt Seaberg requesting CUP for a short term rental on parcel 001-325-024-00 at N7788 Ridge Road, Munising MI 49862.**

Chair Lang opened the hearing at 6:28 PM.

Chair Lang opened the public comment period at 6:30 PM.

Linda Cross asked if proper permits were pulled for the egress windows and two extra bedrooms that were built since Mr. Seaberg purchased the property.

Chris VanWieren asked if the CUP was to be approved, perhaps the PC can provide conditions of removing the trash bins next to the road after trash day that are currently left in the same spot for weeks at a time.

Adrianna Wolf stated that on behalf of the 18 residences on Ridge Road that specifically Section 802A1 of the zoning ordinance be adhered to – giving concerns on the private road for plowing and trash bin removal.

Chair Lang closed the public comment period at 6:34 PM.

Board members went through section 802, Chair Lang read aloud the standards and requirements, and asked the board members to place their remarks on the board handout and return them to the planning commission secretary not later than the next scheduled meeting.

There was minimal discussion by the board. A couple questions were asked of Mr. Seaberg.

Of the question to how many renters allowed by the zoning ordinance that this specific house, Mr. Seaberg responded that he is asking for 8 renters maximum per rental.

**Motion:** To approve CUP with maximum occupancy of 8 renters, trash cans to be removed not later than 2 days after garbage pickup, and noise ordinance and owner/manager contact information to be posted inside the rental.

**Moved:** Gramm

**Supported:** Cain

**Ayes:** Gramm, Cain, Lang, Weisinger

**Nays:** None

**Abstained:** Miller

**Motion Carried**

Chair Lang closed the hearing at 6:45 PM.

**Conditional Use Permit – Wyatt Seaberg requesting CUP for a resort on parcel 001-325-020-00 at N7840 Ridge Road, Munising MI 49862.**

Chair Lang opened the hearing at 6:46 PM.

Chair Lang opened the public comment period at 6:47 PM.

Aдриanna Wolf stated the 18 residences on Ridge Road object to the resort. No communication has been made by Mr. Seaberg to his neighbors. She stressed how the different sections of 802A do not meet the requirements for placing a resort into a residential neighborhood. She also summarized the December 5, 2023 letter from McDonald & Wolf, PLLC submitted to the township (copy on file).

Linda Cross shares the south property boundary of the proposed resort location. She strongly objects to the resort. She stated Mr. Seaberg clear cut all the trees that separated her property from his property. The resort will bring an unsightly view, and constant traffic will magnify the problem. She sees a disaster, not an improvement. She stated she has multiple videos and photos of Mr. Seabergs dogs on her property and wonders if he cannot keep dogs from trespassing, how will he keep tourists off her property. The main floor and living quarters of her house are on the second floor and overlook the proposed resort. She states that no fence will screen it.

Bob DesArmo strongly objects to the proposed resort. Mr. Seaberg wants to used the private road as a public road, which was not what the road was designed for, and there could be serious degradation of the road due to increased traffic. He stated he was advised by his insurance agent to increase his liability insurance for his personal property.

George Whiting said he was the first person to invest in the Bower property. A resort is not harmonious to the nature of the land. He wants this small residential community to have its own peaceful spot. He is very much against the resort.

Peggy Smith read an email from Wade Cross – it was the email submitted to the zoning administrator and is on file.

Chris and Greg Lindquist have lived on Ridge Road for 44 years. The proposed resort will take away from the secluded area that owners moved to. Unknown tourists will trespass as they please onto other properties.

Phyllis LaCombe is against the resort. 50 more people in the area will change the neighborhood. Tourists will bring parties and fireworks to the peaceful area.

Brian VanWieren states that he has owned his property since 2022, and feels that there is a strong sense of community that was felt when they purchased. He did not buy property to share it with rentals or resorts. A resort cannot be harmonious with a residential neighborhood.

Tina DesArmo has a seasonal home on Ridge Road and is not a permanent resident. She has concerns about property damage, vandalism caused by renters. She stated that she should be able to enjoy her seasonal home without worrying about it and also said the community might have to make a gated community if the resort is approved.

Chris VanWieren stated that it is entirely ridiculous that we are here discussing this issue again, as it was denied in October. She would like the planning commission address back to back duplicate CUP requests this with a zoning ordinance update and make requesters of duplicate CUP requests appeal it in court. She asked the PC how many CUPs are allowed on one property? She said that the proposed resort should not pass any standards required by section 802 of the zoning ordinance.

Susanna LaCombe said she grew up on Ridge Road and stated she sees how this situation affects all those property owners who live on Ridge Road. She implores the planning commission to have empathy and dignity for the people on and around Ridge Road.

Chair Lang closed the public comment period at 7:24 PM.

The board addressed some of the issues and major concerns that came up during the public comment period.

Matt Lang responded to the point Mrs. VanWieren brought up about back to back CUP requests being entertained by the planning commission and stated he was looking at that point specifically as an addition to the zoning ordinance change proposal in the coming year.

The board discussed multiple issues and possible conditions. There was significant back and forth between board members.

**Motion:** To deny the application.

**Moved:** Lang

**Supported:** None

**Ayes:**

**Nays:**

**Abstained:**

**Motion Failed**

**Motion:** To approve the application with conditions of the following: Not less than a five foot berm topped with a six foot fence to be placed along the full length of the south side of the proposed resort; an entrance gate to the resort will be placed that screens the resort from the road; the resort cannot exceed ten cabins; contact information for the owner/manager and the noise ordinance will be posted inside each cabin.

**Moved:** Cain

**Supported:** Gramm

**Ayes:** Cain, Gramm, Weisinger

**Nays:** Lang

**Abstained:** Miller

**Motion Carried**

Chair Lang closed the hearing at 8:01 PM.

Chair Lang called recess at 8:02 PM and resumed the meeting at 8:12 PM.

**Correspondence / Announcements:**

Jake Miller announced the Planning Commission will provide the township board with a 2023 attendance report for planning commission pay, an annual report for 2023 summarizing all that had occurred during the year and outlining planning commission goals for 2024.

Secretary Cain stated he had the attendance report complete and will submit the annual report as required after a draft review by the PC Chair.

Jake Miller brought up three goals for 2024 – 1) address issues and submit proposed zoning ordinance changes to the township board; 2) catch up on CUP hearings; 3) continued work on the Master Plan

All agreed on these goals.

**Next Meeting:** Next meeting is a Planning Commission regular meeting set for January 18, 2024 at 6:00 PM.

Agenda items for the next meeting are: vote in officers; schedule quarterly meetings.

**Public Comment:**

Peggy Smith questioned how Section 802 is determined without the planning commission discussing their findings out loud.

**Board Member Comments:**

Matt Lang addressed Mrs. Smith's concern and explained the Standards worksheets used by the planning commission.

**Adjournment:**

**Motion:** To adjourn.

**Moved:** Lang

**Supported:** Miller

**Motion Carried Unanimously**

Chair Lang adjourned the meeting at 8:18 PM

Submitted by Jason Cain, Secretary, Au Train Township Planning Commission