

CHOCOLAY TOWNSHIP  
PLANNING COMMISSION MEETING  
TUESDAY, JANUARY 26, 1993

**Present:** Estelle DeVooght, Max Engle, William Sanders, Mike LaPointe.

**Staff Present:** Mike Farrell, Director of Planning & Research and Jeanette Collick, Recording Secretary

**Absent:** Scott Emerson, Don Wickstrom

**Public Present:** Terry Huffman, Daniel DiLoretto, Steve Blondeau, Rich Reader

**PUBLIC HEARING**

Bill Sanders, Chairperson, called the Public Hearing to order at 7:30 p.m.

**Conditional Use #26 - Prince of Peace Church:**

There was no public comment received. Bill Sanders, Chairperson closed the public hearing regarding Conditional Use #26.

**Lot Split Request #9 - Diloreto:**

Bill Sanders, Chairperson open the public hearing for Lot Split Request #9

Dan DiLoreto - 301 West Main Street - provided the Planning Commission members information from Richard E. Lomax, PS Manager Subdivision Control Unit, County Zoning Review Unit from the Department of Commerce regarding lot splits.

Mr. DiLoreto stated there are four (4) ownership parts in Part B. There are seven (7) individual parcels. Dan DiLoreto owns 2 parcels, Mr. Drobney owns four (3) parcels, Huefelder owns one (1) parcel and Mr. Menze owns one (1) parcel.

Mr. DiLoreto also stated that according to the letter he received from Mr. Lomax that the 100' that he was requesting to change wasn't a lot split because since it is two (2) descriptions and is considered continuous ownerships it is considered as one division. Also in the letter he received from Mr. Lomax it was stated that since it was Mr. DiLoreto's desire to change his descriptions by enlarging parcel A by 100' and since both parcels A and F are to remain in his ownership, the revising of the descriptions can be done and be in compliance with the Subdivision Control Act.

Mr. DiLoreto stated the reason he wanted to add 100' to his lot with the house on it was because he wanted to add more equity to his home.

He has talked to realtors, county people, township people and state people and everyone has a different opinion on what constitutes a lot split.

Terry Huffman - 165 West Main Street - has no problems with Dan DiLoreto being able to change 100' from his vacant lot and adding it to the one with his home on it.

There were no other public comment regarding Lot Split #9 so Bill Sanders, Chairperson closed the public hearing on Lot Split #9.

**Recreation Plan Update:**

Bill Sanders, Chairperson open the public hearing regarding the Recreation Plan Update.

Mr. Richard Reader asked what the plans were regarding the Green Garden and Chocolay River part of the Recreation Plan.

Mike Farrell, Director of Planning & Research said at this point in time the Township would like to upgrade it for a small park/picnic area and access to the river. This would not be for motorized vehicle, but access for canoes.

Mike Farrell also commented that the recreation plan is required by state law to update the plan every five years. We need to do this in order to receive state grants and the Township has guidelines to go by to apply for the grants.

There were no other comments regarding the public hearing for the Recreation Plan Updates. Bill Sanders, Chairperson closed the public hearing regarding the Recreation Plan Updates.

Bill Sanders, Chairperson closed the Public Hearing.

**Regular Meeting Called to Order:**

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:40 p.m.

**Roll Call:**

Roll call was taken with Estelle DeVooght, Max Engle, William Sanders, and Mike LaPointe present.

Scott Emerson and Don Wickstrom were absent.

**Approval of Minutes of December 14, 1992:**

Bill Sanders noted that on page 2 the motion should have read Rod Smith moved, Bill Sanders second that the following language be added to Section 209 (C): (the word second should be inserted).

Max Engle noted that on page 4 under Unfinished Business (A) the last sentence read Mike asked that the Planning Commission table the topic and ask the Township Board for an extension until March to bring this back to the Board. It should have read back to the Board. (The work back was corrected to read back to the Board.

Max Engle moved, Mike LaPointe second that the Planning Commission Meeting Minutes of December 14, 1992 be approved as corrected.

Carried 4-0

**Approval of Agenda/Additional Items for Agenda:**

Bill Sanders, Chairperson asked if there were any addition or changes for the agenda.

Bill Sanders moved, Estelle DeVooght second to accept the agenda.

Carried 4-0

**Public Comment:**

Steve Blondeau - 417 Cherry Creek Road - provided the Planning Commission material regarding the outcome of the Zoning Board of Appeals Meeting. He stated he does not want to go back to the Zoning Board of Appeals. He stated he was not notified of the meeting that was held on December 3, 1992.

Bill Sanders felt the Zoning Board of Appeals members were not responsible for notification of the meeting. The Zoning Board of Appeals acted on information given them.

Mike Farrell stated that Steve Blondeau brought it to the Township Board at the Regular Board Meeting held on January 18, 1993. The Township Board recommended that Mike get the Township's Attorney to get an opinion on if the Zoning Board of Appeals could hold another hearing regarding the matter that was held on December 3, 1992.

Mr. Blondeau stated that this has caused him to be about six (6) months behind and that he as the applicant was not in attendance at the Zoning Board of Appeals Meeting and there were other people in attendance who knew about the meeting. How did they know about the meeting and he didn't.

Estelle DeVooght said that the Zoning Board of Appeals members had to have known to be in attendance.

After much discussion on what had taken place, Bill Sanders, Chairperson said we should wait and see what the Township Attorney's opinion is and that it is not the township's intent to operate as board and/or commission by not notifying the applicant and/or persons involved.

Mike Farrell stated that the Planning Commission is only one of the process.

It was stated that when the Planning Commission discussed the Mining Mineral Extraction Ordinance, they did not include the flooding as a park. It was also stated that the Mining & Mineral Extraction Ordinance was not targeted at any parcel.

Mike Farrell stated that it was consulted with Harley Andrews, Township Attorney for the language of park.

Steve Blondeau went over some of the comments from Mark such as the webster dictionary meaning of park.

Mr. Blondeau felt that the Township would have to allow him to get minerals out.

Mike Farrell commented that the Planning Commission could not accomplish anything at the moment and would have to obtain the information from the attorney regarding this and try to get things worked out.

Bill Sanders apologized to Steve regarding the notification of the meeting.

Bill Sanders asked if there were any more Public Comment. There were none. The Public Comment was closed.

**NEW BUSINESS:**

**A. Consider Conditional Use #26 - Prince of Peace Church**

Henry Summers - 1883 M 28 East was present on behalf of the Prince of Peace Church regarding the Conditional Use for the church.

He gave a presentation of the addition for the church. There would be seating for 200. Parking would be on M 28 and Riverside Road. Cost is approximately \$240,000, which \$200,000 is raised already.

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Having fund drives for the other \$40,000, which will be used for utilities, pews, etc.

Bill Sanders asked if the parking was sufficient. Henry Summers said the parking was rearranged from the other plan to obtain 80 parking spaces, which would be on the lower level.

Mike Farrell stated that there was a problem with the parking pertaining to the requirement in the Zoning Ordinance regarding the open space landscaping. About eight spaces would have to be taken out for required open space.

Mike Farrell told Henry Summers he would have to come in a talk with the Zoning Administrator to define the parameter.

Bill Sanders moved, Max Engle second that the Chocoday Township Planning Commission approve the addition to the existing conditional use, as portrayed on the plans submitted with the following conditions:

1. That the necessary parking required and landscaped open space as specified in the Chocoday Township Zoning Ordinance, be established and approved by the Township Zoning Administrator prior to obtaining a Zoning Compliance Permit.
2. That Zoning Compliance Permit be obtained from the Chocoday Township Zoning Administrator prior to start of construction.
3. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.

Carried: 4-0

**B. Consider Lot Split Request #9 - DiLoreto**

Mike Farrell asked that the Planning Commission to table the Lot Split Request #9 DiLoreto until the next Planning Commission meeting so he can obtain information from the County Plat Board and Mr. Lomax concerning the issued raised by Mr. DiLoreto.

Dan DiLoreto stated that these were continuous lots and according to Richard Lomax because it would not be changing ownership that this would not be considered a lot split.

Some of the Planning Commission members said that they thought anytime you change a lot line you create a lot split.

Bill Sanders supported Mike Farrell's suggestion about tabling the lot split until he can obtain the information from the Plat Board and Mr. Lomax.

Estelle stated maybe we would have to change the interpretation of a lot split

Bill Sanders moved, Max Engle second that the Lot Split #9 - DiLoreto be tabled until the next Planning Commission and Mike Farrell obtain the information from the Plat Board and Mr. Lomax.

Carried 4-0

**Unfinished Business:**

**A. Consider Recreation Plan Update:**

Mike Farrell went through the Short Term, Long Term Projects and the Financial Plan of the Recreation Plan (pages 29 & 30).

There was discussion and view points on various parts of the priority of the Financial Plan. Some members felt that some of the

items that were listed should have a more higher priority than others, such as a basketball court over a tennis court and score board, etc.

There was discussion on the Green Garden Chocolay River Site.

Mike LaPointe felt that a letter should be written from the Planning Commission to inquire what impacts this would have and what the DNR plans are.

It was felt that if the Board approves to apply for a grant for the Update Recreational Plan, priorities could be moved around.

DNR approval for the grant is in April.

Estelle DeVooght moved, Bill Sanders second that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the Recreation Plan Update be approved with the Action Plan and the Basis for Action Plan as attached.

Carried 4-0

#### Planning Director's Report:

Mike Farrell told Steve Blondeau that he will try to find out how his process stands and what he will have to do to proceed and get back to him for the next Planning Commission Meeting.

Mike Farrell said he would like to review sections of the Recreation Plan at every Planning Commission Meeting to update the plan. The Planning Commission on a yearly basis would then make their suggestions to the Township Board.

He also stated that this Fall another survey may be conducted regarding the Recreation Plan.

The Planning Commission By Laws were read and reviewed. Mike Farrell will get these mailed out to the Planning Commission members before the next meeting.

It was also stated that the Zoning Ordinance should be addressed for changes, etc.

Strategic Planning - It was suggested that it may be a possibility for the Planning Commission to ask the Township Board to consider setting up a Recreation Commission to work on the Recreation Plan in conjunction with the Planning Commission.

When going over the Planning Commission portion of the yearly budget, Mike Farrell would like the Planning Commission to go over it before submitting it to the Township Supervisor.

It was also suggested that the officers of the Planning Commission and Mike Farrell have a meeting to set up the agenda for the Planning Commission.

Mike Farrell stated there are some things, such as advertising for rezonings, etc. that would have to be done before the agenda is set up. It was stated any advertising for rezoning, etc. that could be done before the officers met to set up the agenda.

Mike Farrell stated that the Planning Commission still has the changing of Willow Road name coming back. It was felt that just an informal hearing would have to be held. Public Hearing is not required.

Mike Farrell introduced Jeanette Collick who is going to be the Recording Secretary for the Planning Commission.

**Public Comment:**

Mike LaPointe reported on the Watershed Council and the Conservation District grant.

**Adjournment:**

There being no further business Estelle DeVooght moved, Max Engle second to adjourn. The meeting was adjourned at 9:40 p.m.

Submitted by:

*Jeanette K. Collick*

Jeanette R. Collick  
Recording Secretary

Approved by:

*Estelle DeVooght*

Estelle DeVooght  
Planning Commission Secretary

CHOCOLAY TOWNSHIP

PLANNING COMMISSION MEETING

TUESDAY, FEBRUARY 23, 1993

**Present:** Estelle DeVooght, Max Engle, William Sanders, Mike La Pointe, Scott Emerson, Don Wickstrom

**Staff Present:** Mike Farrell, Director of Planning & Research & Jeanette Collick, Recording Secretary

**Public Present:** Tracy Pierce, John Evans, Mark Larson, Randy Moore, Milt Gere, Wm. Stenglein, Gary Niemela, Liisa Niemela, Karen Lynd, Betty Herman, Terry Eilders

**PUBLIC HEARING:**

Bill Sanders, Chairperson called the Public Hearing to order at 7:30 p.m.

**Conditional Use - Faith Assembly of God Church**

Bill Sanders, Chairperson opened the public hearing for Conditional Use # 27 - Faith Assembly of God.

Mike Farrell, Director of Planning & Research gave a brief explanation what this pertained to.

This is a R-1 Single Family Zoning District. Churches are permitted in a R-1 Zoning District under a conditional use.

This particular piece of property is a piece of vacant land North of Dana Lane Subdivision along M 28 East. They are looking at a 40 x 60 building with a parking lot constructed.

Mark Larson - 33A W. Park - At present time their congregation is approximately 50 people. First phase will hold their present congregation and will be a small building. At this time approximately 2500 square feet. As the congregation grows, they hope to add to it. The church will blend in with the surrounding area.

There were no other comments regarding the Conditional Use #27 - Faith Assembly of God. Bill Sanders, Chairperson closed the public hearing regarding the Faith Assembly of God Church.

**Private Road Request - Niemela:**

Bill Sanders, Chairperson opened the public hearing on the Private Road Request for Gary Niemela.

Mike Farrell, Director of Planning & Research gave a brief explanation what the applicant is requesting to do.

Within the proposed plan for the private road the maintenance would be up to the land owners of the development to provide for road maintenance. Mr. Niemela is proposing that the road would be gravel to start with. He anticipated black topping it after all the parcels are sold and developed. He would also be in contact with the State Highway Department for their requirement for access off U.S. 41.

Gary Niemela - 6200 U.S. 41 South - We plan on putting in total of eleven (11) homes and will comply with all the Township's laws and regulations.

Milt Gere - 108 Surrey Lane - questioned if the utilities would come off U.S. 41 South?

Gary Niemela stated they would.

There were no other comments regarding the Private Request Bill Sanders, Chairperson closed the public hearing.

Regular Meeting Called to Order:

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:45 p.m.

Roll Call:

Roll Call was taken with Estelle DeVooght, Max Engle, William Sanders, Mike La Pointe, Scott Emerson and Don Wickstrom present.

Approval of Minutes of January 26, 1992:

Max Engle moved, Estelle DeVooght second that the Planning Commission Meeting Minutes of January 26, 1993 be approved as presented.

Carried 6-0.

Approval of Agenda/Additional Items for Agenda:

Bill Sanders, Chairperson asked if there were any additions or changes for the agenda.

Mike Farrell, Director of Planning & Research stated that Terry Eilders had a concern on camps, which may fall under public comment, but should be moved to an additional items under New Business (c).

Estelle DeVooght moved, Mike LaPointe second to approve the agenda with the addition of C regarding establishment of camps.

Carried 6-0.

Public Comment:

Bill Sanders, Chairperson opened the Public Comment section of the agenda.

Karen Lynd - 1507 M 28 East - had a concern regarding the Faith Assembly of God Church regarding the location of the entrance, what are the future plans of the church for an expansion, and traffic.

Mark Larson - 333A West Park - stated that as far as the traffic is concern, they have been in contact with the State Highway Department and they said based on the access to M 28 East and the fact that there is flat land there would be no problem with traffic and they would have to have an approved entry way, which would be 24' wide and be curbed. With any future expansion, they may have to talk meet requirements for the acceleration lane. He then proceeded to show on the plans where this would be.

There was concern on the traffic flow on Dana Lane property.

Bill Sanders asked if there any further public comment. There were none. The Public Comment section was closed.

New Business:

Consider Conditional Use #27 - Faith Assembly of God:

Mike Farrell Director of Planning & Research stated that the applicant has an option to purchase the land and the church was pursuing a conditional use permit to determine whether a church could be built in that location.

Scott Emerson had a concern regarding lighting and land and the structures of homes in the area.



Karen Lynd questioned the impact the church would have on property taxes.

It was stated that churches are exempt from taxes, but do obtain services provided by the Township such as, garbage pickup, police protection and fire protection. Taxes do not get absorbed by adjacent property owners and property evaluations won't go up within the surrounding areas because churches are exempt.

Mike Farrell, Director of Planning stated this would be a Conditional Use and would go strictly with the property and they would have to meet certain criteria set by the Planning Commission, such as design, landscaping, parking that is set in the Township Zoning Ordinance.

Betty Herman - 1487 M 28 East had a concern regarding traffic and vacant land regarding snowmobiles, four wheelers - could this be rerouted?

Mike Farrell, Director of Planning & Research stated that is a problem everywhere.

There was discussion on lighting and if the minister would be living at the church. It was stated that this would be used for a church only, not as a residence and there are no plans for residency.

Mike La Pointe moved, Scott Emerson second that the Chocolay Township Planning Commission approve the application and plans, as submitted, for a conditional use permit to construct a church on the following described property:

Section 10, T 47 N, R 24 W

That part of Gov't Lots 1, 2, and 3 commencing 772.47 feet West and 170 feet North of the East 1/4 Corner of Section 10 then 80 58' West 1039.29 feet to POB then South 9 01' West 150 feet, then North 80 58' West 520 feet then South 00 47' West 81.64 feet, then North 89 12' West 440 feet, then North 00 47' East 145.23 feet, then North 80 58' West 40 feet, then North 9 01' East 150 feet, then S 80 58' East along the South E/W Right of Way of M-28 to POB.

with the following conditions.

1. That the applicant consult with the Township Planner and Zoning Administrator on proper vegetative landscaping necessary to screen the proposed development from adjacent properties.
2. That final engineered plans showing the structure, parking and landscaping be submitted to the Planning Commission for their review and approval.
3. Should the final plans be determined, by the Planning Commission, to be a major change from the preliminary plans submitted an additional public hearing may be required.
4. All plans be reviewed by the Township Zoning Administrator and conform with all established regulations as stated in the Chocolay Township Zoning Ordinance #34.
5. That Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to start of construction.
6. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.
7. That non-fulfillment of any of the conditions as set forth in this approval shall constitute a violation of the conditional

use permit and may lead to the revocation of the conditional use permit.

8. That the applicant comply with all of the Michigan Department of transportation for access off M 28.

The penalties for violation of this ordinance shall be the same as those penalties set forth in Section 707 of the Chocolay Township Zoning Ordinance.

Motion Carried 6-0.

**Private Road Request - Gary Niemela:**

Mike Farrell, Director of Planning & Research stated that the developer has been in contact with the Michigan Department of Transportation and it appears there is not problem with road access to U.S. 41 South.

Mike Farrell, Director of Planning & Research stated he received a letter from Greg Seppanen and he is in favor of approval of the road.

Mike LaPointe asked if the road meets standards.

Mike Farrell stated that as far as our Zoning Ordinance it does meet the standards - 18' of improved surface, and is 66' Right of Way.

Mr. Niemela is proposing a width of 20' of gravel and plans on paving in the future. The reason he is not going with a public road is that he plans on keeping in touch with the surrounding trees and nature that is in the area.

Bill Sanders, Chairperson asked if Mike Farrell check on the name and if there was a conflict with the name. There were no conflicts.

Max Engle asked if the road was already there?

Mike Farrell, Director of Planning stated yes that Mr. Niemela has been doing some logging in that area and thinning wood lots on those parcels.

Scott Emerson had a concern on the green area on the West side of the road that was shown on the plans. Mr. Niemela stated that was existing pine plantation and plans on doing some thinning in there, but no hardwood would be cut down and the same with the North with the wetlands pond and Cherry Creek. Everything would remain the same.

Bill Sanders, Chairperson asked if there were any other questions or comments regarding the Private Road Approval for Gary Niemela. There were none.

Scott Emerson moved, Don Wickstrom second that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the requested private road application and plans be approved, as submitted, with the following conditions.

1. The developer will provide, at their own expense, street signs and posts per township specifications and maintenance of the signs and post to be the responsibility of the owner(s).
2. A covenant be established on the parcel deeds identifying the private road status and the responsibility for road maintenance, right-of-way maintenance, and drainage maintenance.
3. That open access to the private road be maintained for

essential public services.

4. The proposed roads be named Lara Lei Trail and Partridge Trail as shown on the plans submitted.
5. That applicant comply with all requirements of the Michigan Department of Transportation for access to U.S 41 Highway.

Carried 6-0

#### RP Zoning District

Mike Farrell, Director of Planning stated a concern was raised in the past dealing with RP District, which is Resource Production.

There was concern on camps complying with Single Family Dwellings. The requirements in the Zoning Ordinance is 800 square feet for a dwelling.

There was a concern on house trailers being put on these parcels.

Another concern was that every time someone wants to put a camp in RP District the Planning Commission would have to hold a public hearing and enter in the process.

It was suggested that the Planning Commission might want to look into a text amendment and consider a public hearing on this.

After much discussion it was decided that the Planning Director do some research on the above and bring information back to the Planning Commission.

#### Unfinished Business:

##### A. Consider Single Principle Structures per lot language:

It was stated proper planning was necessary. One of the problems the Board had with the existing language was the impact it would have on a current developer who had been given the go ahead to put multiple structures on a parcel. He would be in violation if he put any more structures on the parcel.

The Director of Planning & Research felt it was important looking into the development of the Township that specific things be addressed, one of them being single principle structures on a parcel.

In having multiple structures on a parcel, you are creating problems down the road where that owners may sell half the lot and create problems with setbacks and parking. The method of using a PUD was also discussed at length. It was stated using the PUD route may be very expensive.

After much discussion on the above it was decided that maybe a joint meeting with the Township Board to discuss zoning issues would be the best method.

It was also requested that Mike Farrell, Director of Planning & Research look into PUD and Principle Structures.

##### B. Consider Rezoning #66 - Text Amendment C-1 Conditional Use of Specialty Retail Sales:

There was discussion on the definition of one of kind or unique, it would be hard to find a special retail of one of kind. The Board wanted unique taken out because of the definition of unique.

The Board also suggested looking at allowing drive-in restaurants and establishments cooking and preparing food for consumption off premises.

The Director of Planning & Research recommended that we don't include drive-in restaurants or establishments cooking and preparing food for off premises consumption.

Special retail sales and the usage of that shop is limited to a small cliental for that specific use versus a take-out restaurant such as Mc Donald's where you have a high impact usage at certain periods of time.

Scott Emerson suggested the word quaint meaning unusual or difference in character.

There being no further discussion, Bill Sanders moved, Max Engle second that the Chocloy Township Planning Commission recommend to the Township Board that the following language be considered as conditional uses within the C-1 district.

\* ADD TO SECTION 209 (C)

Specialty retail sales where the type of sales has no outdoor display or storage and is compatible with nearby residential uses.

Carried 6-0.

C. Consider Lot Split Request - DiLoretto:

Mike Farrell, Director of Planning & Research stated he received a letter late Friday, February 19, 1993 from Richard Lomax, which supported what Dan DiLoretto submitted to us that a lot split isn't a lot split until the property is sold. Mike Farrell said he feels uncomfortable with that interpretation and is waiting for verbal clarification from Mr. Lomax. Until he gets that information he would request that the Planning Commission table this request. Mike Farrell, Director of Planning & Research has been in contact with Dan DiLoretto and explained to him we would not move forward with this until we have a concrete definition of what actually entails a lot split.

Mike Farrell also talked to the Marquette County Plat Board and they can't believe the interpretation of the lot split.

Max Engle said what he couldn't understand is that if it wasn't a lot split until it was sold and lots of record are recorded. There is nothing to stop them from selling those lots to another person and once they are sold what recourse, if any does anybody have at that point?

Mike Farrell, Director of Planning & Research state the recourse we would have is to say that this lot has not been granted a lot split and deny the present owner the ability to build on it.

Mike Farrell, Director of Planning is waiting for more information and clarification on a lot split.

Estelle DeVooght stated it still changes a legal description.

Mike Farrell, Director of Planning & Research also requested Mr. Lomax to provide him with other examples in other locations where this has actually taken place.

After much discussion on this topic, it was decided to have this tabled until the Director of Planning received information on this.

**Planning Director's Report:**

Mike Farrell, Director of Planning & Research stated that he supplied the Planning Commission with the By-Laws and gave them an opportunity to read them. He suggested that some changes should be

made.

Mike Farrell, Director of Planning & Research stated he would put the By-Laws together with the changes discussed, he is not going to change the intent of the By-Laws, but just bringing it up to date.

Snowmobile Trails - #77 Senate Bill that will be going to the Senate in the near future with a change in the requirements that they ride with the flow of traffic.

DNR designated trails on right of way side of the highway that can be ridden in both directions on the trail.

Township Board will be receiving information on this and they can take a look at it.

Scott Emerson had a concern for a local ordinance on the time, etc. for snowmobiles.

**Public Comment:**

Gary Niemela complimented the Planning Commission on the way they can even disagree in a friendly manner and talk things through. he thanked the Planning Commission for approval of the private road and said he won't let the Commission down.

Max Engle requested that the definition of park that was presented to the Planning Commission a few meetings ago be given to the Zoning Board of Appeals with past minutes that specifically discussed the flooding area.

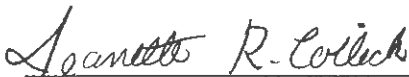
Scott Emerson asked what happened at the Zoning Board of Appeals. It was stated that it was a cloudy issue regarding proper notification.

It was suggested that process of notification and fees structures be established.

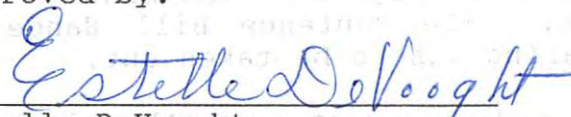
Planning Commission Committee Meeting to be held Monday, March 5, 1993 at 4:00 p.m.

**Adjournment:**

There being no further business, Bill Sanders moved, Estelle DeVooght second to adjourn. The Planning Commission Meeting was adjourned at 9:30 p.m.

  
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 Jeanette R. Collick  
 Recording Secretary

Approved by:

  
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 Estelle DeVooght  
 Planning Commission Secretary

CHOCOLAY TOWNSHIP  
PLANNING COMMISSION MEETING  
TUESDAY - MARCH 23, 1993

**PRESENT:** Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe,  
Dave Wurster

**ABSENT:** Scott Emerson and Don Wickstrom

**STAFF PRESENT:** Mike Farrell, Director of Planning & Research  
Jeanette Collick, Recording Secretary  
Mark Maki, Director of Assessing & Zoning

**PUBLIC PRESENT:** Duane Hastrich, Trudy Hastrich, Robert Wallinger,  
Tracy Pierce

**PUBLIC HEARING:**

Bill Sanders, Chairperson call the Public Hearing to order at 7:30  
p.m.

**CONDITIONAL USE #28 - HASTRICH:**

Mike Farrell, Director of Planning & Research gave a brief  
explanation what this pertained to.

Trudy and Duane Hastrich have requested that the Chocolay Township  
Planning Commission consider granting a conditional use permit to  
operate a specialty retail business selling canoes, kayaks and  
paddlesport accessories at 600 Willow Road.

Duane Hastrich stated he would wait for questions when this would  
be discussed on the agenda.

There being no further comments regarding Conditional Use #28, Bill  
Sanders, Chairperson closed the Public Hearing.

**REGULAR MEETING CALLED TO ORDER:**

Bill Sanders, Chairperson called the Regular Meeting of the  
Planning Commission to order at 7:45 p.m.

Bill Sanders, Chairperson welcomed Dave Wurster to the Planning  
Commission.

**ROLL CALL:**

Roll call was taken with Estelle DeVooght, Max Engle, Bill Sanders,  
Mike LaPointe and Dave Wurster present.

Scott Emerson and Don Wickstrom were absent.

**APPROVAL OF MINUTES OF FEBRUARY 23, 1993:**

Bill Sanders, Chairperson noted that on page 2 of the minutes the  
public hearing was closed twice. The sentence Bill Sanders,  
Chairperson closed the public hearing was to be taken out.

Mike LaPointe complimented the recording secretary on the minutes.

Mike LaPointe moved, Max Engle second that the Planning Commission  
Meeting Minutes be approved as corrected.

Motion Carried 5-0.

**APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:**

Bill Sanders, Chairperson asked if there were any additions or  
changes for the agenda.

Bill Sanders moved, Max Engle second to approve the agenda items as  
presented.

Motion Carried 5-0.

**PUBLIC COMMENT:**

Robert Wallinger - 149 E Main Street requested permission to address each item as presented.

Bill Sanders, Chairperson informed him there was a Public Comment section the beginning and the end of the meeting.

Mark Maki - asked the Planning Commission if they received a letter from Steve Blondeau dated March 17, 1993 that was sent to the office to the Chocolay Township Board, Chocolay Township Planning Commission and Mark Maki.

Mike Farrell, Director of Planning & Research stated that he didn't receive that document in time to put in the Planning Commission's packet.

In that document Steve Blondeau commented that on January 26, 1993 he had written a letter to the Township requesting an exemption from the Mining & Mineral Ordinance. Basically the ordinance provides certain conditions that someone could be exempt from the Mining Permit the conditions are spelled out in 404 E regarding the hauling of material on an annual basis to exceed a maximum amount and talks about normal hours of operation and traffic flow.

Mark Maki stated that the letter was sent to Mike Farrell, Director of Planning & Research, not to him, Mike did forward the letter to Mark on February 4, 1993.

The just of Mr. Blondeau's letter is that he made an application on January 26, 1993 and that he didn't hear anything. Mark wrote a letter to Ivan Fende, Township Supervisor stating basically that the January 26th letter from Mr. Steve Blondeau that was sent to Mike Farrell was forwarded to him on February 4th and he responded with a letter to Steve Blondeau on February 9, 1993 that he had received the application and he wouldn't be reviewing it before March 1, 1993 and would let him know if any further information would be requested.

On March 3, 1993 Mark sent Steve Blondeau a letter stating that he needed to provide Mark with some more information.

Mr. Blondeau's letter basically indicates that Mark stalled him in the process. Mark was at the Planning Commission to indicated that he received the letter on February 4th and he responded to Mr. Blondeau on February 9th stating that he wouldn't be reviewing it until March 1st. Mark just wanted to clarify these issues with the Planning Commission.

Mark also stated that the problem here is that Steve will not contact Mark directly. He contact other people and then complains that he doesn't know what is going on. Mr. Blondeau has to share some of the responsibility to the fact that he isn't willing to contact Mark on zoning issues he should have a representative to contact Mark directly, and Mark indicated this to Ivan Fende, Township Supervisor and Ivan agreed this would be a good idea.

The Zoning Board of Appeals is going to hold another hearing on this issue.

Bill Sanders thanked Mark for the information.

Robert Wallinger - 149 E Main Street inquired about the green brochure if it was the DNR permit and how to apply for it. He stated that the road that Mr. Blondeau put in was through wetlands and there was concern for this.

He also made a comment on Mr. Blondeau being absent from a meeting that was to benefit him.

Mike Farrell requested that under New Business VIII A - Consider Conditional Use #28 Hastrich be moved to VII B.

No one was opposed to the item being moved up on the agenda. Bill Sanders asked if there were any further public comment. There were none. The Public Comment section was closed.

**NEW BUSINESS:**

**LOT SPLIT - DILORETTO:**

Mike Farrell, Director of Planning & Research stated he has a meeting with the County Civil Council early next week.

Mike tried to get in touch with Mr. Diloretto to let him know.

The issue has been dealt with as far as the change in his lot description he can do that.

Mike is trying to get the Chief Civil Council's interpretation on how the County looks at the two lot splits that were issued to Drobny.

Once Menze's parcel is pulled out of that plat it would be down to three owners, which will allow someone to split off and go through the lot split process to sell the lot. Theoretically you have to obtain a lot split before you can sell a lot.

The Township has already granted two lot splits to Drobny, which says that he has the ability to sell those and that is why Mike needs to obtain the information. If we did the lot split at a point when we probably shouldn't have then we still may not be able to have a request from Mr. Diloretto.

Mr. Diloretto stated that those lot splits were requested by Huefelders - one lot split, not two.

Mike Farrell stated there were two lot splits that were issued by the Township.

Huefelder had one lot and she split it into two, which isn't really a lot split because she owns both parcels.

Mike stated that none of this should have been considered as a split from the interpretation he received from the State because they have never changed the number of ownerships of the property and they still have four ownerships.

Mr. Diloretto stated that Huefelders split a lot that she owned into two descriptions which wasn't a split and that is what he wants to do to his property.

Mike stated that in actuality no splits may have occurred to this date, but the Township has granted two splits.

Mike has to find out from the County on how they view this lot split. We cannot act upon Mr. Diloretto's request or any type of lot split.

Mr. Diloretto asked if as far as his request is the Township Planning Commission denying it as in his original request back in January.

Mike Farrell stated he is being denied at this time because it would be illegal for the Township to act upon it at this time and that is going to be his recommendation to the Planning Commission.

It is illegal because we cannot grant a lot split in a situation where a violation of the State Plat Act may occur.

Estelle DeVooght asked if he changes the description what happens if he decides to sell it once he changes the description?

Mike Farrell stated if Mr. Diloretto sells it and the person he sells it to comes back to us and requests to put a structure on it, we deny the Zoning Compliance Permit to put a structure on it at which time the person's recourse is to go to the County and the County will basically take a stand like they did to Huefelder and



say that person wants his/her money back, he would have to give that person their money back.

Mr. Diloretto - prior to Drobny's even buying that house and property he was granted a lot split and that lot split was approved by the Township so that was actually the first lot split.

It was noted that this was Mr. Diloretto's existing lot where his house is now.

The County enforces the ordinance. We cannot take any action on the Township level that would be in violation of the Sub Division Control Act. After the County has identified what they feel is necessary and Mr. Diloretto can comply with that, then the Planning Commission will sit down and take a look what has to be done for a lot split.

If it turns out that Mr. Lomax's opinion regarding a lot split is correct that you cannot stop the changes in a lot, but you can prevent the selling, then he would urge the Planning Commission to amend the Zoning Ordinance to indicate language that would say that no lot split should be approved unless it is in compliance with the Zoning Ordinance and amend the Lot Split Ordinance to not allow specifically spell out that no lot split should be granted for any lot unless the lot is being built on.

Bill Sanders moved, Estelle DeVooght second that the Lot Split Request be tabled until addition information is obtained.

**Motion Carried 5-0.**

**Condition Use #28:**

Mike Farrell gave a brief explanation what this pertained to.

The applicant, Trudy and Duane Hastrich have requested that the Chocolay Township Planning Commission consider granting a conditional use permit to operate a specialty retail business selling canoes, kayaks and paddlesport accessories in the old laundromat at 600 Willow Road (Willow Road/Silver Creek).

Estelle DeVooght read a letter that was written to the Chocolay Township Planning Commission by Kay Beauchamp - 261 Silver Creek Road stating she was against the Conditional Use Permit #28.

Duane Hastrich stated the issues that was in Ms. Beauchamps letter has all been addressed in the application.

The renovation of the building and land will result in a more pleasing natural appearance. Trees, shrubs, foundation plantings, flower boxes, hanging plants will be installed. Lawn areas will be upgraded and maintained.

In the future there are plans for an addition of 32' x 20' to the North wall of the structure.

Estelle DeVooght thought instead of the type of business with the amount of people living in that area - a little party store being put there, the residents would go for it.

Mike Farrell stated that the building has been vacant for a number of years.

It was asked if this could be sold as a resident. It could, but the owner would have to demolish the building.

Mr. Hastrich stated that according to the letters Mike Farrell sent out to the property owners within 300 feet there was only one response against his conditional use being granted.

Mr. Hastrich said the last thing in closing is that he feels they have presented in their letter that he is willing to follow all of Mark's and Mike's guidelines to see that this plan is acceptable.

Also the suggested motion Mike Farrell presented to the Planning Commission with the addition of # 4 "Should plans be considered to expand existing building beyond existing walls the necessary variances be acquired prior to amending conditional use to allow such an expansion." Under #2 (the last sentence - and if lighting is used other than typical flood lights they must be of the low sodium vapor type lamp) be struck.

Max Engle moved, Bill Sanders second that the Chocolay Township Planning Commission approve the application and plans, as submitted, for a conditional use permit to operate a specialty retail business selling canoes, kayaks and paddlesports accessories on the following parcel:

Section 7, T 47 N, R 24 W

Commencing at the Northwest corner of said Section 7; thence South 01 degree 08'00" East, 268.69 feet along the West line of said Section 7 to the South right-of-way line of Silver Creek Road; thence North 88 degree 20'15" East, 556.18 feet along the said South right-of-way line of Silver Creek Road to the Point of Beginning of the land to be described; thence South 02 degree 04'00" East, 140.00 feet; thence North 88 degree 20'15" East, 131.10 feet; thence North 01 degree 00'11" West, 140.52 feet along the West line of the East 33 feet of the Northwest Quarter of the Northwest Quarter; thence South 88 degree 20'15" West, 117.21 feet along the said South right-of-way line of Silver Creek Road to the Point of Beginning:

More commonly known as 600 Willow Road.

With the following conditions:

1. Business hours be limited to the hours between 9:00 a.m. and 6:00 p.m. and by appointment at other times.
2. Exterior lighting must be shielded so that it does not project onto residential properties.
3. Advertising signs be limited to structure mounted signs and must comply with the Township sign regulations.
4. Should plans be considered to expand existing building beyond existing walls the necessary variances be acquired prior to amending conditional use to allow such an expansion.
5. All plans be reviewed by the Township Zoning Administrator and conform with all established regulations as stated in the Chocolay Township Zoning Ordinance #34.
6. That Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to start of construction.
7. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to project commencement.
8. That non-fulfillment of any of the conditions as set forth in this approval shall constitute a violation of the conditional use permit and may lead to the revocation of the conditional use permit.

The penalties for violation of this ordinance shall be the same as those penalties set forth in Section 707 of the Chocolay Township Zoning Ordinance.

Motion Carried 4-1.

**Principal Structure Definition:**

Mike Farrell read the clarification out of the County Ordinance. He wants the Planning Commission's comments on this and would like to schedule a Public Hearing.

Principal Structure means the main building to which premises is

devoted.

The Planning Commission felt the definition looks fine.

Max Engle had a concern with principal use. - The main use is allowed within one Zoning area. You may have several different uses within one building - you may have retail sales in part and maybe some office space in another and both are allowed in the C-2 Zoning District, but when you say this, both uses are allowed on the same lot.

Estelle they are in the same structure and they are internal.

Mike Farrell asked Mark Maki when he issues a Zoning Compliance Permit how does he view it if someone comes in with one structure is for office and retail on the same structure?

Mark noted he looks under it in a C-2 Zoning District. The way about this is to try to make it so that you have one main building - because if you have more than one main building then you have problems.

Mark used Engle Nook Gallery as an example. One building - but used for office space and the type of business it is being used for. That isn't a problem.

The key is to eliminate it to one primary permitted structure and not worry about how many uses allowed on the structure.

You could also define Accessory Structure to the extent that you put limits.

#### Dwelling Definitions/General Regulations:

Mike Farrell, Director of Planning and Research noted that issues come up more often and this is the time to deal with definitions of dwellings. Mobile homes should also be dealt with. At present, mobile homes are only allowed in Mobile Home Parks and the mobile home subdivision in Chocolay Township.

Mike Farrell explained the definitions to the Planning Commission. Also discussed were the general regulation that would allow certain types of mobile homes such as 18' width and conform in design to a regular home was discussed.

This has been upheld in court.

Mike Farrell pointed out the difference between a modular and a mobile home. A mobile home has a title. A modular does not.

Bill Sanders had a question on Item A and what the question marks in the second line meant?

Mike Farrell took the information from the original ordinance. It may have something to do with storage area.

There was also a concern on Item C - regarding what code takes affect. Maybe and/or should be added.

There was also a concern on item G regarding roof over hangs. This should be dealt with for water drainage. Mike will do research with the Health Department on this.

There was also a question regarding camps. Could a mobile home be used, if it met the criteria.

Another possibility may be under the Recreational Structure from the County Ordinance. It allows certain types of structures.

There were no other comments regarding the dwelling definitions and general regulation text.

Mike Farrell will sit down with Mark Maki to see how he would

enforce the general regulations and then set up a public hearing in May or June on language we would be comfortable with.

**Recreation Planning:**

Mike Farrell suggested a joint meeting with the Planning Commission and the Township Board to discuss aspects of planning in the future.

Also at that time maybe a Recreation Committee could be set up to deal with recreation.

Mike Farrell went over the Recreation Plan that was put in the Planning Commission's agenda packet. He noted this is the copy that went to the DNR for the recreational grant.

Items regarding trails, bike paths, signage and fencing were discussed.

After discussion on the various issues it was noted that the Beaver Grove Recreation Area was a great investment and would get alot of use.

It was also discussed on who determines who gets the use of the both parks. It was noted that the Department of Public Works does the scheduling of the recreation areas.

It was also noted that Chocolay would be hosting all soccer activities this year due to the closing of the soccerfield at Bothwell.

Mike Farrell said he and Larry Gould will pick a topic from the Recreation Plan for the next Planning Commission meeting.

**Planning Director's Report:**

Mike Farrell, Director of Planing & Research stated that he would like to have a joint meeting with the Township Board before the next Planning Commission meeting to discuss future plans for Chocolay Township.

It was suggested that the joint meeting be held April 20th or 21st preferably the 21st.

**Public Comment:**

Bill Sanders, Chairperson asked if there were any public comment. There were none so the public comment section of the Planning Commission meeting was closed.

**Informational Items and Correspondence:**

- 1. Correspondence from Gary Niemela - thanking the Planning Commission for support of their proposed development.
- 2. Correspondence from DNR - Chocolay River Plans.

**Adjournment:**

There being no further business, Bill Sanders moved, Estelle DeVooght second to adjourn. The Planning Commission Meeting was adjourned at 9:55 p.m.

Motion carried 5-0.

*Estelle DeVooght*  
 \_\_\_\_\_  
 Jeanette R. Collick  
 Recording Secretary

*Jeanette R. Collick*  
 \_\_\_\_\_  
 Estelle DeVooght  
 Planning Commission Secretary

## CHOCOLAY TOWNSHIP

## PLANNING COMMISSION

TUESDAY - APRIL 27, 1993

AS AMENDED

**PRESENT:** Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe,  
Dave Wurster, Scott Emerson

**ABSENT:** Don Wickstrom

**STAFF PRESENT:** Mike Farrell, Director of Planning & Research  
Jeanette Collick, Recording Secretary  
Mark Maki, Director of Assessing & Planning

**PUBLIC PRESENT:** Terry O'Dovero, Bob Cambensy, Peter O'Dovero,  
David Weeks, Duane Carlson, Arvo Rantanen, Philip La Combe, John  
Renfrew, Ileana Renfrew, Brian Maniko, John Janofski, Rhonda Luce,  
Jo Gerrish, Cathy DeVooght, John DeVooght, Susan Goodwin, Richard  
Goodwin, Jean Reynolds, Davis W. Reynolds, Drek Peura, John J.  
Arvon, Jim Murdy, Lainey Murdy, Terry Huffman, Barbara Dupras, Ron  
Clement, Elsa Clement, Bob Curry, Marian Lindquist, Scott  
Lindquist, Don Balmer, Jack Hetherington, Suzanne Harding, Howard  
Harding, Jude Catello.

**PUBLIC HEARING:**

Bill Sanders, Chairperson called the Public Hearing to order at  
7:30 p.m.

**REZONING #67 - TEXT AMENDMENT - FEES, NOTIFICATION, PUBLICATION,  
DEFINITION, AND PARKING:**

Mike Farrell, Director of Planning & Research gave a brief  
explanation what this pertained to.

The applicant, Chocolay Township Planning Commission, has  
petitioned the Chocolay Township Board to amend the Chocolay  
Township Zoning Ordinance with language regarding:

1. Section 101, add definition - principal structure

THIS WOULD BE THE MAIN structure or building to which the premise  
is devoted to.

2. Section 105, set additional regulations.

This would be setting up language which will require the Zoning  
Board of Appeal to advertise their meetings, put notices in the  
newspaper five days prior to their meetings and to notify the  
applicant, all owners, residents within 300 feet of the property to  
be directly affected by a zoning decision.

The time, place and nature of the meeting, the area included and  
where and when written comment will be received shall be contained  
in the notification.

3. Section 500, change parking requirements

Off street parking for fast food take-out establishments and drive  
in restaurants.

Previously it was .10 time floor area in square feet, we are  
changing it to be 1.5 spaces per 100 square feet of floor area.

4. Section 702, change fee structure.

Amend fees for applications for Planning Commission or Zoning Board of Appeals, which would consists of:

Planned Unit Development  
 Conditional Use Permit  
 Variance Application  
 Zoning Amendment  
 Non-conforming Use Permit  
 Home Occupation  
 Zoning Appeal

Fees for this would be established by resolution of the Township Board.

There being no further comments regarding Rezoning #67, Bill Sanders, Chairperson closed the public hearing regarding Rezoning #67.

**PRIVATE ROAD REQUEST #3 - O'DOVERO:**

Bill Sanders, Chairperson opened the public hearing for Private Road Request #3 - O'Dovero.

Mike Farrell, Director of Planning & Research gave a brief explanation on the application requesting approval for a private road with access off M 28 E.

Pete O'Dovero, developer of the project turned this portion over the Bob Cambensy, engineer for the project.

The project consists of constructing a private road with access coming off M 28 East where the abandoned railroad is located.

The entrance off M 28 E will be constructed under a permit from the Michigan Department of Transportation. The road right of way that is being proposed is 66 feet in width with the cul-de-sac right-of-way being 160 feet, which is the same as the Marquette County Road Commission standards. The private road would have 20 foot wide paved asphalt surface.

He explained the three potential drainage schemes, which he preceded to show on the various maps.

Scheme #1. Has essentially two paths of drainage along the ditches of the road. One at the Northwestern end of the road and which goes directly between the proposed lots 12 and 13 and with discharge in the flood plain area would then percolate toward the river.

Scheme #2. Areas of discharge would be near the bridge which is proposed to be built across Silver Creek. Again this would discharge right to the creek in those areas.

One of the questions that may come up would be, what would this possibly do to contribute to the flooding conditions of the Chocolay River or Silver Creek?

Scheme #3. Is the take off from the second one and would have the water discharging in the detention ponds that would be constructed in front of the low areas.

The project would be served with Sanitary Sewer. There is an existing manhole on the lot lying between 40 and 41 in Riverside Addition of Lakewood.

The project is not dealing with septic tanks and any pollution going into the ground.

Each lot would have its own private well.

With the construction of the roadway the developer has to comply

with the Soil Erosion & Sedimentation Act. Cannot start any construction of the road until the permit is in hand.

There will be a number of protections in specifications in that permit as far as any sediments going into Silver Creek or Chocolay River.

John Renfrew - 234 Riverside Road - Concern was with the drainage going into the river. He inquired as to the plans to check the river drain off. Also another concern of his was the use of fertilizers on lawns and going into the river. He was also concerned for the radical impact it would have on the wildlife. He was also concerned about the aesthetics. We have a scenic river that has not been developed.

Bob Cambensy - Engineer - stated these would be single family homes on 200 foot lots and exceeds the zoning requirements. The developer is not planning on cutting all the trees down. People are going to have money invested in these lots also. These would be single family homes.

Duane Carlson - 206 Riverside Road - Concern about wells and earthmoving. Also concerned about property values declining.

Suzanne Harding - 169 E. Main - concern about condominiums, fertilizers, multiple dwellings.

Bill Sanders, Chairperson stated this was a request for a private road approval, not type of homes being built.

Bob Cambensy stated there is twenty-two (22) parcels proposed. No different than twenty-two (22) single family detached homes.

Howard Harding - 169 East Main concern on the proposed road being a through cut off M 28 East. There are approximately eight (8) children probably not over the age of twelve (12) that live on that section of East Main Street where there is a possibility of traffic getting through from the proposed private road.

Mr. Harding was also concerned about the capacity of the Township's Sanitary Sewer - will it handle the homes being proposed to be built if the private road approval goes through?

Mr. Harding was also concerned about the flood plains.

Mr. Cambensy stated that the developer would not be able to obtain a permit if this was in the flood plain. The Township's Sanitary Sewer System will handle the development.

Mr. Harding was also concerned about the additional chemicals from private well coming down stream, the bridge capacity and school bus access.

Mr. Cambensy stated the bridge would have a 80,000 pound capacity

Resident from Baker Street asked why the developer want to go with a private road versus a public road?

Mike Farrell, Director of Planning & Research explained that to go public, you must meet the standards set by the Marquette County Road Commission.

If approved for private road the maintenance has to be provided by the developer and/or association.

Private roads are allowed in our Zoning Ordinance.

Barb Dupras - 177 East Main Street - asked if clarification from last property owner in the proposed development could be obtained that there would not be access off East Main Street.

Bob Cambensy, Engineer - said the last property line is

approximately 20 feet.

Possibly a fence could be put up.

Dave Weeks - 5 Grove Street - concern on drainage. Spoke towards the selection of drainage schemes and the significance of difference of opinion with the drain commissioner at the County and what is the preferred method to litigate storm water construction runoff.

Ileane Renfrew - 234 Riverside Road - Recreation and aesthetics are beautiful and wanted to know if the developer is providing any protection for the environment. She was also concerned about buffer zones, marinas and dogs.

Alan Rose - 174 Riverside Road - Concern that at present he felt there were too many homes by the river. Why do we want to build the river up any more?

Davis W. Reynolds - 175 East Main Street - Concern what happens at the end of the road if the lots do not sell for five or six years and who would monitor the motorized vehicles getting through? It was stated that possibly a barrier at the end of the development to established so there wouldn't be any through traffic.

Also was concerned about when/if the proposed private road was approved, where would the building of the road start, would it start off M 28 East or would it start at East Main Street?

Don Balmer - 101 Forest Road - concern on description of building or developing in a flood plain and would like to see restrictions and to make sure that if it is the DNR's problem the Army Corps of Engineers doesn't come along and say it is a flood plain so what build on it anyway.

Jude Catallo - 190 Lakewood Lane - would like to urge that this be issued under a Conditional Use Permit.

Sedimentation problem was also a concern that may get worse and cost the Township more money.

She also felt that the Comprehensive Plan should be followed.

Mike Farrell, Director of Planning & Research explained setbacks.

Elsa Clement - 198 Riverside - concern about cutting trees, setbacks and construction concern.

Philip La Combe - 202 Riverside Road - Concern regarding river bank is falling, flow of water and loosing front part of home. What is the developer going to do regarding unanswered questions.

Another resident from East Main Street - How far along has the project been approved, what do we have to say about the approval?

Duane Carlson - 206 Riverside Road - concern about the private road becoming public roads. Jacobson Subdivision was given as an example.

Bill Sanders, Chairperson stated after the Planning Commission it will go to the Township Board for their approval or denial.

Howard Harding - 169 E Main Street - Concern regarding the winter time and the ice freeze build up. When Lake Superior starts to ice down, river may start to back up. Gave the example of Bayou Road in 1985 and had to use dynamite to open the river.

Rich Vivian - 125 Bayou Road - He was subject to the ice conditions and they were not only caused by the rain, but when the dam broke at Lake LeVasseur.

As far as a private road, he lives on a private road and pays no



less taxes than someone being on a private road.

We have a need to improve the river itself.

Nobody wants to assume the responsibility such as the DNR, Army Corps of Engineers and the Township Board.

John Renfrew - 234 Riverside Road - Chocolay Comprehensive Plan - areas of concern. Protection of rivers and streams for benefit of all. Township Board to do environmental assessments and investigate past record of developer.

Resident from 270 Riverside Road stated it may seem emotional but the trees not be moved out because of the view. That may be a problem with our forest and no one cares.

Elsa Clement - 190 Riverside Road - Concern on the embankment and how it would be protected.

Matt Calcaterra - 170 E Main Street - Slope becomes very sandy acceptable for erosion. Look more closely at the end of E Main Street.

Jim Murdy - 274 Riverside Road - unanswered questions on the impact the road and development is going to have.

Bill Sanders, Chairperson asked if there were any further public comments regarding Private Road Request #3 O'Dovero.

There being no further comments regarding Private Road Request #3 - O'Dovero, Bill Sanders, Chairperson closed the public hearing regarding Private Road Request #3 - O'Dovero.

**CONDITIONAL USE PERMIT #29 - GIBBS - GOLF COURSE PERMIT AMENDMENT:**

Mike Farrell, Director of Planning & Research explained that the applicant, Chocolay Downs Golf Course, has requested that the Chocolay Township Planning Commission consider granting an amendment to allow the construction of facilities to house golf carts as part of the existing conditional use permit. This would be a building with a roof to protect carts that people would want to keep at the Golf Course.

There were no public comments made regarding the Chocolay Downs Golf Course, Bill Sanders Chairperson closed the public hearing session regarding the Conditional Use Permit #29 - Gibbs Golf Course Permit Application.

There being no further public hearings, Bill Sanders, Chairperson closed the public hearing session of the meeting.

**REGULAR MEETING CALLED TO ORDER:**

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 8:30 p.m.

**ROLL CALL:**

Roll call was taken with Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe, Dave Wurster and Scott Emerson present.

Don Wickstrom was absent.

**APPROVAL OF MINUTES OF MARCH 23, 1993:**

Max Engle moved, Mike LaPointe second that the minutes of March 23, 1993 be approved as presented.

Motion Carried 6-0.

**APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:**

Scott Emerson moved, Bill Sanders second that New Business be moved up on the agenda before Old Business.

Motion Carried 6-0.

**PUBLIC COMMENT:**

Cathy DeVooght - 6341 U S 41 South distributed information regarding her item on the agenda for review when the Planning Commission considers her request.

John Renfrew - 234 Riverside Road stated that notices were delivered late regarding the hearing not within 5-15 days prior to the hearing. Some notices were distributed yesterday or the day before. Some people not given ample time to give a written opinion or voice one.

Mike Farrell, Director of Planning & Research stated that there were no notices from the Township delivered in person and he was not aware of any other notices being delivered.

Steve Blondeau - requested that when single structure per lot was going to be discussed he would like to be informed.

Bill Sanders, Chairperson asked if there were any further public comment. There were none. The Public Comment section was closed.

Bill Sanders, Chairperson called a five (5) minute recess.

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 8:45 p.m.

**NEW BUSINESS:**

**Private Road Request - O'Dovero:**

Estelle DeVooght, Planning Commission Secretary read letters from Mr. & Mrs. Davis Reynolds and Mr. Burt Sparhawk that were received at the Township Office today regarding the Private Road Request - O'Dovero.

There was also a letter that received from Darryl Sundberg that was sent to Mr. Cambensy basically saying that he supports the option that would drain the water directly to the river and not require detention.

Bill Sanders, Chairperson stated what the intent for the Planning Commission was to review the application for a private road.

Mike Farrell, Director of Planning & Research stated that there is very little that we can do regarding the types of houses, etc.

We have a definition in our Zoning Ordinance that pertains to what a condominium unit is and that is to reflect to minimum standards set on a platted residential lot. Basically that is the only requirement we have. The review of condominiums is dealt with on the County and State levels.

After much discussion and various comments that were already presented at the public hearing regarding the buffer, policing of the area at the end of E. Main Street, bridge, drainage, permits, it was asked if Mr. O'Dovero would bring in the final plans for residents to look at?

Mr. O'Dovero had no problem in doing this with the final plans.

There were concerns regarding where the majority of the construction for the road would take place. Would it be off M 28 East or E. Main Street.

Mr. O'Dovero stated that the majority of the work would be done off M 28, but some of the equipment may have to be hauled through East

Main Street, but this would be tried to be kept at a minimal.

There were no problems with the road name being Chocloy River Trail, but consideration will have to be given to naming part of the road with an East due to the short section of road that services lots, three, four, and five.

Mike La Pointe moved, Bill Sanders second that the Chocloy Township Planning Commission recommend to the Chocloy Township Board that the requested private road application and plans be approved, as submitted, and amended, with the following conditions:

1. The developer will provide, at their own expense, street signs and posts per township specifications and maintenance of the signs and post to be the responsibility of the owner(s).
2. A covenant be established on the parcel deeds identifying the private road status and the responsibility for road maintenance, right-of-way maintenance, and drainage maintenance and also noted that the private road will not be maintained at public expense.
3. That open access to the private road be maintained for essential public services.
4. The proposed roads be named Chocloy River Trail and East Chocloy River Trail as shown and added to the plans submitted.
5. That applicant comply with all requirements of the Michigan Department of Transportation for access to U.S 41 Highway.
6. That the applicant obtain all the necessary permits from Local, State, and Federal agencies that are required for the development of the road. These may include Soil Erosion Permit, Inland Lakes and Streams Permit, Floodplain Regulatory Authority review, as well as any others that may be required for the proposed road.
7. Measures be taken to eliminate ORV traffic from East Main Street onto the proposed road and a 6 foot high burn vegetation barrier be included.
8. All construction related activities gain access to the property off M-28 Highway and no construction activities on East Main Street for access except where necessity requires access of East Main for bridge construction.
9. Drainage Scheme A as submitted be used.

Motion Carried 6-0.

**CONSIDER CONDITIONAL USE #29 - GIBBS:**

Max Engle moved, Estelle DeVooght seconded that Conditional Use #29 be moved after the request from Cathy & John DeVooght - Waive Rezoning.

Motion Carried 6-0.

**REQUEST FROM CATHY & JOHN DEVOOGHT - WAIVE REZONING FEE:**

Cathy DeVooght read a letter that she presented to the Township Planning Commission that was not included in their packet. She also presented a copy to the Marquette County Planning Commission, Dave Gillis-CUPPAD, Chocloy Township Clerk and copies to the public.

She asked what the normal amount of days for a rezoning request.

Mike Farrell, Director of Planning & Research stated it was

anywhere from 60 to 120 days.

Mike Farrell stated that no other fees were waived for any individual cases. The Planning Commission or Township Board was the petitioner.

Our Ordinance does not provide to waiver a fee.

There was a question regarding the lot split of 9 1/2 acres in March 1977 RP changed to RR-2.

It was stated that the issue for the Planning Commission to discuss was the waiver of the fee, not the rezoning.

Bill Sanders moved, Mike LaPointe second that the waiver of the Rezoning Fee be denied.

**Motion Carried: Ayes: 6 Nays: 0 Abstain: 1**

**CONSIDER CONDITIONAL USE #29 - GIBBS:**

Bill Sanders moved, Max Engle support that the Condition Use Permit #29 - Gibbs be tabled until the May Meeting.

**Motion Carried 6-0.**

**REZONING #67 - TEXT AMENDMENT - FEES, NOTIFICATION, PUBLICATION, DEFINITION, AND PARKING:**

Mike Farrell, Director of Planning & Research went through the proposed changes regarding:

- Section 101 - Definitions
- Section 105 - Administrative Standards & Procedures
- Section 500 - Off-street parking requirements
- Section 702 - Fees

Bill Sanders moved, Scott Emerson second that the Chocoy Township Planning Commission recommend to the Chocoy Township Board that the following amendments to the Chocoy Township Zoning Ordinance be approved.

**AMENDMENT**

Section 101 of the Zoning Ordinance of the Charter Township of Chocoy shall be, and the same hereby is amended by the addition thereto of the following language:

**PRINCIPAL STRUCTURE,** The main structure or building to which the premises is devoted.

**REPEALER AND AMENDMENT**

That portion of Section 105 of the Charter Township of Chocoy Zoning Ordinance entitled "ADMINISTRATIVE STANDARDS AND PROCEDURES" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be, and the same hereby is amended by the addition thereto of the language, which is underlined:

**SECTION 105: ADMINISTRATIVE STANDARDS AND PROCEDURES**

- (A) Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- (B) Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning

Commission shall:

- (1) Base their decision upon facts presented at a public hearing preceded by notice in a newspaper of general circulation in the Township of at least 5, but not more than 15 days. A rezoning or amendment shall be preceded by two notices, the first not less than 20 but not more than 30 days prior to the hearing and the second not more than eight days prior to the meeting.
  - (2) Notify, by personal service or by mail, the applicant, all owners, residents, or managers of property adjacent to or within 300 feet of the property to be directly affected by a zoning decision.
  - (3) Set forth in all notifications, the time, place, and nature of the meeting, the geographic area included in the zoning proposal, and where and when written comments will be received.
  - (4) Permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration.
  - (5) Prepare a comprehensive summary record of the hearing, including an exact record of motions, votes, and other official actions.
  - (6) Set forth in writing and in detail, any denial, approval, conditional approval, or order and the facts supporting such decision.
  - (7) File the record, written testimony or documents submitted with regard to the hearing, and the decision with the Township Clerk to be open to public inspection.
  - (8) Comply with all other requirements under law.
- (C) Where a public meeting of the Zoning Board of Appeals is required in the administration of this Ordinance, the Zoning Board of Appeals shall:
- (1) Place a notice of the meeting in a newspaper of general circulation in the Township of at least 5 days prior to the meeting.
  - (2) Notify, at least 5 days prior to the meeting, by personal service or by mail, the applicant, all owners, residents, or managers of property adjacent to or within 300 feet of the property to be directly affected by a zoning decision.
  - (3) Set forth in all notifications, the time, place, and nature of the meeting, the geographic area included in the zoning proposal, and where and when written comments will be received.
  - (4) Permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration.
  - (5) Prepare a comprehensive summary record of the hearing, including an exact record of motions, votes, and other official actions.
  - (6) Set forth in writing and in detail, any denial, approval, conditional approval, or order and the facts supporting such decision.
  - (7) File the record, written testimony or documents submitted with regard to the hearing, and the decision with the Township Clerk to be open to public inspection.

(8) Comply with all other requirements under law.

(D) All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

REPEALER AND AMENDMENT

That portion of Section 500 of the Charter Township of Chocolay Zoning Ordinance entitled "OFF-STREET PARKING REQUIREMENTS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be, and the same hereby is amended by the repeal of the following language contained within brackets [], and amended by the addition thereto of the language, which is underlined:

Fast food take-out establishments and drive in restaurants	[.10 times floor area in square feet] <u>1.5</u> <u>per 100 sq. ft. of</u> <u>floor area</u>
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REPEALER

Section 702 and all sub paragraphs thereof of the Charter Township of Chocolay Zoning Ordinance as adopted May 9, 1977 and any and all Amendments thereto of said Section 702 of the Charter Township of Chocolay Zoning Ordinance adopted SUBSEQUENT to May 9, 1977, shall be, and the same hereby are, repealed. This repeal shall be effective as of the date of the following Amendment.

AMENDMENT

Section 702 of the Zoning Ordinance of the Charter Township of Chocolay shall be, and the same hereby is, amended to read as follows:

SECTION 702 FEES.

Neither the Township Planning Commission nor the Zoning Board of Appeals shall consider any of the following until there is first paid a fee.

- (A) Planned Unit Development;
- (B) Conditional Use Permit;
- (C) Variance Application;
- (D) Zoning Amendment;
- (E) Non-conforming Use Permit;
- (F) Home Occupation;
- (G) Zoning Appeal;

The Township Board, by resolution, shall set the fees for the above matters. The Township Board, by resolution, may change these fees, from time to time, as they determine appropriate.

Motion Carried 6-0.

DISCUSS SEASONAL ROADS, ZONING COMPLIANCE, AND PRIVATE ROADS:

Mike Farrell, Director of Planning & Research read a memo written by Larry Gould, Supervisor of Department of Public Works regarding seasonal roads.

1. Whereas the Marquette County Road Commission has established a

system of seasonal county roads and whereas several county roads in the Township have been included in the seasonal system and whereas the Township does not wish to incur the expenses of the improving or reconstructing these roads to change the road status, therefore the Board adopt a policy of not cost sharing in any improvements to a seasonal county road and that if that a season county road is reclassified by the Marquette County Road Commission to year round status that it must be updated by others to the current road standards of a new county road before the Township will consider it for future improvements.

2. I move that the issue of seasonal county roads and issuance of zoning compliance permits for residential structures on seasonal county road be referred to the Township Planning Commission to prepare appropriate wording for incorporation into the Zoning Ordinance and that the Planning Commission also review the current standards for private roads to determine if changes in the Ordinance are warranted.

It was stated that seasonal roads are not plowed by the County Road Commission.

Mike Farrell said the Township Board would like the Township Planning Commission to back up the County Road Commission and to put language into the Zoning Ordinance regarding this.

Mike Farrell suggested that he and Mark Maki, Zoning Administrator sit down and come up with language that would pertain to this and bring this back to the Planning Commission at their May meeting. This language would consist of slopes, curves, grades, paving, gravel etc.

This would be for roads in the future, not the ones that are in existence.

Bill Sanders moved Scott Emerson second to support the language regarding the seasonal roads to come back to the Planning Commission at their May meeting.

**Motion Carried 6-0.**

Bill Sanders moved, Max Engle second to table items under Old Business:

A. Dwelling Definitions/General Regulations and

B. Recreation Planning.

**Motion defeated.**

Scott Emerson moved, Estelle DeVooght second to table item A - Dwelling Definitions/General Regulations.

**Motion Carried 6-0.**

**RECREATION PLANNING:**

Mike Farrell gave a report on the various types of trails.

Don Elzinga is the local person to get in contact with dealing with the North Country Trail. It was suggested that possibly Don Elzinga attend a Planning Commission Meeting in the near future to give a presentation and discuss this trail through Chocolay Township.

Scott Emerson suggested that the survey be used for the kinds of trails.

Mike Farrell also suggested that possibly a recreation ad hoc committee be set up regarding recreation.

Mike LaPointe asked about the joint meeting between the Planning Commission and the Township Board,

**PLANNING DIRECTOR'S REPORT:**

Mike Farrell, Director of Planning & Research said the Township Board at their April 19th meeting didn't want to have a Special Meeting, but would be willing to have a joint meeting on May 3, 1993.

It was a consensus of the Planning Commission to have a joint meeting of the Township Board and the Planning Commission and to be the first item on the agenda.

Some of topics for the joint meeting could be as follows:

1. Recreation
2. Private Roads
3. Principal Structures
4. Language - Condominiums
5. Aesthetics - Landscaping
6. General Planning
7. Ad Hoc Committee
8. Lighting

Bill Sanders, Chairperson asked when the road ranking would be taking place?

Mike Farrell, Director of Planning said as soon as the frost is out of the ground.

**PUBLIC COMMENT:**

Max Engle suggested that something needs to be done to make the 9 1/2 acres of Cathy & John DeVooght's property useable.

It was felt it may be the Township's responsibility to do something to make this a buildable lot.

It was felt by some of the Planning Commission members no matter what the history of the property, something needs to be done.

The Planning Commission members commended Bill Sanders, Chairperson for a job well done in chairing the meeting.

Mark Maki, Director of Assessing & Zoning had a question regarding Rezoning #67. He also felt that high standards are necessary in the approval of private roads and commented about clearcutting of forest lands with the possible need to control this activity.

**INFORMATIONAL ITEMS AND CORRESPONDENCE:**

There were no informational items or correspondence.

**ADJOURNMENT:**

There being no further business, Bill Sanders moved, Max Engle second to adjourn. The Planning Commission Meeting was adjourned at 11:20 p.m.

Motion Carried 6-0.

Jeanette R. Collick  
Jeanette R. Collick  
Recording Secretary

Estelle DeVooght  
Estelle DeVooght  
Planning Commission Secretary



## CHOCOLAY TOWNSHIP

## PLANNING COMMISSION

TUESDAY - MAY 25, 1993

**PRESENT:** Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe, Dave Wurster, Scott Emerson, Don Wickstrom

**STAFF PRESENT:** Mike Farrell, Director of Planning & Research

**PUBLIC PRESENT:** Wm Dorrow, John Clark, K. Schmidt, J.W. Hlinak, Gary Haput, Mike Bungo, Norma Bugno, Alan Pierce, George Schmidt, Mark Leist, Pat Leist

**PUBLIC HEARING:**

Bill Sanders, Chairperson called the Public Hearing to order at 7:30 p.m.

**REZONING #68 - R-2 TO R-4:**

Mike Farrell, Director of Planning & Research gave a brief explanation what the applicant was planning on rezoning parcel 1-6 from R-2 to R-4.

George Schmidt - 232 Silver Creek Road (Applicant) said he would like the property changed from R-2 to R-4 to complete the construction of the Mobile Home Park.

John Hlinak - 234 Silver Creek Road (former owner of Bide A Wile Mobile Home Park) - No objections on lot 4 which he owns. Lots 1-4 already zoned R-4 is what was started 10-12 years ago and Mr. Schmidt is now at the point for construction in that area. There were mobiles on those lots in the past.

Patricia Leist - Willow Road - about a year ago it was brought up that Willow Road was in bad condition and it is now being maintained on a volunteer basis by members of the road. Father Gauthier and members of the church did asphalt part of Willow road up to the creek.

Her main concern was that the trailer park would be accessing off Willow Road. Her understanding at the last meeting when this was discussed this was not suppose to access off Willow Road and it has. There are permanent mailboxes and a light pole there.

Mark Leist - 730 Willow Road - His objection to this was if this is passed, the traffic on Willow Road even go higher and the bridge on the road cannot take this traffic. He felt if it is passed then another access should be off the road for fire protection, ambulance service, etc. and people have access coming in and out of there and we do not have that now.

John Clark - 750 Willow Road - Concern on the extra traffic on Willow Road.

William Dorrow - 740 Willow Road - Why change from R2 to R-4 Zoning?

Al Pierce - County Road 456 - Little Lake - When this was discussed at the Planning Commission at a past meeting - he was engaged to represent Mr. Schmidt and present his case for rezoning to the Planning Commission. Since that time there has been several changes in improvements in the mobile home park. Some changes involve the land that Mr. Schmidt has regarding frontage of Willow Road, as well as an agreement that he has obtained additional parcels. Another major change since the last time this was

presented was that Mr. Schmidt does have some legal access to Silver Creek Road via easement.

The road way itself has been improved from the condition that it was in the last time.

Mr. Schmidt has demonstrated a desire to meet the requirements of the Township sewer utilities. The expansion, if approved will continue to add to the Township's Sewer Utility fund.

The Master Plan that the Township has adopted identifies the need for the diversity of housing types within Chocolay Township. There are relatively few areas within the Township where mobile homes can be placed. Without expansion of the mobile home park this would be certainly one area where this diversity could be encouraged.

One of his observations as these lots are developed and are made for occupancy, they would be immediately filled, as there is definite need throughout the County for this type of development.

One of the major issues that came up the last time this was discussed involved Willow Road. Willow Road has been a problem for the Township for many years and the problem will probably continue for sometime in the future.

It is his observation that Mr. Schmidt is developing the Mobile Home Park would be maintaining the road for the benefit of his renters and whatever damage occurred he would have to be in a position for maintaining and keeping up because simply his renters need to drive out on a relatively smooth road.

In closing he wanted to add his voice that hopefully the Planning Commission would consider recommending approval to the Township Board for this revision of the Zoning District and that it would bring its districts to include performance for existing patterns of land ownership and to allow for the development of the improved park land.

Patricia Leist - inquired if there are plans to asphalt from the drive out to the other drive to the other asphalt section to Willow Road.

Resident also talked to Father Gauthier because the church put in the asphalt portion of Willow Road and he had a concern because of the heavy trucks and trailers going over that asphalt and there were already wear and tear. She felt there should be some kind of joint action for the maintenance and repaving, etc.

William Dorrow concern about 16' proper road right of way.

Bill Sanders, Chairperson asked if there any further public comments regarding Rezoning #68 - R-2 to R-4.

There being no further public hearings, Bill Sanders, Chairperson closed the public hearing session of the meeting.

**REGULAR MEETING CALLED TO ORDER:**

**ROLL CALL:**

Roll call was taken with Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe, Dave Wurster, Scott Emerson and Don Wickstrom present.

**APPROVAL OF THE MINUTES OF APRIL 27, 1993:**

Mike LaPointe correction on page 9 - the motion read Bill Sanders moved, Mike LaPointe second that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the requested private road application and plans be approved, as submitted, and amended, with the following conditions.

Correction to read that Mike LaPointe moved, Bill Sanders second the motion.

Bill Sanders - page 3 - 3rd paragraph last sentence it should say but the area would then percolate towards the area.

Bill Sanders - page 1 - 3rd sentence from the bottom - Mike Farrell introduction. This would be the main structure.

Bill Sanders, Chairperson asked if there any other corrections regarding the minutes of the April 27, 1993?

There were no further corrections.

Max Engle moved, Mike LaPointe second that the minutes of April 27, 1993 be approved as corrected.

Motion Carried 7-0.

**APPROVAL OF MINUTES FROM MAY 3, 1993 SPECIAL MEETING THE TOWNSHIP BOARD:**

Mike LaPointe stated that the minutes were awfully abbreviated.

Estelle DeVooght didn't take any minutes at all at that meeting and wasn't requested to do so.

Item #1 - Single Structure per lot read from the minutes.

Mike Farrell, Director of Planning & Research stated that these were minutes that were excerpts of the Township Board minutes. Identical to the Board minutes and there was no Secretary at the meeting.

Bill Sanders, Chairperson asked if there were any further amendments to the May 3, 1993 Special Meeting?

Scott Emerson - Recreation - on the 4th line (add hiking trails development.)

Scott Emerson - #7 Lighting Regulations - he suggested that we utilize regulations existing in certain cities of the West such as Tucson, Denver utilized for glare of the commercial zones that was a suggestion. He felt this was something that should be pursued.

Bill Sanders, Chairperson asked if there any other questions and/or comments of the minutes of May 3, 1993.

Bill Sanders moved, Don Wickstrom second that the Special Planning Commission Meeting Minutes of May 3, 1993 be approved as amended.

Motion Carried 7-0.

**APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:**

Bill Sanders, Chairperson asked if there any other additions to be added to the agenda?

Mike Farrell - request that under New Business Item A under New Business be moved to Item A under Old Business.

Bill Sanders, Chairperson asked if anyone was opposed to that request? Nobody was opposed.

Bill Sanders asked if there were any other changes for the agenda? There were none.

Max Engle moved, Scott Emerson second to approve the Agenda as corrected.

Motion Carried 7-0.

**PUBLIC COMMENT:**

No Public Comment - Bill Sanders, Chairperson closed the first Public Comment Section of the meeting.

**NEW BUSINESS:****CONSIDERATION OF REZONING #68 - R-2 TO R-4:**

Bill Sanders, Chairperson said now is the time if you had questions regarding Rezoning #68 - R-2 to R-4.

Bill Sanders, Chairperson had a question for Al Pierce that we said there is now legal access to Silver Creek Road and asked if it showed up on the map. It did not.

Al Pierce stated that with one of the property acquisitions that Mr. Schmidt had obtained from Mr. LeBeouf he had received an access easement directly to Silver Creek Road. Those rights were also extended by the document to the Schmidts.

Mr. LeBeouf had an easement - he also transferred those rights along with ownership of the land to Mr. Schmidt that would access to Silver Creek Road so there is a legal access from the stream up to Silver Creek Road.

Dave Wurster - question on the viability of the bridge. How is it constructed and how sound is it, etc.

There are two or three culverts.

Resident said if a new bridge be put in, it could be a big difference. When the old one was washed out, we did have access to the South side which we don't have anymore.

Mike Farrell - a couple of things that may be added that in reviewing the Comprehensive Plan - the statements that were made that low income and low cost housing in general are not available in the Township that still holds true at this time. The most recent census of 1990 shows that we have 2,340 structured homes in the Township.

2,001 - Single Family  
120 - Multi-Family  
219 - Mobile Homes

That brings mobile homes up to 9.3 percent. Down from 1980 percent of mobile homes which was 10 percent.

Mike Farrell has been approached by numerous people where can mobile homes be put in the Township? At this point we are limited to the two mobile home parks and Brookfield Subdivision.

Mobile home parks in the Township make up about four hundredths of the total land owners of the Township.

It was stated the people are renting the lots, but own their own trailers.

Scott Emerson asked what kind of residential development we should encourage? What do people want?

Estelle DeVooght - Single Family.

Scott Emerson - What is the projected growth for the next 10 years? What percentage of our projected growth and need for housing is this going to represent?

We should develop parcels as Single Family homes like the majority of the Township wants to do.

Bill Sanders, Chairperson - parcel are proposed to be rezoned.

Three of the six lots have mobile homes on them now. One of the parcels in between also has a mobile home, two parcels are vacant.

Max Engle - the additional lots we are looking at on the parcel that Mr. Schmidt is talking about rezoning are less than 1/2 of what he was talking about putting in the first place.

It looks like approximately 14 additional lots.

After much discussion, Bill Sanders, Chairperson said he had no problems with that being rezoned to R-4. The only problem he had was the access to Willow Road.

Mike Farrell, stated Willow Road is a private road. There was a Willow Road issue and it was suggested in the past that the residents on Willow Road try to establish an association so that road could be maintained. It was attempted a number of times by Willow Road residents and Mr. Clark contested to that.

Mike Farrell said he went out to look at the road where the Church and Mr. LeBeouf has taken great stride in maintaining the road up to his apartments structure.

The road has been improved up to County Standards with gravel and going to ditch the sides for drainage.

Question is Willow Road an approved private road?

Mike Farrell stated that was in existence prior to our Zoning Ordinance so that is grandfathered in as a private road.

Max Engle - His concern before was the road. Mr. Schmidt has shown good faith on what he has done on the road and far as upgrading the road, it is in considerably better shape than it used to be.

Dave Wurster asked why was it changed to R-2 in the first place?

Mike Farrell stated the previous owner requested the change.

John Hlinak (previous owner) - the reason was if the mobile home was pulled off lot 1 - the blank lot 4 or 5 he was unable to replace it under R-4 because the lots did not meet mobile home specs so he requested it be changed back to R-2 so that if a customer came in he could obtain them as tenants. At this point, Mr. Schmidt is now doing what he had planned to and started to develop South of Silver Creek Road. At this point it does meet specs of mobile home parks.

Bill Sanders asked if anyone from the audience had any other questions or comments.

William Dorrow stated the road can be given a one shot in the arm to make it look good. Drive it in the rough season when he tried to maintain and upgrade the road and it was in terrible shape.

His concern was that the Township is saying that they won't drive a fire truck across it.

John Hlinak said they did put the fire truck on the bridge that he built when his house burnt a year and half ago.

When Mr. LeBeouf owned that property he had to change it because he still under easement that is South of the creek. If it goes out again the land owner is going to have to replace it.

Bill Sanders - the Planning Commission doesn't want this to turn into a Willow Road discussion.

Max Engle said if there is going to be some added traffic it would seem to get the culvert replaced if he has the mobile park there and a number of trailers that have to be serviced by the road. It would seem that there would be a better chance to have the culvert

replaced if it does go out than if it wasn't there and if he didn't have access to Willow Road. Granted there may be some added traffic that would maybe cause a slight deterioration factor, but then you would have a better change of getting the culvert replaced with Mr. Schmidt there than without him there.

Bill Sanders said since this was last brought up in front of the Planning Commission we know that the applicants have upgraded a section of the road, the church has upgraded their section adjacent to Silver Creek Road and even some of the neighbors have. Has anyone else made any attempt to upgrade?

The road is upgraded and in better shape than it was a couple of years ago.

There was a comment regarding added traffic going out of Silver Creek with regards to the apartments, two churches, the school and new development around the area. Something the Township needs to do is that we need a stop light before someone gets killed.

Bill Sanders felt that in addition to the reasons given in the staff report the applicant has shown good faith to attempt to upgrade Willow Road from his development to North.

Bill Sanders moved, Max Engle second that the Chocoday Township Planning Commission recommend to the Chocoday Township Board that the following parcels be rezoned from R-2 to R-4 as requested in Rezoning #68; Section 7 T47N, R24W

Parcel #1 - The N. 100' of the S. 426' of the W. 300' of the NE 1/4 of the NW 1/4

Parcel #2 - That part of the S. 400' of the NW 1/4 of the NW 1/4 lying E. of Willow Road.

Parcel #3 - N 1/4 of the NW 1/4 of the SE 1/4 of the NW 1/4.

Parcel #4 - N. 100' of the S. 226' of the W. 150' of the SW 1/4 of the NW 1/4 of the NW 1/4.

Parcel #5 - S. 100' of the W. 150' of the SW 1/4 of the NE 1/4 of the NW 1/4.

Parcel #6 - E. 150' of the W. 300' of the S. 100' of the NE 1/4 of the NW 1/4.

for the following reasons:

1. The rezoning request meets the Township Comprehensive Plan guidelines.
2. It will provide housing opportunity for present and future residents.
3. It should meet the needs of individuals searching for lower income housing.

Discussion:

Scott Emerson was concerned about a buffer in regards to R-4 Zoning adjacent to other property.

Max Engle - doesn't think the Planning Commission can stipulate that.

Mike Farrell, referred to the Plan that was submitted.

Scott Emerson asked about adjacent to Silver Creek?

Bill Sanders asked are there any State Guidelines for mobile home park buffers?

Mike Farrell said Mr. Schmidt plans were approved prior to the new regulations for trailer parks. It does comply with older regulations.

Bill Sanders - the request is to approve the rezoning, not the plans.

There were no other discussion.

Motion Carried 6-1.

**CONSIDER USE #29 - GIBBS:**

Mike Farrell explained the cart storage facilities. Since opening the golf course this year Mr. Gibbs perceived the need for a building for carts owned by the golf course.

Mike recommended approval be granted for the developing of the cart structure.

Joe Gibbs said the building will be built part way in the hillside where part of it is exposed and part of it will be concrete block.

The object is to keep the carts in the cart structure when not being used so that the dew and frost, etc. won't get on them. This is approximately for 12 rental carts.

Scott Emerson moved, Max Engle second that the Chocoley Township Planning Commission approve the addition to the existing conditional use, as portrayed on the plans submitted with the following conditions:

1. That Zoning Compliance Permit be obtained from the Chocoley Township Zoning Administrator prior to start of construction.
2. That the necessary permits as required by Federal, State, and Local Agencies be acquired prior to project commencement.

Motion Carried 7-0.

Mike Farrell noted that the Chocoley Downs Plat was approved by the Chocoley Township Board and was not at the County.

**DISCUSS AND REVIEW TEXT CHANGES FOR ZONING ORDINANCE - PRIVATE ROADS, MOBILE HOMES, SINGLE PRINCIPAL STRUCTURES, DENSITY REQUIREMENTS, SETBACKS, ACCESSORY STRUCTURES:**

**MOBILE HOMES:**

Mike Farrell went over the language for developing and establishing living space and general standards in the township.

This would allow for most types of homes in residential areas, but would eliminate single wide mobile homes.

He is uncomfortable with language that would require the Zoning Administrator to use his judgement on the compatibility with the residents of the areas.

The Commission discussed camps in Rural Districts.

Mike Farrell said the township has two individuals that have gone and built. The Zoning Administrator has come upon them and notified them that they are not in compliance and are illegal.

More discussion on camps continued:

Scott Emerson said we need to insure some sort of quality.

Bill Sanders said it was stated that the Planning Commission couldn't do that. If someone doesn't care what their yard looks

like, you can have as many laws as you want and they still wouldn't care.

Scott Emerson said that is so, but you could write language that would not be overly discriminating but at least require some minimum standards.

Mike Farrell stated it gets into enforcement. At this point we do not enforce building codes, that is handled by the County.

Bill Sanders stated if somebody builds a camp they also have to obtain a building permit.

Scott Emerson asked do you need a building permit for a mobile home?

Bill Sanders said there is a permit. It is not a general building permit. It may be issued by the Department of Transportation or Department of Commerce.

Mike Farrell will try to put together some information dealing with the options that were discussed.

Scott Emerson suggested that Mike contact Planning Societies out of the State concerning hunting camps.

It was asked if we were a member of CUPPAD. The Township hasn't been a member of CUPPAD for a couple of years.

#### PRIVATE ROADS:

Mike Farrell went over the language on private roads.

Mike Farrell went over the table presented in the Planning Commission's packet regarding R-1, R-2, and R-3 districts are residential areas. Districts that are currently being built up - most of the lots are close to what our minimum lot size are. He is suggesting that those areas because of residential development occurring at least a pavement of 20 feet. That is an asphalt surface - 2" of asphalt with 5" of gravel and 2 foot shoulders.

Mike explained the County Standards.

R-4 Districts - are mobile home districts. Those requirements and necessary codes have to be met in the Mobile Home Code. We do not have to deal with the issues on private roads in mobile home parks.

Mike also suggested that road be wider in commercial districts, 30 feet of 2" Bituminous base, 5" gravel base, 4" gravel shoulder. The reason he is suggesting that it be wider is because if a private road has been developed for commercial uses, you have deliveries that have to be made, large trucks and customers use of the road. This is for safety standards, etc. it is necessary for wider roads.

One of the other items that were brought up and was circulated to the staff was maybe C-1, C-2, C-3 districts we may want to require that those roads be brought up to County Standards to all season roads. Possibly in C-3 district because that is more an industrial type of business and may have more heavier types vehicles going on. Will have to do more research and will find out exactly what all season standards are.

Max Engle asked what the difference between a private road and driveway.

Mike Farrell said a private road is for public use and driveway if for private land owners use.

Bill Sanders stated if you were going to develop a parcel that didn't have access to a road and you have an easement across the neighbor's property to get to that house that would be a private



One of the other items that were brought up and was circulated to the staff was maybe C-1, C-2, C-3 districts we may want to require that those roads be brought up to County Standards to all season roads. Possibly in C-3 district because that is more an industrial type of business and may have more heavier types vehicles going on. Will have to do more research and will find out exactly what all season standards are.

Max Engle asked what the difference between a private road and driveway.

Mike Farrell said a private road is for public use and driveway if for private land owners use.

Bill Sanders stated if you were going to develop a parcel that didn't have access to a road and you have an easement across the neighbor's property to get to that house that would be a private road across that easement.

Mike Farrell said nobody can develop property in the Township unless it has access to public or private road.

Max Engle - concern him - not necessarily the asphalt and the gravel in the residential area and understands there was dust problems on Karen Road and that was a public road. C-2 and C-3 concern - it basically a road being used for business of their own deliveries why should we require a 30' lift with a base. A lot of businesses aren't for a public use. It may be used for just their vehicles that may be just dropping off things and their workers and employees. A 30' paved road is a little excessive.

Mike Farrell - just putting out information to the Planning Commission to get their ideas and input.

After discussion it was felt that it needs some quality standards.

#### SETBACK/ACCESSORY BUILDING:

Mike Farrell - present Zoning Ordinance states that an attached accessory doesn't exceed 14' in height and not exceed 720 square feet be located within 6' of side lot lines and 20 feet of rear lot lines.

Mike gave an example of one individual that was less than 720 square feet came in and wanted to put an addition on that structure that would increase it up to 1,000 square feet and had to deny him. He then requested another Zoning Compliance Permit to put another structure exactly next door to it which had to be granted.

Mike will do more research on this.

#### PUD:

Mike Farrell recommended to the Planning Commission to change PUD minimum acreage.

Discussion on 2 acres, 5 acres or 10 acres for both residential and commercial.

Scott Emerson would support 5 acres for both commercial and residential PUD. More flexibility within a commercial zone will be better looking.

Max Engle - example of Blondeau's - it is not a PUD but on a 2 acre parcel and is a nice looking project.

Bill Sanders agrees residential should be more.

Mike Farrell explained what some advantages of a PUD are.

Bill Sanders said we need to look into the commercial size for PUD in conjunction with Permitted Principal Use.

Scott Emerson suggested Mike get some ordinances from other townships to see how we can improve the greenery, the expansion, tree ordinances protection for our natural beauty.

He suggested a time frame be set up for each meeting for uses that were brought to the Board.

Bill Sanders said the Planning Commission should plug away at these and do the best they can.

Max Engle and Estelle DeVooght felt Side Condos need to be top priority at the moment.

Mike Farrell stated he and Mark Maki are going over a site condo ordinance compared to the Zoning Ordinance and subdivision control ordinance. Mike has discussed this with the township attorney.

Language may be available for a public hearing in June.

**PLANNING DIRECTOR'S REPORT:**

Mike Farrell informed the Commission about the North Country Trail.

Scott Emerson inquired about private funds availability for trail development.

Mike Farrell stated private funding doesn't realistic foresee meeting the needs development of trails, etc. Trails means acquisition of land and land doesn't come cheap.

The Commission discussed the creation of an Ad Hoc Recreation Committee.

Max Engle felt 5-7 members was not enough members and you don't want an unruly committee, but you are limiting the participation of the public. Maybe a number should be more in the neighborhood of 25 members.

The Board will decide on the number on the Committee and responsibilities of the committee.

Mike showed a proposed amendment to the O'Dovero P.U.D. that will be considered at the next Board meeting. The Planning Commission felt that there would be no problem in granting the requested amendment.

**PUBLIC COMMENT:**

Bill Sanders asked if there was any way to deal with numerous documents given to the Planning Commission by the public at meetings?

Mike Farrell said he would look into this problem.

Scott Emerson want to work on some of the top priority items addressed by the Board and the Planning Commission.

No other public comment, the meeting was adjourned at 10:45 p.m.

*Estelle DeVooght*

Estelle DeVooght  
Planning Commission Secretary

## CHOCOLAY TOWNSHIP

## PLANNING COMMISSION

TUESDAY - JUNE 22, 1993

**PRESENT:** Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe,  
Dave Wurster, Don Wickstrom

**ABSENT:** Scott Emerson

**STAFF PRESENT:** Mike Farrell, Director of Planning & Research  
Jeanette Collick, Recording Secretary  
Mark Maki, Director of Assessing & Zoning

**PUBLIC PRESENT:** Ray Hosking, Dan DiLoreto, John Sutton, Lee  
Ruehle, John DeVooght, Cathy DeVooght, Clyde D. Vadnais,  
Joan Olson, Terry Huffman

**PUBLIC HEARING:**

Bill Sanders, Chairperson call the Public Hearing to order at 7:30  
p.m.

**REZONING #69 - RP TO RR-2:**

Mike Farrell, Director of Planning & Research gave a brief  
explanation what this pertained to.

Cathy & John DeVooght have requested the Planning Commission  
consider rezoning property described as:

Section 28 T47N, R24 W

That part of the Southwest Quarter of the Northwest  
Quarter lying west of Little Lake Road

They are requesting that this be rezoned from RP to RR-2.

Estelle DeVooght, Planning Commission Secretary read a letter into  
the record from Joe Wietek - dated June 19, 1993 and Cathy DeVooght  
- dated June 21, 1993 which were not received in time for the  
delivery of the Planning Commission's packet.

Cathy DeVooght - 6341 U S 41 South (Applicant) read a letter from  
herself dated June 16, 1993, which was included in the Planning  
Commission's agenda packet regarding Lucille Scotti's letter of  
June 14, 1993.

Cathy DeVooght also referred to the Intent of RR-2 zoning on page  
18 of the Chocolay Township Ordinance dated May 1977.

Cathy also stated that this land was unsuited for Forest Production  
and farm land.

Clyde Vadnais - 1912 West Ridge - interested in buying this  
property and building a home on the property. It is a nice piece  
of property.

Bill Sanders asked if there were any further public comments  
regarding the public hearing on Rezoning #69 - RP to RR-2.

There being no further public comments Bill Sanders closed the  
public hearing session regarding Rezoning #69 - RP to RR2.

**REZONING #71 - TEXT AMENDMENT:**

Mike Farrell, Director of Planning & Research stated this was  
concerning proposed language regarding Section 101 definitions for  
single family, two family and multi family dwellings. Section 401

General Regulations and Section 506 - Uses Permitted, Minimum Size and Fees (B) Minimum Planned Unit Development Size.

It was also stated that a PUD is meant to be flexible.

Mike Farrell is suggesting - 5 acres for commercial PUD and 10 acres for residential PUD.

Mark Maki is in support of a change for residential PUD. Two acres is not a large enough parcel for Residential PUD. Making a district larger allows for site planning.

Bill Sanders asked if there were any public comment on Rezoning #71 regarding Text Amendment?

There being no further public comments Bill Sanders closed the public hearing session regarding Rezoning #71.

**PRIVATE ROAD APPROVAL - HOSKING:**

Section 18, T 47 N, R 24 W

Beginning at the Northwest Corner of Lot 46 of Woodvale No.3; Thence North 0°23'54" East, 142.86 feet along the West line of Lot 45, Woodvale No.3; Thence North 19°41'03" East, 68.15 feet along the West line of Outlot I and including Outlot I of Woodvale No.3; Thence North 5°10'33" West, 150.00 feet along the West Line of Lot 44 of Woodvale No.3; Thence North 78°09'49" West, 150 feet along the South line of Lot 42 of Woodvale No.3; Thence South 82°39'34" West, 435.31 feet, Thence South 6°45'32" East 300.00 feet to the Northwest corner of Lot B; Thence South 87°39'52" East 532.18 feet to the northwest corner of Lot 46 of Woodvale No.3, to the point of beginning.

Cathy DeVooght asked what the property was rezoned as.

It was stated the property is rezoned R-1.

Bill Sanders asked if there were any more public comment regarding Private Road Request - Hosking.

There being no further public comments Bill Sanders closed the public comment session regarding the private Road Request - Hosking.

There being no further Public Hearings, Bill Sanders closed the Public Hearing session of the meeting.

**REGULAR MEETING CALLED TO ORDER:**

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 8:00 p.m.

**ROLL CALL:**

Roll call was taken with Estelle DeVooght, Max Engle, Bill Sanders, Mike LaPointe, Dave Wurster and Don Wickstrom present.

Scott Emerson was absent.

**APPROVAL OF MINUTES OF MAY 25, 1993:**

Bill Sanders asked if there were any additions or corrections to the minutes of May 25, 1993. There were none.

Estelle DeVooght moved, Don Wickstrom supported that the minutes of the May 25, 1993 Planning Commission be approved as presented.

**Motion Carried 6-0.**

**APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:**

Bill Sanders, Chairperson asked if there were any additions or changes for the agenda. There were none.

Bill Sanders moved, Max Engle supported to approve the agenda items as presented.

Motion Carried 6-0.

**PUBLIC COMMENT:**

Cathy DeVooght reserved comment for New Business - A - Consider Rezoning Request #69 - RP to RR-2.

Dan DiLoreto - 301 West Main - requested that under Old Business - Consider Lot Split - DiLoreto to be tabled. He wants time to review written responses from Mike Farrell and Mark Maki. Mr. DiLoreto just found out at 4:40 p.m. today that this item was being placed on the Planning Commission Agenda tonight.

Mark Maki - comment on One Structure Per Lot. This item has been discussed since January 1992. No disposition had been made.

There being no further Public comment, Bill Sanders closed the first Public Comment session of the Planning Commission Meeting.

**OLD BUSINESS:**

**CONSIDER LOT SPLIT - DILORETO:**

Bill Sanders stated that Mr. DiLoreto has requested that the Planning Commission table this until he had the time to respond to written comments from Mike Farrell and Mark Maki.

Mike LaPointe moved, Estelle DeVooght supported that item under Old Business - Consider Lot Split - DiLoreto be tabled until the July Meeting.

Motion Carried 6-0.

**NEW BUSINESS:**

**Consider Rezoning #69 RP to RR-2:**

Don Wickstrom asked if this circuit court decision - is this the same issue.

Mike Farrell stated this was the same parcel.

After discussion on this it was stated that the Planning Commission is not dealing with the back history on this land.

Cathy DeVooght said the pre trial is set for August 23, 1993 for the current law suit.

Mike Farrell gave the history of the adoption of the Zoning Ordinance.

Clyde Vadnais - why doesn't the Planning Commission want to rezone the property?

Cathy DeVooght stated they have requested this to be rezoned three different times.

Max Engle asked if documentation of notification is on file when properties were changed from RP to RR-2.

It was stated property owner Notification isn't given when the whole zoning ordinance is being considered for final adoption.

Mark Maki stated the Township adopted an Ordinance in August 1976. At that time the property was zoned RR-2 as well as Little Lake Road to DeVooght's house and Karen Road beyond Engle's house. That

Ordinance was then voted out and County Ordinance - January 1977 was used. County used the same maps as the Township had because CUPPAD had developed them and when the County adopted the ordinance, they adopted the same maps as Chocolay. As the Township started working on the ordinance they got rid of the open space land because that was one of the objectives they expanded some of the commercial and some other change. On March 30, 1977 they held a public hearing on the proposed new ordinance. At that time the map showed the areas on Little Lake Road and Karen Road as RR-2. On March 31, 1977 the Planning Commission held another meeting and at that meeting the 840 acres were changed to RP.

Bill Sanders inquired if in 1976 this parcel along with a considerable amount of land was RR-2?

Mark Maki said this was correct.

Bill Sanders inquired when that Ordinance was voted out and when the 1977 ordinance was adopted, was this parcel zoned RP? He also inquired if this parcel was always zoned RP in the new Ordinance.

Mark said yes this was correct.

John DeVooght - March 31, 1977 he received the news paper in New Orleans and it showed what the property was going to be.

Bill Sanders thanked Mark Maki for information pertaining to the Zoning Ordinance.

Max Engle - as he stated before - he didn't know if this was the place to change it, at this point looking at the way the RP District is now changing 28.5 acres in that area basically puts it in the middle of RP except for the one side of the 28.5 acres.

Cathy DeVooght stated it didn't. It abuts RR-2 and will not be a spot zoning.

Max Engle stated it abuts RR-2 on one side.

Cathy DeVooght stated this is correct, but should be changed back to the way it was. She paid \$100 for this rezoning request, she didn't pay to get any other problems fixed. She paid for her problem to get fixed.

Max Engle said he understands what she is saying, but he also sits on the Planning Commission about rezoning and he is trying to make a statement and he also feels that under the circumstances that a variance probably should be granted, but he doesn't sit on that board.

Cathy DeVooght - stated she has been bounced back and forth from the Zoning Board of Appeals, Board and the County. A stand has to be taken on this. Either you are for or against it, you can't be in between.

Bill Sanders stated the Planning Commission will make a decision tonight.

Cathy DeVooght - stated Lucille Scotti, Joe Wietek, Estelle DeVooght and Rene DeVooght all whole heartedly supported the RR-2 District when it suited them. After Cathy & Johnny bought the property, they didn't want the RR-2 for them, so they changed the whole area. This is history between them and Cathy and John, but it proves that every time they try to get their property rezoned that they cannot obtain it.

Estelle DeVooght - this is not true - she is speaking for herself (Estelle DeVooght) - Cathy was living in New Orleans and didn't even live here when the property went to David DeVooght, it didn't have anything to do with her and Johnny - so she doesn't see why Cathy is bringing up old stuff, when they went around with the petition. The petition was circulated in a straight line.

Bill Sanders stated this was not part of the 1977 Zoning Ordinance. The 1977 Zoning Ordinance as adopted, this parcel was RP period. It makes sense to either rezone that parcel to RR-2 or it doesn't.

Anything happening prior to the 1977 Zoning ordinance being adopted is removed. The ordinance is what it is.

Cathy DeVooght - in the Zoning Ordinance it states what provisions for rezoning and appeals are and included as part of the ordinance. She has applied three times now for rezoning, when is she going to get provided with a rezoning?

Mike Farrell stated just because someone submits an application for a rezoning, doesn't mean that the rezoning will be issued.

Cathy DeVooght read two letters that were provided in the Planning Commission agenda packet from the following:

Chuck Schwennen - regarding soil samples  
dated May 29, 1991

Mike LaPointe - USDA Soil Conservation Services regarding the  
parcel & soil  
- date wasn't clear, but approximately 1991

Mike LaPointe - comment on the letter that was sent to Cathy DeVooght and the recommendation from Mike Farrell regarding #4. It reads:

"The Comprehensive Plan encourages the preservation of prime agricultural and forest production areas from more intense types of land use."

This parcel is not a prime agricultural soil and forest production area. He would have a hard time including that as part of the recommendation to approve or deny the rezoning.

Based on the soil conservation study, it does clarify that the soil is not prime agricultural and forest production. He did go on site and looked at the parcel.

Bill Sanders stated that in planning to rezone property when a parcel can be used for what it is zoned and doesn't see anything that precludes using that parcel for RP and agrees with Mike LaPointe that the soil is not prime agricultural land, maybe you can't use it to grow a lot of crops, but Township does not have a lot of land in RP or open space that is prime agricultural land, but it is used what it is rezoned as.

Cathy DeVooght stated it is 10 acres of unbuildable property and cannot be used for nothing.

Bill Sanders stated the zoning goes with the land, not the people. Maybe the applicant doesn't see any value of that land as RP to grow Christmas trees or whatever, but the fact is it is RP land and can be used for a permitted use in that district. He supports the recommendation on that basis.

Dave Wurster inquired if we know the total number of nonconforming properties in the Township?

Mike Farrell stated there is a number of them that are grandfathered in prior to the adoption of the present Zoning Ordinance.

If they were a lot of record prior to the adoption of the present Zoning Ordinance they are buildable as a parcel in that Zoning District.

Bill Sanders stated there may not be a lot of legal parcels that are less than a 20 acre minimum required in RP, but that does not have any bearing on that land is zoned RP to drive planning in that

direction. If there are parcels there that are too small to conform with a 20 acre minimum that there is no basis or reason to zone everything RR-2,

Dave Wurster stated there is alot of basically RR-2 construction out in that particular area.

He compared it to when Bide-A-Wile was rezoned. One of the reasons the Planning Commission used for rezoning that area was that it was basically the zoning was R-4 all the way around it. The RR-2 property that existed in that particular area had mobile homes sitting on them already. IT made sense to the majority of the Planning Commission at that time that it was being used for mobile homes, it is primarily to put in housing in that area and would like to keep mobile homes in that area, R-2 in the middle of R-4.

Maybe we should be looking at particular areas being considered for rezoning from RP to RR-2. In this area it was at one time zoned RR-2, up until the adoption of the present Zoning Ordinance in 1977. At one particular time somebody said this was a good place for housing. Didn't know the reason why it was said and that now is not a good place for housing. Now we want it rezoned to have it RP.

Should we not take a look at this. There are 20 parcels out in this particular area that are in affect in RR-2. There are parcels that are five acres, four acres, or three acres or whatever and are dotted all over the place. Do we take a look at this and maybe this whole area should be rezoned back to RR-2. Is that an appropriate use for that particular area at this particular time? Do we then basically make any nonconforming use of the property out there conforming?

Maybe we should be looking at more than this particular parcel. In doing this one, it may be called spot zoning. Taking the whole section and say for all practical purposes this is already zoned RR-2 property.

We as a board of the township board should be looking at the whole area and have in fact an RR-2 out there already. Unless it can be shown a compelling reason why it was changed to RP in the first place and why it should stay that way.

Bill Sanders stated that is not the issue tonight, we are here looking at one parcel of land.

Reference to Bide-A-Wile Mobile Home Park project, the configuration of that is initially different than what we are looking at presently.

Mike Farrell stated present zoning is preservation for agricultural lands. As more land gets developed and encroaches on the agricultural land, the higher demand for land is in that area, more pressure is put on the farmers, using the open space land subdividing. We need to use zoning as a protection to control the cost of service to the Township. If we would allow the expansion of the RR-2 in that location, it could eventually allow more expansion there, then you are encroaching on family farms and those types of things that have been there for a long period of time.

Cathy DeVooght - concerning - Laurich - to say you cannot take a little corner and make it RR-2 is ridiculous. Because that is exactly what they did nor Laurich. It is stuck out there in the middle of RP. It is what was done for Laurich.

Don Wickstrom inquired when Mike Farrell explained the area there was a line which went from Townsend's property across and below that was the RP.

Mike Farrell said yes this was so.

Don Wickstrom inquired has any of the 840 acres been rezoned to RR-



2? As he looks at the map, the Laurich property is North of the line.

Mark Maki stated that the 840 acres that was rezoned and changed on the tentative maps on March 31, 1977 all still remain in RP.

Don Wickstrom asked if the little sliver of property that is being discussed in his opinion would this be a spot zoning.

Mark Maki stated it abuts the RR-2 on both sides.

Don Wickstrom stated as Max Engle pointed out earlier it abuts only on one side.

Max Engle wanted to comment on the R-4 - basically when the Planning Commission rezone the R-4, we did that and eliminated some spot zoning that was there in the past.

He then stated there are at least 10 lots on Karen Road that are in the RP District and they are non-conforming.

Approximately another 5-10 lots along Little Lake Road at least they are scattered throughout the whole area, they are not all in one spot. There is section along Karen Road - six in a row, Poplar Trail and there is some more up there. There is no pattern where you can take a section out and say they are already small lots, they will make a RR-2 area.

Estelle - doesn't think there is any small parcels from the line to the end of the Chocolay line on Little lake Road. The only one may be Mrs. Hansen's. Doesn't think there are any other properties where there are houses. Is this true?

Max Engle inquired where is the end of the Township line on Little Lake Road?

Estelle DeVooght - Dupras house is the last property just pass their house. Dupras camp and they own 150-160 acres. Close to 8,000 acres that are zoned RP in that block.

Bill Sanders stated the fact that you cannot build on a parcel doesn't make a parcel valueless.

Cathy DeVooght wanted to inform everyone that out of approximately 5,000 people in the township, there are no more than approximately five farms in the whole township. Doesn't know who we are protecting this farm land for. Everyone who moves to this Township doesn't want a farm, they want to live here because it's pretty and five acres to build a house is more than enough for a person to maintain.

She read the petition to void the petition that was provided for in the agenda packet that pertained to the voiding of the petition that was circulated by Rene DeVooght that the zoning remain as presented at the public hearing on March 30, 1977.

Bill Sanders inquired what the date on the petition was?

Cathy DeVooght stated the date was April 28, 1977, was presented to the Board on May 9, 1977 and specifically asked to void the petition that was circulated by Rene DeVooght.

Max Engle commented that he hasn't changed his mine on the petition. If we were talking about the whole 800 acres, he might consider that. When we are talking about 28.5 acres in an area of approximately 5,000 acres that is another matter.

Cathy DeVooght is requesting that be changed. Mr. Wurster said he thinks it should be changed to RR-2. She stated Max supported the fact that it should be rezoned RR-2 back in 1977.

Max stated about 800 acres he did.

Cathy DeVooght - all that got changed by that petition - whatever got changed should be back to the way it was.

She asked Mike LaPointe what his opinion was?

Bill Sanders moved, Don Wickstrom supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that Rezoning Request #69 to rezone that part of the Southwest Quarter of the Northwest Quarter lying west of Little Lake Road, Section 28, T47N, R24W, from RP to RR-2 be denied for the following reasons:

1. There are numerous buildable lots presently in the RR-2 zoning district.
2. Past and present policies of the Township have been to restrict development into areas that have been identified by the Comprehensive Plan as areas of particular concern.
3. The owner of the north portion of the property requested for rezoning is strenuously opposed to the rezoning.
4. The Comprehensive Plan encourages the preservation of lands for agricultural & forestry production from more intense types of land use.

**Motion Carried 5-1**

Cathy DeVooght asked when this would go to the Marquette county Planning Commission?

Mike Farrell stated as soon as the minutes have been prepared, he will take them to the County Planning Commission. From there it goes back to the Township Board.

**CONSIDER PRIVATE ROAD APPROVAL - HOSKING:**

Mike Farrell gave a brief explanation on the proposed Private Road Request - Hosking.

Private road would be built to township specifications - 18' width and meets the Marquette County Road Commission's specifications for 18' wide gravel road. It has a 66' right of way. It is provided for drainage. There is a cross section looking to put in 1' ditches on each side - 18' of improved surface, 2" gravel. The end of the road will be developed as a cul-de-sac per County Specifications.

Mike sent this up to the County Road Commission for their review and has not heard back from the County at this point. On face value they didn't have any problems with the connection to Woodvale.

In his suggested recommendation he would have Mr. Hosking meet all County Road Commission requirements.

Estelle inquired how many acres does this consist of?

Mike Farrell stated the lot is approximately 4.3 acres.

Water would drain towards Woodvale.

Ray Hosking explained the drainage.

Ray Hosking stated he went to the County to obtain a building permit. He then came to the Township and talked with Mike Farrell and Mike recommended him to apply for a rezoning.

Bill Sanders stated when this was discussed at the Zoning Board of

Appeals Meeting, he didn't think the people were opposed to the project, but they were opposed that he wouldn't have to go through the Private Road Request approval and most of the members gave their support if he would go through the Planning Commission's process.

Ray Hosking stated the road will be worked into the natural terrain of the area. One house will be developed.

Mike Farrell stated that a Soil Erosion Permit be obtained if the private road request is approved.

Mike Farrell stated he would like to see two addition items added to the recommended motion, which would be:

7. All ditches be seeded and mulched.
8. Ditch the donut hole in cul-de-sac to eliminate runoff to property.

Mike LaPointe moved, Bill Sanders supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the requested private road application and plans be approved, as amended:

1. The developer will provide, at their own expense, street signs and posts per township specifications and maintenance of the signs and post to be the responsibility of the owner(s).
2. A covenant be established on the parcel deed identifying the private road status and the responsibility for road maintenance, right-of-way maintenance, and drainage maintenance.
3. That open access to the private road be maintained for essential public services.
4. The proposed road be named Norway Trail.
5. That applicant comply with all requirements of the Marquette County Road Commission for connection to the county road system.
6. That the applicant obtain all the necessary permits from Local, State, and Federal agencies that are required for the development of the road.
7. All ditches be seeded and mulched.
8. Ditch the donut hole in cul-de-sac to eliminate runoff to property.

Motion Carried 6-0.

A ten minutes recess was taken.

**REZONING #71 - TEXT AMENDMENT:**

Mike stated the proposed language in Section 101 - definitions submitted remain in tact.

Under Section 401 - General Regulations language concerning the building code (storage areas in a home, etc.) wasn't deemed necessary in our Zoning Ordinance. This was omitted.

Max Engle suggested item number (F) submitted in the agenda packet be amended to read:

The dwelling has not less than two exterior doors with the second door being in either the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door area or to porches connected to said door area where a difference in

elevation requires the same.

Section 506 Uses Permitted, Minimum Size and Fees:

Reason to create a PUD is to provide adequate planning in the development process with the ability to relax in zoning regulations, if appropriate. Larger parcel is needed.

Able to put in place some new planning concerns.

The PUD process was explained.

We have two (2) Planned Unit Developments (PUD) in the Township. O'Dovero's and the Angel Home.

Estelle DeVooght moved, Bill Sanders supported that we waive the reading and that the Chocolay Township Planning Commission recommend the Chocolay Township Board approve the following text amendments with changes as discussed.

(replace Sec. 101 Definitions with)

SECTION 101      DEFINITIONS

(add definitions to Sec. 101 Definitions and delete Multiple Dwelling, Single-family Dwelling, and Two-family Dwelling definitions)

DWELLING, SINGLE-FAMILY, a structure containing not more than one dwelling unit designed for residential use and conforming in all respects to the standards set forth in Section 401.

DWELLING, TWO-FAMILY, a structure containing not more than two separate dwelling unit designed for residential use and conforming in all respects to the standards set forth in Section 401.

DWELLING, MULTI-FAMILY, a structure containing three more dwelling unit designed for residential use, with or without separate kitchens or dining facilities, and conforming in all respects to the standards set forth in Section 401. These may include apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, townhouses, and similar housing types, but not including hotels, motels, hospitals, or nursing homes.

(Replace Sec. 401 General Regulations with)

SECTION 401      GENERAL REGULATIONS

Every single-family dwelling, two-family dwelling, and multi-family dwelling shall have a minimum floor area of 800 square feet, and every dwelling unit in a multi-family dwelling shall have a minimum floor area of 600 square feet, provided:

- (A) If computing the required floor area not more than 50 percent of the minimum floor area in the structure shall be below the average level of the finished ground surface adjacent to the exterior walls of the dwelling.
- (B) It has a minimum width across any front, side or rear elevation of 18 feet and complies in all respects with the Marquette County Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Marquette County Building Code, then and in that event such federal or state standards or

regulations shall apply.

- (C) It is firmly attached to a permanent foundation constructed on a site in accordance with the Marquette County Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such material and type as required in the applicable building code for residential dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- (D) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels and under carriage removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.
- (E) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- (F) The dwelling has either a roof over-hang of not less than six inches on all sides, or alternatively with windows sills and roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second door being in either the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- (G) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- (H) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (I) The foregoing shall not apply to mobile homes located in a licensed mobile home park or zoning district R-2 except to the extent required by state or federal laws or otherwise specifically required in the ordinance of the Township pertaining to such parks and zoning district.

(replace the language in Section 506 Uses Permitted, Minimum Size and Fee, B. with the following)

The Planned Unit Development District shall not be less than <sup>50</sup> ~~five~~ <sup>two</sup> (2) acres in actual lot size for a commercial or light industrial development and ten (10) acres in actual lot size for any residential development and shall be capable of being planned and developed as one integral unit. The minimum lot width of a parcel zoned PUD shall be not less than 200 feet.

Motion Carried 6-0.

PLANNING DIRECTOR'S REPORT:

Mike Farrell said he would try to have a representative from the North Country Trails attend the July Planning Commission Meeting.

He has not obtained permission from the Township Board to place the ad for the Ad Hoc Committee for Recreation.

**PUBLIC COMMENT:**

Estelle DeVooght inquired about the new companies that have taken over in Harvey on U.S. 41.

Mike Farrell stated since the adoption of the present Zoning Ordinance, it is zoned commercial and contractors are purchasing residences in that area for businesses. They are strictly businesses, nobody is living in them. A building permit (change) is required.

Don Wickstrom inquired about M 28 & Kawbawgam Road - building of Leo Glass.

Mike Farrell stated he does have a zoning compliance to build an office building. There has been a stop work order placed on the structure on the rezoning because he wasn't meeting the requirements.

Bill Sanders stated the rezoning has been tabled. He thinks there may be a six (6) month period if you have a building permit and you don't do anything, it elapses.

Mike Farrell stated he talked to Harley Andrews about the paper work being brought into the meeting and handed out at the meeting. We can't limit public input, but recourse would be to table the item.

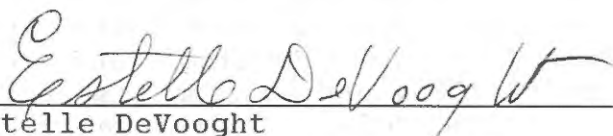
There being no further public comment, Bill Sanders closed the last public comment section of the agenda.

**INFORMATIONAL ITEMS AND CORRESPONDENCES:**

Chocolay Township Board Minutes - April and May.

**ADJOURNMENT:**

There being no further business the Planning Commission Meeting was adjourned at 10:00 p.m.

  
 Estelle DeVooght  
 Planning Commission Secretary

  
 Jeanette R. Collick  
 Recording Secretary

## CHOCOLAY TOWNSHIP

## PLANNING COMMISSION

TUESDAY - JULY, 27 1993

**PRESENT:** Estelle DeVooght, Max Engle, Mike LaPointe, Scott Emerson

**ABSENT:** Bill Sanders, Dave Wurster, Don Wickstrom

**STAFF PRESENT:** Mike Farrell, Director of Planning & Research  
Jeanette Collick, Recording Secretary  
Mark Maki, Director of Assessing & Zoning

**PUBLIC PRESENT:** Susan Wirtanen, Gary Gorsalitz, Diane Mankee, Mike Cauley, Lee Stuer, Rick Heikkila, Donna J. Heikkila, Mark A. Heikkila, Kerri S. Heikkila, Dale W. Berquist.

**PUBLIC HEARING:**

Max Engle, Vice Chairperson called the Public Hearing to order at 7:35 p.m.

**PRIVATE ROAD REQUEST - HEIKKILA:**

Mike Farrell, Director of Planning & Research gave a brief explanation what this pertained to.

This private road request would be about 1/4 mile long off Timberlane.

Mark Heikkila - 268 Timberlane - Petitioner said he was in attendance to try to get Private Road approval so he can get a Zoning Permit.

Lee Stuer - Rumely - Needs access to his property which is beyond Mark Heikkila's property. At the time he bought his property it was suppose to become a County Road. The road was suppose to be open.

Mike Farrell - stated a petition was signed to have the County abandon the seasonal road. He also stated at the present time there are two processes:

1. Private Road process to have access and
2. Go back to the County to have them petition to have the road put back in.

The petition that was signed was to abandon that road. The property owners asked for that and the County Road Commission concurred with that and abandon it, and in that process you gave up access to that property.

Mark Heikkila asked if that allows for an easement?

Mike Farrell stated he would have to get easement from the private land owners prior to getting access.

Dale Berquist - 420 West Park Street asked if his son signed the petition? It was stated yes he did.

He also asked if the proposed road was going to end at Mark Heikkila's property? His son owns property after Mark Heikkila's property.

Mike Farrell stated the proposed road will go all the way to the section line.

Donna Heikkila - 244 Shot Point - Thinks there is a

misunderstanding regarding the petition. The road was made seasonal and was a County road to start. It was put in the paper and if you had any comments regarding the road being seasonal that you were suppose to appear. When it was put in as a legal description nobody was aware and didn't notice it in the paper. That was when the road was made seasonal, which meant nobody could get a zoning permit to build unless it was made a private road or a county road. They met with Mr. Beerling and Mike Farrell and they suggested the only way to do this is to put a paved County Road or an approved private road and people had to sign the petition to abandon it. She doesn't think it was their intent to abandon the County Road if the County was going to take care of it.

It was asked if this seasonal road gave access to the two property owners.

It was stated this was not paved. County gave up all rights when this was abandoned. There is no road.

A resident asked if the proposed private road would give access to the two property owners beyond the Heikkila's property.

According to the petition that was signed by the property owners the County was under the impression that they didn't want access.

Mike Farrell suggested that the property owners need to go to the County Road Commission regarding the petition that was signed.

Joe Gibbs - Eagle Pass Trail - When it was abandoned wasn't everything abandoned in Section 10 except 800' so the property owner could get into his property? Wasn't there an exception to that?

Mike Farrell stated that is something he would have to look into, but the general practice when the County abandoned the road, they abandoned all of it, otherwise it would end up with a county road with access only across a private road. Ultimately, the only other way you can get to the other segment is to use a private road that doesn't belong to the County or the public.

Mike Farrell said he has been in contact with the County and the County wasn't aware that they still own the land. County Road Commission has to take action on this. He advised the property owners to contact the Road Commission to see what action could be taken.

Mark Heikkila - petitioner - not looking into putting in a fancy road, just wants access to get to the property.

Mike Farrell stated the proposed private road would need to be extended approximately 800' to access to two parcels in Section 10.

Scott Emerson commented this was a two rut road.

Bob Johnson - stated he has built a kennel and has approximately 50 dogs. Hope there won't be any complaints made to Chocolay Township regarding the dogs and the kennel.

Some of the property owners that were in attendance stated he would probably get complaints because of the barking at various times during the night.

Donna Heikkila - 244 Shot Point - this is not going to be a different road. The road is there. Cannot obtain a building permit without private road approval.

Estelle DeVooght asked a question regarding the standards of the road.

Mike Farrell stated the proposed road doesn't meet the township Standards



There being no further public comments Max Engle closed the public comment session regarding the Private Road Request - Heikkila.

There being no further public hearings, Max Engle closed the Public Hearing session of the meeting.

**REGULAR MEETING CALLED TO ORDER:**

Max Engle, Vice Chairperson called the Regular Meeting of the Planning Commission to order at 7:50 p.m.

**ROLL CALL:**

Roll call was taken with Estelle DeVooght, Max Engle, Mike LaPointe, and Scott Emerson present.

Don Wickstrom, Bill Sanders, and Dave Wurster were absent.

**APPROVAL OF MINUTES OF JUNE 22, 1993:**

Max Engle asked if there were any additions or corrections to the minutes of June 22, 1993. There were none.

Estelle DeVooght moved, Max Engle supported that the minutes of the June 22, 1993 Planning Commission be approved as presented.

Motion Carried 4-0.

**APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:**

Max Engle, Chairperson asked if there were any additions or changes for the agenda.

It was requested that under New Business (A) - Presentation - North Country Trail - Gene Elzinga be moved up after the approval of the Agenda.

Mike LaPointe moved, Scott Emerson supported to approve the agenda with the change of the presentation of the North County Trails be approved.

Motion Carried 4-0.

**PRESENTATION - NORTH COUNTRY TRAIL - GENE ELZINGA:**

Gene Elzinga gave a presentation on the North Country Trails and its history.

They would like to bring the North Country Trails to Chocolay Township.

He presented the proposed routes.

North Country Trails is one of eight National scenic trails. When completed it will stretch across seven states, with a section running through the U.P. When completed it will be 3200 miles long and pass through seven states. (New York, Pennsylvania, Ohio, Michigan, Wisconsin, North Dakota.) Approximately 850 miles of the trail is in Michigan, with approximately 350 miles in the U.P.

Overall coordination for the trail is provided by the National Park Service. They provide planning assistance and some funds for trail construction. However, no money has been allocated for land acquisition.

The North Country Trail Association works closely with the National Park Service to administer nationwide trail activities. Except for a paid executive director it is a volunteer organization representing the various local chapters along the route.

The North Country Trail Hikers (NCTH) is a chapter of the Association and is responsible for the U.P. segment of the trail

where it passes over private land. The trail on public land is administered by the responsible agency such as the DNR, and the National Forest and Park Services. They work closely with these agencies and in some cases have assumed responsibility for building and maintaining the trail within their jurisdiction.

The major task of the NCTH is planning the trail route and contacting landowners for permission to cross their land.

Another major task of the NCTH is to organize volunteer efforts for trail construction and maintenance.

This trail would be for non-motorized vehicles.

Scott Emerson suggested that possibly the trail could go through Hotel Place, W Main Street - 41 & 28 a more aesthetic route would be created.

Max Engle thanked Gene Elzinga for the presentation.

Scott Emerson moved, Mike LaPointe supported that the Planning Commission supports the concept of the North Country Trail being made through Chocolay Township and we would like to see the trail being consistent and being dove tailed in with our Recreation Plan.

**MOTION CARRIED 4-0.**

**PUBLIC COMMENT:**

Joe Gibbs - 125 Eagle Pass Trail he commented on the following:

- (1) Signs - Eagle Pass Trail & M 28 E - Temporary Status.

Would like to see this as a permanent sign.

Sign regarding the opening of the golf course. Would like the Planning Commission include in the Zoning Ordinance allowing temporary status. This sign will probably be down in November.

- (2) Parking area - gravel now.

He said according to the Zoning Ordinance he is required to have a green area. There are two rows of parking.

If he would have a small green area, it could be neglected because maintenance for that would be a low priority. Also the maintenance when snow plowing could be a hazard.

Scott Emerson stated that green area could be made attractive with trees, etc. It would also be shade for parked cars.

Max Engle asked how many parking spaces are there? There is approximately 60-70. Green area required every 50 or more. Eighteen square feet within.

Mike Farrell stated that maybe the golf course is an unique situation. He would look into the planting for parking area. It may be different than a commercial because of the golf course being mainly green area.

This was approved as a Conditional Use, not a PUD. We accepted the plan under a Conditional Use. Parking lots & greenery requirements were in that Conditional Use.

Scott Emerson asked if Mr. Gibbs was made aware of this when the plans were submitted. It was stated yes he was made aware of this.

Another suggestion was that it could be made attractive by putting in some greenery and a couple of picnic tables.

Mike Farrell stated that we may need to expand to allow trees to

grow.

Mark Maki responded to the following:

(1) Signs - Advertising the Golf Course. There is no provisions in the R-1 District for signs. Thirty-two square feet is allowed for Churches, schools. There are 2 thirty-two foot signs presently for the Golf Course.

Normally signs have to be on the property. Golf Course does not have frontage on the property that the signs are on.

May have to obtain a variance from the Zoning Ordinance or the County Road Commission permission to have the sign advertising the golf course.

Gentz's have the same problem when they open the golf course.

Mark also gave Jack's and Snyders. They both have green areas on them.

The Zoning Board of Appeals is dealing with a variance now regarding parking lot and greenery.

There being no further Public Comments, Max Engle closed the first Public Comment session of the Planning Commission Meeting.

**OLD BUSINESS:**

**A. CONSIDER LOT SPLIT - DILORETO:**

Mike Farrell stated he received a call from Dan Diloreto that he was out of town and couldn't make the Planning Commission Meeting and would like this tabled until August.

Moved by Scott Emerson, supported by Estelle DeVooght to table the Lot Split Request for Mr. Diloreto until August.

**MOTION CARRIED 4-0.**

**NEW BUSINESS:**

**B. CONSIDER ROAD NAME CHANGE - WILLOW ROAD:**

Mike Farrell explained there is a section of Willow Road with access from Ortman Road that is owned by one land owner who is requesting the name change.

Presently there are two roads named Willow Road. You cannot drive through.

It could be a life and death situation for emergency services such as fire trucks, police, and other emergency personnel.

The owner is requesting the name be changed to Donna. The other suggested name was Besola Trail. These names are in the honor of her mother.

There is a conflict with the street being named Donna. There is a road in the Township called Dana Lane and some emergency personnel could get confused.

The Township Board has the final decision on the road name.

Mike Farrell said there were seven (7) property owners who live on that end of Willow Road were contacted.

Gary Gorsalitz - 915 Willow Road - said this could be an inconvenience with changing of the name because of all the documents the property owners may have, such as: insurance agents, employers, banks, friends, relatives, post office, credit card companies, utilities, etc.

Scott Emerson commented it could mean a life & death inconvenience if emergency personnel heard the wrong information.

Gary Gorsalitz stated he has lived on Willow Road for approximately 22 years and if the road name change be granted, it would be an unnecessary name change. There may be some legalities in this change.

Sue Wirtanen - 975 Willow Road - against the name change. She works 40 hours a week and feels spending time with her children is more priority than changing addresses on all of the necessary documents that would have to be changed. When she has to use directions to get to her address she says entrance is off Ortman Road. We now have a new landmark and people could say entrance by Cherry Creek School.

Mark Maki stated name is difficult. There is no sense having two roads called Willow Road. Granted it may be an inconvenience for property owners on that end of Willow Road now, but somewhere in the future the Township may be held liable if a life or death situation would arise in the future and the road name has been discussed and emergency situations were discussed and the name wasn't changed.

Mike Cauley - 945 Willow Road - He has lived on this end of Willow Road for approximately 21 years and feels that there may be some legalities in changing the name of this street.

Mike Farrell stated that the petitioner owns the land and the road.

Estelle DeVooght asked if the petitioner owns the land, could they shut off the access to the road.

Mike Farrell stated he would like to look into the legal issues pertaining to this. He would like to request this to be tabled until he can obtain information from the township attorney on the legal precedents of this change.

Gary Gorsalitz - 915 Willow Road suggested if the road name be changed, to possibly change it to South Willow Road.

Mike Cauley - 945 Willow Road - stated that the statement regarding emergency personnel getting to the correct end of the road, he has had to use the fire department and they had no trouble responding to his address. If a road name change is necessary, he would support South Willow Road.

Scott Emerson stated that the request by the petitioner is to change the name of the road, not to compromise.

Diane Mankee - 935 Willow Road - the woman making the request hasn't lived there and neither has the petitioner's mom.

Mike Cauley asked who has control over road names? It was stated that the Chocolay Township Board has the final say.

Scott Emerson moved, Estelle DeVooght supported that the Planning Commission table the changing the name of Willow Road until the legalities precedents are obtained.

**MOTION CARRIED 4-0.**

**C. CONSIDER PRIVATE ROAD APPROVAL - HEIKKILA:**

Mike Farrell stated we have run into a couple of snags:

1. Road layout - site plan incorporating the cross section of the cul-de-sac.
2. He stated he received a response from one property owner that hasn't agreed to be a part of the road.

Mike stated that there are two recommendations, which are (1) deny the private road or (2) table the until we can come up to an agreement.

He received land contracts and nobody was aware that the County still owned property where the road was abandoned.

After discussion and comments that were made during the public hearing, it was felt by the property owners were misinformed by the petition that the signed.

Mike Farrell stated there was no recommendation by the Township to abandoned this road when the petition was presented at a meeting with the land owners, township personnel and county.

Mark Maki stated that if the road was seasonal that land owners could obtain a zoning permit.

Estelle DeVooght gave an example of when the end of Karen Road was abandoned.

Max Engle stated that this would either have to be denied or tabled until Mike Farrell could obtain the information requested. Planning Commission cannot approve property that isn't owned by them.

Max Engle moved, Scott Emerson supported that the Private Road Approval for Heikkila be tabled until Mike Farrell can get a legal opinion information back to the Planning Commission with maintenance agreement.

**MOTION CARRIED 4-0.**

**D. CONSIDER BUDGET:**

Mike Farrell stated he presented the Planning Commission the proposed budget. He stated he is proposing the per diem for the Planning Commission Members remain the same and he is also proposing to keep the recording secretary for the Planning Commission.

He stated that in the 1993 budget he purchased the overhead projector and this has shown potential for the meetings.

It was suggested that a Cam Corder be purchased. Mike Farrell and Mark Maki thought maybe this could come from the Planning and Zoning Department's budget under Capital Improvements.

**PLANNING DIRECTOR'S REPORT:**

Mike Farrell gave a brief explanation on what happened with the DeVooght's Rezoning at the Township Board Meeting on July 19, 1993. It was voted 4-2 to deny the rezoning. It was also suggested by the Township Board that the Planning Commission look into rezoning that property all the way down to Karen Road. Mike Farrell stated he would do research on this and get the information back to the Planning Commission in the Fall.

Estelle DeVooght had a question regarding the clay being moved from property on Little Lake Road and if a Soil Erosion permit was obtained.

Max Engle asked if this would be in violation of our Mining & Mineral Extraction Permit.

It was stated the owner could say this was site preparation for building houses and sand necessary for septic, etc.

Mike La Pointe stated Soil Erosion Permits are more or less for Lakes and Streams Sedimentation.

It was suggested that possibly a local ordinance be made to deal

with blowing, etc.

It was also stated that the Mining & Mineral Extraction Ordinance does not deal with the typical site plan preparation.

It was suggested that the Mining & Mineral Extraction Ordinance be amended to deal with top soil.

It was also suggested that the ordinance maybe amended to say that no topsoil be removed off residential property.

Mike Farrell will research this and come back to the Planning Commission with language pertaining to this.

**PUBLIC COMMENT:**

Mark Maki commented on his memo to the Planning Commission regarding one principal structure per lot. He also demonstrated the reason for having one principal structure per lot.

Reason were:

- (1) Traffic -
- (2) Setbacks improper
- (3) Parking inadequate
- (4) Landscaping abandoned for parking lot
- (5) Access insufficient.

It was suggested that the Planning Commission send back to the board and require some minimum language for frontage be set.

Mike Farrell stated he would have to talk to Harley Andrews regarding fees.

Mike Farrell stated he would try to have some language regarding principal structure per lot for the August or September meeting.

Estelle DeVooght suggested that possibly the buildings could be connected.

It was stated that the problem is that nothing is spelled out regarding landscaping.

Scott Emerson stated he contacted the Michigan Municipal Planning League and received an ordinance regarding the Big Tree Ordinance and would like the Planning Commission to look into this language for an ordinance for Chocolay Township.

Mike LaPointe asked if a Recreation Sub-Committee has been formed. At the joint meeting of the Planning Commission and the Township Board permission was granted to have the Recreation Sub-Committee formed. It was stated that at that time three members board was being considered.

Mike Farrell stated he would like Township Board approval for the ad to be put in the paper requesting people to serve on the Recreation Ad Hoc Committee.

Mike Farrell also explained how this committee would work and how the grants for recreation were obtained through the DNR.

Scott Emerson inquired if the township was aware that there are acquisitions for land for recreation and parks.

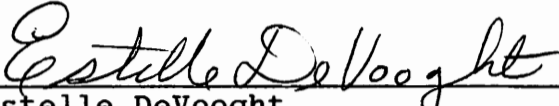
Mike LaPointe would like to see the Recreation Ad Hoc Committee up and running. He stated he would be willing to help out on this committee.

**INFORMATIONAL ITEMS AND CORRESPONDENCES:**

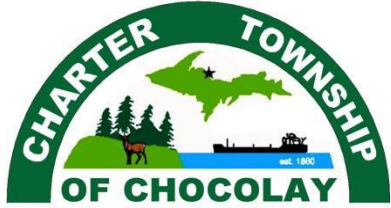
A. Memo from Mark Maki, Director of Assessing & Zoning.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 10:20 p.m.

  
\_\_\_\_\_  
Estelle DeVooght  
Planning Commission Secretary

  
\_\_\_\_\_  
Jeanette R. Collick  
Recording Secretary



**Planning Commission**  
**Charter Township of Chocolay**

5010 US 41 South  
Marquette, MI 49855  
Phone: 906-249-1448 Fax: 906-249-1313

**There are no minutes for the meeting in October, 1993.**

**There was no meeting scheduled.**



## CHOCOLAY TOWNSHIP

## PLANNING COMMISSION

TUESDAY, SEPTEMBER 28, 1993

AS CORRECTED

**PRESENT:** Bill Sanders, Dave Wurster, Mike LaPointe, Estelle DeVooght, Scott Emerson, Max Engle

**ABSENT:** Don Wickstrom

**STAFF PRESENT:** Mike Farrell, Director of Planning & Research  
Jeanette Collick, Recording Secretary

**PUBLIC PRESENT:** Wells Chapin, Karen Chapin, Joe Gibbs, Dan Trotochaud, Mike Bonanni

**PUBLIC HEARING:**

Bill Sanders, Chairperson called the Public Hearing to order at 7:35 p.m.

**REZONING #72 R-1 TO PUD:**

Mike Farrell, Director of Planning & Research gave a brief explanation.

Gibbs Energy Ltd (Dan Trotochaud-developer) has petitioned the Planning Commission to rezone a parcel of property located in the South 1/2 of Section 10, T47N R24W, from the current zoning classification of R-1 to PUD.

Thirty-three (33) condos are being proposed, which would be duplexes, triplexes and fourplexes. These would be completed in three (3) separate phases.

The steps in obtaining a rezoning to PUD include going to the Planning Commission for approval of the preliminary plans and then after getting approval from the Planning Commission, the Township Board then approves the preliminary plans.

The developer has one year to finalize plans as specified in their preliminary approval and receive final approval from the Township.

Dan Trotochaud - 26 Specker Circle gave a brief explanation regarding the golf course joint venture.

Wells Chapin - 1777 M 28 E stated the golf course is very nice looking and very well maintained. Also felt Dan Trotochaud would do a good job in developing the condos at the golf course and thought the project would be a good idea.

There being no further comments, Bill Sanders closed the public hearing regarding Rezoning #72.

**REZONING #73 TEXT AMENDMENT - FEES:**

Mike Farrell stated the Planning Commission had a public hearing on April 27, 1993 and went through the process for approval. There was a sentence that should have been added which states [except that such fee shall not be required where the township or any official body thereof is the moving parts.]

There being no further public comment, Bill Sanders closed the public hearing session regarding Rezoning #73.

There being no further public hearings, Bill Sanders closed the Public Hearing session of the meeting.

**REGULAR MEETING CALLED TO ORDER:**

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:50 p.m.

**ROLL CALL:**

Roll Call was taken with Bill Sanders, Estelle DeVooght, Mike La Pointe and Dave Wurster present.

Don Wickstrom, Max Engle, and Scott Emerson were absent.

**APPROVAL OF THE MINUTES OF JULY 27, 1993:**

Bill Sanders asked if there were any additions or corrections to the minutes of July 27, 1993. There were none.

Dave Wurster moved, Mike La Pointe supported that the minutes of the July 27, 1993 Planning Commission be approved.

**MOTION CARRIED: 4-0**

**APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:**

Bill Sanders asked if there were any additions or changes for the agenda?

Mike Farrell requested an addition be made under New Business, which will pertain to a letter to be written to the Zoning Board of Appeals regarding landscaping.

Bill Sanders moved, Estelle DeVooght supported to approve the agenda with the addition of the letter to the Zoning Board of Appeals regarding the landscaping.

**MOTION CARRIED: 4-0**

**PUBLIC COMMENT:**

Mike Bonanni - 116 Alderbrook - voiced his concern regarding Whitty's Auto Body located at 6568 U.S. 41 south in Beaver Grove pertaining to junk cars and would like to request that something be done.

He stated he has property adjacent to the Auto Body Shop. He is concerned with his well and possible drainage of oil, battery acid, anti-freeze, etc. draining into the soil.

Mike Farrell stated he has spoken with Mr. Ruzinski and he does have a conditional use permit and is in a C-3 Zoning District.

He also requested well protection information, but has not received any information at present.

Mike Farrell also stated that Mr. Ruzinski commented that when he obtains the vehicles, he pulls out the oil pan, drains the radiator, etc.

Mike also explained that Mr. Ruzinski uses junk cars for his business to obtain parts and he feels he gets them hauled out in a timely fashion. He has to get 15 cars for a company to come and get them.

Mike Bonanni stated he didn't have a problem with the vehicles that are being fixed. He has a problem with the ones that are smashed. He also stated that the painting and sandblasting are being done outside.

Mike Farrell stated the Planning Commission doesn't have any jurisdiction, but will see what has been done and will give Mr. Bonanni a call.

**OLD BUSINESS:**

There were none.

**NEW BUSINESS:****CONSIDER REZONING #72 R-1 TO PUD:**

Dan Trotochaud - 26 Specker Circle (developer - Gibbs Energy, Ltd.)

for the condominiums gave a presentation of what he planned on doing. The condos would mix well with the golf course.

The development of condominium projects in Michigan is closely regulated by statute. Act 59 of the Michigan Public Acts of 1978, as amended, by Act 538 of Acts the Michigan Public Acts commonly referred to as the Condominium Act, for the most part constitute the regulatory provisions of the laws of this State. They are enforced and supervised by the Condominium section of Commerce located in Lansing, Michigan.

The proposed plan includes 33 residential condominium units, all of which are planned as residential units. Phase One would include 11 of those units, Phase Two would include 11, and Phase Three would include 11 units. The time frame would be construction of Phase One - Spring of 1994, Phase Two - Spring of 1995, and Phase Three - Spring of 1996.

The land, shared utility systems, and most structural elements of the building will be general common elements to be used and maintained in common by all co-owners of units. The common elements will be maintained by Chocloy Downs Condominiums Association on behalf of all co-owners.

The private road running within the project is for the use of the co-owners and their guests. Chocloy Downs, A CONDOMINIUM, is served by mail, septic, gas, electric, telephone and cable service.

There are approximately (13.3) acres of land which is also located in the expandable area which may eventually become accessible to the Condominium co-owners.

We are proposing 33 condos vs. 20 single family lots. The wells and septic for this project will be adjacent to each complex, complexes will range from 2 to 4 units, each building will have two drain fields with the site for a third if necessary.

With two bedroom condos you have 66 bedrooms on this 13.3 acre parcel. The density of this condo project is 15,180 square feet per unit, or 123 x 123 feet per unit.

There will be more than adequate space for green areas and recreational opportunities within the plan as shown in the plot.

It is the intent of the developer to establish an escrow account that would be available to cover the cost of maintenance and replacement of each units well and septic system. An initial amount will be deposited at the time of first occupancy and a percentage of each units maintenance fee will be deposited until this escrow account is deemed adequate to cover any cost related to the system.

Grass, ground shrubs will be in the final plans.

With the Condominium Act you are required to form an Association. They basically control the whole project.

Rules and maintenance fee from the Association will follow. Rules and regulations must be put in the association.

Condos must be maintained by the Association.

The lighting will be aesthetically pleasing and each building will be clearly identified for emergencies.

It was stated forming an Association is very costly. Would like approval of the Preliminary Plans before going through the expense.

He stated that this a joint partnership and he has the time to obtain the permits, check on the legalities, etc. that is why he is the developer.

The following is a list of questions/concerns that were asked by the Planning Commission and answered by Dan Trotochaud.

Estelle DeVooght - once the building is bought, who is responsible

for the exterior/interior maintenance of the condos?

Dan Trotochaud - the Association would be the responsible for the exterior maintenance. The interior maintenance is the responsibility of the person living in the condo.

He plans to be a member of the Association and he intends to continue to be actively involved once the condo project is completed. He will assure that the maintenance, etc. is being done immediately.

There was a concern on the Master Deed of how maintenance would be provided?

Dan Trotochaud stated he would be looking at professional services available in the area and the community. When something needs to be done, he wants to be assured that it would get done and by hiring a professional, it would get done right away.

Mike Farrell - Concern on the density for the Ordinance for private roads and sanitation pickup. Certain density must be met.

Discussion on garbage pickup. Home owners put out garbage to street or a dumpster to be used.

Dan Trotochaud stated that he felt a dumpster would not be used.

Planning Commission members stated they liked the idea of the garage on the end of the condos, the maintenance agreement and the natural vegetation.

Mike Farrell - because we are working with a PUD as a requirement, we could require the Master of Deed would be filed at the County Clerk's Office.

There are deadlines for certain phases of a PUD.

It was asked who sets up the Association Rules and Regulations. it is set up by the Association.

It was stated maintenance fees taken in must be spend by the Association for maintenance. Developer can't spend it elsewhere.

There was a concern for the roof line. Mike Farrell stated he spoke with some members of the fire department and they inquired if fire breakers would be used.

Dan Trotochaud stated fire breakers would be used.

A question concerning the septic systems was asked.

There is a clause in a state act that says that if a developer of the Association ever failed to maintain their wastewater system that it becomes the responsibility of the local unit of government to maintain it.

The officers has discussed this before and the conclusion was that the developer set aside a certain amount of land and escrow account for usage so if there is a failure of the wastewater system, it wouldn't be a burden of the township to replace that system.

Scott Emerson arrived at the Planning Commission Meeting at 8:20 p.m.

It was stated 12 spaces are reserved for septic system, 8 of which will be developed.

It was a consensus by the Planning Commission that a more detailed site plan be presented before approval of the preliminary plans by the Planning Commission. They requested that the site plan show more graphics for density, septic system location, wells, condo placements, type of road. The Planning Commission likes the concept, but wants to see a more detailed plan layout.

Estelle DeVooght inquired if these were the same 38 lots as before when approval was given.

Mike Farrell stated this was a different development.

Mike Farrell stated we need something more concrete before preliminary approval can be given, even with conditions.

Dan Trotochaud - inquired that a more detailed sketch for Phase 1 for preliminary approval be presented and as a condition Phase 2 and Phase 3 will be evenly spaced.

Max Engle arrived at 8:30 p.m.

It was suggested a more detailed preliminary approval for Phase 1 be done and Phase 2 and Phase 3 would be comparable to Phase 1.

Mike Farrell stated in a PUD you are allowed a percentage of flexibility.

He also stated when preliminary approval would be granted that one of the conditions would be to request a letter from the DNR stating exactly what is required.

Bill Sanders stated the Township could request a public hearing.

After much discussion on questions and comments that were asked and answered, Dan Trotochaud stated he had no problem with submitted the plan, but doesn't want to tie himself in and spend a lot of money and possibly not obtain approval.

Mike Farrell stated he would meet with Dan Trotochaud and go over what he plans on presenting to the Planning Commission for their next meeting.

Estelle Devooght moved, Bill Sanders supported that the Planning Commission table approval of the preliminary plans for the condo project until more detailed information is obtained for the next Planning Commission.

**MOTION CARRIED: 6-0**

Mike Farrell concern about the future development of the golf course. There may be a possibility that a lagoon system may be required. it was suggested that maybe some land may be set aside for a lagoon system.

Joe Gibbs stated possibly 1/3 of the lots couldn't be developed because one side faces the Varvil Center and is unbecoming. It was suggested that maybe a buffer be put, the density wouldn't be there.

Dan Trotochaud thanked the Planning Commission for their time and consideration and would have the more detailed plans at the next Planning Commission.

It was stated that a decision would be made within 45 days.

**CONSIDER REZONING #73 - TEXT AMENDMENT - FEES:**

As discussed in the Public Hearing the sentence [except that such fee shall not be required where the township or any official body thereof is the moving party] be added.

Bill Sanders moved, Mike La Pointe supported that the Planning Commission recommend to the Chocolay Township Board that the following amendment to the Chocolay Township Zoning Ordinance be approved.

**AMENDMENT**

Section 702 of the Zoning Ordinance of the Charter Township of Chocolay shall be, and the same hereby is, amended to read as follows:

**SECTION 702 FEES.**

Neither the Township Planning Commission nor the Zoning Board of Appeals shall consider any matter until there is first paid a fee

as required below, except that such fee shall not be required where the township of any official body thereof is the moving party.

- (A) Planned Unit Development;
- (B) Conditional Use Permit;
- (C) Variance Application;
- (D) Zoning Amendment;
- (E) Non-conforming Use Permit;
- (F) Home Occupation;
- (G) Zoning Appeal;

The Township Board, by resolution, shall set the fees for the above matters. The Township Board, by resolution, may change these fees, from time to time, as they determine appropriate.

**MOTION CARRIED: 6-0**

**LANDSCAPING ORDINANCE:**

Parking Lot Areas. Bill Sanders said this was the item that was added to the agenda. At the last Zoning Board of Appeals meeting one of the items that were requested by Steve Blondeau that he wouldn't have to comply with Section 513 of the Zoning Ordinance requiring 51 or more parking spaced to meet zoning, the zoning requirements for green space. He doesn't want to do that. It has been to the Zoning Board of Appeals three times. You are required 3 votes one way or the other to take action. Each time it has been 2-2, 2-1, or whatever. Three members have to vote to give a variance. Two not to give variance.

As he sees it there has been no hardship or practical difficulty presented and he feels the Planning Commission should send a letter to the Zoning Board of Appeals in support of 513 and request a variance not be granted.

Scott Emerson moved, Estelle DeVooght supported that a letter be drafted to the Zoning Board of Appeals that the Planning Commission is in favor of green space being provided in Section 513 of the Zoning Ordinance.

**MOTION CARRIED: 6-0**

**PLANNING DIRECTORS REPORT:**

Mike Farrell stated he has a student intern from NMU that has knowledge or ordinances and is going through different ordinances and information regarding landscaping (green areas) and will be in attendance at the next Planning Commission Meeting and give a report.

Mike Farrell felt that at the present time with budget constraints and staff time, the Township could not hire additional staff to enforce a landscape ordinance. It probably should be an amendment to the Zoning Ordinance and enforced by the Zoning Administrator.

Mike also stated at the next Planning Commission meeting he would give his recommendation and the intern student would give his. The Planning Commission would also voice how they feel it should be done.

Mike La Pointe asked if the landscape ordinance amendment would be commercial only or would it pertain to residential also?

It was a consensus of the Planning Commission that this would be dealt with on a commercial basis only.

Mike Farrell pointed out in the June 22, 1993 minutes regarding language in Section 506 regarding PUD the minutes read "The Planned Unit Development District shall not be less than five (5) acres in actual lot size for a commercial or light industrial development

and ten (1) acres in lot size for any residential development and shall be capable of being planned and developed as one integral unit. The minimum lot width of a parcel zoned PUD shall not be less than 200 feet." The five (5) should be corrected to read two (2) for a commercial PUD.

Scott Emerson moved, Max Engle supported that the minutes of June 22, 1993 be corrected as pointed out.

**MOTION CARRIED: 6-0**

Mike Farrell also stated the single structure per lot amendment would be going to the Township Board and he inquired if it was the consensus of the Planning Commission that if there is an existing project in place, are they to be considered grandfathered in? It was stated yes, this is correct.

It was agreed that the next Planning Commission Meeting would be Thursday, November 4, 1993.

Mike Farrell stated there would be a lot of items being dealt with at the next Planning Commission meeting. Some of the issues are as follows:

1. Diloretto Case
2. Willow Road Name change
3. Gibbs Energy Ltd. PUD - Preliminary Approval
4. Landscaping Amendment - Intern.

**PUBLIC COMMENT:**

Estelle DeVooght inquired if anything could be done to get ABC True Value to clean up their property?

It was suggested that she write a letter to the Zoning Administrator to request that something be done.

Mike Farrell stated that the Chocoy Watershed Council will be receiving a grant. Mike La Pointe stated it was called Adopt a Stream.

There being no further Public Comment, Bill Sanders closed the last Public Comment section of the agenda.

**INFORMATION ITEMS AND CORRESPONDENCE:**

Correspondence to Marquette County Road Commission - School Crossing.

Mike Farrell stated that a concerned resident from the Bide-A-Wile Mobile Home Park has requested that the Township have a crossing guard for the children to cross from the mobile home park and cross Silver Creek Road to the School.

He stated he has done research on this, and yes the Township has the responsibility if the County Road Commission deems it necessary. If after the County Road Commission does the survey and deems it necessary.

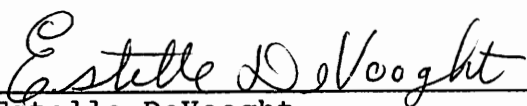
**ADJOURNMENT:**

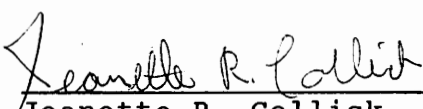
There being no further business, Bill Sanders asked that a motion be made to adjourn the meeting.

Mike La Pointe moved, Estelle DeVooght supported to adjourn the Planning Commission Meeting.

**MOTION CARRIED: 6-0.**

The Planning Commission Meeting was adjourned at 9:35 p.m.

  
 Estelle DeVooght  
 Planning Commission Secretary

  
 Jeanette R. Collick  
 Recording Secretary



**Planning Commission**  
**Charter Township of Chocolay**

5010 US 41 South  
Marquette, MI 49855  
Phone: 906-249-1448 Fax: 906-249-1313

**There are no minutes for the meeting in August, 1993.**

**There was no meeting scheduled.**



## CHOCOLAY TOWNSHIP PLANNING COMMISSION

THURSDAY, NOVEMBER 4, 1993

**PRESENT:** Bill Sanders, Dave Wurster, Mike La Pointe, Estelle DeVooght, Max Engle, Don Wickstrom

**ABSENT:** Scott Emerson

**STAFF PRESENT:** Mike Farrell, Director of Planning & Research  
Jeanette Collick, Recording Secretary  
Jay Rithel, Student Intern

**PUBLIC PRESENT:** Bob La Jeunesse, Dorothy La Jeunesse, Lori La Jeunesse, Bobbi Sue Pecotte, Bob Pecotte, Anne Pecotte, Mike Donnelly, Bob Cambensy, Carol Hicks, Joe Gibbs

**PUBLIC HEARING:**

Bill Sanders, Chairperson called the Public Hearing to order at 7:30 p.m.

**PRIVATE ROAD #7 - La JEUNESSE:**

Mike Farrell, Director of Planning & Research gave a brief explanation.

The applicant is requesting private road approval for a road located in Section 28 and Section 29 T47N R24W with access off of County Road Little Lake Road. The purpose of the road approval is to construct a single family dwelling on a 5 acre parcel in Section 29 T47N R24W.

The proposed road will have an 18 foot wide gravel base and a 66 foot right of way. Easement for a cul-de-sac will be provided. The applicant would like to request permission not to have the actual cul-de-sac be developed because the road will only serve one house at this time. The private road is necessary because the lot does not contain the necessary 300 feet of frontage on Little Lake Road.

Bob La Jeunesse stated there is only one house being proposed to be built. About 50 years ago there was a driveway, now an apple orchard is there.

There being no further comments, Bill Sanders closed the public hearing regarding Private Road #7 - La Jeunesse.

There being no further public hearings, Bill Sanders closed the Public Hearing session of the meeting.

**REGULAR MEETING CALLED TO ORDER:**

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:30 p.m.

**ROLL CALL:**

Roll call was taken with Bill Sanders, Estelle DeVooght, Dave Wurster, Mike La Pointe, Max Engle, and Don Wickstrom present.

Scott Emerson was absent.

**APPROVAL OF THE MINUTES OF SEPTEMBER 28, 1993:**

Bill Sanders asked if there were any additions or corrections to the minutes of September 28, 1993?

Bill Sanders noted that on page 5 the third paragraph from the bottom reads The officers has discussed this before and the

conclusion was that the developer set aside a certain amount of land for usage so if there was a failure of the wastewater system, it wouldn't be a burden of the township to replace that system.

It should be corrected to say The officers had discussed this before and the conclusion was that the developer set aside a certain amount of land and escrow account for usage so if there was a failure of the wastewater system, it wouldn't be a burden of the township to replace that system.

He also noted that on page 6 4th paragraph reads Mike Farrell stated we need something more concrete before preliminary plat approval can be given, even with conditions.

It should be corrected to read Mike Farrell stated we need something more concrete before preliminary approval can be given, even with conditions.

Max Engle moved, Dave Wurster supported that the minutes of the September 28, 1993 Planning Commission be approved as corrected.

**MOTION CARRIED: 6-0.**

**PUBLIC COMMENT:**

Anne Pecotte - 197 Old Kiln Road wanted to reserve comment when Road Ranking is discussed on the agenda.

Mike Donnelly - 150 Old Kiln Road also wanted to reserve comment when Road Ranking is being discussed on the agenda.

There being no further public comment, Bill Sanders closed the first public comment session of the Planning Commission.

**APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:**

Bill Sanders asked if there were any additions or changes for the agenda?

Bill Sanders would like approval for the item under Old Business, Item C. pertaining to the discussion of Landscape Language for Zoning ordinance be moved to New Business, item C.

Bill Sanders moved, Don Wickstrom supported to approve the agenda with the change of the discussion of the Landscape Language for Zoning Ordinance be moved to New Business item C.

**MOTION CARRIED: 6-0.**

**OLD BUSINESS:**

**A. Discuss Zoning Ordinance Language dealing with:**

1. PUD
2. General Standards for houses

Mike Farrell stated he took the language to the Township Board concerning the above issues:

Regarding general standards for houses - The sentence "and shall have a wall of the same perimeter dimensions of the dwelling". The Board felt this eliminated the ability to put a house on a foundation using a cantilever design.

The Board would like the Planning Commission to consider taking "and shall have a wall of the same perimeter dimension of the dwelling".

He would like the consensus of the Planning Commission to send the language pertaining to the General Standards for house with "and shall have a wall of the same perimeter dimension of the dwelling" removed.

Bill Sanders moved, Max Engle supported language for General Standards for house to eliminate the sentence as was discussed above.

Language regarding PUD

Language stating "ten (10) acres in actual lot size for any residential development."

It was the consensus of the Planning Commission to have five (5) acres for a commercial PUD and ten (10) acres for a residential PUD.

The rationale why the Planning Commission wanted to have a minimum of ten (10) acres for a residential PUD was stated in the Planning Commission minutes from the meetings of May 25, 1993 and June 22, 1993.

Mike Farrell stated the PUD process creation and why units of government offer a PUD. Advantages of a PUD provides more opportunity to create quality and innovative development in the Township.

Mike La Pointe inquired what the Board thought on the language for the PUD?

Mike Farrell stated that they were concerned there was a number of smaller parcels in the Township and would be tying their hands if they wanted to build through a PUD process.

After much discussion and comments by the Planning Commission members it was agreed that Mike would present his comments to the Board.

The following motion was made by the Planning Commission for the Township Board's concern on the language ten (10) acres in actual lot size for any residential development".

Estelle DeVooght moved, Don Wickstrom supported that Mike Farrell go back to the Township Board and state that the Planning Commission has reviewed the language concerning the PUD and wants to leave the language in regarding ten (10) acres in actual lot size for a residential development.

MOTION CARRIED: 6-0.

B. CONSIDER REZONING #72 - PUD:

Mike Farrell stated that Dan Trotochaud was out of town, but Joe Gibbs, Bob Cambensy and Carol Hicks were present to answer questions that may come up.

Mike Farrell was in contact with the DNR pertaining to the sewage/wastewater disposal and the DNR doesn't have any problems with the individual septic tanks and drain field concept. What they do need is that if preliminary approval was granted, then the developer could sit down and put together plans so they can determine what the water flow would be so they can tell them what would be required for those drain fields. That is one of the conditions that is in the recommended motion for approval.

Bills Sanders inquired on the Act 98 process.

The Township really does not have the option to accept the responsibility that they go to that system.

Mike Farrell stated this is an option in the suggested motion under B. 2. d. Wording for the establishment of an escrow account in the Township's name for the possible maintenance and or replacement of the wastewater system should the developer/association fail to continually operate the system."

Mike Farrell stated this was discussed with the developer and he had no problems with the above option.

Estelle DeVooght - does the DNR keep a handle on these things?

Mike Farrell stated yes they do.

Estelle DeVooght - if the DNR is voted out next year, what then?

Mike Farrell - somebody will be regulating the sewage disposal.

May fall back on the County Health Department and the County Health Department has been working right along with the developer, the DNR and Mike Farrell and what the criteria are and they are meeting the criteria.

Bill Sanders inquired how phase 2 and 3 would work on the entry drive? Would they access off Brewer?

Carol Hicks stated yes they would all access off Brewer. Phase 2 would be North continuing East for Phase 3.

Mike Farrell stated one of his concerns and he discussed this with Dan Trotochaud was the siting of the structure. As shown on the plans the building is within 25 feet of the County road right-of-way. In zoning R-1 we require a 35' rear set back. As part of the condition, he is suggesting that buildings be adjusted to set back 35 feet. Dan told Mike that wouldn't be a problem.

Based on the number of rooms per unit obtained estimates of 200 sq. feet of drain field per family. 1600 square feet of drain field and that is what was showing on the plans presented.

Mike Farrell also stated that Mr. Trotochaud suggested that additional land be set aside that cannot be developed on or built on for a replacement, should one be necessary.

In the process of the field being put in, Mr. Trotochaud is considering putting in a system that has an oversized tank or two (2) tanks put in series so that you get more settling of the waste in essence you can get longevity of the field. He is also proposing to set up a three (3) field dosing system, where you hold back wastes until you get a volume then you dose one field so that the entire field gets saturated instead of a typical residential field.

Mike Farrell stated in one of the suggested conditions is that he lays out specifically how he plans to deal with the wastewater.

Mike Farrell stated he would like in writing from Mr. Trotochaud the concepts he proposed to use. If he is proposing dosing, he put it in writing so we are approving that in his PUD. If he isn't proposing dosing then don't put it in writing, but he has talked about this.

Bill Sanders inquired regarding the setback.

Mike stated that is presented in the suggested motion under General Conditions #5 "Structure location shall comply with setbacks from property lines as established in the zoning ordinance for the R-1 Zoning District."

After various comments and discussion pertaining to Rezone #72 to PUD the following recommendation was made.

Mike LaPointe moved, Bill Sanders supported that the PUD for the Condo be approved with conditions.

There were some discussions concerning the preliminary approval before seeing the Condo plans in its entirety.

They had no problem with the plan, but would like to see it in its entirety.

It was suggested that the preliminary approval be tabled until the Planning Commission meeting on November 23.

Mike La Pointe moved, Bill Sanders moved to rescind the above motion regarding the preliminary approval with conditions.

**MOTION CARRIED: 6-0.**

Mike La Pointe moved, Max Engle supported that preliminary approval for the PUD #72 be tabled until the Planning Commission meeting to be held on November 23, 1993 when the plan would be sketched in its entirety.

**MOTION CARRIED: 6-0.**

## NEW BUSINESS:

## CONSIDER PRIVATE ROAD REQUEST - LA JEUNESSE:

Bill Sanders inquired if there was a conflict with the name of the proposed private road.

There was no conflict of the name being Anna's Trail.

Estelle DeVooght asked if this was a lot of record?

Bob La Jeunesse stated that this was in an abstract that was changed before the Zoning Ordinance went into affect.

Mike Farrell pointed the proposed land on the map and stated this was not always a lot of record.

Max Engle inquired how many acres is this parcel?

Mike Farrell stated this would be a five (5) acre parcel.

Max Engle - if it is not a twenty (20) acre parcel why is it in that zoning district any way?

Mike Farrell stated the parcel is in a RR-2 zoning district.

Don Wickstrom inquired on the easement - cul-de-sac not be required. He was thinking about the private road approval and conditions required for Mr. Hosking's private road approval. Would the recommendation be the same?

Mike Farrell stated not at this point, but if the one of the conditions regarding the cul-de-sac be approved he would contact mr. Hosking and also take this condition back to the Township Board to amend the requirement for the cul-de-sac. The easement would still remain.

After much discussion and comments, the following motion was made:

Max Engle moved, Bill Sanders supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the requested private road #7 application and plans presented by Robert LaJeunesse be approved, as submitted, with the following conditions.

1. The developer will provide, at their own expense, street signs and posts per township specifications and maintenance of the signs and post to be the responsibility of the owner(s).
2. A covenant be established on the parcel deed identifying the private road status and the responsibility for road maintenance, right-of-way maintenance, and drainage maintenance.
3. That open access to the private road be maintained for essential public services.
4. The proposed road be named Anna's Trail.
5. That applicant comply with all requirements of the Marquette County Road Commission for connection to the county road system.
6. That the applicant obtain all the necessary permits from Local, State, and Federal agencies that are required for the development of the road.
7. Easement for the cul-de-sac be established, but the construction of the cul-de-sac not be required at this time, although should any additional use of the private road other than the proposed one single family residence be requested, the construction of the cul-de-sac must be completed prior to any zoning compliance being granted.
8. The easements for the private road including the cul-de-sac be recorded with the County Register of Deeds and a copy the recorded easement provided to the Township prior to any zoning compliance being granted.

MOTION CARRIED: 6-0.

Max Engle suggested that Mike Farrell go to the Board on December 6 regarding the number of private roads in Chocolay Township.

It was suggested that one way to deal with the private road issue would be when getting approval of a zoning compliance permit.

**CONSIDER ROAD RANKING:**

Mike Farrell gave a brief summary on how the road ranking was done.

He stated that if the road ranking came under maintenance, the Road Commission pays 100%, if the ranking came under construction, the cost is split 50% Road Commission and 50% Township.

Below is a list of road rankings:

**Maintenance:**

1. BAA (Mangum)
2. BH (Greenfield)
3. BH (Green Garden)
4. BLB (Country Lane)
5. Reservoir
6. CRBC (Little lake Road)

Gravel Roads recommended to be paved:

1. Old Kiln Road
2. Gentz Road

Mike Farrell stated that according to Chocolay Township Comprehensive Plan criteria for road ranking are locations, zoning districts, density, etc.

As far as recommendations from staff, we feel that Reservoir Street has had problems for a number of years, intersection is in bad shape.

Mangum Road - Has been brought up to quality standard from U S 41 back to Greenfield Road.

Greenfield and Country Lane - the last time Country Lane was ranked high and the residents on that road commented they didn't want the road paved.

One of the residents from Country Lane stated there were only three residences on that road the County goes through there with the grader once or twice and feels that is sufficient.

Mike Farrell stated then there is Old Kiln Road and Gentz Road as projects for paving a gravel road.

The staff recommends that Old Kiln Road be given substantial priority over Gentz Road. At this point there are only three residents that have access on Gentz Road.

In the future more use of Gentz Road is anticipated, but as a commercial use for a golf course and it is the staff's perception that the Township shouldn't put a large investment in a road if ultimately a commercial operation would be benefiting from the improvement.

It is the staff's recommendation that Old Kiln Road be paved before Gentz Road as this pertains to resident's use more than commercial use.

Anne Pecotte - 197 Old Kiln Road - the section of the road she would like to see pave is 3/10 of a mile, which is just beyond the houses on Old Kiln Road where people are living. There are six (6) homes in this area and at some times there are twenty (20) children and this does include a teaching family home. The population does fluctuate up and down.

Residents have been waiting approximately 18 years and has been ranked number 1 for 18 years. During this time one other road was ranked number 1 with Old Kiln. Residents on this road have been waiting a long time. More homes have been put in and feels that

this is more reason to have the road paved.

She has been in contact with John Beerling from the Road Commission. When the staff drove down Old Kiln Road it probably wasn't after a rain storm or not in the Spring of the year because it probably wouldn't be rated as it is. Right now the road is so bad that if you go more than 10 miles per hour you would damage your vehicle. Basically whenever there is a rain storm, there is an environmental concern because half of the road washes into Cedar Creek.

The road is in such poor deteriorating condition that the buses for the Marquette Area Public School systems have refused to drive the buses down this year and the children have to walk down to the paved corner of Cherry Creek Road. There is also a dust problem. Basically very muddy and would like to have the staff reconsider paving Old Kiln Road.

Inquired how long did the people on Mangum Road wait.

Estelle DeVooght stated they waited longer than 18 years and did more complaining.

Mike Farrell stated 1 1/2 miles of paving was being considered for Mangum Road.

Anne Pecotte stated the residents on Old Kiln Road is requesting 3/10 of a mile of paving.

Mike Donnelly - 150 Old Kiln Road - Glad Old Kiln is ranked #1 again. Two years ago when the ranking was done there wasn't a differential between paved and gravel roads. Both Old Kiln Road and Mangun Road were on the list. Mangum Road was ranked as number 1, Old Kiln was number 2. There was a cost analysis done by the Township and the County Road Commission as far as what the cost would be. The costs are probably listed in the past minutes.

There has been some other paving done, including some sections of Lakewood Lane had been resurfaced and part of Cherry Creek Road and put ahead of some of the other roads that were on the list. It seems like a never ending battled of getting up there on the list for paving, but then seems like going backwards. Now there is a differential between repaving and paving.

Mike Farrell stated that the list was combined a couple of years ago.

Mike Donnelly stated gravel road are the lowest on the totem pole. It is getting to a point that when you come around the curve there is a foot and half (1 1/2) ravine and when it rains, the side of the road washes out and go on the black top and it makes it very harry coming around that part of Cherry Creek Road that is all blacktopped because all the gravel washes on its and makes it just like an ice rink in the middle of Summer time because somebody puts on their brakes and slides across the gravel and slides onto the black top. It does wash down right into the creek time after time. He would hope that some of the roads that are not in residential areas that you are looking at, that Old Kiln Road being zoned residential that they be given priority over some of the roads that are zoned agricultural.

Estelle DeVooght feels that Little Lake Road should be removed from the road ranking list because from Shimon Court to Fassbender Road that they are they only ones that live there except possibly one other person that lives within that section.

Mike Farrell stated that the road ranking was broken into two (2) categories, that doesn't mean that the paved roads be upgraded before the gravel roads would be paved.

After discussion on the road ranking priority, Bill Sanders stated that the Planning Commission should look into the total points and come up road ranking.

Mike Farrell gave a perception where things stands as far as revenue sharing for the units of government. Ultimately the State may pull revenue sharing dollars away from us. We possibly may have to go out and pass millages for these types of things. The

Township commits itself to road construction projects and we sign a contract with the Marquette County Road Commission that is generally paid off over a four-five year period. The township commits itself to a number of dollars every year for that. As he perceives this, the Planning Commission will make their recommendation on the road ranking, then it will go to the Township Board who will take a look at those recommendations and would direct Larry Gould and myself to back to the Road Commission for costs on the top three if they concur with the recommendation of the Planning Commission. They could change the priority ranking.

Estelle DeVooght asked what happened to Fassbender Road? Did Chocolay have to kick in money or did the County pay for that?

Mike Farrell indicated that was all maintenance. That was completely covered by the Road Commission. The Road Commission determines if it is maintenance or construction.

Moved Bill Sanders, Estelle DeVooght supported that the Planning Commission recommend the following list for road ranking approval to be considered by the Township Board.

1. Reservoir
2. Old Kiln Road
3. Mangum Road
4. Greenfield Road
5. Green Garden Road
6. Little Lake Road
7. Gentz Road
8. Country Lane

**MOTION CARRIED: 6-0.**

Mike Farrell stated the Road Ranking List will be on the agenda for the Township Board for December 6, 1993.

**DISCUSS LANDSCAPE LANGUAGE FOR ZONING ORDINANCE:**

Mike Farrell introduced Jay Rithel, Intern that has been working on a presentation for the Landscape Ordinance.

Jay Rithel gave a presentation on the landscape ordinance.

It was suggested that the landscape ordinance be enforced for commercial businesses and multi family.

One of the suggestions were that it may be reviewed when obtaining a zoning compliance permit.

It was asked how long would it take for a landscape ordinance to be put together.

Mike Farrell said it could be possible to have a landscape ordinance in about six months.

It was also suggested that instead of having green space for every 18 parking spaces, maybe it could be a larger green area incorporated.

After much discussion on the landscape ordinance it was suggested that get the feeling what direction the Township Board wants on the landscape ordinance before the Planning Commission puts alot of work into and then nothing more is done on it.

Mike Farrell stated he would ask the Supervisor if the Landscape Ordinance could be put on the Township Board Agenda for the meeting on December 6, 1993 for discussion. He would like a couple of the members from the Planning Commission to attend also.

The Planning Commission thanked Jay Rithel for the fine presentation he gave regarding a Landscape Ordinance.

**PLANNING DIRECTOR'S REPORT:**

Mike Farrell stated that the Zoning Ordinance has been bought up to date through April 1993 (amendment 34 iii) and presented the Planning Commission members with a copy. Since then there are amendments 34 jjj, kkk, and lll to in the Zoning Ordinance. He



would like to update the Zoning Ordinance on every two years.

At the last Board meeting there was a discussion on creating an Ad Hoc Committee consisting of residents from the township to review our Zoning Ordinance on an annual basis with the Planning Commission for changes in the ordinance. He perceives this as a roll of the Planning Commission and also what he should be doing and whole heartedly accept help with it. If the Board is going to move ahead with this he would like to make recommendation to the Board that Ad Hoc Committee consists of a cross section of the residents of the Township. It is not just a group of business people that perceives that certain changes would be made. The Board has decided to look into this a little farther at the next Board meeting.

Recreation Ad Hoc Committee - Mike Farrell hopes to have an ad in the newspaper towards the end of November asking for applicants for the Recreation Ad Hoc Committee.

**PUBLIC COMMENT:**

Dave Wurster - concern on the access of business onto the highway very close to intersection and very hard to get in and out, right now the type of developments we have around here is not to bad and the amount of traffic that we have is not to bad. We already put one traffic light on Silver Creek and U.S. 41 intersection because the development has gotten so heavy and people couldn't get in and out of there. Thinks it may get worse with the development of Cherry Creek School, but Jack's entrance is very close to the intersection and traffic is backed up sometimes that you can't turn left into Jacks. Now that the new school is there traffic is only going to get heavier at times. We may want to think that down the road we do something about some of the things regarding access roads, traffic light or making sure that there is a stipulation that there is a certain distance from major intersections that driveway, etc. come in.

Mike Farrell stated that the Ad Hoc Committee to review the zoning ordinance could perceive as one of their recommendations to recommend some of the commercial and residential properties be changed.

Estelle DeVooght inquired if the person at the end of Little Lake Road and U.S. 41 was starting a used car lot. There are approximately six (6) vehicles that are advertised for sale.

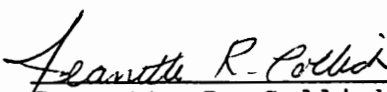
Mike Farrell stated he would talk to Mark Maki about it.

There being no further public comment, Bill Sanders closed the second public comment section of the Planning Commission.

**ADJOURNMENT:**

There being no further business the Planning Commission Meeting was closed at 10:10 p.m.

  
 Estelle DeVooght  
 Planning Commission Secretary

  
 Jeanette R. Collick  
 Recording Secretary

## CHOCOLAY TOWNSHIP PLANNING COMMISSION

TUESDAY, NOVEMBER 23, 1993

**PRESENT:** Bill Sanders, Dave Wurster, Mike La Pointe, Estelle DeVooght, Max Engle,

**ABSENT:** Scott Emerson, Don Wickstrom

**STAFF PRESENT:** Mike Farrell, Director of Planning & Research  
Jeanette Collick, Recording Secretary

**PUBLIC PRESENT:** Dan Trotochaud, Joe Gibbs

**PUBLIC HEARING:**

There were no public hearing.

**REGULAR MEETING CALLED TO ORDER:**

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:30 p.m.

**ROLL CALL:**

Roll call was taken with Bill Sanders, Estelle DeVooght, Dave Wurster, Mike La Pointe, and Max Engle present.

Scott Emerson and Don Wickstrom absent.

**APPROVAL OF THE MINUTES OF NOVEMBER 4, 1993:**

Bill Sanders asked if there were any additions or corrections to the minutes of November 23<sup>rd</sup> 1993? There were no additions or corrections.

Max Engle moved, Estelle DeVooght supported that the minutes of the November 23<sup>rd</sup> 1993 Planning Commission be approved as presented.

**MOTION CARRIED:** 5-0.

**APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:**

Bill Sanders asked if there were any additions or changes for the agenda?

Mike Farrell stated he would like to add under New Business, item B. Private Roads.

Bill Sanders moved, Max Engle supported to approve the agenda with the addition of the discussion of private roads under item b.

**MOTION CARRIED:** 5-0.

**PUBLIC COMMENT:**

Bill Sanders asked if there were any public comments. There were none. The first Public Comment section of the Planning Commission was closed.

**OLD BUSINESS:**

**A. CONSIDER REZONING #72 - PUD:**

Dan Trotochaud stated that the only addition to the memo dated November 16, 1993 that was provided in the Planning Commission's agenda packets was concerning Item B. concerning quantitative data regarding density and ratios for Phase I. Phase II and III will be similar.

Mike Farrell stated he distributed a revised memo as provided by Dan Trotochaud to the Planning Commission before the meeting.

Some of the concerns that were discussed with Dan Trotochaud were solid waste, recycling-DNR, setbacks and noise.

Dan Trotochaud stated that there will be a compost site and a wood chip walking path.

The setback concern will be addressed in the final plans and will be followed as building code department regulations.

The noise concern - the walls will be double insulated for noise and fire proof.

Mike Farrell stated that the final plans will be substantially in compliance.

Estelle DeVooght inquired why the development is going under Gibbs Energy Ltd.

Mike Farrell stated Dan Trotochaud and Joe Gibbs were partners in the PUD. Joe Gibbs is the property owner. The applicant must be the property owner for a PUD.

There was also a concern on who was responsible for the maintenance. Dan Trotochaud stated that the Association will be the responsible for the maintenance.

The escrow account would be to cover the replacement and maintenance of the wastewater system should the developer/association fail to service the system.

After the concerns were discussed on the Rezoning #72 - R-1 to PUD the following motion was made.

Mike LaPointe moved, Bill Sanders supported that the Chocolay Township Planning Commission recommend to the Township Board that the requested rezoning #72 to rezone property from R-1 to PUD be granted preliminary approval based upon the plans and written text submitted with the following conditions:

Provide to the Township prior to Township final approval:

1. Final version of the master deed for the condominium development.
2. Approved Act 98 permit from the DNR.
3. Approved well permits.
4. Site plan showing plans for addressing of the various units.
5. Approved Soil Erosion Permit.
6. Approval for access to County Road System.
7. Final language, acceptable to the Township Board, for the escrow account to cover the replacement and maintenance of the wastewater system should the developer/association fail to service system.
9. Final site Plan.

**MOTION CARRIED: 5-0.**

**LANDSCAPE LANGUAGE FOR ZONING ORDINANCE:**

Mike Farrell provided the Planning Commission with material for language that could be considered concerning the landscape portion of the zoning ordinance.

He went over some of the information that was provided regarding green areas for parking lots, snowplowing, etc.

Dave Wurster stated that CABA had inquired about landscaping for U S 41 - Harvey.

It was noted that cannot put anything on the highway right-of-way.

After discussion on some of the information provided, Mike Farrell stated that the possible language for the landscape conversion into the Zoning Ordinance probably would be on the agenda for the

Planning Commission meeting in February.

**NEW BUSINESS:**

**A. RESOURCE CONSERVATION & DEVELOPMENT - REQUEST FOR PROJECTS FOR CONSIDERATION (NO MATERIAL, WILL DISCUSS)**

Mike Farrell stated this is an agency that request projects and provide technical support and possible funding.

He presented this to the Township Board, but had no response.

Some of the projects that have been worked on stabilization of banks, Chocolay Watershed Council.

At the present time they are working with the Chocolay Watershed Council on their By-laws and possible grants.

Other projects that may be considered are tourism, recreational opportunities, well capping.

Mike Farrell a possibility may be to doing something with the Township property on Green Garden Road.

There may be a possibility of a joint effort for a project with the Charter Township of Marquette.

Mike stated he wanted to inform the Planning Commission and possibly at their January meeting a list could be obtained for various projects that may be considered by the Resource Conservation & Development.

Mike LaPointe stated that other projects that have been work on are stabilization of Silver Creek, dry fire hydrants, soccerfield, and beach grass project.

**PLANNING DIRECTOR'S REPORT:**

Mike Farrell stated that there is a concern on the number of private roads and some problems with them.

One of the suggestions was that possibly the driveway versus a private road.

It was stated that maybe requirements for private roads could be changed. Issues concerning private roads may be discussed at a future meeting of the Planning Commission.

**PUBLIC COMMENT:**

There was none.

**ADJOURNMENT:**

There being no further business the Planning Commission Meeting was closed at 9:10 p.m.

  
 Estelle DeVooght  
 Planning Commission Secretary

  
 Jeanette R. Collick  
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION**

**TUESDAY, DECEMBER 28, 1993**

**AS CORRECTED**

**PRESENT:** Bill Sanders, Mike La Pointe, Estelle De Vooght, Max Engle, Don Wickstrom, Scott Emerson

**ABSENT:** Dave Wurster

**STAFF PRESENT:** Mike Farrell, Director of Planning & Research  
Jeanette R. Collick, Recording Secretary

**NO PUBLIC PRESENT:**

**PUBLIC HEARING:**

There were no public hearings.

**REGULAR MEETING CALLED TO ORDER:**

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:35 p.m.

**ROLL CALL:**

Roll call was taken with Bill Sanders, Estelle DeVooght, Mike La Pointe, Max Engle and Don Wickstrom present.

Scott Emerson and Dave Wurster were absent:

**APPROVAL OF THE MINUTES OF NOVEMBER 23, 1993:**

Bill Sanders asked if there were any additions or corrections to the minutes of November 23, 1993? There were no additions or corrections.

Mike La Pointe moved, Estelle DeVooght supported that the minutes of November 23, 1993 be approved as presented.

**MOTION CARRIED 5-0.**

**APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:**

Bill Sanders asked if there were any additions or changes for the agenda?

There were none.

Bill Sanders moved, Max Engle supported the approval of the agenda as presented.

**MOTION CARRIED: 5-0.**

**PUBLIC COMMENT:**

There was none.

**OLD BUSINESS:**

**DISCUSS HOME DEFINITIONS AND GENERAL STANDARDS LANGUAGE:**

Mike Farrell stated under home definitions there was a concern on the following:

**DWELLING, TWO-FAMILY,** a structure containing not more than two separate dwelling unit designed for residential use and conforming in all respects to the standards set forth in Section 401.

There was a concern regarding the renting of a room within the dwelling. It was stated that this couldn't be controlled.

It was suggested that the definition of two family be eliminated and be incorporated in multi-family. The definition would also include duplexes.

Another concern the board had was:

**SECTION 401 GENERAL REGULATIONS:**

(A) If computing the required floor area not more than 50 percent of the minimum floor area in the structure shall be below the average level of the finished ground surface adjacent to the exterior walls of the dwelling.

Mike Farrell informed the Planning Commission that he is talking with a representative from the County Building Codes Department for the proper egress and ingress regulations.

Mike will bring the language back to the Planning Commission in January and then will take the suggested language back to the Township Board in February 1994.

Bill Sanders stated that the Township language is more stringent than the Building Codes. If it wouldn't be a conflict with the Building Codes, possibly "livable space" could be incorporated in the language.

Estelle DeVooght moved, Mike LaPointe supported that this be tabled until the next Planning Commission Meeting when further information can be obtained.

**MOTION CARRIED: 5-0.**

**DISCUSS LANDSCAPE LANGUAGE FOR ZONING ORDINANCE:**

Mike Farrell stated that with budget restraints and limited manpower in the Township creating a wood lot/landscape ordinance wouldn't be feasible.

Commercial Landscape - parking lots would be advisable to enforce with our zoning ordinance.

Mike also stated that there are books at the Township Office concerning landscape ordinances that are available for the Planning Commission Members to use.

Scott Emerson arrived at the meeting at 7:50 p.m.

**Landscaping - Parking Area Examples:**

1. Landscape Strip
2. Perimeter
3. Interior Parking

**Commercial/Multi-family:**

Must be a through fare - area Right of Way to parking area. Our present ordinance deals with percentage of parking areas.

**Setbacks from Right of Way.**

Mike gave examples of a landscape ordinance used by Prince George County - East Coast. Requirements are established for three areas: along the public right-of-way, along the parking lot's perimeter, and in the lot's interior.

**LANDSCAPED STRIP:**  
Option 1: - Parking Lot Landscaped Strip:

Minimum 10' - wide landscaped strip - planted with a minimum of one shade tree and 10 shrubs per 35 linear feet of street frontage.

Option 2: - Landscaped Strip:

Earth berm placed with a minimum of one shade tree and five shrubs per 35 linear feet.

Option 3: - Landscaped Strip:

Plant landscaped strip along street frontage with a minimum of one shrub tree and five shrubs per 35 linear feet.

Option 4: - Parking Lot Landscaped Strip:

Plant landscaped strip along street frontage with a minimum of one shade tree per 35 linear feet.

Option 5: - Parking Lot Landscaped Strip:

Existing woodlands:

Option 6: - Parking Lot Perimeter:

10' landscaped strip, maximum tree planting area - within property line.

It was also suggested that maybe we shouldn't be dealing with the number of parking spaces, but deal with the total parking area.

Estelle DeVoght stated that wood chips and rocks shouldn't be considered green space.

Mike suggested maybe it should be incorporated in our zoning ordinance with green space, not just shrubs.

Max Engle stated that the maintenance of this landscaping should be a priority.

Scott Emerson stated it may be better off to put landscaping in for a low maintenance.

Mike Farrell suggested a buffer between two parking area for noise, lights, etc. Shrubs to be groomed.

It was stated we have interior landscaping in our present ordinance. Certain percentage left as green area - commercial.

It was suggested that square footage may be better to go with than the number of spaces.

Scott Emerson stated that there are some ordinances that are more stringent than ours.

Scott Emerson suggested with easy maintenance we need some control on types of species, possibly approval by the Soil Conservation District.

Mike La Pointe - the Soil Conservation does suggest different types of species for different zones that will grow.

Mike Farrell gave the example of what was stated in the Township's Zoning Ordinance of what not to be planted.

Bills Sanders stated we shouldn't be too restrictive on the types of species that should be planted.

Don Wickstrom gave an example of an incident where Poplar trees had cracked.

Scott Emerson suggested that trees that may be bulldozed be replaced by ones that would fit the environment of the area,

Estelle DeVooght commented on the excellent job the Kingdom Hall did on preserving the natural habitat of the area.

Scott Emerson suggested that possibly the County hire a person to oversee landscaping enforcement.

It was suggested that possibly incentive/credits for commercial/multi family to leave certain species of trees, etc.

It was also suggested that possibly an Ad Hoc Committee be set up for encouraging the use of certain species to maintain.

It was also suggested that permits for landscaping to be able to have signs more closer to the edge of the property right-of-way advertising for the business.

#### **NEW BUSINESS:**

#### **REVIEW ZONING ORDINANCE FOR POSSIBLY CHANGES:**

Mike Farrell stated the township is required by law for the Planning Commission to review the Zoning Ordinance for possible changes.

He also discussed changes with Mark Making as problems and/or changes he perceived.

The following list of suggested changes and/or problems:

#### **1. Camps as recreation structures in RP Districts:**

Eight hundred square feet is presently required. A possible change would be to reduce size and establish a larger setback.

#### **2. Commercial Districts - C-1, C-2, C-3:**

No minimum lot size/frontage:

Mike Farrell gave the example of the Boy Scout Office has two or three businesses on one lot and wants to split, but there is no minimum size required.

A possibility for new development would be to require a larger lot.

It was also stated that some of the businesses can't meet the minimum parking requirements.

#### **3. Private Roads:**

It was stated in our Zoning Ordinance that all private roads must be designated as trails.

This should be changed.

#### **4. Submittal of two names:**

It was also stated that when proposing to develop a private road, you are required to submit two names.

There is no conflict with this and may not be necessary.

#### **5. Ordinance more stringent on standards for private roads:**

We require an improved gravel base.

A possibility would be to extend driveways so the persons is not required to go through the private road process.

#### **6. Mining Mineral Extraction:**

Top soil product to be mined should be more defined.



A possibility would be to require a grading permit for top soil. The permit would put the person removing the top soil on notice. Possible spot checks on the removal of top soil and designate what his top soil.

This would be considered a top priority item to be worked on.

If a grading permit is obtained, a possibility to be exempt if a soil erosion permit is obtained.

The owner of the land has to obtain a permit.

Language for the removal of Top Soil is priority item to be worked on.

**7. Parking Spaces Requirement:**

Should be revamped for certain types of uses.

**8. Zones:**

Mike Farrell presented and discussed the various zones and their locations in Chocolay Township.

We had some requests for multi-family, but not located in our sewer district.

C-1 & R-3 - spot zoned.

**Kawbawgam Location:**

There was a question on a zoning compliance permit for Mrs. Glass's property. It was stated he does have a zoning permit.

Most residents do not want it zoned for commercial.

**Brookfield Subdivision:**

Brookfield Subdivision - In this subdivision land can be bought and mobiles homes can be placed on the land.

C-2 - (U S 41 S, Mangum Road)- Tire Shop (Perry's Party Store-location), Trudell's, Grover Restaurant, Engle (Nook Gallery, Kassels.

**C-3 Superior Trucks:**

In this area the township owns a strip of property that was obtained for recreational activities.

There is limitation on the disposition of the land. It was suggested a possible use would be a recreational trail.

The Township presently has two (2) recreational areas (Silver Creek Recreation Area and Beaver Grove Recreation Area) and there are projects that need to be completed as stated in the Comprehensive Plan.

**PUD - Angel Home:**

Located on Cherry Creek Road. There is presently a three (3) year hold on this project.

**RR-4 - Trailer Court - expansion on Willow road.**

**Commercial Business:**

It was stated - Wahlstrom's, Blondeau, and Meister has some parcels to expand in this area.

There hasn't been a large demand for commercial.

It was asked if we want to allow for expansion for commercial on M-28?  
 Don Wickstrom inquired when Wahlstrom filled in the property, what was proposed to be built?

Mike Farrell stated it was proposed for multi-family, but a wetlands permit couldn't be obtained.

Scott Emerson stated possibly C-3 could be converted to C-2.

**Resource Conservation & Development - request for projects for consideration:**

After discussion the following ideas for projects that may be considered were:

1. Bike Path on Cherry Creek Road & Ortman Road.
2. Overpass to Cherry Creek School.
3. Stabilization - Old Kilm Road.
4. Recreation Property - Green Garden Road.

**PUBLIC COMMENT:**

Mike LaPointe inquired about the Ad Hoc Committee for Recreation.

Mike Farrell stated this was put on hold and would be formed in the near future.

**PLANNING DIRECTOR'S REPORT:**

Mike Farrell gave a report on the Chocolay Watershed Council.

He stated that approval of the by-laws have come through.

A public notice advertising for a Planner would be advertised in the newspaper.

It was stated a student intern provided information of property owners that the watershed pertained to.

Newsletter and guidelines for council members were established.

The council members will consist of one member from the townships involved, excluding Chocolay Township. Chocolay Township will have two (2) representatives. The reason for the two (2) representatives is that Chocolay Township has taken the lead role.

The other committee members will be from the DNR (2 members), Health Department, Road Commission, Drain Commissioner and five (5) committee members at large.

The Watershed Council will serve as an advisory group for concerns for run-offs, etc. This will be informational, not regulatory.

There will be a demonstration on Karen Road in the Spring of 1994 for sedimentation process.

Mike Farrell also gave an update on the well water contamination in the Harvey area. He stated that the number of contaminated wells have increased from six (6) to twelve (12). Those residents are on bottled water. He stated that the DNR, Health Department and the Township is trying to see what water system would be best. Either a public water system or a new well to be driven.

It was asked if the source of the contamination problem has been obtained. No it hasn't.

The bottled water is being provided under Act 307.

Remediation has been taken for about six (6) to eight (8) months.

The DNR decides what way is best.

It was asked that Mike Farrell obtain what impact the Township has on the water system and bring the information back to the Planning Commission.

It was stated that when the Kawbawgam area wells were having problems that they were monitored on a quarterly basis.

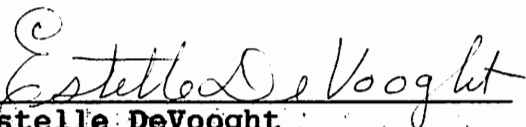
It was also stated that Gentz's and Gibb's wells were both monitored.

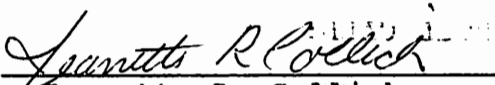
**PUBLIC COMMENT:**

There was none.

**ADJOURNMENT:**

There being no further business, the Planning Commission Meeting was adjourned at 10:25 p.m.

  
**Estelle DeVooght**  
Planning Commission Secretary

  
**Jeanette R. Collick**  
Recording Secretary