

CHOCOLAY TOWNSHIP PLANNING COMMISSION  
 MONDAY, JANUARY 9, 1995  
 AS CORRECTED

**PRESENT:** Bill Sanders, Max Engle, Mike LaPointe, Estelle DeVooght  
 Scott Emerson, Steve Kinnunen

**ABSENT:** Dallas Peterson

**STAFF PRESENT:** Karen Chandler, Director of Planning & Research  
 Mark Maki, Zoning Administrator

**PUBLIC PRESENT:** None.

**PUBLIC HEARING:**

There were no public hearings scheduled.

**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, Max Engle, Estelle DeVooght, Mike LaPointe and Scott Emerson present. Bill Sanders welcomed new member Steve Kinnunen.

New member Dallas Peterson was absent.

**APPROVAL OF THE MINUTES OF NOVEMBER 22, 1994:**

Bill Sanders inquired if there were additions or corrections to the minutes dated November 22, 1994?

Scott Emerson had a question on the Landscape Ordinance on page 3. Zoning Board of Appeals in the past has not supported landscaping in the current zoning ordinance. The Landscaping Ordinance would need to be enforced if approved by the Township Board.

**CORRECT NOVEMBER MINUTES TO INCLUDE:** The Zoning Board of Appeals would also need to support the landscape portion of the ordinance with variances required only in hardship cases. AFTER the last sentence in REVIEW OF ONGOING PROJECTS # 3.

Max Engle moved, Mike LaPointe supported that the minutes of November 22, 1994 be approved as corrected.

**MOTION CARRIED 6-0.**

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

Bill Sanders inquired if there were any additions or changes for the agenda.

The election of the Vice-Secretary for the Planning Commission was discussed.

Scott Emerson inquired what the position of the Vice-Secretary entailed? It was stated that if the Recording Secretary wasn't present and the Secretary of the Planning Commission wasn't present, then the Vice-Secretary would take over the duties of Recording Secretary. Also if the Planning Commission Secretary wasn't present and the Recording Secretary is, then the Vice-Secretary would sign the minutes.

Mike LaPointe moved, Bill Sanders supported that Scott Emerson be elected as Vice-Secretary.

**MOTION CARRIED 6-0.**

Bill Sanders moved, Scott Emerson supported that the agenda be approved as submitted.

**MOTION CARRIED: 6-0.**

**PUBLIC COMMENT:**  
There were none.

**OLD BUSINESS:**

**STRATEGIC PLANNING PROCESS**

Discussion followed on use and grouping of categories and listing of names for Team Captains.

1. **Business/Professional;** Duane Hastrich, CABA member, Lynn Frazier, Douglas LaBarr, Gary Menhennick
2. **Recreation/Tourism;** Andrea Beckman, Joan Spencer, Pat Liest, Greg Baldwin
3. **Education/Arts/Culture;** Jude Catallo, Nina Ittner, June Rydholm, Hugh Kahler, Pat Manning, Jim Carter, Judy Hanson
4. **Government Services/Land Use/Zoning;** Carl Lindquist, John Renfrew, Bruce Miller, Carol Hicks, John Porter, Gordie Uren, Linda Rossberg, Tom Thomas
5. **Agriculture/Forestry/Environment;** Gary Gorsalitz, Marilyn Heitman, Rod Smith, Chris Burnette, Bob Atwood, Fred Metzger, Dan or Eric Meister, Richard Reader, Keith Johnson
6. **Community at Large;** Dick Sanders, Marla Buckmaster, Dick Vivian, Elaine Hodge, Louise Borgoult, John Weting, Judd Johnston, Cliff Brin, Donald Salo, Alan Olson, Robert Fisher

Karen will call Rita Hodgins for a fact sheet of information to be used for listing of time requirements, number of meetings and follow up work required of both Team Captains and committee members. As we call each person, we can give them an idea of how much time will be needed to be committed to this project. This listing is a very good start.

Bill asked each member to make their phone calls and to get names back to Karen by January 20th.

**CONSIDER TEXT CHANGES ON REZONING 75 & 76 AS PER THE TOWNSHIP BOARD'S REQUEST**

Rezoning #75 was returned to the Planning Commission for further consideration to the wording for recreational mobile homes in the RR-2, OS, and RP Zoning Districts. The discussion of the Planning Commission was to allow smaller size structures for recreational purposes. Any conditional use would still come to the Planning Commission. It was decided to send the recreational structure definition back to the Board as originally submitted with the following motion:

Bill Sanders moved Mike LaPointe supported that the Planning Commission intends to allow mobile homes in this definition as a recreational structure, as they would be on large parcels and be subject to the conditional use review process.

Motion carried 6-0.

Rezoning #76 was returned to the Planning Commission to add the definition of signage being considered for golf courses. The County Planning Commission suggested that all conditional uses have the same sign regulation rather than to address just golf courses.

Schools & Churches are allowed signage of 32 sq ft. This change in the zoning ordinance would allow 60 sq ft for golf courses.

**PROPOSED LANGUAGE:** (Underlined)

**SEC. 802 SIGNS PERMITTED IN THE R-1, R-2, AND R-4 DISTRICTS.**

One sign identifying each subdivision or mobile home park per vehicle entrance, having an area not exceeding 20 square feet and a height not exceeding eight feet is permitted. During development of a subdivision or other property for a period not exceeding two years, one sign, naming the subdivision or other property,

developer, contractors and subcontractors, engineers, architects, brokers, and financial institutions involved, and advertising the development, having an area not exceeding 50 square feet and height and not exceeding 12 feet, is permitted in the subdivision, together with signs having an area not exceeding six square feet each and a height not exceeding six feet, directing the public to or identifying models. Signs permitted by this Section, listed above, are exempt from the setback requirements of Section 300.

On premise signs for golf courses are limited to one sign per course with a total area not exceeding 60 square feet provided that the sign is setback 5 feet from the front lot line and setback 30 feet from a side lot line.

Mike Farrell stated the sign would be approximately 6' x 10' - on site for Downs Golf Course and would be by the pro shop, about ¼ mile off the highway.

This issue was sent back for further research.

#### DISCUSS AMENDMENTS NEEDED TO ZONING ORDINANCE:

The issue is garages of larger sizes in the residential districts. We originally had no height size for garages and proposed a 14 ft height requirement, which was sent back to the Planning Commission. The zoning board of appeals needs to have clarification. There have been seven cases to the ZBA since 1990. The new wording would include the word average. There would still be a problem with second story garages. More people are building storage over the garage and some are using storage space for boats etc.

#### Suggested Language:

Height - The vertical distance between the average grade and the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; the average height between the eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof, excepting any chimney or antenna on a building.

No detached accessory building in a residential district shall exceed fourteen (14) feet in height.

No detached accessory building shall exceed the size of the main structure.

Intent of Planning Commission is to send this wording to the Board for any major question before a public hearing is held and move on before the spring building season.

Scott Emerson moved, Bill Sanders supported that the proposed amendment in the zoning ordinance for accessory buildings in R1, R2, R3 & LS/R be reviewed by the Township Board at their next session and the Planning Commission would appreciate comments.

Motion carried 6-0.

#### DISCUSS LOT SPLIT AND ZONING ORDINANCE

Primarily the result of DiLoreto case and the Cathy DeVooght case. This language amendment would make it a violation of the ordinance to create a lot that does not comply. This would have prevented and saved thousands of dollars of useless litigation. DiLoreto has taken the case to the Marquette County Circuit Court. If minimum lot sizes are in the zoning ordinance, the subdivision should correspond to lot sizes.

Lot split language should be brought back to the Planning Commission for a public hearing. The wording to be added to the ordinance is as follows:

#### Zoning Ordinance

Any lot created after the effective date of this amendment shall comply with the minimum lot width and lot area requirements for its respective zoning district.

#### Lot Split Ordinance

No zoning compliance permit shall be issued for any new

construction until a lot split approval pursuant to this lot split ordinance has been approved by the Township Board.

Karen was asked to review this wording with Mark and to bring it back ready for a public hearing.

**DISCUSSION SECTION 106 AMENDMENT - RE: NUMBER OF STRUCTURES PERMITTED ON A LOT:**

This problem centers around access control vs the number of structures per lot. The PUD concept at the Blondeau development should be considered.

The Planning Commission has sent the wording for one principle structure per lot to the Township Board. No action has been taken by the Board. The following motion is being sent back to the Board for action on this issue.

Bill Sanders moved Scott Emerson supported that the Planning Commission has discussed the proposed language for Section 106 text amendment with the Township Zoning Administrator and understands that plans approved by the Township prior to the effective date of this amendment will be grandfathered.

Motion carried 5-1.

**NEW BUSINESS:**

**CONSIDER RECYCLING & REFUSE OPTIONS:**

Scott Emerson had asked to place this on the agenda over concern for the millage election and the bag tag system. Scott suggested a quarterly report of projected property tax if millage passed vs the tags and the cost of the tags. ~~Scott thinks we may be collecting more than needed.~~

Curbside recycling has been suggested. Scott referred to a survey taken a few years ago. The questions on recycling showed that almost 85% were interested in curbside pick-up. Scott thinks a once a month pick-up could be possible for those item that Peninsula Sanitation already accepts.

The millage will be put back to the voters at the next general election. The ballot proposal language may need to be adjusted. If specific *curbside recycling* were included in the language the proposal would have a much better chance of passing.

Peninsula Sanitation is now charging 50¢ per bag for recyclable materials.

The general consensus of the Planning Commission is to have curbside pick-up. The budget did include \$5,000 this year for recycling.

To think that if 50% is recycled then the tipping cost would be reduced by 50% is a false assumption. There are specific fixed costs at the Landfill and those costs need to be covered.

Markets need to be found for recycled materials. How much would it cost to ship materials to Chicago?

Efforts will be made to have someone from Peninsula Sanitation come to a Planning Commission and explain their program. They should be asked to consider the cost of pick-up in Chocolay Township.

Karen was asked to check with the City of Marquette on their program with Peninsula and the City of Munising on their program with the tags.

**PLANNING DIRECTOR'S REPORT:**

Asked the Planning Commission to look over the Recreation Plan for any changes or updates. I have briefly looked over the Plan and the only changes would be to alter the plan to include different recreational objectives. If we want to continue with the Plan as submitted, then no changes are necessary at this time.

I have talked with Ivan on the temporary storage structures (semi-

trailers). Ivan spoke with both Gary Menhennick and Pete LaRue about their semi-trailers. Both would like to see language addressed for temporary structures with some type of screening and of short duration. I will get back with Mark about a possible solution.

**PUBLIC COMMENT:**

There were none.

**INFORMATIONAL ITEMS AND CORRESPONDENCE:**

- A. CORRESPONDENCE TO - KEVIN WEISSENBORN - *Thank you for serving*
- B. CORRESPONDENCE TO - DALLAS O. PETERSON - *New member*
- C. CORRESPONDENCE TO - STEVEN D. KINNUNEN - *New member*

Bill asked that Karen get in touch with Dallas Peterson.

Scott asked about the property out near Kawbawgam and to have it rezoned. This was talked about last fall. The priority list needs to be put out again. Scott had sent a three page letter on his list of priorities to Mike Farrell last year. The priority list should include a column to put out the fires and a proactive column. This will be brought back to the Planning Commission

**ADJOURNMENT:**

There being no further business, Mike LaPointe moved, Max Engle supported that the Planning Commission be adjourned. The Planning Commission was adjourned at 10:45 p.m.

*Estelle DeVooght*  
Estelle DeVooght  
Planning Commission Secretary

*Karen M. Chandler*  
Karen M. Chandler  
Recording Secretary

## CHOCOLAY TOWNSHIP PLANNING COMMISSION

MONDAY, FEBRUARY 13, 1995

**PRESENT:** Bill Sanders, Dallas Peterson, Steve Kinnunen, Estelle De Vooght, Mike La Pointe, Scott Emerson (arrived at 7:40 p.m.)

**ABSENT:** Max Engle

**STAFF PRESENT:** Karen Chandler, Director of Planning & Research

**OTHERS PRESENT:** Jeanette Collick-Recording Secretary, Richard Smith, Fred Metzger, Ron Thorley, Gene Elzinga, Mark Leppanen, Marla Buckmaster, Babs Sparhawk, Burt Sparhawk.

**PUBLIC HEARING:**

There were no public hearings scheduled.

**PUBLIC HEARING:**

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, Dallas Peterson, Steve Kinnunen, Estelle DeVooght, Mike LaPointe present. Bill Sanders welcomed new member Dallas Peterson.

Max Engle was absent - out of town.

**APPROVAL OF MINUTES OF JANUARY 9, 1995:**

Bill Sanders inquired if there were additions or corrections to the minutes dated January 9, 1995?

He noted that on page 5 under New Business - Consider Recycling & Refuse Options: the last sentence "Scott thinks we may be collecting more than needed." This sentence should be eliminated.

Bill Sanders moved, Dallas Peterson supported that the minutes of January 9, 1995 be approved as corrected.

**MOTION CARRIED: 5-0.**

**APPROVAL OF AGENDA:**

Bill Sanders requested that under New Business (A) Trails Development Presentation be moved before Old Business.

Bill Sanders inquired if there were any further additions or changes for the agenda? There were none.

Mike LaPointe moved, Bill Sanders supported that the agenda be approved as changed.

**MOTION CARRIED: 5-0.**

**PUBLIC COMMENT:**

Gene Elzinga - North Country Trails stated he would like to comment when the Trail Development Presentation was being made by Scott Emerson.

There were no further public comment. The first public comment session was closed.

**OLD BUSINESS:****DISCUSS STRATEGIC PLANNING - CITIZENS CONTACTED:**

Karen reported that we have enough Task Force People and we can add names for committee work

later. The next step is to contact the people who have agreed to become chairs. The Planning Commission members will have to decide which members will serve on which committee so they can get started. The step after that, letters will be sent out and set up a meeting date so it can be agreed upon how the process will go. The initial meeting will take about one hour. Planning Commission is the host. Each member will take a sub group and attend their meeting so you will have an idea what is coming out of that group.

There are six (6) different categories. Each Planning Commission member agreed to sit on the following categories:

AGRICULTURE/FORESTRY/ENVIRONMENT - Mike LaPointe

GOVERNMENT SERVICES/LAND USE/ZONING - Dallas Peterson

COMMUNITY AT LARGE - Bill Sanders

BUSINESS/PROFESSIONAL - Max Engle

Scott Emerson arrived at the meeting at 7:40 p.m.

RECREATION/TOURISM - Scott Emerson & Steve Kinnunen

EDUCATION/ARTS/CULTURE - Estelle DeVooght

It was agreed that there should be an initial meeting for all groups in about two - three weeks. This would probably be an evening meeting for about one hour.

Karen will write letters to the people on these committees on the date, time and place of the meeting. The Planning Commission members were requested to inform Karen the times that they wouldn't be available for the combined meetings.

#### **NEW BUSINESS:**

##### **TRAIL DEVELOPMENT PRESENTATION:**

Scott Emerson made a presentation on the overlay on suggested routes for the trails throughout Chocolay Township. This information will be placed in the Planning Commission Agenda Book in the Township Office.

Gene Elzinga - North Country Trails would like to obtain a pathway through Chocolay Township for that national trail.

During the presentation the following comments were made:

Extend bike path to Beaver Grove, Cherry Creek Road, M 28 E, and to Silver Creek Road. Safer access to both schools.

Non motorized in the Summer.

Try to facilitate motorized traffic on the existing bike path through the commercial zone and extend that bike path throughout the commercial zone and all the way down to our existing recreation area in Beaver Grove. Snowmobilers who have access to get from point A to B, such as a store, gas station, etc.

Possibly work on easements with future developers.

Possible tax break for residents that would possibly allow the trail on their property.

The widening of Cherry Creek Road is placed for the County Road Commission to do.

Control speed limit along Cherry Creek Road. It was suggested that the Planning Commission write



a letter to the Township Board to get emphasis for easements for bike path for trails in terms of incentive - possibly tax relief for residents granting easements for these trails through the Township.

The following recommendation was presented for consideration:

Amend the current rec plan to emphasize development of a bike path (trails) network through out the Section 902 area of the Township.

Work to immediately secure easements from property owners (by mid 1996).

Pass laws granting property owners a tax reduction in return for granting easements for planned trail development in Chocolay Township.

Work aggressively to obtain grants to help with bike path construction 1996 thru 2002.

Solicit CABAs support for the project.

Work closely with NCT Association for:

gain access for non-motorized traffic recreational use along MI Bell/WI RR right of way thru Section 902 Chocolay Township.

Link our trail network to theirs.

Purchase land for public park/nature trail adjacent to NCT route in Section 902 Chocolay Township.

Prohibit NCT snowmobile traffic thru residential districts in Section 902 (metal posts, signage, fines)

Gene Elzinga - snowmobile clubs and North Country Trails are working together to work trail access out.

North Country Trails takes the responsibility of clearing the land and maintaining the trails.

Planning Commission thanked Gene Elzinga, residents that were present and Scott Emerson for the presentation and comments on the trail development.

#### **NEW BUSINESS:**

Karen reported on the recycling forum that was held in Negaunee.

Peninsula Sanitation representative was not in attendance at the forum.

Representative from Great Lakes in Escanaba is going to be attending one of the CABA meetings that will be coming up.

A bag of compost was shown that Max Muelle from Marquette Township was doing.

Karen reported on the information that Larry obtained from Northern Refuse in Negaunee.

Cardboard is bringing in about \$130 per ton.

Newspaper and shredded office paper is going to the prison.

Escanaba has a building to store all the recyclables until there is a market for the materials being recycled.

Escanaba is a nonprofit organization - grant program and is maxed out. They are close to a trucking firm, so the truck never goes to Chicago empty. The truck is going with something on it and coming back loaded.



We need to address our local concerns.

There is also a couple of gentlemen from K I Sawyer that wants to start a recycling business out at K I Sawyer, and want to work with the Base Conversion Authority.

Skandia - West Branch Transfer Station is part of the household hazardous waste program and once a month they have a household hazardous waste pick up. They also contract for \$300 per month the townships pay an individual to take all the recyclables. Individuals have to separate their recyclables from their own refuse.

This would be the same with curbside recycling.

Karen reported that at the last Township Board meeting the millage was talked about, the Board talked about going out on bids for another garbage truck in the next year or two. They stated that before going out on bids for another garbage truck, they would like to obtain bids from a private sector on garbage pick up and that curbside recycling be included.

It was also stated that since the tag system the tonnage has gone down in about half. There are reasons such as some people are recycling, but there are also residents who have not been putting their garbage out. The barns may also have to be increased.

It was stated that possibly by April, clear glass may be recycled in the Township.

ECI - would like to obtain equipment and the buildings at the base to start up the recycling project.

IT was inquired as to what we can do to help get this started?

It was suggested that a letter be written to the Base Conversion Authority that we support the start up of this business. It was also suggested that a copy of our letter be sent to the other townships in the area to advise them to do the same.

It was also suggested that possibly a community compost site could be made available in the Township for compost recycling. Gentz Farm takes grass clippings, leaves, etc. It was suggested that a possible site for the compost site would be the township property in Beaver Grove near Superior Truck Service.

It was noted that on the questionnaire survey that one of the high priorities the township residents required was recycling.

It was stated that a memo from the Planning Commission go to the Township Board requesting that the Township use recyclable materials. The Planning Commission thought this was a very important step towards recycling and using recyclables and state also that the Planning Commission is in favor of the glass recycling.

#### **DISCUSSION ON RECREATION PLAN GRANT APPLICATION:**

Karen reported that with the April 1, 1995 deadline for the grant application, we do not have enough time to add the information regarding the trails through the Township.

It was inquired if there were matching monies available for trails. It was stated there were.

It was stated that we need to work on the recreation plan update for next year.

It was also noted that for at least a year that a Recreation Ad Hoc Committee should be formed. This should be taken into consideration under the recreation part of Strategic Planning.

It was also noted that a memo from the Planning Commission be written to Larry Gould that we are in support of the proposed recreation grant application, but would like the addition of trails be given consideration per the survey that approximately 79% of the residents of Chocoy stated that they would like to see be developed. This should be taken into consideration when updating the Comprehensive Plan/Recreation Plan for grant monies, etc.

It was stated that the Strategic Plan be rolling by mid April.

**DISCUSS UPDATE ON SEMI-TRAILERS:**

Karen will work with Mark and try to come up with language regarding regulations for semi-trailers and report back to the Planning Commission.

**DISCUSS UPDATE ON JOE GIBBS:**

During the discussion the following comments were made:

He is in violation of his conditional use permit.

He is requesting to have the monitoring wells condition removed.

Dan Trotochaud is working with Joe and he will be reporting the outcome to Karen.

The combined feeling of the Planning Commission members is to issue an appearance ticket.

State is requiring Joe to put up a shed with a concrete base to store all the fertilizer.

Obtain information from Mr. Benzing - Marquette County Health Department regarding what type of monitoring wells and regulations are required.

Obtain in writing what the Marquette County Health Department's official recommendations are regarding requirements for the golf course monitoring wells.

DNR could be contacted for potential contamination.

Send Joe Gibbs a letter from the Planning Commission that there is no plea bargaining for the monitoring wells. This was one of the conditions in the conditional use permit and needs to remain.

**DISCUSS STATE RIGHT-OF WAYS:**

After discussion on this project it was decided that a letter be written to the State Highway Department for enforcement of right-of-ways.

**PLANNING DIRECTOR'S REPORT:**

Karen reported that there will be a planning workshop training session either in Marquette or Escanaba this Spring or Summer and encouraged the Planning Commission Members to attend who are interested.

**PUBLIC COMMENT:**

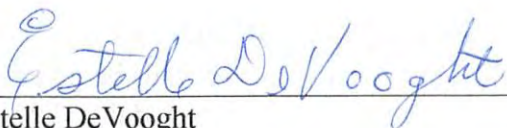
There were none.

**INFORMATIONAL ITEMS & CORRESPONDENCE:**

- A. Minutes from Chocolate Watershed Advisory Council.
- B. Correspondence from - Mark Maki - Street Names.
- C. Correspondence from MSPO - upcoming workshops.
- D. Correspondence from - DNR - Beaver Grove Recreation Development.
- E. Correspondence from - MCSWDA - WalMart will take used motor oil.
- F. Correspondence from - Karen Chandler - Eliminating Junk mail.

**ADJOURNMENT:**

There being no further business Bill Sanders moved, Scott Emerson supported that the Planning Commission Meeting be adjourned. The Planning Commission was adjourned at 10:20 p.m.



Estelle DeVooght  
Planning Commission Secretary



Jeanette R. Collick  
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION****MONDAY, MARCH 13, 1995**

**PRESENT:** Bill Sanders, Dallas Peterson, Steven Kinnunen, Estelle DeVooght, Mike La Pointe, Max Engle

**ABSENT:** Scott Emerson

**STAFF PRESENT:** Karen Chandler, Director of Planning & Research  
Bennita Grayhame-Malette, Intern Student

**OTHERS PRESENT:** Jeanette Collick-Recording Secretary, Tom Clark, Paul Marin, Richard Vivian, Bernard Kaukola, Dan Di Loreto, Lowell Riopelle, Darlene Johnson, Jim Herkins

**PUBLIC HEARING:**

Bill Sanders, Chairperson called the Public Hearing to order at 7:30 p.m. He explained the process of the public hearing.

**PUBLIC HEARING - PRIVATE ROAD REQUEST #9 - ESTATE OF ELIZABETH HUEFELDER:**

The applicant, Estate of Elizabeth Huefelder (deceased), c/o Paul Marin (Attorney) has requested the Chocolay Township Board approve a private road located within the following described property.

A parcel of land in Government Lots Two (2) and Four (4), Section Six (6), Town Forty-seven (47) North, Range Twenty-four (24) West, said parcel being partly located in the unplatted portion of said Government Lot 4 and partly in the Plat of the Village of Harvey, which Plat was recorded November 24, 1864, in Liber F of Deeds, Marquette County, Michigan, records, Page 624, and further described as follows: All that piece or parcel of land included within the boundaries of the area designated as "Hotel Place" and the street designated as "Dock Street" on the said Plat of the Village of Harvey, together with that certain piece or parcel of land located in that portion of said Government Lot 4 which is not included within the said Plat of the Village of Harvey and which is included within the extension of Dock Street as shown in said Plat in a Northerly direction along the same course of said Dock Street and with the same width as said Dock Street and continuing Northerly to its intersection with the Chocolay River Bayou, except that portion of Dock Street as extended included within the lands heretofore conveyed to one Howard B. Solomon.

Together with all rights of access over the said parcel so conveyed to Howard B. Solomon as reserved in a Deed from Philip B. Spear and Elizabeth B. Spear, husband and wife, grantors, to Howard B. Solomon grantee, which Deed was recorded August 16, 1951, in Liber 194 of Deeds, Marquette County, Michigan, records, Page 254, and subject to all rights of users granted to Howard B. Solomon in said Deed.

Paul Marin - 316 North Front Street - Mrs. Huefelder sold the road and the land East of the Road to the Chocolay Shores Development Company. When she sold the land she made arrangements for an easement for herself, heirs and successors to travel along Hotel Place and Dock Street. Prior to that a family member sold some other property to Mr. Solomon, which is now Mr. Riopelle's property.

The deed creating the easement allows access to the private road parcel. He referred to some of the materials that were in the agenda packet stating that the land was land-locked. He stated that this is not the case. A land-locked parcel would be a parcel that is completely surrounded by other parcels, which the owner would not have access. In this case the Huefelder's property has an easement to travel along Hotel Place and Dock Street to access this parcel.

He stated that the application was not filed to gain access to the property. It was filed because it was

Mr. Maki's interpretation of the Zoning Ordinance that an illegal lot split was created when Mrs. Huefelder sold a parcel of property to Mr. Di Loreto because then Mrs. Huefelder's parcel did not have access on a public road or an approved private road. The application was filed after litigation was commenced against Mrs. Huefelder and the same with some other people in order to resolve that impasse. He has had many discussions with Mr. Andrews (Township Attorney) and some of those discussions were presented in the memorandum that was provided in the packet.

He referred to reference in the memorandum that stated that by recognition if the Planning Commission approved as private road you are not making a legal blessing on this that the statement of title is going back to the Northern Iron Company. The applicant is satisfying the memorandum in that regard to filing the application and the Committee has the authority to granting the application.

He stated that looking through the materials that were provided the only opposition was the owners of the Chocolay Shores Development Authority and this would be to their advantage that if this approval was not granted, then they may be able to obtain the property on the other side of Hotel Place and Dock Street if perhaps no building permits could be issued to the parcel there and this would be to some financial advantage to the owners on the other side of the road to buy that property then at lower than fair market value.

When filing the application he stated he spoke with Karen and she had a question as to where the engineering surveys, site plans, grade specifications, sewer, culverts and the rest of the normal items that would come with the application for an approved private road. He referred to the correspondence that was provided in the agenda packet.

He stated that in his opinion this road is grand fathered in and that Hotel Place and Dock Street goes back to 1864 and has appeared on the maps of the Village of Harvey as a road, although it never was a public road. There is a road sign there and the road has been in existence for more than 100 years.

This is not the situation that the ordinance in compasses or in visions in the terms of asking for engineering studies. This is not a subdivision that is being created. This is not a road through the woods or fields where no road has never existed. This is road that has been there for more than 100 years. He is not in visioning that there would be a change in the use of the road. At the most there may be two building sites on the Huefelder parcel of real estate. There may only be one building site on that land. As he had a chance to look at the property in connection with this request and during the Spring break up and road restrictions going into affect the road to the credit of owners across the river is in remarkably good shape. It is better that some of other roads in the Township. There seemed to be one area slightly lower at the far end of the Chocolay Shores Apartments and other than that spot that had some pools of water and was hard to drive on and the only wet spot was in Mr. Riopelle's yard and the road itself seem to be in very good condition.

The Huefelder's estate has access to that property by virtue of the easement. They can get to that property anytime that they want now. There will not be any change of use if this application is granted and that is why he hasn't submitted any engineering at this point, especially when the application says gives us your proposed sewer, culverts, etc. There is no proposed change of use and the road has been in existence over 100 years we are not anticipating that there will be any of those changes.

Jim Herkins - owner of Chocolay Shores - referred to the letter from the owners of Chocolay Shores that was provided in the agenda packet.

Their concerns would be who would be using the road? What kind of restrictions? Noise and heavy traffic that would be disturbing the renters of the Chocolay Shores. They have had some experiences with snowmobiles and motorcycles, etc. He agrees that there is a grand fathered easement of the sorts, but nowhere do they see that the easement would provide for the building of an approved road to the point it would be a private road. Documentation from the Township shows what they expect to approve a private road.

A main concern would be who would be responsible for the maintenance of the road. Would there be an agreement and who would monitor this? Chocolay Shores has spent approximately \$8,000

in the past year for snow removal and annual summer maintenance.

Jim Herkins is opposed to the approval of the private road request.

Bernard Kaukola - 130 Bayou Road - has a parcel of property which is located West of Mr. Riopelle. Mr. Kaukola and Ray Hirvonen have a perpetual easement over Hotel Place and Dock Street.

Tom Clark - Suite 112 - 102 W. Washington Street - Representative for Dan Di Loreto. Dan has done a lot of work on this.

He referred to Block B of the Village of Harvey has never been subdivided into individual lots in the original plat. Block B has no access to a public road and has never had access to a public road, except a small portion on the West boundary.

The land on Main Street where property is owned by Mr. Menze, Mr. Drobny, to Chocolay Shores is owned by the Di Loretos that is not Block B, it is Block 1. That is a separate platted block. All of it fronting on Main Street. The only parcel of Block B that was on a public road goes to the East on U S 41. That is not a street, it is essentially an occupied portion that Mr. Menze owned for a number of years. Other than that parcel that one little tag, virtually West, the only part that Block B ever had on any street is the frontage shown on Hotel Place and Dock Street.

Mr. Di Loreto purchased the second portion of Block B, including the little lots on Main Street were the position of the Zoning Administration that (A) it was an illegal lot and (B) by creating a parcel in Block B that has no frontage on a public road. Block B never had frontage on a public road. Block B was considered a single lot. Block B never had access to a public road. It does have access to a platted road, which is Hotel Place and Dock Street. There are legal rights of access across that road. Not only by the easement, but also it was included in the original recorded plat. However, the fact that the other lots across the front on Main Street prevented from having access to Main Street. The only way and always has been to get access is by going down Hotel Place and Dock Street, unless you own Block B and the lot in front of it. At present Mr. Di Loreto owns a portion of Block B and the lots in front of it. He does not use Hotel Place and Dock Street for his access. He has not filed an application for Hotel Place and Dock Street for his access. He is not requesting that Hotel Place and Dock Street be granted to him. The access used to be off Hotel Place and Dock Street for the home that he had purchased from Mrs. Huefelder, but he put in a new driveway. The access is off a lot that is accessed off Main Street. There is no access across Hotel Place and Dock Street. Those parcels in Block B are all currently zoned Single Family Residential. The only non Single Family dwelling in the neighborhood is that of the business across the street on Hotel Place and Dock Street, which is Chocolay Shores, owned by Jim Herkins and Darlene Johnson.

The documents and deeds that were all filed to the Planning Commission were essentially documents to establish that this is not a road that just came into existence, but is in the original plat of 1864 and has a platted right-of-way of 80 feet at Main Street and proceeds North at least 300 feet before it tapers down to a 60 foot right-of-way.

He provided to the previous staff at Chocolay Township, but didn't know if Ms. Chandler has a copy of the court decision in the Court of Appeals in the State of Michigan that indicates that people who have land in a subdivision even though the road to that land has never been formally dedicated to the public use are still entitled to rights of the use of that land. A response has never been obtained to that item. This has gone on for a couple of years.

He also requested back in 1993 that the Township Planning Department and the Zoning Department provide him with the record of everything that they could tell him about private roads. In response to these records, the township indicated to him first of all that Chocolay Township had no documents which established any policy, procedure, requirement or practice with respect to private roads in existence prior to May of 1977. The Zoning Ordinance does provide for lots and roads that existed prior to the 1977 Ordinance. However, the application procedure and the new ordinance have no procedure established for trying to bring up to the Commission's attention for a pre-existing road - a grand fathered private road. There are no written policies in affect for those roads in affect prior to 1977, that is the response he has gotten from Chocolay Township.

Another request is that the Township provide copies of every piece of documentation where a pre-existing prior to 1977 private road has been approved. There are a number of them and he has the permit numbers and the discussion numbers and everyone that was provided to him, a private road was approved through a variance procedure through the Zoning Board of Appeals. All the documentation he obtained such as minutes from pre-existing private roads deal with Zoning Board of Appeals. Now they were informed that the Planning Commission was the appropriate place to go.

The Ordinance does not deal with pre-existing road, except that to the extent that it states that if you have a single lot which existed prior to May 1977 you had to have an easement in access of at least 20 feet in width in order to have access to that property for that approval. The lot he is pertaining to has been in existence since 1864. He feels that the approach here is that this private road has been in existence prior to 1977.

He spoke on the lot split issue and the law suit in circuit court. Part of the reason for the law suit is to allow a re-plat of a portion of parcel B to eliminate any of the issues on whether it is a potential lot split violation.

Jim Herkins - Chocolay Shores owner - spoke on the monitoring of the road if it was to be approved, such as enforcing speed, etc. He is opposed to the private road approval.

There were no further comments regarding the public hearing on Private Road request #9.

There were no further public hearings. The public hearing session of the March 13, 1995 Planning Commission was closed.

**REGULAR MEETING CALLED TO ORDER:**

Bill Sanders called the Regular Meeting of the Planning Commission to order at 7:55 p.m.

**ROLL CALL:**

Roll call was taken with Bill Sanders, Dallas Peterson, Steve Kinnunen, Estelle DeVooght, Mike La Pointe and Max Engle present.

Scott Emerson was absent -out of town.

**APPROVAL OF MINUTES OF FEBRUARY 13, 1995.**

Bill Sanders inquired if there were additions or corrections to the minutes dated February 13, 1995. There were none.

Dallas Peterson moved, Estelle De Vooght supported that the minutes of February 13, 1995 be approved as presented.

**MOTION CARRIED: 6-0**

**APPROVAL OF AGENDA/ADDITIONAL ITEMS:**

Mike La Pointe requested that under New Business (A) Private Road #9 - Estate of Elizabeth Huefelder be moved before Old Business.

Bill Sanders inquired if there were any further additions or changes for the agenda. There were none.

Mike La Pointe moved, Max Engle supported that the agenda be approved as changed.

**MOTION CARRIED: 6-0.**

**PUBLIC COMMENT:**

There were none. The first public comment session was closed.

**NEW BUSINESS:**



**PRIVATE ROAD #9 - ESTATE OF ELIZABETH HUEFELDER:**

Estelle inquired if the township attorney has resolved the case regarding the lot split?

Karen stated that to her understanding that it hasn't been resolved. She didn't look at what was going on with that case in respect to the private road application. They are entirely different issues.

Estelle - felt they were trying to put the two together and the Planning Commission couldn't decide one with the other.

Karen - the lot split has not been resolved in the circuit court.

Max Engle - is Willow Road and Bayou Road an approved private road?

Bill Sanders - Willow Road is not.

Max - there have been homes built on Willow Road since 1977. If Willow Road isn't an approved private road and was in existence prior to 1977 probably should have been taken up with the variance board and allow those lots to exist.

There was discussion regarding if Willow Road wasn't an approved private road prior to 1977 and homes were built on lots after that, why can't Mr. Di Loreto build on his Lot? It was stated that the reason he can't is that the Zoning Administrator has determined that the required lot split approval has not been obtained.

Bill Sanders inquired of Mr. Herkins on who takes care of the plowing and road maintenance of the road in question?

Mr. Herkins - County doesn't do any of the maintenance or snow plowing. The owners of Chocolay Shores spent about \$4,000 per winter on plowing and about \$2,000 in the Summer on maintenance.

Bill Sanders - Who would be doing the maintenance of the road if approved?

Paul Marin - Property that the Huefelder Estate owns would probably have one or two cars that go on the road, there should be some method where they would assist in the maintenance of the road. If it would be a suggestion from Mr. Herkins or Ms. Johnson for a condition placed of granting this application by the Board that there should be some even split of the costs to maintain the road, he doesn't think that would be a fair way to go about resolving this since Chocolay Shores has about twenty cars that would be traveling on the road.

Another suggestion he said that Judge Quinnell had said to settle the law suit perhaps Mr. Di Loreto could deed back to the Huefelder's a fractional/marginal 10 feet or 5 feet of property that would attach to the back of the Huefelder's property that would give the Huefelder's parcel access on Main Street and that would permit the development of the Huefelder parcel. He suspects that could be done without any problem. As far as developing another road or driveway 10 feet wide adjacent to this very wide road which the owners of the Hufelder's parcel would have access by virtue of their easement. It is not their intention to go into Circuit Court, get 10 feet back from Mr. Di Loreto and then go along Hotel Place. They don't want to do that.

The Private Road application was suggested by the Township Attorney and go through the proper channels/ That is why he is here, to be up front with the Township and not to be cutting deals in Circuit Court that allows us to do that road anyway.

Bill Sanders - inquired when the last two private roads were approved, did they meet all the requirements and bring the information into the Planning Commission? Yes, all the information required such as storm drainage, cross sections etc. were provided.

Estelle - stated the Planning Commission needs more concrete information to proceed with this application.

Jim Herkins - he has no desire or intention on ever buying the proposed property. He doesn't want



it. He would like to direct this to the ordinance in existence. For example the 63 foot setback from the center line of a private road would force Chocolay Shores to move their back apartments to the river. The other side of that road are wetlands, Michigan Bell put fiber optic cable under the road last year. These would be very expensive to move.

There were discussions on the private road and building permits, etc. We have to rule out the other information dealing with the case. We need more information to determine the private road request.

Estelle De Vooght moved, Mike La Pointe supported that Private Road #9 - Estate of Elizabeth Huefelder be tabled until more information is provided and the Township Attorney can be contacted.

**MOTION CARRIED: 5-1**

**OLD BUSINESS:**

**STRATEGIC PLANNING:**

Mike La Pointe stated that due to another commitment Tuesday, March 28, 1995 would not be a good date for him for the first meeting of the task force. The other Planning Commission members had no objections for the meeting to be held on Monday, March 27. Karen will contact Rita Hodgins to see if this date would be okay with her. Karen will also write a letter to the task force members to let them know of the meeting date and time.

It was also stated that under the Community at Large category, there is still another member needed. Karen will contact some of the other names of the people that were given to see if they could serve on the Task Force.

**UPDATE ON CHOCOLAY DOWNS GOLF COURSE:**

Karen brought the Planning Commission Members up to date on the Chocolay Downs Golf Course and went over the letter from Joe Gibbs. Dan Trotochaud asked to be the contact person when the Township works with Joe Gibbs..

Karen stated she did obtain a copy of the letter that was sent to Joe Gibbs from the Marquette County Health Department on where and what type of monitoring wells were required to be installed.

After discussing the letters and various correspondence the Planning Commission decided that a letter be written to the Chocolay Downs Golf Course via Dan Trotochaud regarding contaminants, tennis courts, pool, gazebo and specific dates these will be done and request a thirty (30) day deadline with an exception of June 1, 1995 for the monitoring wells to be put in.

It was also requested to obtain who would be responsible for obtaining the samples of the monitoring wells, who would pay and how often the sample would have to be taken. Karen will do research to see who would be responsible.

**PLANNING DIRECTOR'S REPORT:**

Karen introduced Bennita Grayhame-Malette. Bennita is an intern working at Chocolay Township in doing research.

Karen also reported that Ivan talked to the Board and would like the Planning Commission to do more research on the Section 106 of the Zoning Ordinance regarding more than one structure per lot in the commercial district and it would meet the landscape and parking requirements.

Karen brought the Planning Commission up-to-date regarding recycling in Chocolay Township. It takes 7,000 plastic milk jugs to make a bail. She also stated that the township is now doing clear glass recycling.

It was also stated that there would be an ad in the paper for volunteers for the strategic planning once it gets up and running.

**PUBLIC COMMENT:**

There was discussion on recycling and the landfill.

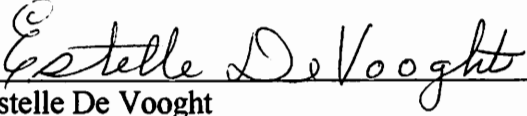
**INFORMATIONAL ITEMS & CORRESPONDENCE:**

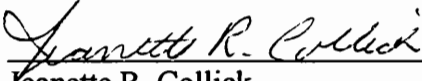
- A. Correspondence to - Chocolay Township Board - use of recycled products.
- B. Correspondence to - Larry Gould - Recreation Grant
- C. Correspondence from - Mark Maki - Chocolay River Watershed
- D. Correspondence from - DNR - Proposing Land Parcels for Development Rights Acquisition
- E. Correspondence from - Marquette County Soiled Waste Management Authority - 1994 Annual Report
- F. Information on Chocolay Township - Drop-off Recycling

**ADJOURNMENT:**

There being no further business Mike La Pointe moved, Bill Sanders supported that the Planning Commission Meeting be adjourned. The Planning Commission meeting was adjourned at 9:40 p.m.

**MOTION CARRIED: 6-0.**

  
\_\_\_\_\_  
Estelle De Vooght  
Planning Commission Secretary

  
\_\_\_\_\_  
Jeanette R. Collick  
Recording Secretary

## CHOCOLAY TOWNSHIP PLANNING COMMISSION

MONDAY, APRIL 10, 1995

**PRESENT:** Bill Sanders, Steve Kinnunen, Mike La Pointe, Scott Emerson**ABSENT:** Max Engle, Estelle DeVooght, Dallas Peterson (out of town)**STAFF PRESENT:** Karen Chandler, Director of Planning & Research**OTHERS PRESENT:** Jeanette Collick-Recording Secretary, K. Dale Stephenson, Mr. & Mrs. Paul L. Huard, Dan Trotochaud, Gene Perket, Mrs. Jerome Le Boeuf, Mark Maki**PUBLIC HEARING:**

There were no public hearings scheduled.

**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, Steve Kinnunen, Mike LaPointe and Scott Emerson present.

Max Engle, Estelle DeVooght and Dallas Peterson were absent - out of town.

**APPROVAL OF MINUTES OF MARCH 13, 1995:**

Bill Sanders inquired if there were additions or corrections to the minutes dated March 13, 1995? There were none.

Mike LaPointe moved, Steve Kinnunen supported that the minutes of March 13, 1995 be approved as presented..

**MOTION CARRIED: 4-0.****APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:**

Bill Sanders inquired if there were any changes or additional items for the agenda? There were none.

Karen informed the Planning Commission Members that there were three informational items that she supplied them with, which were:

1. Memo from Mark Maki regarding Highway-right-of-way.
2. Workshop on Wetlands.
3. Private Road Correspondence from Township Attorney.

Bill Sanders moved, Scott Emerson supported that the agenda be approved as presented.

**MOTION CARRIED: 4-0.****PUBLIC COMMENT:**

Mark Make - 405 Riverside Road commented to the Planning Commission Members on Section 106 of the Zoning Ordinance regarding one structure per lot and the action that has been taken by the Township Board.

Bill Sanders inquired if there were any further Public Comment. There were none.

The first Public Comment Section was closed.

**OLD BUSINESS:****DISCUSS REZONING #77 - R-2 TO R-3 PAUL HUARD PROPERTY:**

There was a presentation on the overlay regarding the parcels of property located in Section 7, T47N, R24W from the current zoning classification of R-2 to R-3.

Mr. Huard stated the reason for the rezoning was so there could be 36 more parking spaces for the apartments. He also plans to build his home with a breezeway attached to the apartment building to allow the renters to be able to do their laundry in the basement of his home.

He does not plan on building any apartments.

He stated that he would plan to blacktop Willow Road (16' wide) up to 50' up to the garage and plans to landscape the hill.

The parking places will be away from the apartment building for safety reason.

He plans on hooking up to the township sewer. The lateral is about 55' away.

After much discussion, the following questions and comments were made by the Planning Commission:

- The original application should be amended, if asking for something else.
- Site Plan needs to be brought in so it can be reviewed.
- Public Hearing set up.
- New building will be hooked up to the township sewer.
- Any additional additions would have to hooked up to the township sewer.
- St. Louis the King Church and George Schmidt - not in favor of the rezoning of their property.
- Requested Karen to write a letter to Fred Benzie to see if the new house would be required to be hooked up to the Township Sewer.
- Planning Commission needs to be concerned for the possibility of future expansion.
- Zoning goes with the land, not the person.

Scott Emerson moved, Steve Kinnunen supported that the Rezoning #77 from R2 to R3 be tabled until a site plan is presented to the Planning Commission showing the buffer, lighting for parking lot, vegetation and the location of the parking spaces and the attached new house.

It was also stated that Karen obtain the interpretation from the Health Department regarding the availability on the sewer versus the septic system.

Karen will send a letter to the Health Department requesting if the soils is suitable for use.

Mr. Huard will work with Karen on the items that have to be done for this rezoning to come back to the May Planning Commission Meeting.

**MOTION CARRIED: 4-0.****DISCUSS PRIVATE ROAD REQUEST #9 - HUEFELDER ESTATE:**

Karen started that Paul Marin (Huefelder's Representative) was out of town.

The following questions and comments were made by the Planning Commission:

- Planning Commission should answer Mr. Marin's questions in the letter dated March 31, 1995 to

Karen.

- The question regarding the statement that was made by the Chairman saying that he wouldn't be able to grant a private road request if the petitioner had only an easement over the private road and did not own the ground under the road.

Chairman responded by saying he was uncomfortable with approving the private road when the property owner isn't the applicant, but that is only his vote, not necessarily the way the whole Planning Commission might vote.

- Karen spoke with Mr. Herkins about the maintenance agreement of the road. He has an attorney reviewing their options.
- What happens with Chocolay Shores regarding the setback, if this would be approved?
- The Township attorney said we could approve this on the easement.
- Mr. Marin has shown Interest to obtain the maintenance agreement.
- Is this a short-cut to get this out of the courts?
- Possibility to subdivide the lots and build some homes?
- The Planning Commission needs the information that was requested.
- Paul Marin needs to obtain the maintenance agreement with Jim Herkins and obtain the other Information requested by the Planning Commission.

#### **DISCUSS UPDATE ON CHOCOLAY DOWNS GOLF COURSE:**

Dan Trotochaud, developer for the condominiums comments on the various correspondence. A verbal update was given.

There are three units constructed. The Model has been open since January. Open house is every Sunday. There has been approximately fifty individuals viewing the units and they have all been impressed with the outcome of the model.

He is anxious to get the landscaping started. As soon as weather permits, this will begin. Some of the units will be occupied this May and some of the others this Summer. The well has been determined useable and has excellent water at 155 feet. Pump test was done - 100 gallons per minute for eight (8) hours - down to 6". There needs to be something over the well. No design yet, but will have something that will fit in as natural as possible. This is upscale housing. First unit sold at \$159,000. Looking at approximately \$200,00 for the second unit.

Golf Course - Dan is working with Joe and feels they are now on track.

Monitoring wells will be in by June 1, 1995.

Screening & Storage Buffer. Trees have been planted and new trees will be planted. Very important and wants to keep it natural. Letter dated 12-94 to Mark regarding fertilizer percentage, etc. Not putting a lot of fertilizer on golf course. The numbers Joe are using are conservative with other golf courses that Dan contacted. Gazebo - Joe feels it was rejected because he hasn't complied with the other information. The proper building permits needs to be obtained by Joe. Joe currently owns the lot next to the gazebo. Joe has closed the fire pit.

Planning Commission Members comments:

- We have given Joe everything he has asked for. The reason the gazebo was denied was for the lack of information that was required by the Planning Commission and nobody was in attendance at the meeting when requested.
- Joe has conditions to meet and hasn't met them.

- Would like to see a final plan for the golf course.
- Concerned with the possibility of water contaminants and a test of the contaminants to be done. It may be too late once the monitoring wells are in and contaminants show up in the testing.
- Would like to see a long range plan for the protection of the groundwater.
- Requested that a sample be done for the possibility of ground water contaminants when the monitoring wells are put in.

Dan inquired what is the time limit to have any requests done for the meeting. Karen stated that she has to receive the information ten (10) days prior to the next meeting.

The Planning Commission thanked Dan Trotochaud for the questions, comments and update on the golf course.

**DISCUSS STRATEGIC PLANNING:**

Karen stated that one more focus group is needed. The focus group needed is Government Services. A co-chairman is needed.

Karen will look at the list of people and contact another co-chair for the Government Services group.

Karen stated that due to Rita not being able to meet on April 18, the meeting would have to be scheduled to the 17th.

**DISCUSS UPDATE ON TEXT AMENDMENTS IN PREPARATION OF PUBLIC HEARINGS:**

It was stated PUD language calls for 2 acre parcel.

Karen stated she is contracting work with Mike Farrell.

The two main concerns are for the single structure per lot and the height requirement.

Some of the Planning Commission members felt all commercial development should obtain a PUD. The Planning Commission Members felt that deadlines be stated when contracting out. They felt that language should be brought back to the Planning Commission for the May meeting.

Karen also stated that Mike is looking into Recreational Structure and signs language.

**NEW BUSINESS:**

**ANNUAL REPORT:**

Karen presented the 1994 Annual Report for review.

There was one correction in the second line of the budget page that said About sixty percent of the 1994 Budget was allocated to Planning Commission Members' meeting per diem. The sixty percent should be changes to 51 percent.

**PLANNING DIRECTOR'S REPORT:**

Karen stated due to the School Election to be held on June 12, 1995 the Planning Commission would have to change the date of the meeting or the place of the meeting.

It was a consensus of the Planning Commission Members that the meeting remain for June 12, 1995 and be held in the fire hall meeting room.

**PUBLIC COMMENT:**

No public comment.

**INFORMATIONAL ITEMS & CORRESPONDENCE COMMISSION**

- A. Correspondence from - Mark Make to Randy Gentz - golf course development.
- B. Correspondence from - Marquette County RC & D Council - can assist with new projects.

**PRESENT:** Mike La Pointe, Steve Chalmers, Bill Sanders, Randy Wilkinson, Bill Sanders, Steve Chalmers, Mike La Pointe, Randy Wilkinson  
 resource person for the Marquette County RC & D Council to request assistance for trail development and grant acquisition.

**ABSENT:** Mar. Engle, Dallas Peterson and Scott Emerson

**STAFF PRESENT:** Correspondence from - Mark Make - Road names/off Sand River Road.  
 Kater Chamber, Director of Planning & Research

**OTHERS PRESENT:** Jeanette Collick Recording Secretary, Harry Huggs (Township road names) and Mark Maki

**ADJOURNMENT:**

**PUBLIC HEARING:** There being no further business Mike LaPointe moved, Bill Sanders supported that the Planning Commission Meeting be adjourned. The Planning Commission was adjourned at 10:10 p.m. There were no public hearings scheduled.

**REGULAR MEETING CALLED TO ORDER:**

Bill Sanders, Chairperson called the Regular Meeting of the Planning Commission to order at 7:35 p.m.

Scott Emerson  
 Planning Commission Vice-Secretary

*Jeanette R. Collick*  
 Jeanette R. Collick  
 Recording Secretary

**INFORMATIONAL ITEMS & CORRESPONDENCE:**

- A. Correspondence from Mark Maki to Randy Gentz-golf course development.
- B. Correspondence from Marquette County RC & D Council-can assist with new projects.

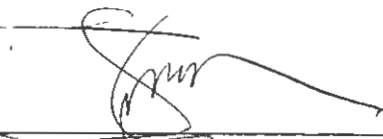
Mike La Pointe commented that we should contact Randy Wilkinson, resource person for the Marquette County RC & D Council to request assistance for trail development and grant acquisition.

- C. Correspondence from-Mark Maki-Road names/off Sand River Road.

It was suggested that the property owners be contacted for their suggestions for road names.

**ADJOURNMENT:**

There being no further business Mike La Pointe moved, Bill Sanders supported that the Planning Commission be adjourned. The Planning Commission was adjourned at 10:10 pm.

  
 Scott Emerson  
 Planning Commission Vice-Secretary

*Jeanette R. Collick*  
 Jeanette R. Collick  
 Recording Secretary



## CHOCOLAY TOWNSHIP PLANNING COMMISSION

MONDAY, MAY 8, 1995

**PRESENT:** Bill Sanders, Steve Kinnunen, Mike La Pointe, Estelle DeVooght**ABSENT:** Max Engle, Dallas Peterson and Scott Emerson**STAFF PRESENT:** Karen Chandler, Director of Planning & Research**OTHERS PRESENT:** Jeanette Collick-Recording Secretary, Harley Andrews (Township Attorney) and Mark Maki**PUBLIC HEARING:**

There were no public hearings scheduled.

**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, Steve Kinnunen, Mike LaPointe and Estelle De Vooght present.

Max Engle, Dallas Peterson and Scott Emerson were absent.

**APPROVAL OF MINUTES OF APRIL 10, 1995:**

Bill Sanders inquired if there were additions or corrections to the minutes dated April 10, 1995? There was a typo on page 3 - Benzing - should be spelled Benzie.

Bill Sanders moved, Estelle DeVooght supported that the minutes of April 10, 1995 be approved as corrected.

**MOTION CARRIED: 4-0.****APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA:**

Bill Sanders inquired if there were any changes or additional items for the agenda. There were none.

Karen informed the Planning Commission Members that there were two informational items that she supplied them with, which were:

1. Memo from Mark Maki regarding information/comments from the April 10, 1995 Planning Commission Meeting.
2. Prioritize List for Item VII C under Old Business.

Estelle DeVooght moved, Mike La Pointe supported that the agenda be approved as presented.

**MOTION CARRIED: 4-0.****PUBLIC COMMENT:**

Jim Herkins - Chocolay Shores Apartments - inquired if a decision was going to be made regarding the Huefelder Private Road Request?

It was stated the Planning Commission was not making a decision on the request due to lack of information.

The Township Attorney was present to discuss the issues regarding the same issue.

Bill Sanders inquired if there were any further Public Comment. The first Public Comment Section was closed.

**OLD BUSINESS:**

Harley Andrews - Township Attorney updated the Planning Commission on the Huefelder Private Road issue.

The following comments and suggestions were made:

- The application be submitted for the private road request.
- Meets the zoning ordinance, drainage, etc.
- Make a determination assuming the Huefelder estate has the easement considering that the interested successor of the property in question to file an application for an approved private road.
- Determination - The Planning Commission decide either to consider or not consider the private road request. Don't make a decision tonight on the application.
- There is an easement already for Mr. Riopelle to travel back and forth.
- Chocoley Shores Apartments could have hard times, if this was approved.
- It was stated at a previous meeting that Mr. Diloretto doesn't use Hotel Place for an access.
- The applicant would have to comply with the township's standards for an approved private road request. There are criteria in the Township Zoning Ordinance.
- Question - passes the easement and gets the design and doesn't meet all the standards and the Planning Commission could approve with conditions, subject to approval by the Zoning Board of Appeals
- The Private Road could be approved with conditions.
- Condition could be a Maintenance Agreement for the road.
- Concern for an access for emergency vehicles - width of road, etc.
- If all the criteria isn't met, does the Planning Commission have to approve the private road request? The answer was no, you can vote the way you want. Cient has to go through the proper procedures.
- If the private road request is approved, can anyone use the road. It was stated yes. A concern was brought up regarding the usage, speed, etc. It was stated that some of the other private roads have "No Trespassing" signs on them.

After the above comments and discussion the following motion was made:

Mike La Pointe moved, Estelle De Vooght supported that the Planning Commission consider Private Road Request #9 - Huefelder Estate based on the easement and all the proper documentation be brought before the Planning Commission.

**MOTION CARRIED: 4-0**

The Planning Commission thanked Harley Andrews for the information.

**STRATEGIC PLANNING:**

Karen stated that she has a list of people who have received notices regarding the various groups.

An attendance should be kept track of for the groups.

Rita will have results to Karen sometime this week regarding the various committees.

There are about two hundred people involved in the Strategic Plan.

The meetings dates, times and places are being posted for the various committees.

The whole product regarding the Strategic Plan will be brought back to the Planning Commission. Co-Chairs will present the Strategic Plan to the Township Board.

**DISCUSS AND PRIORITIZE TEST AMENDMENTS:**

**SECTION 106 - ONE STRUCTURE PER LOT:**

Mike Farrell is working on this.

**SECTION 300 - GARAGE HEIGHTS:**

A public hearing has to be heard on this language.

**RECREATIONAL STRUCTURES:**

Board concern was for travel trailers or mobile homes as camps. Mike will do research on this and get back to Karen. Mike worked on this before.

This can also go back to the Board.

**SIGNS FOR GOLF COURSES:**

This can be sent back to the board.

Recreational Structures, Signs for Golf Courses and Garage Heights are to be dealt with right away.

**SITE CONDO:**

Marquette Township is dealing with site condo now. They are getting ready to put this in an ordinance form. Karen will obtain the Site Condo Language from Marquette Township.

This item will be an agenda item at the September 1995 Planning Commission Meeting.

**LANDSCAPING:**

This item will be an agenda item at the September 1995 Planning Commission Meeting.

**ACCESS CONTROL:**

This item will be an agenda item at the October 1995 Planning Commission Meeting.

**PARKING REQUIREMENTS - NUMBER OF PARKING SPACES:**

This item will be an agenda item at the July 1995 Planning Commission Meeting.

**OUTDOOR STORAGE - SEMI TRAILERS:**

This item will be an agenda item at the July 1995 Planning Commission Meeting.

**MINIMUM LOT SIZES FOR C-1, C-2, C-3:**

This item will be an agenda item at the October 1995 Planning Commission Meeting.

**PRIVATE ROAD REQUIREMENTS & TRAILS STANDARDS:**

Propose one for June 1995.

**LOT CREATION:**

Can't create a lot that doesn't apply with the Ordinance.

This item will be an agenda item at the October 1995 Planning Commission Meeting.

**NEW BUSINESS:****REVIEW CHOCOLAY TRAIL ESTATES - SITE CONDO:**

Karen stated the Township Board approved the extension of the sewer. Bob Cambensy is overseeing the project.

Larry talked to Mr. O'Dovero about the possibility of trails being put in.

It was commented by a Planning Commission Member that the decision was made at a previous meeting that the condos would be isolated from East Main Street and the private road would not be an extension off East Main Street.

Karen will check on this and report back to the Planning Commission as to the conditions were on the approval of this project.

**DISCUSS DRAFT DOCUMENT FOR MICHIGAN COASTAL NONPOINT SOURCE PROGRAM:**

Mike La Points will be attending the meeting on May 9, 1995.

**PLANNING DIRECTOR'S REPORT:**

Information was presented regarding the Fire Department's Millage Fact Sheet.

Scrap Metal pick up within the Township will be the week of June 5, 1995.

Karen stated that there are expiring terms for the following Planning Commission Members as of May 24, 1995.

The following members terms will be expired on May 24, 1995:

Mike La Points  
Scott Emerson  
Dallas Peterson

Mike La Points stated he is still interested on serving on the Planning Commission. Karen contacted Dallas Peterson and he stated he is interested in serving another term on the Planning Commission. Karen left a message for Scott Emerson and waiting for his answer if he is going to service on the Planning Commission.

Karen stated a memo was written to the Chocolay Township Volunteer Fire Department regarding the usage of the Township Firehall for the June Planning Commission Meeting. It was suggested a member from the Fire Department that one of the schools be used for a meeting. Karen responded that the schools are not in session for June. The Fire Department decided that the June Planning Commission Meeting could be held in the Fire Department, but that a fireman would have to be present at the meeting. The June Planning Commission Meeting will be held in the Township Firehall.

Dan Trotochaud will be in attendance at the June Planning Commission Meeting.

Garage Heights Public Hearing will probably be at the June Planning Commission Meeting.

Estelle stated she had to work the School Election on June 12, 1994. She won't be in attendance at the Planning Commission Meeting until she is through working at the election.

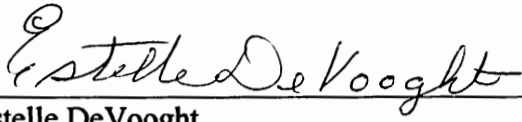
**INFORMATIONAL ITEMS & CORRESPONDENCE:**

- A. Correspondence from -Fred Benzie - Paul Huard's Rezoning Request.
- B. Correspondence to - Residents on Old Co. Rd. BBA - name request Township never received any response.
- C. Correspondence to - Karol Peterson Chairperson RC & D - requesting assistance for projects.

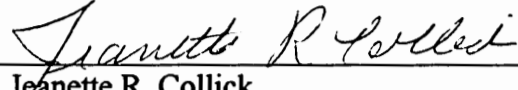
Bill Sanders reported on the Wetlands Workshop he attended. He will bring information on a Wetlands Ordinance.

**ADJOURNMENT:**

There being no further business Bill Sanders moved, Mike La Pointe supported that the Planning Commission Meeting be adjourned. The Planning Commission was adjourned at 10:00 p.m.



Estelle DeVooght  
Planning Commission Secretary



Jeanette R. Collick  
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION**

**MONDAY, JUNE 12, 1995**

**PRESENT:** Bill Sanders, Dallas Peterson, Mike La Pointe, Max Engle, Estelle DeVooght (arrived at 8:30 p.m.)

**ABSENT:** Scott Emerson and Steve Kinnunen

**STAFF PRESENT:** Karen Chandler - Director of Planning & Research

**OTHERS PRESENT:** Jeanette Collick-Recording Secretary, Larry Gould, Mark Maki, Cathleen Gentz, Anthony Gentz, Randy Gentz, Paul Marin, Bob Cambensy, Sam Elder, Julianne Le Bouef, Jerry Le Bouef, Darlene Johnson, Jim Herkins.

**PUBLIC HEARING:** Bill Sanders, Chairperson called the Public Hearing to order at 7:30 p.m. He explained the process of the public hearing.

**PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT ON HEIGHT:**

The proposed change is the definition of height. Currently our ordinance reads that height is at the maximum height. Over the last few years the Zoning Board of Appeals has dealt with a number of garage variances for heights. People find it very difficult to build under the 14' height requirement. In checking around, we found out that other community ordinances were very similar to Chocolay's, except they define the height as average on a gable roof as the average from the top to the eaves. They weren't encountering the problems that we were in terms of the ordinance. The Zoning Board of Appeals has basically brought this forth with the idea that if the definition of height was changed, people would therefore be able to build higher garages, which appears to be the custom. This would be more consistent with other communities ordinances, therefore should resolve most of the problems. This would allow for larger garages, but not as a full two story building.

There were no further comments regarding the public hearing on Zoning Ordinance Text Amendment on Height.

There were no further public hearings. The public hearing session of the June 12, 1995 Planning Commission was closed.

**REGULAR MEETING CALLED TO ORDER:**

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

**ROLL CALL:**

Roll call was taken with Bill Sanders, Dallas Peterson, Mike La Pointe and Max Engle present. Estelle DeVooght (arrived at meeting at 8:30 p.m.)

Scott Emerson and Steve Kinnunen were absent.

**APPROVAL OF MINUTES OF MAY 8, 1995:**

Bill Sanders inquired if there were additions or corrections to the minutes dated May 8, 1995.

There were three (3) corrections:

- Page 3 - top sentence should be corrected to read: Question - passes the easement and gets the design and doesn't meet all the standards and the Planning Commission could approve with conditions, subject to approval by the Zoning Board of Appeals.

- Page 2 - fourth comment, the sentence should read - Determination - The Planning Commission decide either to consider or not consider the private road request. Don't make a decision tonight on the application.

- Page 3 - second from last paragraph it should read: **DISCUSS AND PRIORITIZED TEXT AMENDMENTS:**

Bill Sanders moved, Dallas Peterson supported that the minutes of May 8, 1995 be approved as corrected.

**MOTION CARRIED: 4-0**

**APPROVAL OF AGENDA/ADDITIONAL ITEMS:**

Karen Chandler requested that the following items be placed on the agenda under Old Business:

D. Extension of Elderwood Plat - Tentative Preliminary Approval

E. Rezoning #77 R2 to R3 - Paul Huard

Bill Sanders inquired if there were any further additions or changes for the agenda. There were none.

Dallas Peterson moved, Mike LaPointe supported that the agenda be approved as changed.

**MOTION CARRIED: 4-0.**

**PUBLIC COMMENT:**

Paul Marin - 316 North Front Street - reserved time on the agenda when the Private Road Request #9 - Huefelder was being discussed.

Mark Maki reserved time to bring the Planning Commission up-to-date on Chocloy Downs Golf Course and semi-trailer issues.

There being no further public comment, the first public comment session was closed.

**NEW BUSINESS:**

**PRIVATE ROAD #9 - ESTATE OF ELIZABETH HUEFELDER:**

He stated that the Planning Commission told him that even though this was a platted street more than 100 years old that the Commission was going to require the engineering topics that are set forth in the ordinance.

The Commission also suggested that he ought to explore the prospect of getting a maintenance agreement with Mr. Herkins and Ms. Johnson, owners of the Chocloy Shores Apartment Development.

There was also concern and discussion on whether the holder of a private easement would have sufficient legal standing to file and seek the designation of an approved private road.

Following the April Planning Commission Meeting he had an opportunity to discuss this with Harley Andrews and stated he thought it was clear on the last point about the holder of an easement being able to have sufficient legal standing to seek this designation. He received correspondence from Mr. Andrews that Mr. Andrews addressed this topic at the May Planning Commission Meeting, and said that yes legally we did have standing to seek this request. The Planning Commission, you have the opportunity to vote yes or no, depending on other factors, and based on that legal opinion of the Township Attorney, he then contacted Mr. Cambensy.

Mr. Marin did not want to spend the money if it was going to be the ultimate decision of the Planning Commission that no matter how many engineering studies or surveys or reports that were given to you that we didn't have the legal standing because they held an easement to the property.

He referred to correspondence dated June 9, 1995 concerning elevations and survey from Mr. Cambensy dated last Friday, Mr. Marin also gave Mr. Herkins and Ms. Johnson a copy of that correspondence.

Mr. Marin also stated he did send a letter to Ms. Johnson and Mr. Herkins to have an opportunity to meet with them and discuss a road maintenance agreement and received no response from them until today when Mr. Marin talked with Mrs. Johnson's son Randy, who is an attorney out in Oregon. They talked for about a half hour. Mr. Marin stated he told Mr. Johnson they have looked at the maximum development on the Huefelder parcel and that three family homes would be the potential future development of this parcel.

He showed the Planning Commission the proposed layouts of where the three single family homes would sit on the bayou.

Mr. Johnson stated he did not own the property and was speaking on Darlene Johnson's behalf. He felt a great relief that Mr. Marin was only talking about three family homes out there and he



said that he would talk to his mother about the conversation that took place and that it would be worthy of exploring the possibility of a road maintenance agreement. Because the conversation took place so late in the day at this time there is no maintenance agreement to be presented.

Mr. Marin would like the Planning Commission to consider this evening approving this designation perhaps subject to the entry of the road maintenance agreement.

Comments and discussion on the private road request:

- Still does not meet a 66' right-of-way.
- Huefelder Estate would dedicate an additional 6 feet along the eastern side to meet the 66' right-of-way to meet the criteria.
- As far as the potential development for the three additional homes, Mr. Marin would anticipate that a shared driveway would be put in.
- Shared driveways are not allowed. It has to be a designated private road. Building sites need frontage on an approved private road or a public road.
- South of Mr. Riopelle's property crossing the railroad tracks - condition could be met for a cul-de-sac.
- Parking in front of the buildings at Chocolay Shores should be taken into consideration.
- Major problem with the drainage.
- Increase of traffic.

The following motion was made after the above comments:

Max Engle moved, Mike La Pointe supported that the Planning Commission deny Private Road Request # 9 - Elizabeth Huefelder Estate due to the fact we have not received the proper information as requested to make a determination of a private road and applicant doesn't seem to want to supply that information.

**MOTION CARRIED: 4-0.**

#### **DISCUSS WITH RANDY GENTZ ON GOLF COURSE CONDITIONAL USE:**

Randy Gentz gave an up date on the Homestead Golf Course.

There are three holes completed. Drainage is complete.

He would like to obtain permission to open the driving range for the golf course.

There was a question on what a proper buffer is. Mark Maki stated it is up to the Planning Commission to decide what a proper buffer would be for the Homestead Golf Course.

The Planning Commission reviewed the plans for the golf course.

Due to wetlands into the original drawings, a little has been moved around, but basically the plans remained the same as when they were submitted.

The drawing was done by a reputable architect, he is assuming all the proper buffers were put into the plans.

About half the parking lot is completed.

As far as establishing base line information of the chemical properties of the soil and groundwater to be used for determining changes in the levels of contaminants, this was a vague item and wanted to know what the Planning Commission wanted on this?

This would be base line information on soil test and water testing to determine what, if any contaminants were in the soil or water.

There is a manual titled "Best Management Practices" established by the DNR for fertility and they address these issues for golf courses. It clearly spells out taking the soil sample tests.

For ground water according to the "Best Management Practice" they do address this also.

It was suggested that a copy of the "Best Management Practices" be obtained for the Township.

Homestead Golf Course is not sand, it has clay in it.

Concerning monitoring wells. Randy stated he has talked to Mr. Benzie on this and he felt that one of the monitoring wells could be Randy's own personal well. Randy would like to request that the monitoring wells be waived for the driving range.

Randy's well is about 60' deep.

These items would be just waived so the driving range could be open.

After reviewing the plan submitted, the Planning Commission members felt the buffers as submitted on the plan are natural and okay.

Road is adequate. Gantz's Sod Farm has been used as a township compost site for a number of years. There are no problems with trucks getting in and out.

Bill Sanders moved, Max Engle supported to approve the opening of the driving range for the Homestead Golf Course and that conditions relating to the monitoring wells, road upgrading be complied with prior to the opening of the golf course and that condition numbers 3 and 5 follow the DNR Best Management Practice.

**MOTION CARRIED: YES - 3. ABSTAIN - 1.**

Conditions #1 and #2 are addressed on the site plan.

Cathy Gantz will contact Mark regarding the golf course sign.

Estelle DeVooght arrived at the meeting at 8:30 p.m.

**DISCUSS ROAD NAME FOR OLD BAA:**

Karen stated that the County Road Commission maintains the bridge and that County Road BAA is designated as a Seasonal Road.

Estelle DeVooght moved, Bill Sanders supported to recommend to the Township Board that the road in Section 12 T47N R23W with the County Road BAA designation from Sand River Road to the seasonal road marking be named Railroad Lane.

**MOTION CARRIED: 5-0.**

**EXTENSION OF ELDERWOOD PLAT - TENTATIVE PRELIMINARY APPROVAL:**

Bob Cambensy stated that the developer would like to start phase 1 of the Elderwood Plat. There are no changes from the original plans.

Lot one sold.

There is a low spot on the end of Veda Street that will be used for drainage.

Bills Sanders moved, Mike La Pointe supported that approval for Phase I of the Elderwood Plat be given and that tentative preliminary plat approval be extended.

**MOTION CARRIED: 5-0.**

**REZONING #77 R2 TO R3 - PAUL HUARD:**

Karen stated that Mr. Huard has not brought in a site plan concerning this parcel and also he has not talked to the Health Department.

There has not been an answer regarding the soil sample tests and if it is suitable for on site septic.

Comment was made that Mr. Huard told the Planning Commission that he just wants to build a parking lot and he isn't building anything else, but he knows that if he is going to build anything else that he has to have a septic system. The present septic is close to the creek now. The health department approved the septic system so they must know where it is located. It may now meet current requirements, but until it goes bad, they probably won't bother him. If Mr. Huard asks for something else, then the health department may require him to hook up to the sewer.

He is looking to rezone his property, not anything else.

Mr. Huard hasn't come in with a site plan yet, as was required.

The land goes with the owner.

Planning Commission recommends, the Township Board makes the decision.

Estelle DeVooght moved, Bill Sanders supported that the Planning Commission deny the rezoning Request #77 R2 to R 3 - Paul Huard due to the request at the April Planning Commission to bring in more information and has not done so, and that according to the Comprehensive Plan it specifies that all R-3 should be placed in the Sewer District.

**MOTION CARRIED: 5-0.**

**NEW BUSINESS:**

**REVIEW CHOCOLAY TOWNSHIP FIRE HALL EXPANSION:**

Larry Gould explained the fire hall expansion and the reasons for the flat roof and being put on the North Side of the Fire hall.

Some Planning Commission members felt that the addition would be more aesthetic if it matched the Township Hall. Due to the placement of the addition, it will match the firehall.

Mike LaPointe moved, Bill Sanders supported that the addition for the firehall expansion be on the North Side of the present firehall.

**MOTION CARRIED: 5-0.**

**DISCUSS TEXT AMENDMENT ON HEIGHT:**

Mark Maki stated basically the problem is with the existing height requirement -people are building higher garages and these require higher door height.

If this height amendment to the zoning ordinance is passed, this will put the township in line with other entities regarding height.

Bill Sanders moved, Dallas Peterson supported that the Planning Commission recommend to the Chocolay Township Board that the following amendment to the "Chocolay" Township Zoning Ordinance be approved .

Proposed Language: (Remove language that is bracketed and add language that is Bold and Underlined)

**[HEIGHT, means the vertical distance from the highest point on a structure, excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.]**

**HEIGHT, means the vertical distance between the average grade and the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; the average height between the eaves and ridge for gable, hip and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof, excepting any chimney or antenna on a building.**

**F. No detached accessory building shall exceed fourteen (14) feet in height nor exceed the exterior perimeter dimensions of the principal structure on the lot.**

Also footnote F be followed except in RR-2, RP, OS, PUD and Public Lands

**MOTION CARRIED: 5-0**

Mark updated the Planning Commission on Chocolay Downs Golf Course. Mr. Gibbs stated that he would have the monitoring wells in June 1, 1995. They are not in as of this date.

The Township has a problem in that there is an operation going on and has not complied with the conditions that were suppose to have been met.

Mark and Karen have talked with the Township Attorney about the enforcement of this zoning violation.

The Township Attorney felt that we could still pursue the enforcement and was willing to meet with the Township Board at some point to seek an injunction and corrective action taken.

Mark will be in the process of issuing required letters that he has to issue in order to bring Mr. Gibbs in compliance of the conditions.

It was suggested that the Best Management System from the DNR be used regarding this.

It was stated that Mr. Trotochaud guaranteed the Planning Commission the monitoring wells would be put in by June 1, 1995.

Karen stated that Dan asked her to pass onto the Planning Commission that he was going to come to the Planning Commission with the conditional use for the gazebo and also a well head cover for the condos.

Mr. Trotochaud asked that his apology be passed on the Planning Commission. He felt he has let the Planning Commission down, because he promised the Commission that the wells would be put in and they aren't there.

It was inquired what would happen if the golf course was sold? It was stated that the buyer would have to purchase the golf course with the conditions that had been set in the condition use permit.

Mark made his comments because he wanted to make the Planning Commission aware of the situation and reasons regarding it.

Karen stated that five monitoring wells were on the plans she reviewed of the Chocoley Downs Golf Course.

It was a consensus that Mr. Gibbs has been given more than ample time for the monitoring wells to be put in, but he hasn't even put any of the five in.

**Semi Trailer Update:**

Mark commented that the township was in court over this issue. One of the problems we have is, that in the case of the Harvey Oil, the semi trailer was put out, onto the highway right-of-way to avoid the Township's jurisdiction. County said they would require them to move it, but we aren't sure if they would or not. According to the judge the township has no jurisdiction on the highway right of way. We are powerless to do anything if it is on the right of way. She even went as far as to say the township police department couldn't do anything regarding this. That leaves it up to the State Highway Department.

The State Highway Department also told Joe Gibbs in April of 1994 that he had 45 days to remove his sign off the highway right of way, or they would charge him to remove it, but it is still there.

It was commented that the State Highway Department cannot manage the whole UP., but they could designate the Township to enforce the management for them. It was felt we should be able to do this being that it is in our township.

It was also commented that we are now stuck with the burden of enforcing the other semi trailer storage units, even though they were behind a building and off the right of way.

**PLANNING DIRECTOR'S REPORT:**

Karen stated that the golf course issue was covered. She will try to get a team together regarding the standards.

At the last Planning Commission Meeting it was inquired if the Chocoley River Estates private road request required a berm at the end of East Main Street. There is a requirement for a 6' high berm and vegetated barrier. That should be in there when they are done with their construction.

Karen gave the Planning Commission a calendar for July so they could make plans for the day long retreat for the Strategic Plan. Rita suggested that the calendar be filled out on the days that people could not attend or be available. July is a bad month. The Planning Commission Members are to get the calendars back to Karen by July 21 and these calendars would also be mailed out to the other Task Force Members.

On Tuesday, June 20, 1995 the Government Services Committee will meet at Wahlstrom's Restaurant at 6:30 p.m.

**PUBLIC COMMENT:**

Estelle DeVoght said people had been in voting and made the following inquiries:

1. Where do you get rid of old cars? It costs about \$20 for someone to pick up junk cars. West Branch Township put an ad in their newsletter of someone who would pick those vehicles up.
2. Why doesn't the Township plant flowers around the Town Hall? Larry stated that the rock had to be taken out and as soon as we get the manpower and the money, rock will be put back in. The Cherry Creek School Student Council planted the flowers around the tree by the Township Hall.
3. When will the driving range at Homestead Golf Course (Gentz's) be opened? The Planning Commission voted to allow the driving range to be opened. This item was dealt with before Estelle was able to be at the meeting.

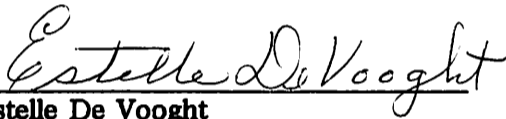
**INFORMATIONAL ITEMS & CORRESPONDENCE:**

- A. Information received from MCSWDA on Recycling Technologies.
- B. Correspondence from - Mark Maki - Zoning Ordinance/Mining - Public Comment RE: Sec 106 Amendment & recent Township Board Request to Study Further.
- C. Correspondence to - Scott Emerson, Mike La Pointe, Dallas Peterson - on reappointment to Planning Commission.
- D. Correspondence from - Marquette County Conservation District - Wildlife Habitat Workshop.

**ADJOURNMENT:**

There being no further business Max Engle moved, Bill Sanders supported that the Planning Commission Meeting be adjourned. The Planning Commission meeting was adjourned at 10:00 p.m.

**MOTION CARRIED: 5-0.**

  
 Estelle De Vooght  
 Planning Commission Secretary

  
 Jeanette R. Collick  
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION****MONDAY, July 10, 1995****PRESENT:** Bill Sanders, Mike La Pointe, Estelle DeVooght, Scott Emerson, Dallas Peterson, Steve Kinnunen**ABSENT:** Max Engle**STAFF PRESENT:** Karen Chandler, Director of Planning & Research Stacy Busch, Recording Secretary**PUBLIC PRESENT:** Roger "Pete" St. Onge**PUBLIC HEARING:** Bill Sanders called the Public Hearing to order at 7:34 pm.**CONDITIONAL USE #33** - Was presented by Karen Chandler.

The applicant, Roger N. St. Onge, has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow a recreational structure on the following described property

Section 12, T47N R23W

NE 1/4 of SE 1/4, excluding 1 sq. acre in NE corner thereof and excluding SW 1/4 thereof.

Roger "Pete" St. Onge was present to discuss as an agenda item.

There being no public comment, Bill Sanders closed the public hearing regarding Conditional use #33.

**CONDITIONAL USE #34** - Was presented by Karen Chandler. The applicant, Chocolay Township, has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow a public park on the following described property:

Section 16, T47N R24W

Part of SW 1/4 beginning 1010' E and 50' N of SW corner thereof the N 969' th W 629.35' th S 969' th E along Co Rd 480 ROW 629.35 to POB.

There being no public comment, Bill Sanders closed the public hearing regarding Conditional Use #34.

**REGULAR MEETING CALLED TO ORDER:**

Bill Sanders, Chairperson called the meeting to order at 7:40 p.m.

**ROLL CALL:**

Roll call was taken with Bill Sanders, Estelle DeVooght, Mike LaPointe, Dallas Peterson and Steve Kinnunen present. Scott Emerson arrived at 7:45 pm.

**ABSENT:** Max Engle**APPROVAL OF THE MINUTES OF JUNE 12 , 1995:**

Bill Sanders inquired if there were any additions or corrections to the minutes dated June 12, 1995.

There were two (2) corrections.

\* Page 7- 5th paragraph from the bottom should read-It was inquired what would happen if the golf course was sold?

Dallas Peterson moved, Bill Sanders supported that the minutes of June 12, 1995 be approved as corrected.

**MOTION CARRIED: 6-0.**

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

Bill Sanders asked if there were any additions or changes for the agenda?

Karen Chandler asked to pull NEW BUSINESS item C. Discuss changes to PUD on Cherry Creek Road-Angel Home. She stated that land was not ready for changes.

It was suggested to move NEW BUSINESS A. Discuss Conditional Use #33 up to OLD BUSINESS letter A.

Bill Sanders moved, Dallas Peterson supported to approve agenda with the changes.

**MOTION CARRIED: 6-0**

**PUBLIC COMMENT:** No public comment.

**OLD BUSINESS:****Conditional Use #33-**

Karen Chandler stated that Conditional Use #33 is out in Section 12 at the county line. Alger County line comes down the Sand River Road. This request is for recreational structures. The Township just passed an Amendment to the ordinance to allow recreational structures in the RP district. Mr. Roger "Pete" St. Onge was present to ask for a Conditional Use. Mark Maki and Karen Chandler drove out to the property to check out the area. Mr. St. Onge intends to put a 14X60 foot mobile home on this parcel. He will be bringing in electric and going to the Health Department for septic and well permits.

Mr. St. Onge will be 800 feet down the easement roadway. The trailer will be placed 300 feet from the easement.

The Planning Commission asked Karen if she felt there was enough screening and if there were any problems with the location? Karen stated " screening was fine and so was the location."

Mike LaPointe moved, Bill Sanders supported that the Chocolay Township Planning Commission approve the conditional use permit request to place a recreational structure on this parcel in the RP district with the following conditions

1. That Zoning Compliance Permit be obtained from the Chocolay 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: 6-0**

**AVAILABLE WORKSHOPS**

Information on a Planning and Zoning Issues seminar being held in Marquette Tuesday August 22 and Wednesday August 23, 1995 at the Holiday Inn was presented. Steve Kinnunen, Dallas Peterson, and Estelle DeVooght would like to attend. Estelle DeVooght asked how many the budget would allow to attend?

**OUTDOOR STORAGE-SEMI-TRAILERS AND PARKING**

Karen Chandler asked if the parking requirements are for small cars. It was mentioned that we ask the Marquette City Zoning Administrator for a copy of their requirements. The size of each space and spaces needed per square foot of the building area should be reviewed.

Dallas Peterson asked if anything could be done with the cars on the corner of Shaws Service Station at the pedestrian overpass?

The Planning Commission would like to see semi-trailers become part of the Conditional Use process.

**STRATEGIC PLAN DAY LONG RETREAT**

Bill Sanders asked for a letter to be sent. Scott Emerson asked if the day is ok. Karen mentioned that the date would work out good for everyone attending.



Karen mentioned that Chocolay Township would be used as an example for Strategic Plans with Michigan Townships Association.

Mike LaPointe asked for the total number of people involved.

Karen Chandler noted that she would talk to Father Thoren about using the Church basement for the retreat and their gazebo for lunch.

Dallas Peterson asked what the next step would be after this? He also explained the Planning system in Wisconsin.

Steve Kinnunen asked for a recommendation, Dallas Peterson suggested that a news letter be sent.

Scott Emerson disagreed in that we already know what the public wants from the survey done in 1991. We should give them what they want.

Mike LaPointe is concerned that this plan could sit on the shelf. He also asked when will plan be done and what will be done?

Scott Emerson believe this should be a "Media Splash" with the Board present.

Estelle DeVooght asked if it could be on "News Extra?"

Dallas Peterson states that in some way the public should be involved.

Scott Emerson is excited about plan and how something is finally being done to improve the community.

Dallas Peterson asked if a series of special meetings would be more advantageous to try attending the day long retreat to co-op a broader community. Steve Kinnunen says that everyone will get to vote on the goals.

Scott Emerson requested a special meeting before the retreat, to get public opinion.

Mike LaPointe is concerned and asked if Rita could give us examples. Where is it really working?

#### **NEW BUSINESS:**

**CONDITIONAL USE #34** - The applicant, Chocolay Township, has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow a public park on the following described property:

Section 16, T47N R24W

Part of SW 1/4 beginning 1010' E and 50' N of SW corner thereof th N 969' th W 629.35' th S 969' th E along Co Rd 480 ROW 629.35 to POB.

Scott Emerson asked what is the reason for having more than one driveway?

Scott Emerson moved, Steve Kinnunen supported that the Chocolay Township Planning Commission approve the Conditional Use permit request to use this property as a public park with the following conditions:

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

**MOTION CARRIED: 6-0**

#### **PLANNING COMMISSION 1996 BUDGET REQUESTS**

Karen Chandler reviewed the current budget with the Planning Commission. Discussion then centered on the 1996 budget. The categories are as follows

<b>PLANNING COMMISSION</b>	<b>12,440.00</b>
ACCOUNT: <u>Per Meeting Compensation</u> #885.718	4,220.00
CATEGORY: <u>Commission members</u>	3,720.00
CATEGORY: <u>Secretary</u>	800.00
ACCOUNT: <u>Office Supplies</u> #885.727	210.00
CATEGORY: <u>Office Supplies</u>	210.00
ACCOUNT: <u>Postage</u> #885.729	400.00
CATEGORY: <u>Postage</u>	400.00
ACCOUNT: <u>Professional Services</u> #885.861	1,000.00
CATEGORY: <u>Professional Services</u>	1,000.00
ACCOUNT: <u>Membership/Publications</u> #885.882	410.00
CATEGORY: <u>Memberships</u>	260.00
CATEGORY: <u>Publications</u>	150.00
ACCOUNT: <u>Travel</u> #885.868	500.00
CATEGORY: <u>Travel</u>	500.00
ACCOUNT: <u>Advertising</u> #885.981	1,000.00
CATEGORY: <u>Advertising</u>	1,000.00
ACCOUNT: <u>Miscellaneous</u> #885.956	900.00
ACCOUNT: <u>Capital Outlay</u> #885.957	4,440.00
CATEGORY: ☺ <u>Purchase of a Cam Corder</u>	900.00
CATEGORY: ☺☺ <u>Computer Software and Hardware</u>	3,500.00

The recording secretary has asked for an increase for public hearings. The consensus was to increase all meetings to \$50.

A memo will be written to the Township Supervisor in support of rejoining CUPPAD. We can use their expertise in several areas. It was also decided to increase Professional Services by \$500 to \$1,000. We need to be proactive and not reactive in planning and it seems we need more services to the Planning Commission.

Karen was asked to work with the Police Department for purchase of a cam corder. Other departments maybe able to use this equipment and the Board should be made aware of the benefits.

The computer software and hardware was left in the budget. It is possible other professional contracts maybe available. The Chocoley Watershed is currently mapping the area.

Scott Emerson asked what percent of the total general fund budget is spent on the Planning Department?

He would also like to see an economic report each quarter.

#### PLANNING DIRECTOR'S REPORT

Karen just received information today on P.A. 451. There will be a seminar on July 26 sponsored by SCA Environmental, Inc. As more information becomes available, it will be passed on to any member interested in attending.

#### PUBLIC COMMENT

No public comment.

#### INFORMATIONAL ITEMS AND CORRESPONDENCE

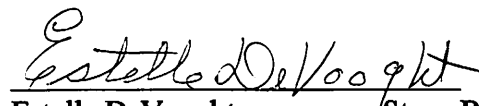

Correspondence from-Chocoley Watershed Advisory Council March 21, 1995 minutes.

Mike La Pointe stated that we should have Carl Linquist give an update on the Chocolay Watershed at the Planning Commission meeting in August. After the update is given to Planning Commission then have it presented to the Board.

Estelle DeVooght asked if any commissioners knew about the road Mead is building off Old Little Lake Road. Mike LaPointe suggested getting in touch with the DNR.

**ADJOURNMENT**

There being no further business, Bill Sanders moved, Mike LaPointe supported that the Planning Commission meeting be adjourned. The Planning Commission meeting was adjourned at 9:38pm.

	
Estelle DeVooght	Stacy Busch
Planning Commission Secretary	Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION****MONDAY, AUGUST 14, 1995****PRESENT:** Bill Sanders, Dallas Peterson, Mike La Pointe, Max Engle, Estelle DeVooght , Steve Kinnunen**STAFF PRESENT:** Karen Chandler - Director of Planning & Research**OTHERS PRESENT:** Jeanette Collick-Recording Secretary, Rita Hodgins, Carl Lindquist, Pete La Rue, Chris Burnette, Jude Catallo**PUBLIC HEARING:**

There were no public hearings.

**REGULAR MEETING CALLED TO ORDER:**

Bill Sanders called the meeting to order at 7:30 p.m.

**ROLL CALL:**

Roll call was taken with Bill Sanders, Dallas Peterson, Mike La Pointe, Max Engle, Steve Kinnunen, Estelle De Vooght, present. Scott Emerson ( arrived at meeting at 7:40 p.m.)

**APPROVAL OF MINUTES OF JULY 10, 1995:**

Bill Sanders inquired if there were additions or corrections to the minutes dated July 10, 1995.

- Dallas Peterson noted that on page 4 the sentence that reads "Dallas Peterson states that in some way the public will be involved." The Sentence should read: Dallas Peterson states that in some way the public should be involved.
- Dallas Peterson noted that on page 4 the paragraph that reads "Dallas Peterson asks if a series of special meetings would be advantageous to try attending the day long retreat to co-op a broader community. Steve Kinnunen says that everyone will have to vote on the goals." Paragraph should be changed to read - Dallas Peterson asked if a series of special meetings would be more advantageous to try attending the day long retreat to co-op a broader community. Steve Kinnunen says that everyone will get to vote on the goals.
- Bill Sanders noted that on page 4 the sentence reads: "Bill Sanders stated that we could not get a good consensus." The sentence should be eliminated.
- Mike La Pointe noted that on page 4 the paragraph reads: "Mike La Pointe is concerned and asked if Rita could give us examples. Does it really work?"

He stated his concern was where is it working? The sentence should be corrected to read Mike La Pointe is concerned and asked if Rita could give us examples.

Mike La Pointe moved, Dallas Peterson supported that the minutes of July 10, 1995 be approved as corrected.

**MOTION CARRIED: 7-0****APPROVAL OF AGENDA/ADDITIONAL ITEMS:**

Bill Sanders inquired if there were any additions or changes to the agenda?

Bill Sanders suggested to put New Business Item A. Presentation by Carl Lindquist, Project Manager for the Chocolay River Watershed Project before Old Business Item A. Discuss Final Draft Of Strategic Plan with Task Force.

Bill Sanders inquired if there were any further additions or changes for the agenda. There were none.

Bill Sanders moved, Max Engle supported that the agenda be approved as changed.

**MOTION CARRIED: 7-0.****PUBLIC COMMENT:**

Pete La Rue commented that there was property that was for sale on Silver Creek Road by the Silver Creek Recreation Area and the Township was asked if they would like to purchase it. The Township did not purchase the land. It was asked why?

It was commented that the Township should be looking into the possibility of purchasing land near the recreation areas for future use.

Karen will find out why the Township did not purchase the land that was in question.

**NEW BUSINESS:****PRESENTATION BY CARL LINDQUIST PROJECT MANAGER FOR THE CHOCOLAY RIVER WATERSHED PROJECT:**

Carl Lindquist made an overlay and slide presentation on the Chocoday River Watershed Project.

The following questions and comments were made after the presentation.

- Would like support for the extension of the loan provided by the Township.
- The other member townships of the Chocoday River Watershed be involved in contributing.
- Performance Bond be considered.
- Very little local enforcement for mining and logging. These are regulated by the State. Some of these are exempt.
- There is a need to have restoration of the creek.
- What is the time limit to go to the other townships for the presentation? It would probably be over the winter.
- Need to get figures together and be more aggressive to go to the government entities for enforcement.
- Next meeting of the Chocoday River Watershed is in September and may be able to approach the other townships for the proper enforcement, etc.

Scott Emerson moved, Bill Sanders supported that the Planning Commission recommend to the Township Board they consider the interest free loan for the Chocoday River Watershed be extended at least a year with the possibility of continuing renewal in the future.

**MOTION CARRIED: 7-0**

Bill Sanders thanked Carl Lindquist for the presentation.

**OLD BUSINESS:****DISCUSS FINAL DRAFT OF THE STRATEGIC PLAN WITH TASK FORCE:**

It was noted that the possibility of the lack of attendance of the task force members at the Planning Commission meeting was that they were probably on vacation.

Rita Hodgins went over the Strategic Plan.

Comments were as follows:

- A cover page and logo will be in the final draft.

- Willing to meet with a small group in early September for a time block of a couple of hours.
- Planning Commission members felt the Strategic Plan needs more punch for completion and get more people involved.
- Whole group to meet again and not rush through the plan. Needs momentum.
- Enthusiasm is out there.
- Wednesday, September 20, 1995 from 7:00 p.m. to 9:00 p.m. a group meeting will be held for the explanation of the Strategic Plan. The Vision Statement will be included with the notices that are going to be sent out.

**DISCUSS EXTENSION OF SILVER CREEK ROAD TO COUNTY ROAD 553:**

Karen presented an overlay regarding an easement through the honor camp property.

Following questions and comments were made:

- Increased traffic on Silver Creek Road is a concern.
- Police and Fire Protection Services.
- Sands has their own Fire Department volunteers who live in that area and respond to the Fire Hall in that area.
- County Sheriff and State Police respond in that area.
- Children living in that area attend Marquette Area Public Schools.
- There are existing roads that needs repair.
- County is asking if Chocolay Township would support the extension of Silver Creek Rd.
- Suggestion that possibly Sands Township pay Chocolay Township for police and fire protection in that area.

After the above comments , the Planning Commission agreed unanimously that a letter be sent to the Marquette County Resource Development Department that we do not support the extension of Silver Creek Road to County Road 553.

**DISCUSS REQUEST FROM RESOURCE MANAGEMENT/DEVELOPMENT DEPARTMENT ON COUNTY-WIDE TRUCK ROUTE SYSTEM:**

Karen presented an overlay on the roads/highways that would be involved in the county-wide truck route system.

- Tourism is covered under major roads.
- Conditions of the roads are as follows:

County Road 545 - poor  
 U.S. 41 South - fair to poor  
 M 28 East - good  
 County Road 480 - good

- Priority of Roads:
  - (1) U. S. 41 South
  - (2) County Road 545
  - (3) M 28 East
  - (4) County Road 480

**PLANNING DIRECTOR'S REPORT:**

Karen presented the following for the Planning Director's Report:

- Mary Jane Lynch - Home Occupation:

Going to the Zoning Board of Appeals to increase the number of employees.

Possibly if Zoning Board of Appeals doesn't approve the increase the number of employees, she may be coming to the Planning Commission to seek approval.

If approved by the Zoning Board of Appeals, it is approved for 3 years. It is required to renew the home occupation. It is subject to review upon complaints.

- Paul Huard

Chocolay Township Board referred this back to the Planning Commission.

The Planning Commission Members stated that Mr. Huard needs to be present at the Planning Commission Meeting and needs to present a site plan as required.

Karen informed the Planning Commission Members that Mr. Huard will not be requested to pay the \$150 fee.

- Karen informed the Planning Commission that Dallas Peterson, Estelle De Vooght and Steve Kinnunen are registered for the Basic Planning and Zoning and Putting Zoning into Practice Workshop for August 22 & 23 at the Holiday Inn in Marquette from 8:30 a.m. to 4:00 p.m.

**PUBLIC COMMENT:**

Karen informed the Planning Commission that there may be a good possibility of being able to obtain the GIS System approved for next year.

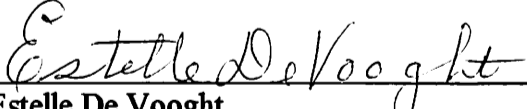
**INFORMATIONAL ITEMS & CORRESPONDENCE:**

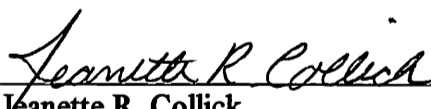
- A Correspondence from - Mark Maki - Update on Golf Course Violations.
- B. Correspondence from - Mary Jane Lynch - Home Occupation.
- C. Correspondence from - Linda Rossbery and Kim Smith-Potts - results of community needs assessment.

**ADJOURNMENT:**

There being no further business Dallas Peterson moved, Bill Sanders supported that the Planning Commission Meeting be adjourned. The Planning Commission meeting was adjourned at 9:50 p.m.

**MOTION CARRIED: 7-0**

  
 Estelle De Vooght  
 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 September, 1995.**

**There was no meeting scheduled.**

**CHOCOLAY TOWNSHIP PLANNING COMMISSION****MONDAY, OCTOBER 9, 1995****PRESENT:** Bill Sanders, Dallas Peterson, Mike La Pointe, Max Engle, Estelle De Vooght, Steve Kinnunen.**STAFF PRESENT:** Karen Chandler - Director of Planning & Research**OTHERS PRESENT:** Jeanette R. Collick-Recording Secretary, Betty Hill, Harold Pawley, Marla Buckmaster, Robert Mc Kee, Paul Huard, Mary Jane Lynch, Paul Capodelepo.**PUBLIC HEARING CALLED TO ORDER:****PUBLIC HEARING:**

Bill Sanders, Chairperson explained the process of the public hearing.

**REZONING #80 HOME OCCUPATION - CHANGE DEFINITION OF HOME OCCUPATION:**

Marla Buckmaster - 519 Lakewood Lane - opposed

- It would change the nature and character of the neighborhood.
- There are people opposed to businesses in residential areas.

Mary Jane Lynch - 271 Lakewood Lane - supports

- We can use more businesses.
- We need to compete with other townships.
- Important to have employment before you buy a building.

Betty Hill - 643 Lakewood Lane - against

- Invested in home in Chocolay Township this year.
- If this would be approved this would reduce property values.
- People don't want the noise, extra traffic, etc.
- Keep residential.

Harold Pawley - 643 Lakewood Lane - against

- Businesses should be kept in an area where it is zoned.
- Exceptional basis - people in the neighborhood should have a say.
- Decision shouldn't apply to the Township as a whole.

Mary Jane Lynch - 271 Lakewood Lane

- There would be two people working.

Bill Sanders and Estelle De Vooght read four letters into the record from:

- William Ralph - 345 Lakewood Lane - opposed to the change.
- Virginia Long - part-time resident - 729 Lakewood Lane -opposed.
- Betty J. Hill - 643 Lakewood Lane -opposed.
- James A. Hill -opposed.

There were no further public comment on Rezoning #80.

Bill Sanders closed the Public Hearing at 7:40. p.m.

**ROLL CALL:**

Roll call was taken with Bill Sanders, Dallas Peterson, Mike La Pointe, Max Engle, Steve Kinnunen and Estelle De Vooght present. Scott Emerson was absent.

**APPROVAL OF MINUTES OF AUGUST 14, 1995:**

Bill Sanders inquired if there were additions or corrections to the minutes dated August 14, 1995. There were none.

Mike La Pointe moved, Dallas Peterson supported that the minutes dated August 14, 1995 be approved as presented.

**MOTION CARRIED: 6-0.**

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

Bill Sanders inquired if there were any additions or changes in the agenda. There were none.

Bill Sanders moved, Max Engle supported that the agenda be approved as presented.

**MOTION CARRIED: 6-0.**

**PUBLIC COMMENT:**

Robert Mc Kee - 633 Lakewood Lane -

Inquired how the definition of residency got to allow small businesses.

It was inquired as to when this was in the ordinance? Was it prior to 1977? Karen will find out. Estelle stated it has been long standing that people need to earn extra money. Earned in their home occupations.

Paul Capodelepo reserved comment for accessory buildings discussion.

Bill Sanders inquired if there were any further Public Comment. There were none. Bill Sanders closed the first Public Comment section.

**OLD BUSINESS:****REZONING #77 - PAUL HUARD AMENDED APPLICATION:**

Karen stated that the Planning Commission has the amended application.

The Chocoley Township Board referred it back to the Planning Commission. The Board was concerned with relative issues and sewer hook up.

Karen referred to the memo dated October 9, 1977 to the Planning Commission regarding Rezoning #77 - Paul Huard.

Mr. Huard has twelve apartments and the ordinance calls for twenty-four parking spaces.

Board doesn't want to increase additional rental units.

The following comments were made by Mr. Huard:

- Presently there are seventeen vehicles and no place to plow snow.
- Parking lot is too close to the rentals.
- Thirty-six spaces would allow two spaces per tenant.
- Building has been updated inside and out.
- Presently there are only fourteen spaces.
- Thirty six spaces would also allow for visitors.
- Adding to West of the building for washers and dryers - possibly four, but will be hooked up to the Township Sewer for this building.
- Road will be double in width.
- The proposed 200 x 400 would connect to the first parcel.
- Apartment is R-3, rest of the parcel is R-2 and goes back to the Sicotte Subdivision.

The following questions/comments were made by the Planning Commission Members and the Director of Planning & Research:

- Extension of the road - 36' off the 100' for the road going out.
- It was required at a previous meeting that Mr. Huard provide a site plan.

- Rezoning is for R2 to R3. Mr. Huard plans to build a parking lot.
- There is enough room for a parking lot.
- Ordinance requires 24 spaces. Mr. Huard only has 14.
- Not planning on hooking the units up to the sewer.
- Township would be powerless to do anything if the parcel is rezoned as multi-family.

Mr. Huard drew a sketch on the black board on what he plans to do. He also showed where the septic and drain field were located. He also noted that it is the same type of drain field as Bell Memorial Hospital is using.

He has three sewer laterals on Willow Road beyond the 200' Sewer Ordinance requirement for hook-up.

Bill Sanders thanked Paul Huard for the explanation.

The following question/comments were made after the explanation and what is being planned.

- Planning Commission Members would like to see a site plan.
- You can't contract zone in a site plan.
- Karen was asked for her advise on the site plan. She stated you can't hold him to the site plan.
- Ordinance doesn't support a site plan for parking lots.
- The existing building meets the requirements in the ordinance.

After the above questions/comments were made the following motion was made.

Dallas Peterson moved, Max Engle supported that Mr. Huard consider 100 x 200 feet for a total square footage of 20,000. Less than required for additional buildings, yet enough for his parking lot. This rezoning would be a continuation of the current R-3 district in that area.

**MOTION CARRIED: 5-1.**

The above motion will be recommended to the Chocolay Township Board. Karen will inform Mr. Huard when this would be put on the Chocolay Township Board agenda.

It was a consensus to the Planning Commission to move New Business (A) Consider Rezoning #80 - Language change to Home Occupation before the balance of Old Business.

**NEW BUSINESS:**

**CONSIDER REZONING #80 - LANGUAGE CHANGE TO HOME OCCUPATION:**

Karen noted that copies of the following Townships home occupations were included:

Skandia, West Branch, Marquette and Sands Townships and the City of Marquette.

Sands Township gives the Zoning Administrator authority to approve home occupations. Chocolay Township gives the authority to the Zoning Board of Appeals.

It was inquired how many home occupations were in Chocolay Township? Karen will try to obtain an answer and get back to the Planning Commission as to how many home occupations are in Chocolay Township.

There are different types of home occupations, such as: beauty shops, selling insurance, office, dog grooming, etc.

It was inquired of Mary Lynch as to what type of home occupation she has. She makes caramel corn and chocolate. She has a licensed kitchen in her home.

The new definition would apply to anywhere in Chocolay Township. The definition change would allow one more person, other than the inhabitants.

The following questions and comments were made, both by representatives in the audience and the Planning Commission Members:

- Dog grooming businesses decrease property values.
- Signs advertising home occupations are in residential areas.
- When a business expands, the owner should invest in another building.
- Home occupations are subject to review every three years. You don't have to wait three years to complain on a home occupation.
- There is no way to enforce the policing of a home occupation.
- Business can grow slow and steady and be a good business.
- It is not primarily just another way for extra income.
- Residents want to remain residential.
- Can this be done on a case by case basis?
- Home Occupations is done by the Zoning Board of Appeals on a case by case basis.
- The Planning Commission was petitioned to change the ordinance, not a popularity contest.
- With low number of complaints on a home occupation, if there is a complaint then it should be looked at.
- Unfair to be on the defensive all the time.
- It was inquired on Mrs. Lynch's home occupation. Will the kitchen remain the same? Yes. The additional person is needed to make the chocolate and caramel corn. She sells and transports.
- Example was given that home occupations have no more transportation than some residents that have visitors.

Bill Sanders read Section 101 Definitions and the proposed language.

#### **SECTION 101 DEFINITIONS**

**HOME OCCUPATION**, means a use conducted entirely within an enclosed dwelling, but does not occupy more than one-fourth (1/4) of the total ground floor area of the dwelling unit, employs a maximum of one (1) person other than the inhabitants, thereof, is clearly incidental and secondary to residential occupancy, and does not change the character thereof. Specifically excluded is the storage and display of merchandise not produced by such home occupation, any activity similar to a generally recognized retail store or service establishment as permitted in any commercial district, any activity involving any building alteration, window display, construction features, equipment, machinery, or outdoor storage of which is visible from off the lot on which located.

The proposed language change being: employs a maximum of one (1) person other than the inhabitants.

The Zoning Board of Appeals requires that a person shows a hardship and this may be able to change. A business that would be adding another person wouldn't be showing a hardship.

Applications for Home Occupations are sent out to people within 300' of the business.

In Chocolay Township there only has been one in about three years that was not approved.

Mike La Pointe moved, Estelle Devooght supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the amendment to Section 101 Definition to the Chocolay Township Zoning Ordinance be denied.

#### **MOTION CARRIED 5-1.**

This recommendation would be recommended to the Township Board. Township Board can either agree or disagree with the Planning Commission's recommendation. It will be sent for review to the County Planning Commission before it goes to the Township Board.

#### **OLD BUSINESS:**

**DISCUSS FINAL DRAFT OF STRATEGIC PLAN - PRESENTATION SET FOR TUESDAY, OCTOBER 24 AT THE CHERRY CREEK SCHOOL 7:00 P.M.:**

The Township Supervisor or the Chairperson of the Planning Commission will read the Vision Statement of the Strategic Plan. Task Force people will also participate. Rita will be presenting an overlay.

The notice will be advertised in the stores, newspapers, community calendar, children that attend the Silver Creek and Cherry Creek Schools, Public TV 13, Bresnan Channel 8, and the various radio stations.

Planning Commission Members gave Karen written comments regarding the Strategic Plan.

Planning Commission thanked the Chocolay Watershed for being able to use the picture on the Strategic Plan.

**REPORT ON BASIC PLANNING & ZONING AND PUTTING ZONING INTO PRACTICE WORKSHOP HELD AUGUST 22 AND 23 IN MARQUETTE:**

It was noted that the workshop was very informative. Karen will be able to obtain information on various ordinances, etc.

**NEW BUSINESS:**

**CONSIDER LANGUAGE FOR BED & BREAKFAST:**

Karen noted that there was one bed and breakfast presently in Chocolay Township. The name is the Bayou Bed & Breakfast.

There has been some interest in the possibility of two more, one being on M 28 near Shot Point and the other being on Green Garden Road.

Karen presented the proposed language to the Township Attorney and he had no problem with the language.

The following comments were made regarding the Bed and Breakfast:

- Health Department requires inspections and licensing of the kitchen for more than eight bedrooms.
- Concern with the R-1 Districts - keep in RP and R2 Districts.
- People look in outlying areas, not commercial.
- Need to protect our residents.
- You can have up to three unrelated people living in your home now.
- Conditions could be: (1) pre-registered guests, (2) licensing by the Township Clerk, (3) enforcement.
- Most bed & breakfasts are in historical districts.
- Obtain more information from the American Planning Association.
- Could be more disruptive than person owning the apartment.
- More traffic.
- No knowledge of the neighborhood.

The Planning Commission agreed to table the proposed Bed and Breakfast language until they are petitioned by a request.

**CONSIDER MEMO FROM ZONING ADMINISTRATOR - ACCESSORY BUILDINGS IN RR-2 AND RP DISTRICTS.**

Following questions and/or comments:

- Original intent was requests for pole barns and/or garages allowed on five acre lots without residence on the lot first in the R2 and RP Zoning Districts.
- Businesses may request to build storage for materials, etc. without a residence.

Paul Capodelepo informed the Planning Commission that he is in a RP Zone. His intent was to build a three bedroom house, but financially cannot put up the residence at this time. He would like to put up a pole barn first.

In order to hook up power, he must obtain an address from the Zoning Administrator. Road should be named. He was given a temporary address of 902 Cherry Creek Road.

He is looking for the proper direction to go and is flexible.

He should apply for a Conditional Use Permit for a camp.

It was advised that he talk to a building inspector for basic safety reasons, etc.

The Planning Commission agreed unanimously that the language for accessory buildings in RR-2 and RP Districts be left as is and not accept the Zoning Administrator's recommendation.

#### **PLANNING DIRECTORS REPORT:**

Karen reported on the following:

- The GEM Groundwater Coalition meeting on Wednesday, October 4, 1995.
- Township will be in Court this week with Joe Gibbs.
- Karen will be attending the MSPO Annual Conference this week in Bellaire.
- An Economic Development Grant from Wal-Mart Corporation was awarded to Ivan Fende, Supervisor winner in the American Hometown Leadership Award program. The Township received this \$5,000 grant at their last meeting and placed it in an Economic Development Capital Improvements Fund.
- Superiorland Internet Training Center is now open at the Peter White Library.
- Karen would like to join the APA's Planning Advisory Services (PAS). Planning Commission still has \$500 in the professional services account. She contacted them for information on Bed & Breakfast's ordinances and they sent a very thorough review packet. The cost of this service to Chocolay Township will be \$420. The township is trying to make arrangements with the Marquette County Townships Association to purchase this service next year with our membership dues.
- Township is purchasing Windows and Word Perfect 6.1 for the computer system at the Township Hall.
- There will be a special township board meeting after the presentation of the strategic plan. The Planning Commission felt this would be beneficial to the Township.

#### **PUBLIC COMMENT:**

Estelle inquired about the upgrading of Little Lake Road. The one side of the road was stabilized.

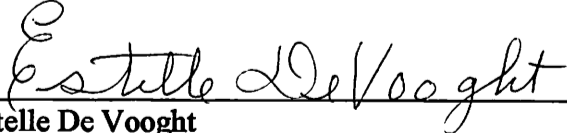
There being no further public comment, the last public comment section of the Planning Commission was closed.


#### **INFORMATIONAL ITEMS AND CORRESPONDENCE:**

- Correspondence from - MSPO - Workshop, County - Local Partnerships to protect groundwater, Grayling - November 14.
- Correspondence from - Michigan Rural Water Association - Workshop, Ishpeming - October 30.
- Correspondence from Mark Maki to Randy Gantz on golf course.  
This was on the site plan that was presented at the June Planning Commission.
- Handout material from GEM.

#### **ADJOURNMENT:**

There being no further business the Planning Commission Meeting was adjourned at 10:30 p.m.

  
 Estelle De Vooght  
 Planning Commission Secretary

  
 Jeanette R. Collick  
 Recording Secretary



**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
OCTOBER 24, 1995  
STRATEGIC PLAN MEETING**

The Chocolay Township Planning Commission and the Chocolay Township Board met on Tuesday, October 24, 1995 at the Cherry Creek School at 7:00 P.M. to consider the Strategic Plan. The Township Board meeting was opened by Ivan Fende At 7:00 P.M. The meeting was turned over to the Chocolay Township Planning Commission. Bill Sanders, Chairperson of the Chocolay Township Planning Commission opened the meeting at 7:05 P.M.

**PLANNING COMMISSION PRESENT:** Max Engle, Estelle DeVooght, Steve Kinnunen, Mike LaPointe, Bill Sanders, Scott Emerson.

**ABSENT:** Dallas Peterson.

Karen Chandler, Director of Planning and Research was also present.

**TOWNSHIP BOARD PRESENT:** Ivan Fende, Max Engle, John Greenberg, Don Wickstrom, Lois Sherbinow, Richard Bohjanen.

**ABSENT:** Arlene Hill

- 1) **OPENING STATEMENT & VISION STATEMENT - Bill Sanders**
- 2) **GOALS**

Community at Large

- a) Survey Community to assess acceptance of a community foundation & 'community center' concept - **John Renfrew**
- b) Develop a plan to communicate/educate people about planning goals and community issues - **Estelle DeVooght**
- c) Develop a promotional theme/campaign - **Estelle DeVooght**
- d) Create more community involvement activities - **Nheena Ittner**
- e) Form a committee to research/explore ways to work positively with the Keweenaw Bay Indian Community - **Steve Kinnunen**

Business Development

- a) Prepare a graphic representation of "The Vision" - **Ron Thorley**
- b) Define and implement development standards that will create our vision of a natural park-like business district with an identifying architectural theme that highlights the township's "natural" beauty - **John Weting**

Community Development

- a) Maintain the rural/natural landscape by preserving open space - **Bill Sanders**
- b) Earmark tracts of land for acquisition to fit with master plan. Include provisions for maintenance, tax support connectivity and green belt concepts - **Mike LaPointe**

Environment

- a) To inform residents, businesses and government about local environmental issues via an annual awareness/action day - **Chris Burnett**

Infrastructure

- a) Initiate a comprehensive recycling strategy - **Steven Kinnunen**
- b) Master plan, zoning ordinance and expanded infrastructure will reflect the "New Vision" of Chocolay - **Scott Emerson**

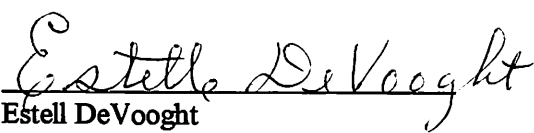
Implementation


- a) Review progress on the strategic plan in 6 months and 1 year to assess action - **Max Engle**

Rita Hodgins, MSU Community and Economic Development Agent spoke on the Chocolay Township Strategic Plan and its ability to assist future planning

The Planning Commission meeting was adjourned at 7:45 pm. By Chairperson Bill Sanders.

The Township Board meeting was recessed at 7:45 pm. By Ivan Fende. The Board will reconvene at 8:30 pm. On the Harvey groundwater contamination.

  
Estelle DeVooght  
Planning Commission Secretary

  
Mary L. Sanders, CMC  
Deputy Clerk

**CHOCOLAY TOWNSHIP PLANNING COMMISSION**

**MONDAY, NOVEMBER 13, 1995**

**PRESENT:** Bill Sanders, Dallas Peterson, Mike LaPointe, Max Engle, Steve Kinnunen, Estelle DeVooght (arrived at 7:40 p.m.), Scott Emerson (arrived at 7:45 p.m.)

**STAFF PRESENT:** Karen Chandler - Director of Planning & Research

**OTHERS PRESENT:** Jeanette R. Collick - Recording Secretary, LeRoy Blondeau, David Blondeau, Mark Maki

**PUBLIC HEARING:**

Bill Sanders, Chairperson explained the process of the public hearing.

**CONDITIONAL USE PERMIT #32 - CHOCOLAY DOWNS GOLF COURSE:**

Karen stated that Conditional Use Permit #32 was for the gazebo at the Chocolay Downs Golf Course.

Bill Sanders stated this was a supplement to the original use for a gazebo structure at the Chocolay Downs Golf Course.

Karen informed the Planning Commission that one person came into the office inquiring what this was about and she gave them a copy of the original application, but had not heard anything back from anyone else.

There was no further public comment on Conditional Use Permit #32

Bill Sanders closed the Public Hearing at 7:38 p.m.

**ROLL CALL:**

Roll call was taken with Bill Sanders, Dallas Peterson, Mike LaPointe, Max Engle and Steve Kinnunen. Estelle DeVooght arrived at 7:40 p.m. Scott Emerson arrived at 7:45 p.m.

**APPROVAL OF MINUTES OF OCTOBER 9, 1995 AND OCTOBER 24, 1995:**

Bill Sanders inquired if there were additions or corrections to the minutes dated October 9, 1995 and October 24, 1995.

Karen noted that the October 24, 1995 minutes had only one correction which on page 1 under 'Community at Large, item 2 (e) Form a committee to research/explore ways to work positively with the Keweenaw Bay Indian Community' instead of Jim Carter it should be Steve Kinnunen.

Max Engle moved, Bill Sanders supported that the minutes dated October 9, 1995 and October 24, 1995 be approved as corrected.

**MOTION CARRIED: 5-0.**

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

Bill Sanders inquired if there were any additions or changes in the agenda. It was suggested that under New Business, A. Discussion on Site Condo - LeRoy Blondeau be moved before Old Business.

Mike LaPointe moved, Dallas Peterson supported that the agenda be approved as changed.

**MOTION CARRIED: 5-0.**

**PUBLIC COMMENT:**

Bill Sanders inquired if there were any further Public Comment. There were none. Bill Sanders closed the first Public Comment section.

Estelle DeVooght arrived at 7:40 p.m.

**NEW BUSINESS:**

**DISCUSSION ON SITE CONDO - LE ROY BLONDEAU:**

Karen informed the Planning Commission that Larry, Mark, and she went over the conditions from the private road request # 8 and the Site Condo Development prints, dated November 10, 1995.

The following were concerns:

- #8 - That a cul-de-sac easements be placed at the end of the road as per County Road Commission detail.

There was concern regarding a T as opposed to the round cul-de-sac. Maybe it should be passed along to the Fire Department or write to Bob Menard, County Road Commission and have him look at it. The County Road Commission doesn't have jurisdiction over private roads, but one of the conditions it does say that a cul-de-sac be put in according to the County Road Commission details.

- All the lot sizes seem to be in compliance with the Zoning Ordinance.
- The bridge design be certified by an engineer as to its weight capacity and that the bridge's weight capacity not be less than 80,000 pounds.

At present there is only one home there, but if more were going to be developed there's more need for emergency services and we need a certified copy of the bridge design and capacity.

- The State Condo Acts requires that the Master Deed be filed with the Supervisor. It was suggested that copy also be filed with the Planning Commission.

Questions and comments were as follows:

- Why the T as opposed to the round cul-de-sac?

Wanted to preserve some trees and by putting a T cul-de-sac in instead of a round cul-de-sac, some trees would be able to be preserved.

- Would emergency vehicles be able to turn around?

There would be no problem for trucks, school buses, or emergency vehicle to turn around.

It was suggested that the Fire Department take a look at the private road to be sure that emergency vehicles would be able to turn around without a problem.

- Mr. Blondeau informed the Planning Commission that he has obtained all the necessary permits from the County Health Department for the well and septic.

Scott Emerson arrived at 7:45 p.m.

- T cul-de-sac was on the original set of plans for the private road.
- Bridge Certification was a requirement for the private road.
- Are there any plans for dealing with the land that joins the river? Each property owner will deal with the land joining the river.
- Bob Cambensy will provide the township with the necessary documentation.

**OLD BUSINESS:****CONSIDER CONDITIONAL USE PERMIT #32:**

Bill Sanders stated this would be a supplemental hearing for Conditional Use Permit #32.

The reason for the supplemental hearing was that the motion never stated the reason why the Planning Commission denied the original request. We either need to supplement that motion by giving our reasons or change the motion.

The following were comments and questions regarding the Conditional Use Permit #32:

- Mr. Gibbs never responded to the questions that the Planning Commission specifically addressed in the letter of September 12, 1994.
- It was stated that according to the township attorney's letter dated October 11, 1995 to Mr. Gibbs' attorney that it was his understanding that Mr. Gibbs' voluntarily installing the monitoring is conditioned upon the Township granting to him whatever approvals may be necessary in order to enable him to complete his gazebo. In the same letter it was also stated that one of the conditions that would be recommended would be that the permit will not become effective unless the monitoring wells are installed and operational in accordance with Health Department recommendations within forty-five days; and, if those wells are not so installed within that period of time, the conditional use permit would be null and void.
- There was also a letter from Mr. Gibbs' attorney placed on file.

After the comments and discussion between the Planning Commission and Township staff, the following motion was made:

Mike LaPointe moved, Bill Sanders supported that Conditional Use Permit # 32 for the addition of a gazebo to Chocolay Downs Golf Course be approved with the following conditions:

- 1) That the permit will not become effective until the monitoring wells are installed and operational, in accordance with Marquette County Health Department recommendations, by December 5, 1995 and if those wells are not so installed within this period of time the conditional use permit would be null and void.
- 2) The Best Management Practices as printed by the DNR for Michigan Watershed/with the golf course supplement will be followed.
- 3) No alcohol will be consumed at the gazebo.
- 4) The gazebo will be operational only during daylight hours.
- 5) Proper screening be established to make the cart storage facility and the gazebo generally inconspicuous from the adjacent land uses.

**MOTION CARRIED: 7-0.**

**DISCUSSION ON BMP'S FOR GOLF COURSES:**

Karen informed the Planning Commission that the information provided in the agenda packet for Best Management Practices (BMP) is the information that she obtained that would be suitable for golf courses which are:

1. Fertilizer Management
2. Pesticide Management for Turfgrass and Ornamentals
3. Application Calculations and Calibration

The Planning Commission unanimously agreed that the Township follows the Best Management Practices (BMP) for any golf course in the Township.

It was also stated that when these are updated/revised for golf courses that the Township will have these available.

A letter to Randy Gentz dated August 29, 1995 from Mark Maki and another one dated November 8, 1995 were discussed.

Karen informed the Planning Commission that she went through the letter and looked at the minutes and some of the questions in the letter to Randy were answered.

She also has a copy of the site plan that Randy brought to the Planning Commission Meeting in July 1995. It is different that what he submitted in 1991 when he first came in.

It was stated that Randy changed it because of the wetlands and had to design the golf course around the wetlands.

The Planning Commission agreed that the site plan presented in July 1995 developed by Bills/Childs Associates, P.C. dated June 8, 1992 is the one that the Township work with.

BMP's address questions #3 and #5, questions number (3) Estimate contaminant loading amounts and number (5) Establish base line information on the chemical properties of the soil and groundwater to be used for determining changes in the levels of contaminants.

It was inquired what Randy Gentz is supposed to provide to the Township? It was stated that he should be documenting the samples and have a record of these according to the BMP.

It was stated that the Planning Commission waived the installation of the monitoring wells until he opened the golf course.

It was decided that the Planning Commission write Randy a letter to provide and clarify that the following items are being done on his golf course.

1. To follow the BMP base line data.
2. Sample water testing according to the Health Department regulation on his personal well.
3. Water usage estimates.
4. Clarification on pro shop and club house. Original plan call for a pro-shop and the revised plan calls for a club house. Are they the same thing?

Karen stated that another question she had was that Mark thinks that the Planning Commission is requesting that the road be paved. That was a recommendation from the County Road Commission. But was inquiring if that was a part of the Planning Commission's request. Mark referred to the letter from the Marquette County Road Commission of April 1, 1991.

#### **NEW BUSINESS:**

#### **DISCUSSION ON CHOCOLAY RIVER ACCESS:**

Bill Sanders inquired if this was a DNR project? Karen stated she was under the impression that the DNR was coming to the Township.

The site on Green Garden Road was a low priority, not the site that the DNR was talking about at present.

There were some questions at a Township Board Meeting whether or not we would want to include the DNR property in our Recreation Plan and make a decision on what the priority would be.

It was inquired if we would need a public hearing to add this to the Recreation Plan.

We could add this as a non-township source of recreation. We should inquire ways to team up with other agencies to improve recreation areas. Also inquire monies for grants, etc. resources for recreation should be considered.

It was suggested that Karen correspond back to the Board that this site would be discussed when the Recreation Plan is being reviewed in January.

**DISCUSSION ON OFF-PREMISES SIGNS IN C-1 DISTRICT:**

Karen informed the Planning Commission that Jeff Glass came into the office to obtain permission to put a sign advertising Gitche Gumee Campground on his father's property on Kawbawgam and M 28.

At one point we were talking about rezoning some of the property on Kawbawgam and M 28.

It was noted that the majority of the land use was residential. A public hearing needs to be done to get this resolved.

The citizens are the ones that want the rezoning too residential.

The office building on M 28 and Kawbawgam would then become non-conforming.

It was commented that multiple small signs advertising the campground may be better than one big sign.

It was suggested that Gitche Gumee Campground have a logo and then try to get the Department of Transportation blue signs with the logo on it.

**DISCUSSION ON MEMO'S FROM MARK MAKI:**

1. **Zoning Ordinance Amendments**
2. **Pole Barn & Garages in RR-2 & PR**
3. **Proposed Private Road "Deer Trail:**

Comments regarding pole barns & garages:

Mark informed the Planning Commission what is happening throughout the county is that people want to put up storage buildings, barns, garages to house the building materials and equipment as they are building their home site. It isn't so common in subdivision because typically when someone buys a lot in a subdivision, everything is put up at once.

When someone purchases a forty-acre lot, they may have a long range plan to develop it, but need something to store their materials and equipment. They need an address for their utilities, etc.

Chocoy Township Zoning Ordinance presently states you can't build an accessory building before your principal structure is on the site.

In the farming districts and rural areas it wouldn't be so uncommon because it would be similar to camps.

He commented that it may be more proper for the Planning Commission to make these decisions instead of the Zoning Board of Appeals. The Zoning Board of Appeals is supposed to be granting variances.

The Planning Commission could treat this as a conditional use and could probably put restrictions and also possibly a time limit on when the home site would have to be built.

Also, notifications are sent to the adjacent property owners.

Mini warehouses would not be allowed.

Comments regarding Zoning Ordinances changes:

Karen commented on Mark's memo regarding the zoning amendment changes discussed in May of 1995 by the Planning Commission to resolve a number of outstanding Zoning Amendment issues. She spoke with Ivan Fende, Township Supervisor regarding a joint meeting with the Planning Commission and the Township Board and he seemed to think that it probably wouldn't take place until at least January.

Some of these issues have been long term and we need to sit down, discuss, and group these. The Planning Commission has sent recommendation after recommendation to the Board and they send them back to the Planning Commission with little or no direction as to exactly what direction they want the Planning Commission to go.

Comments regarding Signs for Golf Courses:

About six months ago language was sent to the Township Board and they referred it back to the Planning Commission and it never got resolved.

It was commented that one word was to be clarified. The Planning Commission did clarify this was for the Golf Course, but apparently the wording never got back to the board.

Karen will check through the minutes on this wording.

Other changes that went back from the Township Board to the Planning Commission were the height requirement and one structure per lot language.

Comments on "Deer Trail":

It was inquired as why this was a trail and not a private road. Karen informed the Planning Commission that the private road requirements are not addressed in the RP and OS District.

This particular request ends up to be four established parcels for building sites. They are there and are building on them. The addresses are off Cherry Creek.

Karen informed the Planning Commission she will ask to Mark about why road frontages were not being required in the RP District.

Comments regarding the height requirement were discussed. It was suggested that we inform the Township Board that this is the fourth time this has come back to the Planning Commission and request from the Township Board exactly what do they want to be done on this?

Karen informed the Planning Commission that this was published, but then there was a problem with the Fire Department and we're waiting for their response to come back and then this will be taken back to the Township Board for their adoption. There was a question on the 30' height.

#### **PLANNING DIRECTOR'S REPORT:**

- 1) I attended the MSPO Annual Conference in Bellaire during October. The theme of this year's conference was "Vision Equals Reality." One major presentation was the "Michigan's Trend Future - Patterns on the Land - Our Choices-Our Future." I have the working papers for the ten of the eleven topics and I've included a handout for each of you. If you'd like to review each of the working papers, I have them on file and can lend them out for review.
- 2) I received information on Friday for a workshop titled "Anatomy of a Development." If anyone would like to go, please let me know.



- 3) Ivan Fende had reviewed the language proposed for the Bed & Breakfast that we discussed last month. He reported in his Supervisor's Report to the Township Board that the Planning Commission had reviewed the wording and decided to wait to be petitioned before working on the Bed & Breakfast amendment. The Board agreed to ask the Planning Commission to consider working on the amendment. I have copies for each of you on the "Bed & Breakfast Facilities - Zoning Controls" published by the Professional Association of Innkeepers International.
- 4) I will be meeting with CABA members on Wednesday morning to discuss the Strategic Plan. This is their regular monthly meeting held at Wahlstrom's at 7:30 a.m. I have prepared a list of committees and those who have signed up. Copies have been made for each of you.

**PUBLIC COMMENT:**

Karen informed the Planning Commission that the Fire Department's annual Santa Christmas party will be December 10, 1995 from 3:00 p.m. until 5:00 p.m.

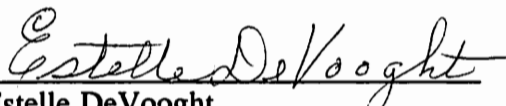
There being no further public comment, the last public comment section of the Planning Commission was closed.

**INFORMATIONAL ITEMS AND CORRESPONDENCE:**

- A. Correspondence from - MTA - attempts to disrupt meetings
- B. Correspondence from - Mark Maki - Strategic Plan/Comments - height amendment/definition of height
- C. Correspondence from - Stephen D. Dice - on "Chocolay plans for it's future."

**ADJOURNMENT:**

There being no further business the Planning Commission Meeting was adjourned at 10:15 p.m.

  
 Estelle DeVooght  
 Planning Commission Secretary

  
 Jeanette R. Collick  
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, DECEMBER 11, 1995**

**NO PUBLIC HEARING**

**REGULAR MEETING CALLED TO ORDER:**

Bill Sanders, Chairperson called the Regular Meeting to order at 7:33 p.m.

**ROLL CALL:**

Roll call was taken with Bill Sanders, Mike La Pointe, Max Engle and Estelle De Vooght present.

**ABSENT:** Steve Kinnunen, Dallas Peterson and Scott Emerson.

**STAFF PRESENT:** Karen Chandler - Director of Planning & Research

**OTHERS PRESENT:** Jeanette R. Collick-Recording Secretary

**APPROVAL OF MINUTES OF NOVEMBER 13, 1995:**

Bill Sanders inquired if there were additions or corrections to the minutes dated November 13, 1995. Estelle DeVooght moved, Mike La Pointe supported that the minutes dated November 13, 1995 be approved as presented.

**MOTION CARRIED: 4-0.**

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

Bill Sanders inquired if there were any additions or changes in the agenda?

Karen requested that the Planning Commission look at Conditional Use Permit #32 under Old Business.

Max Engle moved, Mike La Pointe supported that the agenda be approved as changed.

**MOTION CARRIED: 4-0.**

**PUBLIC COMMENT:** Bill Sanders inquired if there were any further Public Comment.

Karen informed the Planning Commission that Rita Hodgins will be holding a meeting on Tuesday, December 12, 1995 at 7:00 p.m. at the Chocoy Township Hall for an evaluation of the Mining Journal. CABA, 5 or 6 staff members, Board Members will be present. The meeting will last about one hour. She urged the Planning Commission Members to attend if they were interested.

There was no further Public Comment.

**OLD BUSINESS:**

**DISCUSSION ON REZONING AT M-28 AND KAWBAWGAM ROAD:**

Karen went over the information from her memo to the Planning Commission dated December 7, 1995. She noted that in March of 1991, Steve Blondeau wanted to rezone the corner parcel from C-1 to C-2. This request was denied.

In October 1991, Judd Johnston requested the rezoning of several lots from C-1 to R-3. The Planning Commission members at that time were leaning to R-1.

The following questions and comments were made:

- Eliminate spot zoning.
- Class A Status would be automatic.
- There was a concern regarding the motel/apartment building being non conforming and would burn down would they be able to build again? It was required that Karen would find out this information and report back to the Planning Commission.

- In reviewing the notes there didn't seem to be a problem with turning the Township property on M 28 from C-1 to R-1, but looking at the corner property and the other R-3 property there may be.
- On the corner property of Kawbawgam & M 28 there has been a stop work order.
- The residents don't want it rezoned too commercial. They want the entire area R-1.
- With nonconforming what percentage has to take place if the building was destroyed, such as fire to rebuild. Karen will check and report back to the Planning Commission members.

After discussion on the above topic it was decided that a Public Hearings be held in May 1996.

#### **DISCUSSION ON HEIGHT OF ACCESSORY BUILDINGS:**

Karen stated that at this time the language regarding the height of accessory buildings was still between the Fire Department and the Township Supervisor.

A representative from the Building Codes Department was in last week and don't see a problem with the height the way they would interpret our zoning ordinance.

The following questions and comments were made on the language for the accessory buildings:

- The 14' height has been Mark's interpretation and that is also what the Zoning Board of Appeals has ruled on.
- The language is foggy in our ordinance on what the height is for accessory buildings.
- The problem that comes in with the Fire Department at this point is because we would be changing the definition of height to average height, then not only your accessory building, but any building could be higher than what they may be able to approach.
- Building Codes has suggested that we add "the grade" as a definition and not horizontal slope.
- What if we added and no building should exceed the height of 30'? This way we could have the definition of average height with the stipulation that no building exceed 30' from grade to top of the building.
- It was also suggested that the accessory building height conform with the existing building (home).
- The word that the Board has trouble interpreting is average height. It was requested of the Township Board to be specific to exactly what they wanted the Planning Commission to write into the ordinance when they send it back and they haven't done that.
- It was requested that Karen check to see if the Township Board sent the height language back to the Planning Commission.
- If it was sent back to the Planning Commission then change the average height definition to no building can exceed 30' from the lowest grade to top of the building.
- The point of the height definition was to allow a garage to have a steeper roof to blend in with the house.
- If this has not been requested to go back to the Planning Commission, let the language go as is.
- This language has been published once. It needs at least four votes to pass. There was a quorum present at the Board Meeting to have this published. It has not been adopted.

#### **DISCUSSION ON MEANING OF RESORT VS BED AND BREAKFAST:**

Karen informed the Planning Commission that Bob Johnson, North Big Creek Road will be applying for a Conditional Use Permit. He came in and talked to Mark regarding a Zoning Compliance for a Bed and Breakfast, Mark informed him that we do not have a Bed & Breakfast.

Karen informed the Planning Commission that we do have resorts in RP District and Mr. Johnson is in Resource Production District, which consist of 20 acres or more.

Karen wanted to inform the Planning Commission that Mr. Johnson would be back with a Conditional Use for a Resort.

In the information that was presented to the Planning Commission on Bed & Breakfast at the November meeting, there is mention of Bed & Breakfast being a boarding house. Chocolay Township has no boarding house definition.

With Bed & Breakfast you can serve food, in resorts you cannot serve food. You would allow them to bring their own food in and prepare it in their kitchen. Our definition doesn't read this way. It is the health department's language.

Mr. Johnson doesn't want the license to serve food.

Resort is recreational, such as fishing etc.

Karen also reported that a lady on M 28 in a LS/R District would probably want a Bed & Breakfast. She could probably apply for a Resort as long as it meets the conditions of a resort.

In a LS/R District a resort could be applied for with conditions as long as it meets the conditions of a resort and it doesn't interfere with the surrounding land use.

Karen read the definition of a resort in various districts. Karen will meet with Mark and obtain his interpretation of a resort. It was commented that if restrictions are written out, it is better for both parties concerned.

#### **DISCUSSION ON RECRUITING MEMBERS FOR COMMITTEES:**

Karen informed the Planning Commission that Rita Hodgins is working on getting information from Ball State University on the expertise in visioning graphics. Once this process is started, the spark on interest will begin again. Finding a visual picture of Chocloy Township and our vision should start the other groups in the plan.

The cost for this would be from \$6,000 to \$10,000. We have about half the cost. Some of the topics that could be done by this committee could be the following:

- Map of Zoning Districts
- Graphics of buildings in commercial districts
- Landscape ordinance
- Water System
- What types of business are going to come in?
- Strategic Plan
- Will give use direction

#### **CONDITIONAL USE #32 - CHOCOLAY DOWNS:**

Karen informed the Planning Commission she met with Mark Maki, Harley Andrews and Mike Farrell last Friday for about one hour.

Harley informed her that the attorneys signed a court document that the monitoring wells will be in place by March 5, 1996. If the monitoring wells were not in by March 5, 1996, Mr. Gibbs would be in contempt.

She talked with Harley and he had asked if we could extend the action that took place at the Planning Commission in November 1995.

Estelle De Vooght moved, Bill Sanders supported that we do not extend the action that took place at the November 1995 Planning Commission on Conditional Use #32.

#### **MOTION DENIED: 1-3.**

Max Engle moved, Mike La Pointe supported that we extend the action that was taken the November 1996 Planning Commission regarding Conditional Use #32 from December 5, 1995 to March 5, 1996.

#### **MOTION CARRIED: 3-1.**

#### **NEW BUSINESS:**

##### **DISCUSSION ON MEETING DATES FOR 1996:**

The Planning Commission Members agreed unanimously that the meeting dates of the Planning Commission be held on the second Monday of each month for 1996.

**PLANNING DIRECTOR'S REPORT:**

Karen presented the following for the Planning Director's Report:

- 1) Met with CABA members on November 15. Rita Hodgins also attended. It was suggested a copy of the plan with an appendix (the outcome of all meetings) be distributed throughout the Township.
- 2) The Township has been encouraged to participate in the CABA Quarterly, which is one goal in our strategic plan.
- 3) We have received our membership information papers to PAS. As soon as possible, I will be working to get our first reports from them using our prioritized list of projects.
- 4) I have been in contact with MSPO, Executive Director David Downey about the Grass River Wetland Area near Traverse City. This area has been developed by a nonprofit corporation and the same concept should be looked into here to preserve our riverfront or bayou properties.
- 5) Rita Hodgins has been in contact with Ball State University about their community charrette's addressed in our Strategic Plan. The University planning staff would meet with Township officials in a pre-meeting conference to prepare for the charrette. After that meeting, they bring facility and students. They stay with area families, go to churches, eat at local restaurants and also prefer to have lunches made by the members of the community. This must be a local effort. The earliest they can meet with us would be May. The cost is between \$6,000 and \$10,000.

**PUBLIC COMMENT:**

There was a discussion on a house on Little Lake Road. It was brought to the Planning Commission's attention that this house was placed in a high area. There was a Zoning Compliance Permit issued. It was suggested that Karen check with the Health Department on the drain field, septic, etc.

There being nor further public comment, the second public comment section of the Planning Commission was closed.

**INFORMATIONAL ITEMS AND CORRESPONDENCE:**

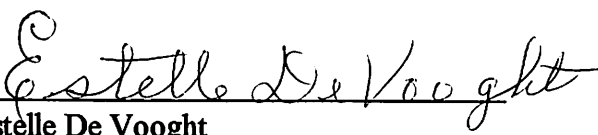
- A. Correspondence to - Mark Maki - memo w/letter to Randy Gentz.


It was asked if Mark was clear on information regarding Randy Gentz? He has not heard from Randy yet. It was stated by members of the Planning Commission that Mark is treating both golf courses the same. Randy was given permission on some of the items, but Joe was not. They are both different. Both of the golf courses are to follow Best Management Practices.

- B. Correspondence from - MSPO - Managing Traffic in Your Community. UP coordination efforts. Need to get more involvement and interest in the area.
- C. Correspondence from - Peter White Public Library - on upcoming INTERNET training center classes.

**ADJOURNMENT:**

Mike La Pointe moved, Bill Sanders supported that the Planning Commission meeting be adjourned. The Planning Commission Meeting was adjourned at 9:20 p.m.

  
 Estelle De Vooght  
 Planning Commission Secretary

  
 Jeanette R. Collick  
 Recording Secretary