

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, JANUARY 13, 1996**

**PRESENT:** Mike La Pointe, Max Engle, Bob Whitaker, Steve Kinnunen  
Scott Emerson (arrived at 7:38 p.m.), Bill Sanders (arrived at 8:35 p.m.)

**ABSENT:** Estelle De Vooght

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

**OTHERS PRESENT:** Jeanette R. Collick-Recording Secretary, Brian St. Pierre, Ann St. Pierre, Le Roy Blondeau, Lee Blondeau.

**PUBLIC HEARING:**

Mike La Pointe, Chairperson, called the Public Hearing to order at 7:31 p.m.

**REZONING #87 - SEMI-TRAILER STORAGE:**

Karen Chandler, Director of Planning & Research informed the public present and Planning Commission that this is a Text Amendment change and refers to the storage of goods and materials in a semi-trailer.

Mark Maki commented that the language change was supposed to include outdoor storage, not just semi-trailer. He distributed a memo concerning these comments to the Planning Commission, which has been placed on file.

Le Roy Blondeau inquired if licensed semi-trailers were included? Karen informed him the intent was for storage, and not licensed trailers. A licensed trailer could be for temporary storage, but not as a permanent storage structure.

It was inquired what is the time limit for temporary storage? It was commented that the interpretation would be made by the Zoning Administrator.

Scott Emerson arrived at 7:38 p.m.

Karen read the following into the record:

**SECTION 107 - ACCESSORY USES AND STRUCTURES**

- (C) Semi-trailers as used for storage are permitted as an accessory to commercial use with a conditional use permit. The Planning Commission will require screening, buffering, or modification of the external surface of the semi-trailer to limit or eliminate the visual impact on adjacent properties, and shall prohibit advertising and signage on semi-trailers. The Conditional Use Permit must assure that the use of semi-trailer storage does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance.

Mike La Pointe inquired if there were any further public comments regarding Rezoning #87? He informed everyone present that this would be discussed during New Business. There were no further comments regarding Rezoning #87. Mike La Pointe closed the public hearing section for Rezoning #87.

**REZONING #88 - TEXT AMENDMENT - DEFINITION OF AUTO BODY REPAIR SHOP:**

Karen Chandler, Director of Planning & Research informed the public present and the Planning Commission that this is a Text Amendment change and means a collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.

Mark Maki made comments and submitted a memo to be placed in the file for Rezoning # 88.

Mike La Pointe inquired if there were any comments regarding the Rezoning #88. There were none. The Public Hearing for Rezoning #88 was closed.

**REZONING #89 - HOME OCCUPATIONS:**

Karen Chandler, Director of Planning & Research informed the public present and the Planning Commission that this is a Text amendment regarding the definition of Home Occupations. The Zoning Board of Appeals requested to change the definition to allow for Home Occupations in accessory buildings and to remove standards from the definition and add to Section 107.

Mike La Pointe inquired if there were any comments regarding the Rezoning #89. There were none. The Public Hearing for Rezoning #89 was closed.

**CONDITIONAL USE #41 - BRIAN & ANN ST. PIERRE:**

Karen presented an overlay concerning Conditional Use #41 and the land that was proposed for the Auto Body Repair Shop.

Mike La Pointe inquired if the applicants had any questions or comments. The applicants reserved comment when this would be discussed in the regular meeting.

Mark Maki inquired if the fire department, police department, state highway department had any comments. He also informed everyone present that a site plan showing location of building and/or parking should be developed and presented.

Applicants inquired on how many parking spaces would be required? The Director of Assessing and Zoning informed them depending on the number of employees.

Mike La Pointe inquired if there were any questions and/or comments regarding the public hearing for Conditional Use Permit #41. There were no further questions or comments regarding Conditional Use Permit #41. Mike La Pointe closed the public hearing section of the Planning Commission meeting.

**REGULAR MEETING CALLED TO ORDER:**

Mike La Pointe called the Regular Planning Commission Meeting to order at 7:50 p.m.

**ROLL CALL:** Roll call was taken.

**PRESENT:** Mike La Pointe, Steve Kinnunen, Bob Whitaker, Max Engle present. Scott Emerson (arrived at 7:38 p.m.), Bill Sanders (arrived at 8:35 p.m.).

**ABSENT:** Estelle De Vooght.

**APPROVAL OF THE MINUTES OF DECEMBER 9, 1996:**

Mike La Pointe inquired if there were any additions and/or corrections to the minutes dated December 9, 1996? There were none.

Scott Emerson moved, Steve Kinnunen supported that the minutes dated December 9, 1996 be approved as presented.

**MOTION CARRIED: 5-0**

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

Mike La Pointe inquired if there were any additions and/or changes to the agenda?

It was suggested that under New Business Items A-D be moved before Old Business.

Bob Whitaker moved, Scott Emerson supported that the agenda be approved as changed.

**MOTION CARRIED: 5-0.**

**PUBLIC COMMENT:**

Mike La Pointe inquired if there was any public comment.

Le Roy Blondeau asked about the possibility of signs being posted for snowmobilers to yield on U.S. 41 in the commercial district? It was commented that possibly the Trails Committee could contact the snowmobile club to the possibility of putting up the signs. It was also commented that CABA be contacted for signs to be posted.

Mr. Blondeau commented that he wasn't against snowmobiles being in the commercial district, but some enforcement needs to be done. It was suggested that a letter be written to CABA and a copy be sent to the trail's committee that the Planning Commission addressed this issue and that signs need to be placed in the commercial district regarding snowmobiles.

Mike La Pointe inquired if there were any further Public Comment. There was none. The first Public Comment section of the meeting was closed.

#### **OLD BUSINESS:**

#### **CONSIDER CONDITIONAL USE #41 - BRIAN & ANN ST. PIERRE:**

Mike La Pointe inquired if there were any questions and/or comments regarding the proposed Conditional Use #41?

The following questions and/or comments were made regarding Conditional Use #41:

- Needs a more detailed site plan for a Conditional Use.
- Traffic lanes, parking area, lot lines and proper measurements need to be shown.
- Lot lines, and building where building sets needs to be shown on the site plan.
- Measurements need to be defined.
- The chairperson read a memo from Mark Maki concerning some of the comments regarding C-2 zoning District. This memo was placed on file with the Planning Commission agenda file.
- As a Conditional Use - various uses could be controlled.

After discussion and comments, the following motion was made:

Scott Emerson moved, Bob Whitaker supported that Conditional Use #41 - Brian & Ann St. Pierre be tabled until a site Plan is obtained.

**MOTION CARRIED: 5-0.**

#### **MEMO FROM - MARK MAKI - ZONING ADMINISTRATOR**

**(1) Meat Market at Varvil Center; (2) Zoning Report; (3) Zoning Trails; (4) Conditional Use Requirement**

Mike La Pointe went over the above memo from the Zoning Administrator regarding the above topics:

The following comments were made: Zoning Trails:

- As trails get developed, check the zoning districts and conditional uses. Karen will research and check with other entities and see what they are doing.
- Mark Maki believes that Marquette Township included language in their zoning ordinance regarding trails.
- Trails Committee come up with recommendation where trails are.
- Needs language in the zoning ordinance.
- A snowmobile trail mapped out - such as - M-28, Ridgewood Subdivision.
- Residential area - low speed - buffering.
- It was suggested that when Karen researches what other entities are doing regarding trails, etc., that PAS, Northern Wisconsin, Gaylord, etc. be contacted and gather information and see what problems, solutions if any have occurred.
- Trails Committee will be meeting on a month to month basis.
- Possible information be obtained and discussed before the next snowmobile season.

#### Conditional Use Permits:

- It was commented that when a motion is made and there are steps to be considered, that the steps and conditions be included in the minutes.
- Also give reasons why it was approved or denied.
- The Zoning Ordinance requires this to be done.

Bill Sanders arrived at 8:35 p.m.

**Priority Ranking - comments by Zoning Administrator.**

- **(Kennels):** Kennels are permitted by right in the RP Zoning District. There is potential for 50 musher dogs on the 5 acre lots which were grandfathered when the ordinance was adopted in 1977.
- **(Pole Barns & Garages):** On occasion there is a need for storage before a house is built. Zoning Board of Appeals hasn't had any problem with this as of yet.
- **(Office District Parking):** Some are very small. Suggestion for larger parking.

**NEW BUSINESS:**

**CONSIDER RESPONSE TO COUNTY PLAT BOARD:**

Zoning Administrator brought the Planning Commission up-to-date regarding his memo - dated January 7, 1997 to the Planning Commission which was included and placed on file in their agenda packet regarding Possible Plat Law Violation/Varvil Center.

The land has been subdivided into too many lots, thus requiring platting. The County Plat Board is looking into the matter. This development, with its inadequate setbacks and numerous buildings on one lot which now have become split, is an example of problems with many buildings on one lot. They often end up being problematic and usually end up with buildings on lots which do not meet the zoning ordinance requirements when subdivided.

Steve Kinnunen moved, Scott Emerson supported that the Planning Commission send a letter to the County Plat Board requesting them that they require Mr. Varvil to plat the land in accordance with the Subdivision Control Act, as would be required by any other developer in the Township.

**MOTION CARRIED: 6-0.**

**CONSIDER SENATE BILL 112:**

Karen informed the Planning Commission that the township received a 12 page fax regarding information on SB 112. The Michigan Township Association recommends that letters be sent to the Governor to veto SB 112. After discussion and comments regarding SB 112 the following motion was made:

Scott Emerson moved, Steve Kinnunen supported that a letter be sent to request that the Governor veto SB 112 as currently written for the following reason:

1. You support real reform of the SCA to halt unnecessary destruction of agricultural and forest lands as proposes by the Governor's Agriculture and Development Task Force.
2. You commend all the stakeholders and bill sponsors in the House and the Senate for all the work they put into designing reform measures, **but**
3. You oppose SB112 as passed and urge the Governor to **VETO** the bill.
4. Urge the Governor to support real reform of the SCA which: eliminates 10.1 acre and bowling alley lots, permits local government review of all land divisions for conformance with local zoning and related regulations, eliminates unnecessary new driveways, and results in no more exempt divisions that are allowed under the current SCA.
5. Address your letter or fax to the Honorable John Engler, Governor, State Capitol, P.O. Box 30013, Lansing, MI 48909; FAX (517-335-6863).

**MOTION CARRIED: 5-1.**

**OLD BUSINESS:**

**DISCUSS PRIORITY LISTING FOR JOINT MEETING:**

1. Ask Township Board to hold public hearing on Rezoning at Kawbawgam and M-28. Kawbawgam Area was discussed years ago. Some Board member may not recall this being discussed. Board needed to know the public's input. We need better communication between the Planning Commission and the Township Board. The Planning Commission wants the Board to know how they felt.
2. Commercial Access Control - What is going on with the recommendation on hiring a consultant for the M-28/U.S.41District?

3. Site Condo Ordinance and Site Plan Review - Letter to Harley Andrews that this is to be discussed at the February 10, 1997 Planning Commission Meeting.
4. Varvil Center - consider rezoning to either R-1, C-1, C-2 or mix with C-3 upon review of environmental assessments. Discuss this at the joint meeting - also take care of the meat market - should it be zoned as is? A closer look and try to solve the problem. Possibly talk to Dana Varvil regarding selling, etc. Specialty meat market in C-3 Zoning District
5. Strategic Plan - committee formation - Areas that are being addressed.
6. Zoning Ordinance Amendments needed as per Zoning Administrator - (1) Pole Barns & Garages in RR-2, RP and OS districts; (2) Office District Parking; (3) Kennels - Above discussion by the Zoning Administrator.
7. Logo Contest - Set up committee, criteria. Spirit of Chocolay Township. Everyone pull together, etc.
8. Community Charrette program - Ball State University - Karen has recommendation from other communities.
9. Landscape Ordinance Language -Should be #1 on the list. Move after Site Condo language is done.
10. Trails: Trails Committee to work on easements, liability issues - North Country Trail to be contacted. Central location for hiking, biking, walking trails, snowmobile trails. Keep involved. Try to obtain grants to construct.

**OTHER ITEMS BEING WORKED ON BUT NOT NEEDING PRIORITY LISTING**

1. Mike LaPointe has been in contact with members of the KBIC. A meeting should be set up to discuss future development plans for the casino area. Mike La Pointe and Max Engle will represent the Planning Commission at this meeting.
2. Program Speakers - Chocolay Watershed Council update; MI Dept of Agriculture on open space preservation and transfer of development rights; any other suggestions? Yes, Commissioners would like speakers at a future meeting.
3. GIS w/County or NMU - Karen is working on this.
4. Review of Environmental Assessments completed by NMU Geography Dept. students. Karen has the full report available. Planning Commission members would like the copies of all the summaries of the reports. Tapes and copies of the whole report are available at the Township Office.
5. Trail Development - Multi Use Trails Committee has been formed and will be meeting on monthly basis for the winter months.

**NEW BUSINESS:**

**ANNUAL REVIEW OF RECREATION PLAN AND RECREATION GRANT**

**APPLICATION:**

Scott Emerson went over information on a suggested letter be sent on behalf of the Planning Commission to the Department of Public Works Supervisor regarding information in the recreation grant.

The Planning Commission was informed that the Department of Public Works Department maintains recreation. The Planning Commission makes recommendations and amendments to the Recreation Plan.

Karen went over the memo regarding the Recreation Grant application from the Department of Public Works Supervisor - dated January 7, 1997 and placed in the agenda file.

It was suggested that the Planning Commission write a memo/letter to the Township Board encouraging them to write a letter to the School Board to purchase the land that the Lions Club maintains. Karen informed the Planning Commission that the Lions Club had a long time lease until just recently when the School Board did not renew the lease.

It was inquired as how close the Trails Committee is regarding the bike path between the two grade schools, hiking trails, etc. It was suggested that this be placed on the March Planning Commission agenda for discussion/recommendation for the Recreation Plan.

**OLD BUSINESS:**

**REVIEW ENVIRONMENTAL ASSESSMENTS RECEIVED FROM NMU STUDENT:**  
Karen informed the Planning Commission that there are copies of the environmental assessments available at the Township Office. It was suggested that the Planning Commission receive a copy of the summaries of the assessments.

**DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS**  
**(1) Site Plan Review; (2) Site Condo**

Karen informed the Planning Commission that a letter was sent to Harley Andrews, Township Attorney, informing him that the Planning Commission would like to review the proposed language for Site Plan Review and Site Condo at the February 10, 1997 Planning Commission Meeting.

**NEW BUSINESS:**

**CONSIDER REZONING #87 - SEMI-TRAILER STORAGE:**

Mike La Pointe inquired if there were any further questions and/or comments regarding Rezoning #87. There were none.

Max Engle moved, Bill Sander supported that the Chocoley Township Planning Commission recommend to the Chocoley Township Board that the following amendments for semi-trailer storage to the Chocoley Township Zoning Ordinance be approved.

**AMENDMENT**

That portion of Section 101 of the Charter Township of Chocoley Zoning Ordinance entitled "DEFINITIONS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

**SECTION 101            DEFINITIONS**

Semi-trailer storage. refers to the storage of goods and materials in a semi-trailer.

**REPEALER AND AMENDMENT**

That portion of Section 107 of the Charter Township of Chocoley Zoning Ordinance entitled "ACCESSORY USES AND STRUCTURES" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal of the language in brackets( ).

**[SEC.] SECTION 107            ACCESSORY USES AND STRUCTURES.**

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- (A) Home occupations are permitted as an accessory to residential use or occupancy, upon authorization of the Zoning Board of Appeals with such conditions as may be attached, including any time limit or future review, where necessary to assure that the use or

structure does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance.

- (B) Accessory uses to a gas station are limited to lubrication, changing oil and filters, changing and repair of tires and tubes, engine tune-up, minor repair and maintenance, not including major overhauls, steam cleaning, body repairs, painting, or transmission, or chassis repairs.
- (C) Semi-trailers as used for storage are permitted as an accessory to commercial use with a conditional use permit. The Planning Commission will require screening, buffering, or modification of the external surface of the semi-trailer to limit or eliminate the visual impact on adjacent properties, and shall prohibit advertising and signage on semi-trailers. The Conditional Use Permit must assure that the use of semi-trailer storage does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance.

#### REPEALER AND AMENDMENT

That portion of Section 209 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT C-1" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

#### SECTION 209      DISTRICT C-1.

- (A) **INTENT.** To establish and preserve areas for those commercial facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact of such uses on the neighborhoods which they service.
- (B) **PERMITTED PRINCIPAL USES.** Barber and beauty shops, general and specialty food and beverage stores, drugstores, restaurants, clothing and dry goods stores, offices, bakeries without additional sales outlets, Bed & Breakfast, dry cleaning and laundry pick-up stations, coin operated laundry and dry cleaning establishments, provided, however, that drive-in restaurants and establishments cooking or preparing food for consumption off the premises are excluded.
- (C) **CONDITIONAL USES.** Schools, where the type of school is compatible with nearby residential uses. Specialty retail sales where the type of sales has no outdoor display or storage and is compatible with nearby residential uses. Semi-trailer storage.
- (D) **SPECIAL REGULATIONS.** No establishment may occupy more than 3,000 square feet of floor space.

#### REPEALER AND AMENDMENT

That portion of Section 210 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT C-2" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal of the language in brackets([ ]).

#### [SEC.] SECTION 210      DISTRICT C-2.

- (A) **INTENT.** To establish and preserve general commercial areas consisting of shopping centers and commercial areas where customers reach individual business establishments primarily by automobile.
- (B) **PERMITTED PRINCIPAL USES.** All principal permitted uses in C-1, offices, other offices and establishments selling goods and services at retail including gas stations, private clubs, hotels, nursing homes, funeral homes, hospitals, bakeries, drive-in restaurants, indoor theaters and other places of amusement, provided, however, that meat and poultry shops where slaughtering is done on the premises and all listed in Section 211 (B) of this Ordinance , (with the exception of motor vehicle sales,) are excluded.

- (C) **CONDITIONAL USES.** Auto Body Repair Shop, Semi-trailer storage.

**REPEALER AND AMENDMENT**

That portion of Section 211 of the Charter Township of Chocoday Zoning Ordinance entitled "DISTRICT C-3" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal of the language in brackets([]).

**[SEC.] SECTION 211 DISTRICT C-3.**

- (A) **INTENT.** To establish and preserve a district for light industrial use along with those commercial uses which are more compatible with light industrial than with other commercial uses.
- (B) **PERMITTED PRINCIPAL USES.** Motor vehicle sales, service, and rental, construction and farm equipment sales, sales of mobile homes, campers, recreational vehicles, boats, and monuments, wholesale and storage uses, food packaging and bottling works, commercial printing and newspaper offices, contractor's yards and shops, laundry and cleaning and dying plants.
- (C) **CONDITIONAL USES.** Restaurants where there is no C-1 or C-2 District located conveniently nearby, drive-in theaters having patron entrance and exit drives only to streets having a paved surface at least 44 feet in width at points at least 200 feet from any intersection so planned that the picture screen cannot be seen from any street or from any R-1, R-2, R-3, or R-4 District, and other industrial uses which do not emit any fumes, vibration, smoke, or noise except the noise of vehicles coming and going, which is detectable by the senses of normal human beings, and where all operations, including the storage of anything except merchandise displayed for sale, are conducted in a fully enclosed building or entirely behind walls or fences which conceal them from visibility from off the lot, and semi-trailer storage.

The Planning Commission, in reviewing an applicant's site plan for a conditional use shall permit a structure in excess of 30 feet providing:

1. Height at any point on the structure shall not exceed the horizontal distance to any lot line.
2. The proposed structure is necessary and common to the proposed project.
3. That the structure is designed and intended so that any part of the structure in excess of 30 feet is not used or intended as a work station for human beings.
4. That the structure is so located, site planned and designed to avoid nuisances and dangers, implied or explicit, to adjoining property and all on-site personnel. The structure shall avoid interference with the adjoining properties and does not significantly change the character thereof.

**MOTION CARRIED: 6-0.**

**CONSIDER REZONING #88 - AUTO BODY REPAIR SHOP:**

Mike La Pointe inquired if there were any further questions and/or comments regarding Rezoning #88. There were none.

Max Engle moved, Bill Sanders supported that the Chocoday Township Planning Commission recommend to the Chocoday Township Board that the following amendments for auto body repair shop to the Chocoday Township Zoning Ordinance be approved.

**AMENDMENT**

That portion of Section 101 of the Charter Township of Chocoday Zoning Ordinance entitled "DEFINITIONS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.



**SECTION 101            DEFINITIONS**

Auto Body Repair Shop, means a collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.

**MOTION CARRIED: 6-0.**

**CONSIDER REZONING #89 - HOME OCCUPATIONS:**

Mike La Pointe inquired if there were any further questions and/or comments regarding Rezoning #89. There were none.

Bill Sanders moved, Scott Emerson supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendments for home occupations to the Chocolay Township Zoning Ordinance be approved.

**REPEALER AND AMENDMENT**

That portion of Section 101 of the Charter Township of Chocolay Zoning Ordinance entitled "DEFINITIONS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal of the language in brackets ([ ]).

**SECTION 101            DEFINITIONS**

HOME OCCUPATION, means a use or occupation conducted on the premises which is clearly incidental and secondary to residential occupancy and does not change the character thereof and meets the standards set out in Section 107.

[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 only 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.]

**REPEALER AND AMENDMENT**

That portion of Section 107 of the Charter Township of Chocolay Zoning Ordinance entitled "ACCESSORY USES AND STRUCTURES" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal of the language in brackets ([ ]).

**[SEC.] SECTION 107            ACCESSORY USES AND STRUCTURES.**

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- (A) Home occupations are permitted as an accessory to residential use or occupancy, upon authorization of the Zoning Board of Appeals with such conditions as may be attached, including any time limit or future review, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance.

The requirements for a home occupation approval shall be based upon compliance with the following standards:

1. Home Occupation means a use conducted entirely within an enclosed dwelling but does not occupy more than 1/4 of the floor area of the residential single family

dwelling unit on the property or not more than 320 sq. ft. of an accessory structure.

2. Home Occupations shall employ only those inhabitants residing on the premises.
3. There shall be no outdoor storage or other exterior evidence of the conduct of the home occupation other than approved sign which shall not exceed four (4) sq. ft. in area and which shall be attached to the building used for the home occupation.
4. 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.

(B) Accessory uses to a gas station are limited to lubrication, changing oil and filters, changing and repair of tires and tubes, engine tune-up, minor repair and maintenance, not including major overhauls, steam cleaning, body repairs, painting, or transmission, or chassis repairs.

**MOTION CARRIED: 6-0.**

**PRESENTATION ON CENSUS UPDATES FOR COMPREHENSIVE PLAN:**

Karen informed the Planning Commission that there was a memo from Joe Palermo - Fall 1996 Student Intern on Census Information which should be considered for inclusion in the revised copy of the Chocolay Township Comprehensive Plan.

**PLANNING DIRECTOR'S REPORT:**

Getting ready for the joint meeting with the Township Board, and we've discussed the agenda items already. I'll be meeting with Professor Jean Ferrill and her planning practicum class before the February meeting. They will be reviewing our Comprehensive Plan and the Recreation Plan. A Zoning class may also take a look at our Zoning Ordinance.

**PUBLIC COMMENT:**

Mike La Pointe inquired if there any public comment. There was none. The second public comment section of the Planning Commission was closed.

**COMMISSIONERS COMMENT:**

- Commented Mike La Pointe, Karen Chandler and Estelle De Vooght for a job well done regarding the suggested priority listing.
- When is the joint meeting of the Planning Commission and the Township Board?
- The Planning Commission would like to have the joint meeting to be a special Meeting with various topics to be discussed.
- We need better communication between the Board and the Planning Commission.
- Mike La Point informed the Planning Commission that John Stevenson is now on the Alger-Marquette County Groundwater Commission.
- The Planning Commission was informed that the Township Board is will take action against Chocolay Downs Golf Course if the monitoring well tests are not submitted to the Township before the spring opening.

**INFORMATION ITEMS & CORRESPONDENCE:**

- A. Memo from - Larry Gould, DPW Supervisor - Groundwater Stewardship Team
- B. Memo from - Mike LaPointe, Chairperson, CTPC - Butcher Shop at Varvil Center
- C. Memo's from - Mark Maki, Zoning Administrator -
  - (1) Meat Market at Varvil Center;
  - (2) Zoning Report;
  - (3) Zoning/Trails and
  - (4) Conditional Use Requirements
- D. Chocolay Township Board minutes of December 16, 1996
- E. Chocolay Township Zoning Board of Appeals minutes of December 5, 1996
- F. Memo from - Mark Maki, Assessor - New Road/Access to Casino

**ADJOURNMENT:**

Max Engle moved, Bill Sanders supported that the January 13, 1997 Planning Commission be adjourned. The Planning Commission adjourned at 10:20 p.m.

**MOTION CARRIED: 6-0**

*Steve Kinnunen*

*Estelle DeVooght*

Steve Kinnunen  
Planning Commission Vice-Secretary

*Jeanette R. Collick*

Jeanette R. Collick  
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, FEBRUARY 10, 1997**

**PRESENT:** Mike LaPointe, Max Engle, Bill Sanders, Bob Whitaker, Steve Kinnunen, Estelle DeVooght

**ABSENT:** Scott Emerson

**STAFF PRESENT:** Karen Chandler - Director of Planning & Research and Mark Maki - Director of Assessing and Zoning

**OTHERS PRESENT:** Jeanette R. Collick-Recording Secretary, Joseph Murphy

**PUBLIC HEARING:**

Mike LaPointe, Chairperson, called the Public Hearing to order at 7:30 p.m.

**REZONING #90 - SPECIALTY FOOD STORE:**

Karen Chandler, Director of Planning & Research informed the Planning Commission that this is a Text Amendment change to allow specialty food stores in the C-3 Districts as a conditional use.

Mike LaPointe inquired if there was any public comment regarding Rezoning #90. He informed everyone present that this would be discussed during New Business. There was no public comment. Mike LaPointe closed the public hearing section for Rezoning #90.

**REGULAR MEETING CALLED TO ORDER:**

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:32 p.m.

**ROLL CALL:**

**PRESENT:** Mike LaPointe, Steve Kinnunen, Bob Whitaker, Max Engle, Estelle DeVooght and Bill Sanders present.

**ABSENT:** Scott Emerson.

**APPROVAL OF THE MINUTES OF JANUARY 13, 1997:**

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated January 13, 1997?

Mark Maki commented that the proposed correction dated in the memo of February 5, 1997 regarding approval of minutes, the suggested change regarding page 4 and to strike Marquette Township included language in their Zoning ordinance. Mark stated he did make this comment and that this should remain in the minutes, as a comment from the zoning administrator. An addition to the minutes on page 4 will include the phrase "Mark Maki believes" Marquette Township included language in their Zoning ordinance.

Karen informed the Planning Commission of the other corrections that were made in the February 5, 1997-memo regarding the minutes.

Bill Sanders moved, Bob Whitaker supported that the January Planning Commission minutes dated January 13, 1997 approved as discussed.

The Planning Commission members thanked the Recording Secretary for the fine job on the minutes.

**MOTION CARRIED: 6-0.**

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

Mike LaPointe inquired if there were any additions and/or changes to the agenda?

Karen informed the Planning Commission that under Old Business, Item A., Consider Conditional Use #41 - Brian & Ann St. Pierre to be tabled until the March Planning Commission Meeting. Brian St. Pierre will submit a Site Plan to the Zoning Administrator before the next meeting.

Steve Kinnunen moved, Bill Sanders supported that the agenda be approved as submitted.

**MOTION CARRIED: 6-0.**

**PUBLIC COMMENT:**

Mike LaPointe inquired if there was any public comment. There was none. The first Public Comment section of the Planning Commission was closed.

**OLD BUSINESS****CONSIDER CONDITIONAL USE #41 - BRIAN & ANN ST. PIERRE:**

Max Engle moved, Bob Whitaker supported that Condition Used #41 - Brian & Ann St. Pierre be tabled until the March 1997 meeting and that a site plan be submitted.

**MOTION CARRIED: 6-0.**

**DISCUSSION ON ENVIRONMENTAL ASSESSMENT SUMMARIES:**

Karen informed the Planning Commission that they received the Environmental Assessment Summaries and that some of the students were still in the area, if Commissioner's had any questions that may need to be answered.

The following comments were made regarding the Varvil Center environmental summary.

- A rezoning of the area could eliminate C-3 considerably.
- If rezoned to C-2 would cut down on C-3 considerably.
- Rezone property close to the highway to C-2 and property behind to C-3.
- Keep both C-2 & C-3 so people can keep their businesses going.
- Concern that land is mostly sand and there may be a potential for water contamination.
- Original C-3 was for light industry and has always been an issue. If rezone to C-2 there is a potential for gas stations.
- Repair shops are allowed.
- The area needs municipal sewer connections.
- Water for restaurants.
- Tough to figure for C-2 for front and C-3 for back property.
- Planning Commission should take a look at this.
- In the eighty's underground storage tanks were removed. DNR would probably have the information on this.
- Mark Maki informed the Planning Commission members that he would be willing to put together information in his files that would pertain to this issue for the Planning Commission.
- How many businesses are there at the Varvil Center? There are about ten businesses currently at the Varvil Center area.

There was no other discussion. The Planning Commission members thanked the Director of Planning & Research for the information. Mike LaPointe asked Mark Maki to put together information from his files for review by the Planning Commission.

**DISCUSSION RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS:****(1) SITE PLAN REVIEW (2) SITE CONDO**

Karen Chandler informed the Planning Commission that Harley Andrews resigned as the Township Attorney effective February 7, 1997. He accepted the position of Chief Civil Counsel for Marquette County. She also informed the Planning Commission that the Township Board will be discussing the township attorney replacement at next Board meeting.

The Planning Commission suggested that we obtain a copy of the language that we proposed and review it. We need to move on these two text amendments. We have been waiting on this language for approximately six months now.

One of the concerns the Planning Commission has is the setbacks. It was stated that it may be in the township's best interest to get some language in place now. Karen informed the Planning Commission she would get the language information in their agenda packets for March 1997.

**NEW BUSINESS:****CONSIDER REZONING #90 - SPECIALTY FOOD STORE AS CONDITIONAL USE IN C-3 DISTRICT:**

Mike LaPointe inquired if there were any questions/comments regarding Rezoning #90?

The following questions/comments were made regarding Rezoning #90:

- Restaurants operate under Conditional Use in the C-3 Districts.

- C-2 environment - technology and laws are there to prevent contamination.
- Who is going to enforce the environmental law? The DEQ has that responsibility.
- As conditional uses, we have the ability to enforce conditions.
- May be too late after contamination occurs.
- The applicant should have received approval first.

Bob Whitaker moved, Bill Sanders supported that the Chocoday Township Planning Commission recommends to the Chocoday Township Board that the following text amendment to allow a speciality food stores in the C-3 Districts as a conditional use be approved for inclusion into the Chocoday Township Zoning Ordinance # 34.

### REPEALER AND AMENDMENT

That portion of Section 211 of the Charter Township of Chocoday Zoning Ordinance entitled "DISTRICT C-3" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal of the language in brackets ([]).

#### **[SEC.] SECTION 211 DISTRICT C-3.**

- (A) **INTENT.** To establish and preserve a district for light industrial use along with those commercial uses which are more compatible with light industrial than with other commercial uses.
- (B) **PERMITTED PRINCIPAL USES.** Motor vehicle sales, service, and rental, construction and farm equipment sales, sales of mobile homes, campers, recreational vehicles, boats, and monuments, wholesale and storage uses, food packaging and bottling works, commercial printing and newspaper offices, contractor's yards and shops, laundry and cleaning and dyeing plants.
- (C) **CONDITIONAL USES.** Restaurants and speciality food stores where there is no C-1 or C-2 District located conveniently nearby, drive-in theaters having patron entrance and exit drives only to streets having a paved surface at least 44 feet in width at points at least 200 feet from any intersection so planned that the picture screen cannot be seen from any street or from any R-1, R-2, R-3, or R-4 District, and other industrial uses which do not emit any fumes, vibration, smoke, or noise except the noise of vehicles coming and going, which is detectable by the senses of normal human beings, and where all operations, including the storage of anything except merchandise displayed for sale, are conducted in a fully enclosed building or entirely behind walls or fences which conceal them from visibility from off the lot.

The Planning Commission, in reviewing an applicant's site plan for a conditional use shall permit a structure in excess of 30 feet providing:

1. Height at any point on the structure shall not exceed the horizontal distance to any lot line.
2. The proposed structure is necessary and common to the proposed project.
3. That the structure is designed and intended so that any part of the structure in excess of 30 feet is not used or intended as a work station for human beings.
4. That the structure is so located, site planned and designed to avoid nuisances and dangers, implied or explicit, to adjoining property and all on-site personnel. The structure shall avoid interference with the adjoining properties and does not significantly change the character thereof.

**MOTION CARRIED: 5-1**

#### **CONSIDER ROAD NAME AS PER MEMO FROM MARK MAKI:**

Mark Maki brought the Planning Commission up-to-date on the history Autumn Trail. Mark Maki informed the Planning Commission that Mr. Peter Henricksen, Larry Lohf and Dana Varvil suggested Wintergreen Trail as a road name. Mark Maki also informed the Planning Commission members that Mrs. Henricksen has some questions, and he was unable to contact her before this meeting. Mark Maki suggested that we allow Mrs. Henricksen to make some comments on this issue.

Planning Commission suggested Mark Maki get in touch with Mrs. Henricksen and get her questions answered.

Bill Sanders moved, Estelle DeVooght supported that this item be tabled until the March Planning Commission Meeting.

**MOTION CARRIED: 6-0.**

**REVIEW AND APPROVE 1996 ANNUAL REPORT:**

Karen Chandler went over the 1996 Annual Report. She informed the Planning Commission members that this item would be going to the Township Board as a report at one of their regular meetings.

**PLANNING DIRECTOR'S REPORT:**

- 1) We could not schedule a joint meeting in February. The Board determined at their meeting last week that Monday, March 24 would be set as the joint meeting date. Hopefully everyone can make that meeting. It's an advance notice of almost six weeks.
- 2) The video is available on "Selling Your Development Rights - A Unique Way to Preserve." This workshop was held on Friday, January 31. We discussed having a tape available and I received a call today from Marquette County Extension. If anyone wants to review this tape, it will be available late tomorrow afternoon. Please stop by my office and pick it up.
- 3) There will be a workshop on Basic Training for Planning Commissioners and Zoning Board of Appeals Members on Thursday, March 20, 1997 at the Holiday Inn in Marquette. If any of the Planning Commissioner members wish to attend, please notify me by next week.
- 4) I attended a Marquette County Townships Association meeting to talk about what Planner's can do for Townships. I brought along our Strategic Plan and received good comments. Also brought along information from PAS and suggested that the Association purchase a membership for all Townships. The Executive Committee will be looking into the possibility of sharing this responsibility.

**PUBLIC COMMENT:**

Mike LaPointe inquired if there were any public comment? Joseph Murphy - NMU class is reviewing the Recreation Plan. There being no further public comment, the second public comment section of the Planning Commission was closed.

**COMMISSIONER COMMENT:**

Mike LaPointe informed the Planning Commission that he attended the County Planning Commission. He brought them up-to-date on the decisions of the semi-trailer, home occupation, and body repair shop text amendments.

He also informed them that he drafted a letter regarding trails and suggested that this letter be sent to the Trails Committee.

Steve Kinnunen informed the Planning Commission members that there are some yield signs up in the Harvey business district for snowmobiles.

Mike LaPointe informed the Planning Commission members that the Chocolay Watershed would be offering a free water testing for nitrates. This will be advertised in the Chocolay Watershed newsletter, Mining Journal, etc. This testing will be free of charge and confidential.


**INFORMATIONAL ITEMS AND CORRESPONDENCES:**


- A. Correspondence to - County Plat Board - Varvil Center
- B. Correspondence to - Governor Engler - Request to Veto SB 112
- C. Correspondence from - Governor Engler - thank you for concerns on SB 112
- D. MTA Legislative Fax - passage of SB 112
- E. Memo to - CABA - snowmobile trail
- F. Chocolay Township Board minutes 1/06/97 and 1/20/97
- G. Groundwater Stewardship Team Meeting Minutes 1/03/97
- H. Newsletter - Kellogg Youth Initiative Partnership

**ADJOURNMENT:**

Bill Sanders moved, Estelle DeVooght supported that the February 10, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned at 8:45 p.m.

**MOTION CARRIED: 6-0.**

  
\_\_\_\_\_  
Estelle DeVooght  
Planning Commission Secretary

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



**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, MARCH 10, 1997**

**REGULAR MEETING CALLED TO ORDER:**

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:34 p.m.

**ROLL CALL:**

**PRESENT:** Mike LaPointe, Steve Kinnunen, Max Engle, Estelle DeVooght and Bill Sanders present.

**ABSENT:** Bob Whitaker, Scott Emerson.

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

**OTHERS PRESENT:** Stacy L. Busch-Recording Secretary, and Mark Maki, Joseph Murphy, Amy Emery, Tim Gordon, Chad Metzger, William Kessel, Burt Sparhawk, Darlene Herkins, Dave & Donna Barto, Joe Pertile, John Buckett, William Swenor, David Lynch, Brian St Pierre.

**APPROVAL OF THE MINUTES OF FEBRUARY 10, 1997:**

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated February 10, 1997?

Bill Sanders suggested removal of the question mark in the third sentence under rezoning #90-specialty food store.

Sanders moved, Engle second that the February Planning Commission minutes dated February 10, 1997 approved as discussed.

**MOTION CARRIED: 5-0.**

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

Mike LaPointe inquired if there were any additions and/or changes to the agenda?

Mike LaPointe suggested that New Business Item A be placed after Old Business Item B.

Kinnunen moved, DeVooght second that the agenda be approved as amended.

**MOTION CARRIED: 5-0.**

**PUBLIC COMMENT:**

Mike LaPointe inquired if there was any public comment. Mark Maki asked for some time to be reserved for the snowmobile trail issue.

**OLD BUSINESS**

**CONSIDER CONDITIONAL USE #41 - BRIAN & ANN ST. PIERRE:**

Bill Sanders asked about Larry Gould's comments. Karen Chandler stated that it was customary to meet with Larry Gould for sewer hook-up.

Steve Kinnunen asked if the parking spaces were dealt with? Karen Chandler stated yes.

Bill Sanders asked if the access to the building would be on the South.

Engle moved, Sanders second that after finding the general standards set forth in Section 701 of the Chocoday Township Zoning Ordinance # 34 have been met, the Chocoday Township Planning Commission approves the conditional use permit request to place an Auto Body Repair Shop and a second principal structure in the C-2 district, on the property described as a parcel located in Government Lots 5 & 6, Section 6, T47N, R24W Chocoday Township, Marquette County, State of Michigan. Located at 2210 U.S. 41 South (52-04-106-025-00), with the following conditions

1. That in addition to the site plan submitted, an actual floor plan indicating placement of hazardous materials be submitted to the Fire Chief along with the Firefighter Right to Know survey.
2. That a Zoning Compliance Permit be obtained from the Chocoday Township Zoning Administrator prior to use.

3. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to the zoning compliance permit being issued.

**MOTION CARRIED: 5-0.**

**DISCUSSION WITH NMU STUDENTS ON RECREATION PLAN UPDATE**

Students informed the Planning Commission that they were working on updating the Recreation Plan and of the survey that was mailed out on March 7, 1997. Karen Chandler informed the Planning Commission that the survey was sent out to around 60 households consisting of the users, CABA, Schools, Lions Club, Senior Citizens.

Bill Sanders suggested making the survey available at the local businesses with a box for them once they are filled out and a time line.

Karen Chandler handed out the recreation plan index copy the students are working on.

**DISCUSSION PETITION RECEIVED FROM RESIDENTS ON RIVERSIDE ROAD.**

The following comments were made by Mark Maki.

The Strategic Plan only talks about hiking/biking trails for the schools. North Country Trails, and the snowmobile trail being on the bike path right of way. Riverside Road/Lakewood Lane was suppose to be for North Country Trails. He joined the trails committee to keep an eye on them. Mark Maki hasn't seen any written request for railroad track use. The Board also said it wasn't allowed. Mark Maki also states that there was a letter to the Board from Larry Gould stating that he was supporting the trail. Mark Maki asked Karen Chandler what she was going to tell the Board. He in turn notified the residents in that area who didn't know about the proposed trail behind Riverside Road. The Board rejected the trail. If the railroad gets abandoned the Township should say it shouldn't be a trail and it wasn't planned for. The residents do not want it. Snowmobiles are a nuisance and they travel too fast.

Bill Sanders asked Mark Maki what the deal was with the bike path?

Mark Maki stated that there is no designation for motorized vehicles use on bike path, the businesses want them to come through. He also wants trails to stay out of the residential areas.

Estelle DeVooght-any process to make bike path available for winter? Is there anyone here supporting the trail?

Karen Chandler stated that we are working with Representative Mike Prusi to get the bike path available for winter use. Michigan Department of Transportation says they can change the signs for the winter months use Dec-April. The DNR doesn't believe it is legal.

The following comments were made by the residents:

- Call Ameritech and get permission to take signs down. The snowmobilers are driving drunk by his house. The road is 20 feet wide, its like a superhighway. Going to fight trail.
- Is it possible for Planning Commission to record that they take position to be against trail. Hear them at night going fast. Shouldn't be there not good for businesses if going through residential area. Keep them in business, residents don't want them.
- Snowmobilers are coming down private road going to Harvey Inn, they won't stop.
- Opposed to trail there in winter or summer.
- Opposed because of safety. Kids walk behind house. A letter should be drafted to the Board opposing trail.
- Opposed to trail feels like superhighway in back of house. Someone is going to get killed.
- Opposed too noisy.
- Opposed to bike path or nature trail, gives the dogs something to bark at.
- Recommend to Board residents are against it.
- Vigilant about sending notices for variances, no clue about trail happening. DNR can slip in trail too easily. Easement questions.
- Do something, more impact if Planning Commission recommends.

Mike LaPointe stated that it was not the Planning Commission's intent to recommend snowmobile trails in residential areas. Planning Commission asked for Ad Hoc to be formed to deal with the trails.

Steve Kinnunen stated that the trails were for connecting route.

Max Engle stated that the intent was for hiking/pedal bike trails. We are one of the few areas without a snowmobile trail. North Country trail is a Country wide trail. A lot of residents are looking for walking and biking trails.

Steve Kinnunen stated that action is being taken by the DNR and Representative Mike Prusi.

Bill Sanders stated that AD Hoc Trail Committee is a volunteer group working on different projects. No part in suggesting that trail go through residential area. Reason for residents to be concerned.

Max Engle said they don't have a report because they don't have recommendation.

Bill Sanders stated that the Planning Commission should write a letter to DNR.

Steve Kinnunen stated that something should be done sooner to address problems areas. It is not part of strategic plan. Not what we intended.

Karen Chandler stated that residents could call 911 to report snowmobile problems. The Sheriffs Department has snowmobiles and could monitor. Township Police Department can stop on roads but does not have equipment necessary to patrol trails.

Mark Maki-Trails Committee was formed to do a number of things. Snowmobilers make up a lot of the committee.

Karen Chandler-Trails Committee not in favor of running down grade. Planning Commission should recommend that Board send letter to DNR.

Max Engle stated that Board would not have had designated trail. If railroad abandons track, Ameritech still has right of way.

Mike LaPointe feels this should be put on joint meeting agenda and get Boards feeling.

Bill Sanders feels that the consensus is to not support trail through residential area. We should right letter to DNR instead of Board.

Max Engle stated we should make recommendation to the Board.

Mike LaPointe states that the consensus is to recommend to Township Board that DNR does not designate trail.

#### **CONSIDER ROAD NAME**

Sanders moved DeVooght second to recommend to the Township Board that the part of Autumn Trail accessed off M-28 be renamed Wintergreen Trail. The existing private road is located in Section 8 T47N R24W.

**MOTION CARRIED 5-0**

#### **DISCUSSION ON REZONING #87-DEFINITION OF SEMI-TRAILER.**

Sanders moved, DeVooght second that semi-trailer definition be defined as any unlicensed trailer that is used for storage.

**MOTION CARRIED 5-0.**

It was also suggested that Section 107 Accessory Uses for Gas Stations/Convenience Stores be discussed at the joint meeting with the Board.

#### **DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS SITE PLAN REVIEW & SITE CONDOS.**

Bill Sanders suggested that there should be a minimum size required and some setbacks set for these units.

It was also suggested that the Ordinance be sent to our Attorney Mike Summers.

Mike LaPointe thanks Joe Weitek for his time and effort.

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

- 1) Our meeting with the Township Board is scheduled for Monday, March 24 at 7:30 p.m.
- 2) The Michigan Townships Association will be holding two workshops in Marquette on Tuesday, March 18. Planning for Zoning from 1-4:30 p.m. and Subdivision control Act update from 6-9 p.m. If anyone is interested in attending either or both of these workshops, I'll need to know by tomorrow before noon.

A "Tools for Drinking Water Protection" workshop is being conducted on Wednesday, March 19. This is a telecommunication hook-up with Bresnan. The Fire Hall will be open for any Planning Commission members wanting to attend. I will also make sure the broadcast is taped.

- 3) Estelle is registered for the workshop on Basic Training for Planning Commissioners and Zoning Board of Appeals Members on Thursday, March 20, 1997 at the Holiday Inn in Marquette.
- 4) We need to think about changing our June meeting date. The last two years we've met in the Fire Hall since this building is being used on that day for the annual School election. We should consider meeting on the first Monday in June since the Board will only meet on the third Monday in June and this room will be available.
- 5) The Township is now on-line and our E-mail address is choctwp@mail.portup.com

Planning Commission members agreed to the first Monday in June for their Planning Commission meeting.

#### **PUBLIC COMMENT**

None.

#### **COMMISSIONER COMMENT**

None.

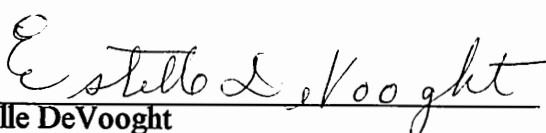
#### **INFORMATIONAL ITEMS AND CORRESPONDENCES**


- A. Memo from - Karen Chandler - Put the You into Youth update
- B. Workshops - Planning for Zoning; Subdivision Control Act Update; Tools for Drinking Water Protection
- C. Update on Public Act 591 - Land Division Act (SB 112)
- D. MTA Legislative Fax - Special Land Use Committee Appointed
- E. Chocolay Township Board minutes of 02\03\97 and 02\17\97
- F. Chocolay Watershed Council minutes of 12/02/96
- G. Groundwater Stewardship Team minutes of 01/29/97

#### **ADJOURNMENT:**

Mike LaPointe moved, Bill Sanders second that the March 10, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned at 9:45 p.m.

**MOTION CARRIED: 5-0.**

  
 Estelle DeVooght  
 Planning Commission Secretary

  
 Stacy L. Busch  
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
JOINT MEETING - CHARTER TOWNSHIP OF CHOCOLAY BOARD  
MARCH 24, 1997**

**PLANNING COMMISSION PRESENT:** Bill Sanders, Steve Kinnunen, Estelle De Vooght, Mike La Pointe (Chairperson), Scott Emerson (arrived at 7:32 pm), Bob Whitaker.

**ABSENT:** Max Engle.

**TOWNSHIP BOARD:** Ivan Fende, Richard Bohjanen, John Greenberg, Gary Menhennick, Lois Sherbinow.

**ABSENT:** Arlene Hill, Max Engle.

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

**OTHERS PRESENT:** Stacy Busch, Recording Secretary, Mary Sanders, Deputy Clerk, Cathy DeVooght, Mark Maki, William Stenglein, L.J. Blondeau, John Smith, Chad Metzger, Mark Mankowski, Amy Emery, Ryan Solesky, Joseph Murphy.

Ivan Fende, Township Supervisor called the Board meeting to order at 7:30 p.m.

Mike LaPointe called the Planning Commission Meeting to order at 7:30 p.m.

Ivan Fende informed the public they could make comments after Board and Planning Commission discussion, during the public comment section. Unlike regular Board meetings where comment can be reserved for agenda items, the nature of the joint meeting was for the Planning Commission and the Township Board to discuss items of common concern.

**PRESENTATION ON COMMUNITY CHARRETTE:**

Bill Sanders, Planning Commissioner, gave a presentation on a community Charrette. The charrette involves ideas from our community on what we want for the future of Chocolay Township. A group from Ball State University spends approximately 4-5 days gathering this information while staying in our community and interacting with our residents, businesses and governmental unit. This information is used to write goals for our community. Ideas for developing a landscaping ordinance, sign control, and the look of our business district could be formed from the charrette. The community within the township must all be involved for this to work. The Planning Commission would like the Board to address the Charrette and whether the Planning Commission can get the go ahead for this. The price would range from \$5,000 to \$10,000. A more definite price would be received before moving forward.

Planning Commission comments:

- It is important to get everyone on the same frequency in the township.
- Concerns about having someone brought in from elsewhere.
- Great idea, too expensive.
- Either we do it or forget it.
- Rita Hodgins recommends this is done. People are top of the line and doing this around the country.

Board Comments:

- Will Charrette help Township.
- Does it include the business district.
- How much does it cost.
- Wal-Mart money could be used for this.

**SEMI-TRAILER STORAGE:**

Planning Commission Comments:

- Costs, zoning is an issue for future. Put handle on it now. Need to define what we are looking for in ordinance.

- County Planning Commission feels there shouldn't be semi-trailer storage at all.
- They should become generalized storage buildings. They would look better than semi-trailers.
- Do not want these permanent trailers there.
- Consider banning semi-trailer storage and grand fathering existing storage units. Specify a number of years for them to become in compliance.
- Currently semi-trailers are illegal according to the zoning ordinance.

**Board comments:**

- Definition is not specific enough (open or closed trailer).
- Too broad of definition, subjective for one not other. Should have setback guidelines, define the appearance, enclosure. Disagree with County Planning Commission. Better storage in trailer than open field.
- Maybe have them file for a permit for a semi-trailer from township office.
- Concern that with the small number of semi-trailers, that there would be selective enforcement.

**KAWBAWGAM & M-28 AREA:**

Mike LaPointe, Planning Commission Chairperson explained the past history about this area.

**Planning Commission comments:**

- We don't want to start development down there.
- This area is too far from the police, fire department, it has no sewer service. It would end up to be strip development, undesirable. Residents do not want it commercial in that area.
- This would start satellite development.
- Suggested that if it was commercialized and sewer was hooked up, Harvey village residents would be upset because nothing is being done about contaminated wells in village area.
- Should follow strategic plan.
- Voting public against commercial area there.
- We can't take away what has been there just because someone doesn't like it.
- Grocery store wasn't supported when it was there.
- Looking for support from the Township Board.
- Environmental impact not good, no police, trailers, groundwater source.
- Not good planning to have health department to do planning for you.
- Nothing has been done with corner property for 15 years. It is an eyesore, improve township by nipping it in the bud now and get it back into residential.
- Commercial piece spot zoned. Commercial development on going.

**Board Comments:**

- Corner was commercial for along time.
- Casino is big factor.
- Property is expanded all the time.
- No mandates. Mandate for safe and sound businesses, security for the residence.

**VARVIL CENTER:**

Currently zoned C-3, should it be zoned to C-2?

**Planning Commission Comments:**

- Commercial area more established. Rezone it all to C-2, some nonconforming uses.
- C-2 & C-3 groundwater problems? Who would police that.
- Keep heavier commercial down in that area on M-28.
- Mixture of businesses at Varvil Center, keep light industrial.
- Assesses with property owner is going to be very difficulty.

**Board Comments:**

- Suggestion to keep C-2 on the highway and C-3 on the back side.
- Important to look at commercial districts and redefine them. Currently there are 3 different categories of business on that property.
- Put municipal water and sewer down there.
- Performance zoning would work if the same person enforces the zoning ordinance forever. If Planning Commission was large enough with more than one person working on something, it would work.

**LANDSCAPING ORDINANCE:****Planning Commission comments:**

- It would be to everyone's advantage to have the commercial district look nice, more park like. Add buffer areas, corridor sites, pocket parks, more of a village look. Need go ahead from Board.
- Save existing trees.
- Appropriate lighting makes a big difference.
- Nice landscaping helps make people want to come or stop here.

**Board comments:**

- A wagon wheel development behind Superior Development and Holiday Station would be desirable.
- Older part of Commercial district would be hard to have landscape ordinance because of the odd shaped and smaller lots.
- The Township could put out seed money for businesses to plant flowers, shrubs and trees.

**SIGN CONTROL IN BUSINESS DISTRICT:**

- The amendment to our ordinance allows for a 4 foot attached sign for home occupation, we should add to the ordinance either a 4 foot attached or 2 foot detached sign.
- There is a potential for signing in the right-of-way, where do we want signs?
- Some of the businesses have their signs further back from the road because of the right-of-way.

**COMMITTEE TO REVIEW COMMERCIAL DISTRICTS:****Planning Commission Comments:**

- Varvil Center, look at whole commercial district.
- Committee is good idea.
- What types of business is good, focus more on what public wants.
- Should sit down with CABA and get feedback.
- Get CABA involved with implementation, get community together.

**Board comments:**

- Form a Review Committee to look at zoning districts without biases.

**SUBDIVISION CONTROL ACT:**

- Will allow parcels 10 acres-19.9 acres to be split into 4 parcels. Parcels over 20 acres can be split into 7 parcels.
- Land division ordinance be passed or people can split land and no one to monitor splits..
- Write a letter to Register of Deeds informing people to look into the law first before they buy.
- How much R-1 land is available in large parcels?
- Need to decide ideal amount of residential, commercials, RP. A ratio system could be implemented.

- Developmental right come into play?
- It was suggested to write a letter to Realtors.
- Township could look for a model ordinance incorporating the subdivision control act regulations.

**PUBLIC COMMENT:**

Cathy DeVooght-repeated Scott Emerson's comment that spot zoning is bad. If it is so bad, why do we have spot zoning all over the Township? They serve a purpose.

Gary Menhennick-He wasn't called when they were looking for input for the strategic plan.

Scott Emerson-Called President of CABA at that time, which was Tim Shirtzinger. He was suppose to inform CABA. Scott also called Ron Thorley.

John Smith-Has opposing views of strategic plan. Seemed to him that there were more hurdles for him in Chocoley when he was looking for a place for his business in 1987.

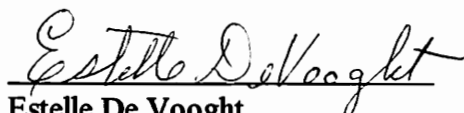
Bill Sanders-Specific goals for strategic plan.

**ADJOURNMENT:**

Mike LaPointe moved, Bill Sanders second that the joint Planning Commission meeting with the Chocoley Township Board be adjourned at 10:05.

**MOTION CARRIED: 5-0**

The joint meeting was adjourned at 10:05 p.m.



Estelle De Vooght  
Planning Commission Secretary



Stacy L. Busch  
Recording Secretary



**CHOCOLAY TOWNSHIP PLANNING COMMISSION**  
**MONDAY, APRIL 14, 1997**

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

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

**OTHERS PRESENT:** Jeanette R. Collick-Recording Secretary, Mark Maki, Don Britton, Pete Henricksen, Carl Lindquist, Wm Smith, Gerald Vashaw, Donald Castell, Pat Castell, Judd Johnston, Chad Metzger, Tim Gordon, Joseph Murphy, Amy Emery

**PUBLIC HEARING:**

Mike La Pointe, Chairperson, called the Public Hearing to order at 7:32 p.m.

He informed everyone present there were three public hearings scheduled. He informed everyone the process of the public hearings, which were: (1) staff would make a brief statement on each of the public hearings, (2) applicant would make a brief explanation on the public hearing, (3) the public can comment on the public hearing.

**REZONING #91 - R-1 TO C-1:**

Karen Chandler, Director of Planning & Research informed everyone present that the applicant, Judd Johnston, has petitioned the Chocolay Township Board to rezone the following described property from a current zoning classification of R-1 to C-1:

The West 255' of the East 350' of Government Lot 1 lying south of M-28 in Section 12 T47N R24W being part of Lots 2, 3, 4 of the unrecorded plat of Sea Home Addition of Frank Dushane's Plat in the Township of Chocolay, County of Marquette, & State of Michigan. Location address is across from 1943 M-28 East on south side of M-28.

**SITE FACTORS: Land use**

There is no existing use on the property at this time. Surrounding land use is residential and vacant. Types include single and multi-family dwellings and commercial. The property borders land held in trust by the Federal government for the Keweenaw Bay Indian Community.

Judd Johnston - applicant, owner of property 1943 M 28 E: stated he had no hidden agenda and gave a brief summary on what he planned to do if the property was approved for rezoning:

The reason for requesting the proposed zoning change is to establish and operate a bed & breakfast/brothel. Mr. Johnston informed everyone that he is assuming such a facility will warrant a commercial status. Although the legality of such an operation might be challenged. The present issue is zoning. He is presently following the same process, roughly that were undertaken to legalize gambling in the great State of Michigan. Now that we embraced the "Gaming Institution," it is only a matter of time to open other avenues of economic development to further enhance our community.

Mike LaPointe inquired if there were any other public comments regarding Rezoning #91?

Estelle DeVooght, Planning Commission Secretary read letters from the following into the record:

- (1) Patrick & Michelle Barnette - opposed.
- (2) Vivian Glass - opposed
- (3) Glen & Connie Barto - opposed

Mike LaPointe informed everyone present that this would be discussed during New Business. There was no further public comment. Mike La Pointe closed the public hearing section for Rezoning #91.

**PRIVATE ROAD REQUEST #10:**

Karen Chandler, Director of Planning & Research informed everyone that the applicant, Peter H. Henricksen, has requested the Chocolay Township Board approve a private road located within the following described property.

Section 4 T47N R23W 23.60 Acres - Government Lot 1 and Section 9 T47N R23W 17 Acres - That Part of NE 1/4 of NE 1/4 lying N of M-28. Property Address is 2501 M-28 East.

Peter H. Henricksen, applicant: - 1160 M 28 East: the road is already there, wants it to be named for emergency purposes.

Mike LaPointe inquired if there were any public comments regarding Private Road Request #10?

Kenneth Kelly - 1306 West Avenue - Marquette, MI & owner of property located at 2461 M 28 East. informed everyone that he submitted a letter opposing the private road due to the interference with wetlands and requested that the letter be read into the record.

Road needs to be wider.

Don Castell - 5199 Sharkey 19.9 Lane - Gladstone, MI & owner of property located at 2429 M 28 East. No reason for a name for the road. This is a private driveway. He is opposed to the private road request.

Peter Henricksen - stated there would be no further development of this property.

Mike LaPointe inquired if there were any further public comments regarding Private Road #10. There were none.

Estelle DeVooght, Planning Commission Secretary - read the following letters into the record:

- (1) John F Peterson - 2119 Chestnut St. - Waukegan, IL - opposed
- (2) Mona Scriba - 322 Michigan Ave - Hobart, Indiana - opposed
- (3) Kenneth & Susan Kelly - 2461 M 28 E - Marquette, MI - opposed.

Mike LaPointe closed the public hearing regarding Private Road #10.

#### **PRIVATE ROAD REQUEST #11:**

Karen Chandler, Director of Planning & Research informed everyone that the applicant, Sharon R. LeBoeuf, has requested the Chocolay Township Board approve a private road located within the following described property.

Section 22 T47N R24W 31.4 acres M/L - S1/2 of NE 1/4 exc. S208.7' of E 417.4' of W 1235.7' thereof & exc. the E 696' thereof & exc. the W 800.2' thereof & exc. the S 234.75' of W 208.75' of E 955.15' thereof. Property Address is 357 Mangum Road.

Sharon Le Boeuf (owner) 357 Mangum Road & Andrea Vigi (applicant's representative - Re/Max 1st Realty) - informed everyone the applicant and her daughter will be able to sell the existing property and still remain in the area. All neighbors are very supportive and agreeable to the idea. She also has a purchase agreement on her existing property contingent with this proposal.

Mike La Pointe inquired if there were any further public comments regarding Private Road #11. There were none.

There being no further public hearings scheduled, the public hearing section of the meeting was closed.

#### **REGULAR MEETING CALLED TO ORDER:**

Mike La Pointe called the Regular Planning Commission Meeting to order at 7:55 p.m.

#### **ROLL CALL:**

**PRESENT:** Mike LaPointe, Steve Kinnunen, Bob Whitaker, Estelle DeVooght, Bill Sanders

**ABSENT:** Scott Emerson, Max Engle

**APPROVAL OF THE MINUTES OF MARCH 10, 1997:**

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated March 10, 1997?

Sanders moved, Whitaker supported that the Planning Commission minutes dated March 10, 1997 be approved as presented.

**MOTION CARRIED: 5-0.**

**APPROVAL OF MINUTES OF MARCH 24, 1997 - JOINT MEETING:**

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated March 24, 1997? Bob Whitaker noted that he was in attendance at the March 24, 1997 meeting.

DeVooght moved, Sanders supported that the Planning Commission minutes dated March 24, 1997 be approved as corrected.

**MOTION CARRIED: 5-0.**

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

Mike LaPointe inquired if there were any additions and/or changes to the agenda?

It was suggested that Items B & C under New Business be presented before Old Business and Item A under New Business be presented under Old Business after item A.

Whitaker moved, Kinnunen supported that the agenda be approved as changed.

**MOTION CARRIED: 5-0.**

**PRESENTATION**

Carl Lindquist made a presentation on the Chocolay Watershed Council.

Three things to keep in mind were:

- (1) Conservation
- (2) Restoration
- (3) Education

The following comments were made regarding the presentation:

- Great work being done regarding the Chocolay Watershed.
- Newsletter circulation being increased.
- Volunteers and/or donations are always needed.

Carl Lindquist informed the Planning Commission that because John Stephenson was down state the Farm-A-Syst and Home-A-Syst Project presentation wouldn't be made tonight. If anyone had questions, they can call the Soil Conservation Office.

**PUBLIC COMMENT:**

Mike LaPointe inquired if there was any public comment. There was none. The first Public Comment section of the Planning Commission was closed.

**OLD BUSINESS:**

**CONSIDER PRIVATE ROAD REQUEST #10 - APPLICANT PETE HENRICKSEN:**

Pete Henricksen informed the Planning Commission that the DNR restricts and further development on the property. His request for the private road is strictly for his personal use. Just wants the road named.

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

- The county didn't have a record of the easement being recorded.
- The approval or disapproval has no bearing on getting emergency services.
- Frontage requirements in the zoning ordinance calls for 66' right of way boundaries.
- How can we be assured that no future developments would be made?
- If a private road is approved and a new name made for the road, 911 would have to program the information in the computer.
- The problem isn't with the name. The road cannot be widened.

- No problem with the sign.

Sanders moved, DeVooght supported to recommend to the Township Board that Private Road Request #10 be denied due to failure in meeting the private road requirements as set forth in the Zoning Ordinance.

**MOTION CARRIED: 5-0.**

**CONSIDER PRIVATE ROAD REQUEST #11 - APPLICANT SHARON LE BOUEF:**

Mike LaPointe informed the Planning Commission due to a conflict of interest, he has a purchase agreement on the land being discussed, he would have to abstain from discussion and voting on this particular private road request.

Bill Sanders assumed the chairperson's position and inquired if there were any comments regarding Private Road Request #11.

Karen informed the Planning Commission that she went out to the property. The culvert presently there connecting the drive to the county road is small. The road is wider than the culvert.

Mark Maki advised on the State Subdivision Control Act.

After discussion on the Private Road Request #11, the following motion was made:

Whitaker moved, Sanders supported that the Chocolay Township Planning Commission recommends the Township Board approve the private road request with the following conditions:

1. The developer will provide and install street signs per township specifications at their own expense and maintenance of signs and post to be the responsibility of the owner(s).
2. A covenant be established on the parcel deeds identifying the private road status and the owners responsibility for road maintenance, right-of-way maintenance, and drainage maintenance as well as requiring that open access to the private road be maintained for essential public services.
3. Developer comply with all other agency regulations.
4. Road name be named Tia Trail.
5. Cul-de-sac should be required at the end of the road.
6. A recorded deed for the private road easement be presented before the zoning compliance permit is issued.

**MOTION CARRIED: 3-1-1      AYES: 3      NAYES: 1      ABSTAIN: 1**

**CONSIDER REZONING #91 - R-1 TO C-1 - APPLICANT JUDD JOHNSTON:**

The Planning Commission was informed to keep in mind the discussion that took place at the Public Hearing on this issue.

The following questions/comments were made regarding Rezoning #91.

- Is this a joke to have a brothel? Mike La Pointe we need to act upon the rezoning request.
- Currently the property is zoned R-1. Residents in the surrounding areas wants the area to remain R-1.
- Planning Commission has spent a tremendous amount of time to keep this area residential.
- C-1 has a negative impact on the area. There are other C-1 properties in Chocolay Township.

After discussion on Rezoning #91 the following motion was made:

Sanders moved, LaPointe supported to deny Rezoning #91 and that C-1 would have a negative impact on residential use. There are other C-1 properties in the areas of the township. The proposed land use is a conflict with surrounding areas.

**MOTION CARRIED: 5-0.**

Karen Chandler informed the Planning Commission the Rezoning #91 would be on the County Planning Commission Agenda for May 7 and the Chocoday Township Board at their second meeting in May.

Private Road Request would be on the Chocoday Township Board agenda at their 2nd meeting in April.

Judd Johnston applauded the Planning Commission for sticking to their decision for the property around that area to remain R-1. The Township Board should have the commitment that the Planning Commission has.

**OLD BUSINESS:**

**CONSIDER AD HOC TRAIL'S COMMITTEE RECOMMENDATION:**

Don Britton gave a brief update on the Trail's Committee recommendation.

The Planning Commission stated that they appreciate the time the Ad Hoc Trails Committee has taken. Commended them for doing a fine job.

LaPointe moved, Sanders supported that a letter of support of the motion suggested from the Ad Hoc Trail's Committee be sent the Township Board and be forwarded to the DNR.

**MOTION CARRIED: 5-0**

**CONSIDER LANGUAGE FOR HOME OCCUPATIONS SIGNS:**

Karen informed the Planning Commission that she has reviewed some of the ordinances that other governmental entities do regarding signs for home occupations.

Mark informed the Planning Commission that presently a 2 square foot sign usually with the name of the home occupation and the phone number had been used. He informed them that the Township Board suggested that possibly a 2 square foot sign being use by the road and that a 4 square foot signed be used on the building. He also informed them that signage for home occupations has not been a very big problem.

It was suggested that when the Zoning Board of Appeals reveals the home occupation permit that the approval of signage be submitted in the application. This way the Zoning Board of Appeals could review all signs and see that it fits in the character of the area.

The sign could be reviewed on a case by case basis and be sure it fits in with the character of the area.

Kinnunen moved, Whitaker supported that language regarding Home Occupations be forwarded to the Township Board "a sign not to exceed two (2) square feet and be reviewed by the Zoning Board of Appeals on a case by case basis with the character of the sign to fit in with the neighborhood."

**MOTION CARRIED: 5-0.**

**DISCUSSION ON JOINT MEETING:**

The Planning Commission Members felt that the joint meeting with the Chocoday Township Board went very well.

It was suggested that Karen Chandler contact Ball State University regarding the community charrette program and obtain estimates for expenses.

Karen informed the Planning Commission that Mark Maki met with the township attorney on language for semi trailers.

It was suggested that accessory structure be used for commercial uses. Possible language saying no semi-trailers be used for outdoor storage.

**DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS:**

1. **SITE PLAN REVIEW**
2. **SITE CONDO**

Karen informed the Planning Commission there is no further information pertaining to this language.

**PLANNING DIRECTOR'S REPORT:**

- 1) Our June meeting date has been changed to the first Monday, which is June 2.
- 2) Received a phone call from Glen Barto on rezoning # 91. He also asked if there was anything the Township can do to cut down on the lighting at the casino. He suggested capping the lights for down lighting only. The whole area is bright from the up lighting.

It was stated that the lighting doesn't fall under township ordinance. It was also noted that possibly when the Landscape Ordinance language was done that possibly the lighting could fall under that. It was suggested that possibly the type of lighting to be used would be the one used at the State Welcome Center.

The Planning Commission was informed that possibly the following would be on the agenda for the May Planning Commission: Addition to the Township Building. Should be viewed by the Planning Commission - character of building; and a proposed Medical Facility on the Blondeau property by Snyders.

**PUBLIC COMMENT:**

Mike LaPointe inquired if there was any public comment?

The NMU students present gave a brief summary of the workshops they participated in at San Diego. The poster will be at the next Township Board meeting on April 21. All of the information will go into the Recreation Plan.

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

**COMMISSIONER COMMENT:**

It was noted that the preservation of trees, etc. language would fit into the landscape ordinance.

Sanders moved, Kinnunen supported that the Planning Commissioners wishing to attend the urban forester program proving that information will fit in with the township uses.

**MOTION CARRIED: 5-0**

There was a discussion regarding the letter to the editor sign by a planning commission member. It was noted that in the future that when a letter is sent to the editor that it be signed as a personal letter without planning commission member title on the letter.

It was noted that a Master Planning Workshop is going to be held on Friday, May 23 at NMU. This is an excellent workshop. Some members noted their interest depending on their personal work schedules.

There was the concern of the monitoring wells at the Chocoy Downs Golf Course. It was noted that the Township Attorney was on vacation until April 4. Planning Director will contact the township attorney to see what has to be done.

It was noted that the monitoring wells and testing needs to be done before the golf course is operating.

It was noted that the Best Management Guide was to be followed regarding the testing of the wells.

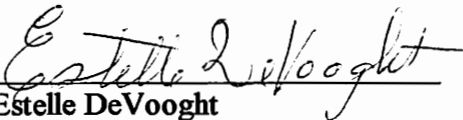
**INFORMATIONAL ITEMS AND CORRESPONDENCES:**

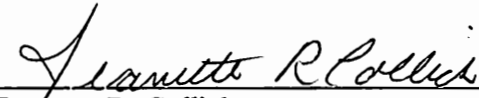
- A. Memo from - Mark Maki - Golf Course/Water Wells Testing
- B. Workshops - MSPO -Master Planning Workshop - Friday, May 23 at NMU
- C. Correspondence from - Mqt. Co. Soil & Water Conservation District - on visiting urban forester program
- D. Chocolay Township Board minutes of 03\03\97; 03\17\97; and 03/24/97

**ADJOURNMENT:**

Sanders moved, DeVooght supported that the April 14, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned at 9:40 p.m.

**MOTION CARRIED: 5-0.**

  
\_\_\_\_\_  
Estelle DeVooght  
Planning Commission Secretary

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

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, MAY 12, 1997**

**PRESENT:** Mike LaPointe, Bill Sanders, Bob Whitaker, Steve Kinnunen, Max Engle, Estelle DeVooght (arrived at 7:37 p.m.)

**ABSENT:** Scott Emerson

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

**OTHERS PRESENT:** Jeanette R. Collick-Recording Secretary, Mark Maki, Don Britton, Gary Menhennick, John F. Smith, David Blondeau, David St.Onge, Ron Katers

**PUBLIC HEARING:**

Mike LaPointe, Chairperson, called the Public Hearing to order at 7:33 p.m.

He informed everyone on the process of the public hearing, (1) staff would make a brief statement on each of the public hearings, (2) applicant would make a brief explanation, (3) the public can comment.

**REQUEST: CONDITIONAL USE #42**

Karen Chandler, Director of Planning & Research informed everyone present that the applicant, Superior Development, has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow for a group of related commercial buildings contained within a single integrated complex, sharing parking, access, and other similar site features in the C-2 District on the following parcel:

SECTION 7 T47N R24W Part of NE 1/4 beg 740' W of SE cor of NE 1/4 of NE 1/4 th S35deg44'W 71.38' th N55deg57'W 225.17' th N47deg02'E 205.54' th N35deg05'W 225.11' th S50deg38'W 416.49' to US 41 ROW th NW'ly alg ROW 270' M/L to SILVER CREEK th NE'ly 410' M/L alg CREEK th S63DEG20'E to a pt 400' N of POB th S 400' to POB. **PARCEL LOCATED AT 5087 U.S. 41 SOUTH.**

Dave St.Onge, consultant for the applicant presented information on the proposed conditional use on a map. Mr. St.Onge informed everyone present that the applicant's interested in the property was in support of completing the development of this property parcel, the applicant wished to secure zoning approval necessary to construct a medical office and a retail/office building on the east portion of the subject parcel. This development is consistent with the surrounding land use and it's supported by adequate vehicle parking, site ingress and egress, storm water management and the existence of all utilities necessary to support the project.

The portion of the site nearest U.S. 41 has been developed to include three (3) retail/office buildings and related transient vehicle parking. The remaining portion of the property is currently undeveloped and is the purpose of this Conditional Use Application.

The intent is to complete the development of this parcel in a manner which is consistent with the existing and surrounding land use. The purpose of the development will be consistent with the areas of the property that have already been completed. The proposed parking lot will be a paved extension of the existing asphalt parking area.

Mark Maki commented on the site plan noting that the current parking lot ends on the site plan but that the commission should be concerned about where the parking lot might extend in the future. The access through the parking lot is not wide enough to meet Sec 402 frontage requirements for a road and therefore can not be used for an access road. The wheel concept did have an access road in this area but unless the Snyder & Blondeau developments consider the 66 foot right of way before it is built up it will not be possible to have an access road in this area leading from US41 to M-28. Future access behind Holiday bringing traffic back to US 41 where a problem already exists should not be permitted.



Mike LaPointe inquired if there were any further public comments regarding Conditional Use #42. There were none. There being no further public hearings scheduled, the public hearing section of the meeting was closed.

**REGULAR MEETING CALLED TO ORDER:**

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:40 p.m.

**ROLL CALL: PRESENT:** Mike LaPointe, Steve Kinnunen, Bob Whitaker, Max Engle, Bill Sanders and Estelle DeVooght (arrived at 7:37 p.m.)

**ABSENT:** Scott Emerson

**APPROVAL OF THE MINUTES OF APRIL 14, 1997:**

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated April 14, 1997?

Sanders moved, Kinnunen supported that the Planning Commission minutes dated April 14, 1997 be approved as presented.

**MOTION CARRIED: 6-0.**

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

Mike LaPointe inquired if there were any addition's and/or changes to the agenda?

It was suggested that Item A under New Business be presented after Old Business Item A.

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

**MOTION CARRIED: 6-0.**

**PUBLIC COMMENT:**

Mike LaPointe inquired if there was any public comment.

Mark Maki informed the Planning Commission that there may be a follow-up letter regarding semi trailers for the June Planning Commission Meeting.

Mike La Pointe inquired if there was further Public Comment. There were none. The first Public Comment section of the Planning Commission was closed.

**OLD BUSINESS:**

**DISCUSSION WITH AD HOC TRAIL'S COMMITTEE MEMBERS:**

There were three representatives from the Ad Hoc Trails Committee present at the meeting and informed the Planning Commission on what was being done presently.

Some of the comments and/or concerns were the following:

- Types of trails are not defined in the Zoning Ordinance.
- Language needs to be adopted for Zoning Districts.
- Possibly the Township Board could notify the land owners where the trails are being proposed to encourage the property owners to give support for the trail's easements to allow the trails to go through.
- Trails designed with North Country Trail would be nonmotorized.
- Should possibly be multi-use.
- Some of the seasonal roads could be designated for trails.
- Trails Committee has some volunteers that would work on the trails. People need to see what is being done.

It was suggested that language try to be drafted for a public hearing to be held regarding the types of trails to be defined for various types of zoning districts.

The Planning Commission unanimously agreed that a letter be sent to the Township Board as requested by the Trails Committee for their support in obtaining easements for the trail development.

**NEW BUSINESS:****CONSIDER CONDITIONAL USE #42:**

Some of the comments and/or concerns regarding Conditional Use #42

- Is the way the road is being proposed wide enough?
- One of the major concerns was the wheel concept to be done eventually.
- The wheel concept has nothing to do with the proposed development presently being discussed. We need to deal with the application at hand.
- Green Space was a big concern.

After a lengthy discussion the following motion was made regarding Conditional Use #42:

Whitaker moved, Sanders second that after careful review of the site plan and determining that the general standards as set forth in Section 701 of the Zoning Ordinance have been met, the Chocoday Township Planning Commission approves conditional use permit # 42 to allow for a group of related commercial buildings contained within a single integrated complex, sharing parking, access, and other similar site features in the C-2 District on the following parcel:

SECTION 7 T47N R24W Part of NE 1/4 beg 740' W of SE cor of NE 1/4 of NE 1/4 th S35deg44'W 71.38' th N55deg57'W 225.17' th N47deg02'E 205.54' th N35deg05'W 225.11' th S50deg38'W 416.49' to US 41 ROW th NW'ly alg ROW 270' M/L to SILVER CREEK th NE'ly 410' M/L alg CREEK th S63DEG20'E to a pt 400' N of POB th S 400' to POB.

PARCEL LOCATED AT 5087 U.S. 41 SOUTH.

with the following conditions

1. That any changes to the proposed building uses on the site plan as approved, be resubmitted to the Planning Commission for further review and consideration if not consistent with the permitted principal uses for the C-2 District.
2. That the relocation of the sanitary sewer lines and easements are approved by the Township Board.
3. That a Zoning Compliance Permit be obtained from the Chocoday Township Zoning Administrator.
4. That the necessary permits as required by Federal, State and Local Agencies be acquired prior to the zoning compliance permit being issued.

Mike La Pointe inquired if there were further questions or comments regarding Conditional Use #42:

The Planning Commission members discussed condition #1. After discussion the above motion was amended to read:

Whitaker moved Sanders second that after careful review of the site plan and determining that the general standards as set forth in Section 701 of the Zoning Ordinance have been met, the Chocoday Township Planning Commission approves conditional use permit # 42 to allow for a group of related commercial buildings contained within a single integrated complex, sharing parking, access, and other similar site features in the C-2 District on the following parcel:

SECTION 7 T47N R24W Part of NE 1/4 beg 740' W of SE cor of NE 1/4 of NE 1/4 th S35deg44'W 71.38' th N55deg57'W 225.17' th N47deg02'E 205.54' th N35deg05'W 225.11' th S50deg38'W 416.49' to US 41 ROW th NW'ly alg ROW 270' M/L to SILVER CREEK th NE'ly 410' M/L alg CREEK th S63DEG20'E to a pt 400' N of POB th S 400' to POB.

PARCEL LOCATED AT 5087 U.S. 41 SOUTH.

with the following conditions

1. That any changes to the proposed medical and retail/office uses on the site plan dated April 17, 1997 as approved, be resubmitted to the Planning Commission for further review and consideration.

2. That the relocation of the sanitary sewer lines and easements are approved by the Township Board.
3. That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator.
4. That the necessary permits as required by Federal, State and Local Agencies be acquired.
5. Parking lot landscaping be provided within the perimeter of the parking lot in accordance with the zoning ordinance.

**MOTION CARRIED: 6-0**

**OLD BUSINESS:**

**DISCUSSION ON COMMUNITY CHARRETTE:**

The Planning Commission members requested that Karen make a conference call and obtain the specifics and information from the Ball State University and get the information back to the Planning Commission's review.

**DISCUSS LAND DIVISION ACT & SAMPLE ORDINANCE:**

Karen informed the Planning Commission that the Township Board would like them to review this language and make any recommendations and send them back to the Township Board for their review.

**REVIEW DRAFT RECREATION PLAN & LAND USE MAP:**

It was inquired if there were any further information on the Lions Field purchase yet. The Planning Commission was informed that Ivan Fende has met with Bill Bergin, Superintendent MAPS. Mr. Fende is waiting for a response from Mr. Bergin.

**DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS:**

- (1) **SITE PLAN REVIEW**
- (2) **SITE CONDO**

There is no further information on this. Estelle DeVooght informed the Planning Commission that Mr. Wietek would help the Township Attorney work on this. The Planning Commission members would like this taken care of.

Karen will get information together and meet with the township attorney.

**NEW BUSINESS:**

**DISCUSS PEDDLER, SOLICITOR & TRANSIENT MERCHANT ORDINANCE:**

Township Board sent the language back to the Planning Commission. They also would like feed back from CABA.

It was stated that the Planning Commission needs more time to review this language and also suggested that this be sent to CABA for their review.

**PLANNING DIRECTOR'S REPORT:**

- 1) Our June meeting date has been changed to the first Monday, which is June 2.
- 2) Workshops - MSPO -Master Planning Workshop - Friday, May 23 at NMU
- 3) I attended a County-Wide Economic Development Umbrella Organizational meeting on May 5 in Ishpeming. This group is an off spring of the Jobs Coalition. Rita Hodgins presented two papers that were developed the "Marquette County, Michigan Community Audit Team Final Report July 3, 1996" and "Draft Report on Economic Development Structures for the Community Audit Team Local Planning Group November 14, 1996". I made copies of the final report for your review. The committee is planning another meeting next month. The idea is to promote Marquette County not just individual communities.
- 4) I have sent letters to community members interested in the CCYF Committee (Communities Committed to Youth and Families). I'm looking for support for the annual bike registration and for interest on serving on this committee.

The Kellogg Foundation will provide grant monies again this year for those communities involved in this process last year. I have not yet received the grant application forms, but as soon as I receive them, I will be calling a meeting together of our CCYF committee to discuss activities for the Chocolay area.

- 5) Is everyone receiving copies of the *Michigan PLANNER*?
- 6) Home Occupation language was approved for publication by the Township Board.

**PUBLIC HEARING:**

A representative from the public said that Chocolay needs to be more business friendly.

**COMMISSIONER COMMENT:**

There were no comments.


**INFORMATIONAL ITEMS AND CORRESPONDENCES:**

- A. Memo from - Mark Maki - on semi trailers
- B. Chocolay Township Board minutes of 04\07\97 and 04/21/97
- C. Correspondence from - MSU Extension - 1997 UP Summer Gardening Conference
- D. Correspondence from - Dept. of Parks & Recreation - Annual Symposium
- E. Correspondence from - APA - Audio Conference Training
- F. Correspondence to - Max Engle, Bill Sanders, Steve Kinnunen - reappointments
- G. Memo to - Ivan Fende - on Township Hall Building Addition

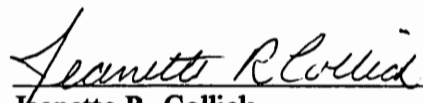
**ADJOURNMENT:**

Kinnunen moved, Sanders supported that the May 12, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned at 10:30 p.m.

**MOTION CARRIED: 6-0.**



Estelle DeVooght  
Planning Commission Secretary



Jeanette R. Collick  
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, JUNE 2, 1997**

**PRESENT:** Mike LaPointe, Bill Sanders, Bob Whitaker, Steve Kinnunen, Max Engle, Estelle DeVooght

**ABSENT:** Scott Emerson

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

**OTHERS PRESENT:** Jeanette Collick-Recording Secretary, Rick Heikkila, Mark Heikkila, Kerrie Heikkila, Bill Anderson and Mark Maki

**PUBLIC HEARING:**

Mike LaPointe, Chairperson, called the Public Hearing to order at 7:33 p.m.

He informed everyone of the process for the public hearing: (1) staff would make a brief statement on each of the public hearings, (2) applicant would make a brief explanation on their project plans; (3) the public can make comments.

**REQUEST: PRIVATE ROAD REQUEST #6-A - HEIKKILA**

Karen Chandler, Director of Planning & Research informed everyone present that the applicant, Mark Heikkila, has requested the Chocolay Township Board approve a private road located within the following described property.

The Northeast 1/4 of the Southeast 1/4 of Section 9, Town 47 North, Range 24 West.  
**This Private Road Request is at the end of Timber Lane.**

Karen Chandler informed the Planning Commission that the property may be owned by the Marquette County Road Commission.

In 1993 Private Road Request #6 was tabled pending other information. The road was never a part of the plat process.

Mark Heikkila, applicant informed the Planning Commission that the road was abandoned in 1993. He informed the Planning Commission that he owns property located at 268 and 272 Timberlane. He would like to sell the property located at 272 Timberlane.

Bill Anderson - 252 Timberlane: Would this private road affect access to the Chocolay River?

Mark Heikkila - informed the public present that a fence would probably be up on the property.

Rick Heikkila - property along the river is private and also the property to the Golf Course is private.

Mike LaPointe inquired if there were any further public comment regarding Conditional Use #42. There were none.

There being no further public hearings scheduled, the public hearing section of the meeting was closed.

**REGULAR MEETING CALLED TO ORDER:**

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:40 p.m.

**PRESENT:** Mike LaPointe, Steve Kinnunen, Bob Whitaker, Max Engle, Bill Sanders and Estelle DeVooght

**ABSENT:** Scott Emerson

**APPROVAL OF THE MINUTES OF MAY 12, 1997:**

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated May 12, 1997?

A memo from Mark Maki, Zoning Administrator, dated May 29, 1997 with the following comment be included in the minutes:

“Mark Maki commented on the site plan noting that the current parking lot ends on the site plan but that the commission should be concerned about where the parking lot might extend in the future. The access through the parking lot is not wide enough to meet Sec 402 frontage requirements for a road and therefore can not be used for an access road. The wheel concept did have an access road in this area but unless the Snyder & Blondeau developments consider the 66 foot right of way before it is built up it will not be possible to have an access road in this area leading from US41 to M-28. Future access behind Holiday bringing traffic back to US 41 where a problem already exists should not be permitted.”

Bill Sanders informed the Planning Commission that on Page 4 regarding Conditional Use #42 the minutes stated that after discussion the above motion was rescinded, it should have read amended.

Sanders moved, Engle supported that the Planning Commission minutes dated May 12, 1997 be approved as discussed with the changes.

**MOTION CARRIED: 6-0.**

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

Mike LaPointe inquired if there were any addition's and/or changes to the agenda?

It was suggested that Item B (Private Road Language) be added under New Business. Estelle DeVooght suggested that New Business be moved before Old Business.

Sanders moved, Whitaker supported that the agenda be approved as changed.

**MOTION CARRIED: 6-0.**

**PUBLIC COMMENT:**

Mike LaPointe inquired if there was any public comment. There being no public comment the first Public Comment section of the Planning Commission was closed.

**NEW BUSINESS:**

**CONSIDER PRIVATE ROAD REQUEST #6-A - MARK HEIKKILA, APPLICANT:**

The following questions and/or comments were made regarding Private Road Request #6-A:

- The Planning Commission can't act on this request at this time until clarification is obtained from the Marquette County Road Commission.
- Comments from the Township Fire Department, Police Department and Department of Public Works Department are included in the agenda packet.
- One name for the road (trail be taken out) should continue as Timberlane.
- Not abandoned until it is stated legally.
- At the present time the county plows the road, but if approved as a private road they wouldn't.
- County Road Commission has been cooperative. Possibly there will be some information on this for the Planning Commission in July.

Engle moved, Sanders supported to table this request until such time that the property identified for the private road is in private ownership and also until a maintenance agreement has been signed by the property owners abutting the private road.

**MOTION CARRIED: 6-0**

**CONSIDER PROPOSED LANGUAGE FOR PRIVATE ROAD LANGUAGE:**

It was suggested that language for private roads be brought back to the Planning Commission in July.

The following comments and/or suggestions were made:

- Cul-de-sacs need to be addressed.
- According to a title company, you cannot write an easement to yourself.
- You can transfer it, but not to yourself.
- Cul-de-sacs be taken care of on an individual basis, do not take the language out.
- Cul-de-sacs as a conditional use requirement.

This language will be reviewed at the July Planning Commission.

**OLD BUSINESS:**

**ANNUAL ELECTION OF PLANNING COMMISSION OFFICERS AND REVIEW OF BYLAWS:**

DeVooght moved, Sanders supported to nominate Mike LaPointe as Chairman for the Chocolay Township Planning Commission. Nominations were closed.

Mike La Pointe called for a vote.

**VOTE CARRIED: 6-0 - MIKE LA POINTE - CHAIRPERSON**

DeVooght moved, Kinnunen supported to nominate Bill Sanders as Vice-Chairperson for the Chocolay Township Planning Commission. Nominations were closed.

Mike LaPointe called for a vote.

**VOTE CARRIED: 6-0 - BILL SANDERS - VICE-CHAIRMAN**

Engle moved, Whitaker supported to nominate Estelle DeVooght as Secretary and Steve Kinnunen as Vice-Secretary for the Chocolay Township Planning Commission. Nominations were closed.

Mike LaPointe called for a vote.

**VOTE CARRIED: 6-0 - ESTELLE DEVOOGHT - SECRETARY AND STEVE KINNUNEN AS VICE SECRETARY.**

It was unanimously agreed that the bylaws be reviewed, gender neutral language be added and references to him or her be removed from the bylaws and replaced with person.

Attendance was discussed. It was also noted that a majority of a quorum at the Planning Commission is needed for a motion to be passed. Planning Commission is an advisory board.

**DISCUSS SEMI TRAILER/OUTDOOR STORAGE REZONING #87)**

- Storage building instead of semi trailers should be encouraged in the C-2 districts.
- Language went to the Township Board in March and was sent back to the Township Planning Commission. The issue was further discussed at the joint meeting in March.
- This may have been voted down, the Township Supervisor told the Zoning Administrator to go out and enforce the ordinance at that meeting.
- If Zoning Administrator is enforcing the Zoning Ordinance - eliminate semi-trailer for storage.
- Proper screening - put as a conditional use.
- Better than letting junk pile up.
- Various businesses that have semi-trailers were noted.

DeVooght moved, Sanders supported to keep the language in for semi trailers to be used as a conditional use and to send the language in Mark Maki's memo back to the Township Board.

**MOTION CARRIED: 6-0**

**DISCUSS PEDDLER, SOLICITOR & TRANSIENT MERCHANT ORDINANCE:**

The following comments and/or suggestions were made:

- Police Department receiving various calls.
- Basically to know who the owner of the business is so they can be contacted if need be.
- Need to support the local people and businesses and benefit them. Seasonal people that sell off their trucks or street stands aren't paying taxes in the local area.
- Nonprofit and charitable organizations should not to be included in this ordinance.
- Photo I.D. should be required but not finger printing.
- Hours of operation should be from 9:00 a.m. to 9:00 p.m.

**DISCUSSION ON COMMUNITY CHARRETTE:**

Karen informed the Planning Commission that the handbook from Dr. James A. Segedy, AICP, Associate Professor of Urban Planning, Project Director was received.

Rita Hodgins is willing to meet with Bill Sanders and Karen Chandler regarding the Charrette program.

It was suggested that a telephone conference with Mr. Segedy, Rita Hodgins, Bills Sanders and Karen Chandler be set up. There were no further comments until we get more information from the conference call.

**DISCUSS LANGUAGE FOR TRAIL DEVELOPMENT:**

It was suggested that RR-1, RR-2, RP, OS - be treated as a Conditional Use.

Karen noted she heard from Robert Ziel - he suggested trying to stay on public right of ways. Karen noted she had received information from PAS after 4:30 today, and hasn't had time to review it.

The following comments and/or suggestions were made:

- If trails are considered as a conditional use, the Planning Commission can specify the type of use when reviewing a Conditional Use.
- North Country Trails would have to be treated as non-motorized.
- Karen suggested to include all zoning districts - identify them all at once.
- No need to get into a definition of a trail, keep it simple.
- Treat all Zoning Districts, except PUD and PL as Conditional Uses.
- Trails Committee will meet on June 3 and these comments will be presented to them.

It was agreed that trails be placed in all zoning districts as conditional uses, except PUD and PL. A public hearing will be scheduled for the July meeting.

**REVIEW DRAFT RECREATION PLAN & LAND USE MAPS:**

The following comments and/or suggestions were made:

- Page 15 - Physical Limitations to the Future
- Page 26 - Lions Park should be included in this table.
- Page 29 - Implementation Strategies - Planning Commission be included on the Advisory Board.
- Need to develop recreation in more than one area.
- New pages 21 & 22 be redone. The copied pages are run together.

**DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS (SITE PLAN REVIEW AND SITE CONDO):**

Karen has no further information at this time. She will get the information to the Township Attorney before the next meeting.

**PLANNING DIRECTORS REPORT:**

- 1) Looking at a possible rezoning on M-28 next to Timbercrest Landscaping for our July meeting. From R-1 to C-2 assuming that at some point we'd rezone the Varvil Center area from C-3 to C-2.
- 2) I did attend the MSPO -Master Planning Workshop - Friday, May 23 at NMU. We should encourage the Board at budget time to put monies aside for a revision to our current comprehensive plan.
- 3) I will be attending a GIS workshop at NMU in June. Mark Maki is also interested in attending. The planning students have several pieces of information into the NMU computers already.

**PUBLIC COMMENT:**

There being no public comment, Mike LaPointe closed the second public comment section of the Planning Commission.

**COMMISSIONER COMMENT:**

Home Occupation Signs - Home Occupations signs are approved as part of the home business. It had been suggested at the ZBA meeting that Home Occupations stay with the land. Karen will check into



this as home occupations typically are for individual use and should be reviewed and renewed by the ZBA periodically.

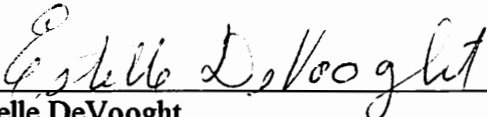
**INFORMATIONAL ITEMS AND CORRESPONDENCE:**

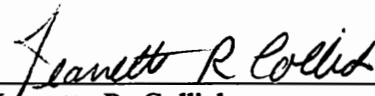
- A. Memos from - Mark Maki - public hearing comments from conditional use # 42 and Joe Gibbs/Chocolay Downs
- B. Chocolay Township Board minutes of 05/05/97

**ADJOURNMENT:**

Whitaker moved, Kinnunen supported that the June 2, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned 9:50 p.m.

**MOTION CARRIED: 6-0.**

  
\_\_\_\_\_  
Estelle DeVooght  
Planning Commission Secretary

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

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, JULY 14, 1997**

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

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

**OTHERS PRESENT:** Stacy Busch-Recording Secretary, Mark Maki, Don Britton, Sally Nelson, Chris Yuill, Rena McEachern, William Kessel, David Lynch, Mary Kaye Schaefer, Donna Barto, and J. B. Sparhawk.

**PUBLIC HEARING:**

Mike LaPointe, Chairperson, called the Public Hearing to order at 7:32 p.m.

A brief update was given by the Planning Director on what was being proposed by the Planning Commission in allowing for trails as a conditional use in all districts but PUD and Public Lands.

Letters were received and placed on file.

**J. B. Sparhawk-246 Lakewood Lane**-Surprised that the issue came up again because Planning Commission asked Township Board to write a letter stating that they were against having motorized vehicles on trail. Trails should be written in another district.

**Mike La Pointe**- Trails are coming into the township and we need a mechanism to control them.

**Max Engle**-Maybe there should be no motorized trails are all. Right now OS, & RP district are the only zoning districts allowing them now. We would like to try and allow some trails in other districts.

**William Kessel-111 Green Bay**-No trust is left here. The trail will be put there anyway.

**Rena McEachern-297 Riverside Road**-no is for helping public. We do not want any snowmobiles back there. Has the railroad abandoned yet, and if so who owns the land?

**Sarah Nelson-172 Riverside Road**-opposed to snowmobiles.

**Chris Yuill- 158 Riverside Road**-opposed to snowmobile trails. Moved here for beauty not to live next to a race track. Last year snowmobilers were coming up in my driveway.

**David Lynch-271 Riverside Road**-The language for trails should be more specific.

**Mary Kaye Schaefer-311 Riverside Road**-opposed to snowmobile trails.

**Donna Barto-501 Riverside Road**-opposed to motorized trail. Please define conditional use. Who does the property revert back to?

There being no further comments for the public hearing, the public hearing section of the meeting was closed.

**REGULAR MEETING CALLED TO ORDER:**

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:50 p.m.

**PRESENT:** Mike LaPointe,, Max Engle, Bill Sanders and Estelle DeVooght, Scott Emerson.

**ABSENT:** Steve Kinnunen, Bob Whitaker,

**APPROVAL OF THE MINUTES OF JUNE 2, 1997:**

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated June 2 1997?

Sanders moved, Emerson supported that the Planning Commission minutes dated June 2, 1997 be approved as presented.

**MOTION CARRIED: 5-0.**

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

Mike LaPointe inquired if there were any addition's and/or changes to the agenda?

It was suggested that New Business A be moved up before Old Business.

Sanders moved, Emerson supported that the Agenda be approved as amended.

**MOTION CARRIED: 5-0**

**PUBLIC COMMENT:**

Mike LaPointe inquired if there was any public comment. There being no public comment the first Public Comment section of the Planning Commission was closed.

**NEW BUSINESS:**

**CONSIDER REZONING #92-TEXT AMENDMENT TO ALLOW FOR TRAIL DEVELOPMENT:**

The following comments and/or suggestions were made:

- During the survey that was done recreational needs were having trails put in. Non-motorized trails connecting the schools, recreation areas and others.
- The Trails Committee was formed to study this need.
- The snowmobilers began using the Wisconsin Railroad once it was known that they were abandoning it. This spread like wildfire.
- Doesn't want to see a motorized trail by house.
- Ameritech owns right-of-way.
- It was noted that Bob Ziel, DNR, had contacted the Township about rails to trails and they would initiate a master plan from Munising to Ishpeming if the railroad gave up that section of railroad grade.
- Before trail system can be implemented need conditional use language added to zoning ordinance.
- The Township Board nor the Planning Commission never approved the use of this trail on the railroad grade.
- The Planning Commission is not suggesting to put a motorized trail there, just trying to get some mechanism to regulate trails. Keeping trail definition broad but have to go through conditional use process.
- The dog sledgers were looking for a trail groomer this winter.
- It was suggested that an overlay zoning district showing where trail is be done.
- The trails committee should come up with a master plan for trails and bring it to the Township Board.
- We have a potential trail now for hiking, if nothing is done today, the Trails Committee can not start working on trails.
- It was suggested that there be 4 types of trails-(1) Non-Motorized year round, (2) Non-Motorized April 1 through November 30, (3) Non-Motorized December 1 through march 31, (4) Pure Motorized. This would segregate the trail uses, designating the trails and their uses.
- If a specific definition given, a public hearing would have to be regardless.
- The Trails Committee could define them with conditions.
- Take the zoning map and identify the trails as 1, 2, 3, or 4.
- The DNR has a designated winter season as being December 1-April 1 and the rest of the year as the summer months.
- Trails Committee would like to know if the Planning Commission will accept conditions? How did they want them written up?
- The trails are currently defined as hiking trails in some areas already as conditional use.
- Take the definition further.
- Consensus for gathering more specifics for definition.
- This creates more problems in getting more specific with definition.
- Thinks Trails Committee should get more of definition.
- Suggests that the text amendment provide certain information such as time of use, activity, in other words spell it out. Add season, check to see what DNR uses.

- Suggested that Township apply for DNR grants that may be available for 25% match up from Township.
- A memo from Mark Maki indicates that in 1981 the Zoning Board of Appeals determined that the Township Zoning Administrator's interpretation of a trail is that of a hiking trail; cross country ski trail or horse trail. Mark Maki also suggested that the Planning Commission look into overlay zones for trails.

Mike LaPointe asked to have the conditional use process explained to the public.

Sanders moved, Engle second that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendment to the Chocolay Township Zoning Ordinance be approved.

**REPEALER AND AMENDMENT**

That portion of Section 202 of the Charter Township of Chocolay Zoning Ordinance entitled "District R-1" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets [].

**[SEC.] SECTION 202**      **DISTRICT R-1.**

- (C) **CONDITIONAL USES.** Schools, churches, public parks, ~~and~~ private parks and trails. Recreation facilities, such as swimming pools, are conditional uses when such uses are intended for occupants of the premises. Unlighted golf courses on a minimum lot size of 60 acres. Conditional uses in this district shall be permitted only on lots with principal driveway access to a street with paving at least 20 feet in width and so located, site planned, and designed to avoid undue noise, and other nuisances and dangers. Conditional Uses in this district shall also be subject to the provision of Section 510.

**AMENDMENT**

That portion of Section 206 of the Charter Township of Chocolay Zoning Ordinance entitled "District LS/R" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

**SECTION 206**      **DISTRICT LS/R.**

- (C) **CONDITIONAL USES.** Marinas, boat liveries, bathing facilities, fishing piers, resorts, Bed & Breakfast, trails, fish markets, commercial fishing docks, and associated facilities when located and designed so as not to unreasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land.

**REPEALER AND AMENDMENT**

That portion of Section 207 of the Charter Township of Chocolay Zoning Ordinance entitled "District RR-1" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets [].

**[SEC.] SECTION 207**      **DISTRICT RR-1.**

- (C) **CONDITIONAL USES.** Trails

**AMENDMENT**

That portion of Section 208 of the Charter Township of Chocolay Zoning Ordinance entitled "District RR-2" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

**SECTION 208      DISTRICT RR-2.**

- (C) **CONDITIONAL USES.** Resorts, Bed & Breakfast, riding stables, parks, trails, campgrounds, kennels, and day camps on lots of 20 acres or more. Hunting and shooting preserves, winter sports facilities, and trails on lots of 20 acres or more. Recreational structures on lots of 40 acres or more. Unlighted golf courses on lots of 60 acres or more.

**AMENDMENT**

That portion of Section 209 of the Charter Township of Chocolay Zoning Ordinance entitled "District C-1" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

**SECTION 209      DISTRICT C-1.**

- (C) **CONDITIONAL USES.** Schools, where the type of school is compatible with nearby residential uses. Specialty retail sales where the type of sales has no outdoor display or storage and is compatible with nearby residential uses and trails.

**REPEALER AND AMENDMENT**

That portion of Section 210 of the Charter Township of Chocolay Zoning Ordinance entitled "District C-2" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets [].

**[SEC.] SECTION 210      DISTRICT C-2.**

- (C) **CONDITIONAL USES.** Auto Body Repair Shops and trails.

**REPEALER AND AMENDMENT**

That portion of Section 211 of the Charter Township of Chocolay Zoning Ordinance entitled "District C-3" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets [].

**[SEC.] SECTION 211      DISTRICT C-3.**

- (C) **CONDITIONAL USES.** Restaurants where there is no C-1 or C-2 District located conveniently nearby, drive-in theaters having patron entrance and exit drives only to streets having a paved surface at least 44 feet in width at points at least 200 feet from any intersection so planned that the picture screen cannot be seen from any street or from any R-1, R-2, R-3, or R-4 District, and other industrial uses which do not emit any fumes, vibration, smoke, or noise except the noise of vehicles coming and going, which is detectable by the senses of normal human beings, and where all operations, including the storage of anything except merchandise displayed for sale, are conducted in a fully enclosed building or entirely behind walls or fences which conceal them from visibility from off the lot. And trails.

**REPEALER AND AMENDMENT**

That portion of Section 212 of the Charter Township of Chocolay Zoning Ordinance entitled "District RP" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets [].

**SECTION 212      DISTRICT RP.**

- (B) **PERMITTED PRINCIPAL USES.** The growing and harvesting of timber, livestock, campgrounds, day camps, riding or boarding stables, winter sports facilities, parks, kennels, ~~{trails,}~~ agricultural produce, trees, shrubbery, flowers, etc., which are grown on the premises may also be marketed on the premises. Detached single-family dwellings are permitted on tracts of 20 acres or more.
- (C) **CONDITIONAL USES.** Resorts, Bed & Breakfast, ~~{and}~~ lodges on lots of 20 acres or more and trails. Hunting and shooting preserves on lots of 20 acres or more. Recreational structures on lots of 20 acres or more. Unlighted golf courses on lots of 60 acres or more.

**AMENDMENT**

That portion of Section 213 of the Charter Township of Chocolay Zoning Ordinance entitled "District OS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined.

**SECTION 213      DISTRICT OS.**

- (C) **CONDITIONAL USES.** Single-family residences, resorts, Bed & Breakfast, trails, and other recreational uses, on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact. Recreational structures on lots of 20 acres or more.

**MOTION CARRIED: 5-0.**

(Scott Emerson left at 8:40)

**OLD BUSINESS:****APPROVAL OF THE PLANNING COMMISSION BYLAWS CHANGES**

It was suggested that in Article 4 Section 5 that "Superior" be changed to "Supervisor".

Sanders moved, Engle supported that the Planning Commission Bylaws be approved as amended.

**MOTION CARRIED: 4-0.**

**REVIEW DRAFT LANGUAGE FOR PRIVATE ROADS**

It was suggested that this be prepared for public hearing.

**REVIEW DRAFT RECREATION PLAN**

Tabled until next meeting.

**CONSIDER PRIVATE ROAD REQUEST #6-A - MARK HEIKKILA, APPLICANT:**

Tabled.

**REVIEW CHANGES TO CONDITIONAL USE #42-SUPERIOR DEVELOPMENT**

Karen gave an overview of what Superior Development and Ron Katers had agreed upon a few years ago. It has changed since then and a new site plan has been received.

Mark Maki stated at one time Steve Blondeau had proposed to put a building in the middle but Mark talked him out of that because it would block the other buildings. The only way they would have to come back with new site plan is if the Planning Commission would have put conditions on the original site plan.

Karen will ask Superior Development for a new site plan for the file.

**DISCUSSION ON COMMUNITY CHARRETTE**

This is still be worked on.

**DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS-SITE PLAN REVIEW, SITE CONDOS**

Our new attorney, Mike Summers, has just received our files from Harley Andrews and will maybe have something for us next month.

**DISCUSS 1998 BUDGET REQUESTS**

Submit requests same as last year.

**PLANNING DIRECTOR'S REPORT**

- 1) I included the Marquette County 1997 Equalization Report for your information. I find that the numbers are very interesting and the comparison of Chocolay Township with all other municipalities within the County. Our total valuation is second to the City of Marquette.
- 2) The Trails Committee would like to plan a neighborhood meeting with residents along Riverside Road and Lakewood Lane. The committee received correspondence in favor of a hiking/biking trail in that area if the railroad grade is abandoned. The committee would like to hold an informational meeting. All literature coming from other organizations involved in trail development indicates that positive public relations is important. Any problems with allowing the Trails Committee to go ahead with this meeting?
- 3) I did attend an ArcView GIS workshop at NMU in June. We have money for the software from last years budget and \$2,500 in the current budget. This should be adequate to purchase the necessary hardware. We should continue to request monies in the capital outlay budget for GIS to cover information input. As we develop layers, this information will need to be hired out to technical experience.

**PUBLIC COMMENT:**

There being no public comment, Mike LaPointe closed the second public comment section of the Planning Commission.

**COMMISSIONER COMMENT:**

Mike LaPointe mentioned the Chocolay River Watershed Festival on Saturday, August 9, 1997 from 10:00 am- 4:00 pm.

Mike is also meeting with Marquette City and Marquette Township on developing a watershed plan for the Whetstone Creek. Marquette Township would also like copies of our Planning Commission minutes.

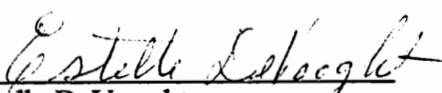
**INFORMATIONAL ITEMS AND CORRESPONDENCE:**


- A. Marquette County 1997 Equalization Report
- B. MTA Fax from June 27, 1997
- C. Land Division Act Workshop - August 6 at NMU & August 19 in Escanaba
- D. Proof of Service - Chocolay Township v Bryce N. Gibbs
- E. Chocolay Township Board meeting minutes of 05/19/97
- F. Mqt. Co. EDC - Michigan Professional Site Network

**ADJOURNMENT:**

Engle moved, Sanders supported that the June 14, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned 9:42 p.m.

**MOTION CARRIED: 4-0.**

  
 Estelle DeVooght  
 Planning Commission Secretary

  
 Stacy L. Busch  
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, AUGUST 11, 1997**

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

**STAFF PRESENT:** Karen Chandler- Director of Planning and Research.  
**OTHERS PRESENT:** Stacy Busch-Recording Secretary.

**PUBLIC HEARING: CONDITIONAL USE #43:**

Mike LaPointe, Chairperson, called the Public Hearing to order 7:33 pm.  
Mike LaPointe asked Karen Chandler for details and location of 20 x 24 camp that was being proposed on Mangum Road.

Don Britton Sr., Owner of property, gave written permission for camp to be built.  
Bob Whitaker asked how far down on Mangum Road the property is?

**PUBLIC COMMENT: None.**

There being no further comments for the public hearing, the public hearing section of the meeting was closed at 7:36 p.m.

**REGULAR MEETING CALLED TO ORDER:**

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:36 p.m.

**ROLL CALL**

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

**APPROVAL OF MINUTES OF JULY 14, 1997:**

Mike LaPointe asked if there were any addition and/or corrections to the minutes dated July 14, 1997?

Sanders moved, DeVooght supported that the Planning Commission minutes dated July 14, 1997 be approved as presented.

**MOTION CARRIED: 4-0.**

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

Mike LaPointe inquired if there were any addition's and/or changes to the agenda?  
It was suggested to add Land Division Ordinance discussion be add under new business B  
Engle moved, Sanders supported that the Agenda be approved as amended.

**MOTION CARRIED: 5-0.**

**PUBLIC COMMENT: None.**

**OLD BUSINESS:**

**REVIEW DRAFT RECREATION PLAN**

The Planning Commission reviewed the Recreation Plan and made several changes.  
Mike LaPointe asked Karen Chandler to check on Public Hearing process. Does Planning Commission hold hearing or Township Board.

**PRIVATE ROAD #6-A-MARK HEIKKILA:** Tabled.

**DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS-SITE PLAN REVIEW, SITE CONDOS**

It was suggested to change section numbers to reference zoning ordinance.  
Bill Sanders asked if any other districts would request to see site plan, such as OS, RP.

Karen Chandler informed the Planning Commission that they were waiting for the attorney's review and getting it ready for Public Hearing.



It was suggested that the Planning Commission hire a planning consultant to check and verify it to the Zoning Ordinance. Karen was asked to call CUPPAD for consultation.

Bill Sanders suggested the ordinance should have what and when you want it for site plan review. Places where registered profession is needed. There should be a request of items listed on site plan for further development.

**DISCUSSION COMMUNITY CHERRETTE-Tabled.**

**NEW BUSINESS:**

**CONDITIONAL USE #43**

DeVooght moved, Whitaker supported that after careful review of the general standards set forth in Section 701 of the Chocolay Township Zoning Ordinance # 34 pertaining to the approval process for conditional use permits and this conditional use permit meets these standards, that the Chocolay Township Planning Commission approve the conditional use permit # 43 to place a recreational camp on this parcel in the RP district with the following conditions

1. That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator before construction is to begin.
2. That the necessary permits as required by Federal, State, and Local Agencies are to be acquired by the applicant.

**MOTION CARRIED: 5-0.**

**LAND DIVISION ORDINANCE DISCUSSION:**

Max Engle attended a workshop at NMU on the Land Division Act. This act creates more problems than originally planned. Michigan is the only state that allows for redivision of property.

**PLANNING DIRECTOR'S REPORT**

Karen's been in contact with the Angel Home Development. This PUD has not been stated and will require an extension. If approved PUD is changed then another review will be necessary.

**PUBLIC COMMENT:** None.

**COMMISSIONERS COMMENTS:**

Max Engle asked who was hauling stuff behind Peterson's house on Little Lake Road. Karen will check with Mark Maki on this.

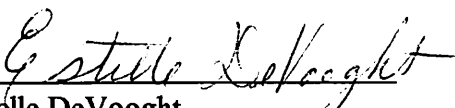
**INFORMATIONAL ITEMS AND CORRESPONDENCE:**

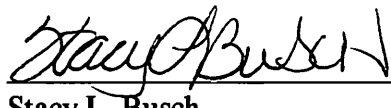
- A. Correspondence from- Mike Summers, Township Attorney- copy of letter to attorney for Bryce N. Gibbs
- B. Chocolay Township Board minutes of 06/16/97
- C. Chocolay Township Zoning Board of Appeals minutes of 05/22/97
- D. Marquette Township Planning Commission minutes of 07/09/97
- E. Correspondence from -Marquette County Conservation District & Marquette County Board of Commissioners- invitation to attend *The Last Acre Ceremony*

**ADJOURNMENT:**

DeVooght moved, Whitaker supported that the August 11, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned at 9:45 p.m.

**MOTION CARRIED: 5-0.**

  
 Estelle DeVooght  
 Planning Commission Secretary

  
 Stacy L. Busch  
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, SEPTEMBER 8, 1997**

**PRESENT:** Mike La Pointe, Bill Sanders, Max Engle, Estelle DeVooght, Steve Kinnunen  
**ABSENT:** Scott Emerson, Bob Whitaker

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

**OTHERS PRESENT:** Jeanette R. Collick - Recording Secretary, Mark Maki, Robert Yeull, Christine Yeull, Rene McEachern, Donna Barto, Bill Kessel

**PUBLIC HEARING:**

There being no public hearing, the regular meeting was called to order.

**REGULAR MEETING CALLED TO ORDER:**

Mike La Pointe called the Regular Planning Commission Meeting to order at 7:31 p.m.

**ROLL CALL:**

**PRESENT:** Mike La Pointe, Bill Sanders, Estelle DeVooght, Max Engle and Steve Kinnunen

**ABSENT:** Scott Emerson and Bob Whitaker

Karen informed the Planning Commission that due to Bob Whitaker moving out of the township, he will be submitting a letter of resignation, and there will be an opening on the Chocoday Township Planning Commission.

**APPROVAL OF THE MINUTES OF AUGUST 11, 1997:**

Mike La Pointe inquired if there were any additions and/or corrections to the minutes dated August 11, 1997?

DeVooght moved, Engle supported that the Planning Commission minutes dated August 11, 1997 be approved as presented.

**MOTION CARRIED: 5-0.**

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

Mike La Pointe inquired if there were any additions' and/or changes to the agenda?

There being no additions or changes to the agenda, the following motion was made.

Sanders moved, DeVooght supported that the agenda be approved as presented.

**MOTION CARRIED: 5-0.**

**PUBLIC COMMENT:**

Mike LaPointe inquired if there were any public comment. Public presented reserved time when trails definition was discussed. There being no other public comment, the first public comment section of the Planning Commission was closed.

**OLD BUSINESS:**

**PRIVATE ROAD #6-A - MARK HEIKKILA:**

Karen informed the Planning Commission members that she would be out of town when the Marquette County Road Commission would be meeting, possibly a member of the Planning Commission would like to attend.

It was advised that a letter be written to the Marquette County Road Commission that the Chocoday Township Planning Commission is interested in finding out who owns the property for the abandoned road. We've been waiting about three months for an answer. The attorney for the Marquette County Road Commission should know if it belongs to the County or reverts back to the land owner.

It was suggested that Karen draft a letter to the applicant and the Marquette County Road Commission to obtain a response. It was agreed unanimously that the Private Road Request #6-A will be tabled until we receive a response on this.

**DISCUSS LANGUAGE FOR DEFINITION OF TRAILS:**

Karen informed the Planning Commission that the Trails Committee met last week. They feel it the responsibility of the Planning Commission to develop a definition of trails. We asked them to set up a map for trails and they have done this.

Max Engle informed the Planning Commission that the motion made at the August 18, 1997 Township Board Meeting regarding the request to ask the Planning Commission to work on a definition of trails should have stated that the motion carried: 6-1, not 7-0.

The following questions and/or comments were made regarding language for trails:

- Trails definition should be left open. Should be made when someone requests a conditional use permit.
- Mark gave brief history on the three criteria and the way it was interpreted by the ZBA.
- Deal with case by case basis.
- Public hearings be held for any trails where the township has zoning rights.
- No matter how we define trails, a public hearing would have to be held.
- Township's hands may be tied, DNR has regulation rights in State held properties.
- Getting away from the original desire, which was to obtain a hiking trail to be connected from the two grade schools and the recreation areas.

Bill Kessel - 111 Green Bay Street - Do not want to define a trail

Rene McEachern - 297 Riverside Road - No problem with hiking trails, do not want snowmobiles. Want peace and quiet in the residential area.

Robert Yeull - 158 Riverside - If there is a snowmobile trail - how will it be policed?

Donna Barto - 501 Riverside - If motorized trails, property values go down. Enforcement - Saturday night in the winter time there is a steady flow of many snowmobiles.

Christine Yeull - 158 Riverside Road - Contact phone company. No trespassing signs be posted.

At the October Planning Commission the trails committee be invited and present an overview.

The public in attendance thanked the Planning Commission for their continued support regarding that no definition of trails be made.

#### **DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS:**

- (1) Site Plan Review
- (2) Site Condo

Karen went over information in the hand out dated September 8, 1997 regarding the consultant and low cost estimate. The price would include a presentation to the Planning Commission.

Karen will fax for the information from the consultants. It was suggested that this be placed on the November Planning Commission.

#### **DISCUSSION ON COMMUNITY CHARRETTE:**

Karen informed the Planning Commission that there will be MSPO workshop at the Hyatt Regency in Southfield. If anyone interested in attending, please contact her. We should still try to contact Ball State University.

#### **NEW BUSINESS:**

#### **DISCUSS POSSIBLE LANGUAGE ON CELLULAR TOWERS, ANTENNA'S AND FACILITIES:**

Karen informed the Planning Commission that there have been two informal requests made for towers. We are not zoned for towers. However, we cannot refuse placement within the Township.

There was a discussion on this. Karen Chandler will get back with Larry Gould on who made the informal requests.

**PLANNING DIRECTOR'S REPORT:**

- 1) I'd like your advice on this RFP to planning consultants. Any suggestion?
- 2) Our proposed FY 1998 planning budget survived the Supervisor's "pen." The next round starts next week at the Board meeting on Monday, September 15. If the budget remains the same, I'll be using budgeted monies from this year to develop a Township Home Page. Any ideas will be greatly appreciated.
- 3) I'll be on vacation from September 11 through September 17. I plan to be back in the office on Thursday, September 18. The Ad Hoc Trails Committee hopes to bring a written recommendation to the Planning Commission in October.
- 4) The grant request for funding Youth & Family activities is being completed. The form is due October 1 at the offices of the Marquette Community Foundation.

**COMMISSIONER COMMENT:**

There was comment on what is the intent of the police department's addition. There was a discussion on this. It was suggested that the Township obtain an experienced professional to do a drawing for suggestions for the addition and to keep the historical aspect of the building.

Karen informed the Planning Commission that at the Township Board Meeting on September 15, 1997 they would be looking at updated drawings.

It was commented that the township needs to obtain professional suggestions on the best way to resolve the problem of the lack of space. We need to look at the future of the township, possibly a separate location for the police department.

It was asked if the proposed body shop that was discussed a few months ago at a Planning Commission meeting has hauled anything away yet. It was noted that they didn't break ground yet.

**INFORMATIONAL ITEMS AND CORRESPONDENCES:**


- A. Correspondence to - Chocoy Watershed - on River Fest
- B. Chocoy Township Board minutes of 07/21/97

**ADJOURNMENT:**

La Pointe moved, DeVooght supported that the September 11, 1997 Planning Commission meeting be adjourned. The Planning Commission adjourned at 9:30 p.m.

**MOTION CARRIED: 5-0.**

  
 \_\_\_\_\_  
 Estelle DeVooght  
 Planning Commission Secretary

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

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, OCTOBER 13, 1997**

**PRESENT:** Mike LaPointe, Bill Sanders, Estelle DeVooght,  
**ABSENT:** Scott Emerson, Max Engle, Steve Kinnunen  
**STAFF PRESENT:** Karen Chandler - Director of Planning & Research  
**OTHERS PRESENT:** Jeanette R. Collick-Recording Secretary, Don Britton

**PUBLIC HEARING:**

Mike LaPointe, Chairperson, called the Public Hearing to order at 7:32 p.m.

Karen informed the Planning Commission members present that she had asked the township attorney for his opinion on holding public hearings without a quorum. He informed her that the public hearings could be held to take comment but no action could be taken without a quorum.

**REZONING #93 - TEXT AMENDMENT:**

Karen Chandler informed everyone present that the applicant, St. Louis Knight's of Columbus Council #6447, has petitioned the Chocolay Township Board to amend the Chocolay Township Zoning Ordinance with language that will allow for Churches and church related uses as a conditional use in the C-1 districts.

Mike LaPointe inquired if there were any comment? There was no comment.

**REZONING #94 - TEXT AMENDMENT:**

Karen informed everyone present that the applicant, Chocolay Township Planning Commission, has petitioned the Chocolay Township Board to amend the Chocolay Township Zoning Ordinance with language that will allow for more clearly defined Frontage Requirements (Private Roads).

Karen received a comment from the Board of Light & Power suggesting that the following language be included: (d) that the passage of township vehicles to include utility vehicles.

Mike LaPointe inquired if there were any comment? There was no comment.  
The public hearing section of the meeting was closed.

**REGULAR MEETING CALLED TO ORDER:**

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:40 p.m.

**ROLL CALL:**

Roll call was taken.

**PRESENT:** Mike LaPointe, Estelle DeVooght and Bill Sanders present.

**ABSENT:** Scott Emerson, Max Engle, Steve Kinnunen

Mike LaPointe inquired that due to the lack of quorum if the Planning Commission members would want to reschedule another meeting date for October?

Karen informed the members present that the Knights of Columbus needs affirmative action being that they only have 60 days to purchase the property. The County Planning Commission needs to review this on the first Wednesday in November.

It was suggested that a Planning Commission Meeting be held October 27th or 28th. Karen will check with the Planning Commission members to see what meeting date would be appropriate for them to attend and notify the Planning Commission members to let them know when the meeting will be held.

Don Britton brought the Planning Commission up-to-date on the trails committee.  
Some of the items the Trails Committee discussed were the following:

- Median proposed on bike path for snowmobilers, etc.
- MDOT no permanent barriers.
- This would be safer for bikers, etc.

- Suggested that Karen draft a letter of support from the Planning Commission and the Trails Committee to Senator North.
- Some more public getting more involved with the trails committee.
- Grants need to be applied for in getting the Recreation Grant.
- Possibility of obtaining an overhead bridge for the crossing of Ortman Road and Cherry Creek Road.
- It was noted that there is a possibility of doing an underpass and blacktopping of the Carp River Bridge for biking, hiking and snowmobiling.

Karen informed the Planning Commission that a workshop on environment, easement and land trust will be held on October 29th. If anyone is interested, please contact her.

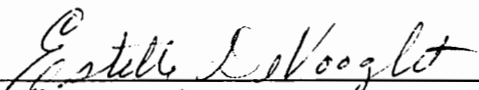
It was asked what does the Planning Commission have to do regarding the Knights of Columbus obtaining the property in question for the church?


This is currently a C-1 district. As a conditional use all property owners within 300' would be contacted and a public hearing held before granting the conditional use. The church is presently looking at purchasing the canoe shop. The Knights of Columbus would be using this building. This will be a church related use.

It was also suggested that the township obtain information on intensive agriculture for farm lands.

**ADJOURNMENT:**

Due to the lack of quorum, the Planning Commission Meeting was adjourned at 8:20 p.m.

  
 \_\_\_\_\_  
 Estelle DeVooght  
 Planning Commission Secretary

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

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, NOVEMBER 10, 1997**

**PUBLIC HEARING:**

There were no public hearings scheduled.

**REGULAR MEETING CALLED TO ORDER:**

Mike LaPointe called the Regular Planning Commission Meeting to order at 7:30 p.m.

**ROLL CALL:**

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

**ABSENT:** Steve Kinnunen

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

**OTHERS PRESENT:** Jeanette R. Collick-Recording Secretary, Pat Coleman, Mae Belle Kessel, Bob Roshak, Sharon Roshak, Don Britton, and Mark Maki.

Mike LaPointe informed everyone present that if they were present because they thought the Snowmobile Ordinance was on the Planning Commission Agenda and was being discussed, it was not being discussed.

Mike LaPointe welcomed Kendall Tabor to the Planning Commission. Kendall Tabor replaces Bob Whitaker on the Planning Commission.

**APPROVAL OF THE MINUTES OF OCTOBER 27, 1997:**

Mike LaPointe inquired if there were any additions and/or corrections to the minutes dated October 27, 1997.

Sanders moved, DeVooght supported that the Planning Commission minutes dated October 27, 1997 be approved as presented.

**MOTION CARRIED:** 4-0

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

Mike LaPointe inquired if there were any additions and/or changes to the agenda?

Sanders moved, DeVooght supported that the Planning Commission agenda be approved as presented.

**MOTION CARRIED:** 4-0

**PUBLIC COMMENT:**

Mike LaPointe inquired if there were any public comment.

Sharon Roshak - 1318 M 28 East reserved comment when the proposed Snowmobile Trail was being discussed. There being no further public comment, the first public comment section of the Planning Commission was closed.

**OLD BUSINESS:**

**DISCUSS RECOMMENDATIONS ON LANGUAGE FOR TEXT AMENDMENTS**

**(1) SITE PLAN REVIEW**

**(2) SITE CONDO**

Pat Coleman, U.P. Engineering/Architect distributed the proposed language for the site plan review and site condo. He explained that the language in bold was being suggested to be added to the language and if it was crossed out, it was being suggested to omit it.

The Planning Commission members, Director of Planning and Research, and Zoning Administrator went over the suggested language and discussed the changes, etc.

Zoning Administrator Mark Maki commented on the proposed site plan language suggesting two changes. (1) Require final site plan to be developed by a professional for new construction. (2) Eliminate recently added appeal language as this is a site plan review by the planning Commission and they should stick to their planning concerns as this is their responsibility.

After the discussion of the site plan review and the site condo was discussed, Pat Coleman informed the Director of Planning & Research that he would distribute the language for the Site Plan Review and the Site Condo to her with the changes.

After the above discussion it was decided that a Public Hearing be held at the December Planning Commission Meeting on the Site Plan Review and the Site Condo.

**REVIEW REPORT/RECOMMENDATION FOR TRAILS DEVELOPMENT COMMITTEE:**  
Don Britton and the Planning Commission looked over the trail's map and snowmobile trail that was provided.

The following questions and/or comments were made regarding the trails development:

- Easements need to be obtained.
- Public present looked over the suggested snowmobile trail.
- Suggested trail does not cross any private property.
- Is the bike path and motorized path separated?
- Bike path motorized between December 1 through April 1. After April 1 would then be designated nonmotorized.
- Ameritech owns right of way of Wisconsin Central Railroad.

Sharon Roshak, 1318 M 28 East - No ORV allowed on the trail in writing she would not support the snowmobile trail. We do not need an ORV trail. Some residents are not aware of the proposed trail and the abandonment of the railroad. Plans on possibly retiring in a few years, if an ORV trail goes through, the house will probably go up for sale.

Bob Roshak, 1318 M 28 East, Timberlane Subdivision on one side and M 28 is on the other side.

Other questions and/or comments from Trails Committee and Planning Commission Members:

- If the State takes over the Rail Road, what happens, can this be designated as an ORV Trail?
- DNR - state wants 25 year commitment for placement of snowmobile trails when using Capital Outlay to make improvements, i.e., bridges.
- Grooming was kept up last year.
- If the Planning Commission doesn't initiate to establish a trail, the DNR could probably put a trail where they want.
- We should try to initiate where a trail would go.
- The next step would be to obtain grant money to purchase land.
- Alternate plan is to purchase 20' - 40' strip through the entire parcel.
- More enforcement. Marquette County Sheriff department and the DNR can do the enforcement.
- Work needs to be done to connect the two grade schools.
- Trails committee has spent a lot of time, it's very time consuming. They not stopping until completed.

Emerson moved, Sanders supported that the Ad Hoc Trail Committee's presentation be accepted as presented.

**MOTION CARRIED:** 6 - 0.

#### **DISCUSSION ON POSSIBLE DEFINITION FOR TRAILS AND OVERLAY ZONING DISTRICTS:**

Karen brought the Planning Commission up to date on this item.

The following questions and/or comments were made regarding trails and overlay zoning districts:

- Trails are easier to use as a Conditional Use.
- If proposed snowmobile trail used as an overlay, may not work for us.
- Once the trail is set that is it.
- What comes first, trails or zoning?
- Need to get zoning as soon as possible?
- Conditional use or overlay when dealing with motorized trails in residential trail area.
- Have a public hearing to purchase the property.



- Need to coordinate long term scheme?
- 1 - 1 ½ mile need to obtain easements.
- Conditional Uses are supposed to be compatible with the zoning district.
- Establish a trail where a trail runs, then do an overlay or put as conditional use in zoning ordinance.
- Trails are in zoning ordinance already, but specific trails are not defined.
- Overlay may restrict and make more unified.
- Overlay zone only allowed in certain areas, as we define it.
- Railroad not abandoned.
- Can't we just have a public hearing for proposed trail?
- Need to advertise for a public hearing?
- Advertise for a public hearing to give property owners opportunity to give their opinion.
- If doing hiking trail as a conditional use, why not snowmobile trail?
- Possibly a survey be done to see where residents may want the snowmobile trail.

Mark Maki, Zoning Administrator provided a copy of proposed overlay zoning language which would revise the zoning ordinance to allow for snowmobile trails in the Township. Without this language currently the snowmobile trails are illegal on the railroad right of way and across private property.

The alternate trail should be considered to put the trail away from the residential area of Ridgewood, Dana Lane, and Riverland which is not a good land use. Mark Maki objected to the trail in this area as a member of the Trails Committee.

It should be noted that the proposed snowmobile trail currently runs south of M-28 as the CTPC and Township Board have previously opposed a motorized trail along the track north of M-28.

After the above questions, comments and discussion the following suggestion was made:

A committee consisting of Estelle DeVooght, Bill Sanders, Mike LaPointe, Karen Chandler and Mark Maki meet to go over and establish some language before the next Planning Commission meeting.

#### **DISCUSS PRIVATE CLUB FOR KNIGHTS OF COLUMBUS:**

Are the Knights of Columbus a private club and/or church related? The Knights of Columbus is affiliated with the catholic church.

Karen Chandler explained that the Knights of Columbus would own the property and won't be owned by the Catholic Diocese. Meals will be in the basement of the church. Property owners want the purchase to be done correctly.

Emerson moved, DeVooght supported that the Planning Commission ask the Township Board to amend the Zoning Ordinance to allow for private clubs as a permitted principal use in C-1 zoning districts.

**MOTION CARRIED: 6 -0.**

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

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

- 1) Larry Gould, DPW Supervisor and Greg Zybert, Police Chief completed their annual road inspection in late October. A two-page list has been sent to the County Road Commission for their review. We should receive a reply on those roads which would require maintenance and those that would require construction.

After we receive the response from the County Road Commission, the Planning Commission will need to prioritize the list for possible construction projects.

- 2) Several MSPO workshops are coming up. Most are downstate. One workshop is being held in Escanaba and Houghton on Site Plan Review. Do Planning Commission members receive this information at your homes?
- 3) I have received some negative comments on the newspaper article placed in this agenda

packet. I chose not to exclude this memo from the Zoning Administrator because it would have possibly been sent to you anyway. This is the kind of negative attitude we receive toward positive development and an example of why proactive planning is hindered here at Chocoley Township.

It is hard to see progress being made on the Strategic Plan, but the Township Board did approve the development of the ad hoc committee for trail development. You received their recommendation tonight. This committee has been meeting on a regular basis and has lost members because of the negative attitude displayed by our Zoning Administrator. The last Planning Director indicated that he was told at one time, by the Zoning Administrator, that trails would never be developed in Chocoley Township.

I hope we can move forward, develop these trails and keep our volunteer committee together to finish the development connecting the recreational parks and schools.

**PUBLIC COMMENT:**

There was no public comment.

**COMMISSIONER'S COMMENT:**

The Planning Commission welcomed Kendall Tabor.

Kendall Tabor informed the Planning Commission that he lives on Ford Road, has lived in the township for approximately six years, has three children and plans to be proactive.

Max Engle informed the Planning Commission that due to family and job commitment that he is submitting his resignation from the Planning Commission and the Chocoley Township Board.

The Planning Commission thanked Max for the dedication of his service on the Planning Commission and the Township Board. He will be missed deeply.

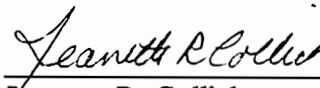
**INFORMATIONAL ITEM ND CORRESPONDENCES:**

- A. Correspondence to - Mark Heikkila - on Private Road Request
- B. Correspondence to - Dr. Kendall Tabor - on appointment to Planning Commission
- C. Correspondence from - M.A. - Workshop on Managing Your Community's Growth & Change
- D. Chocoley Township Board minutes of 10/20/97
- E. Marquette Township Planning Commission minutes of 09/10/97 & 10/08/97
- F. Memo from - Mark Maki - newspaper article & letter to the Editor

**ADJOURNMENT:**

There being no further business, the November 10, 1997 Planning Commission Meeting was adjourned at 10:05 p.m.

  
 \_\_\_\_\_  
 Estelle DeVooght  
 Planning Commission Secretary

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

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, DECEMBER 8, 1997**

**PRESENT:** Mike LaPointe, Bill Sanders, Estelle DeVooght, Kendall Tabor, and Steve Kinnunen, Scott Emerson arrived at 7:36p.m.

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

**OTHERS PRESENT:** Stacy Busch, Recording Secretary, Eva Kipper, Chuck Nosal, Bob & Sharon Roshak, Gary Miller, Robert & Chris Yuill, Ray Beauchamp, Donna Barto, Bernadette Wallace, Debbie Berger, Fred & Mari Dahl, Bill Kessel, Gary Niemela, Tony Retaskie, Burt Sparhawk, Steven & Colleen Schlumpt, Ralph & Ava Bennett, and Mark Maki.

**PUBLIC HEARINGS:**

**REZONING #95-TEXT AMENDMENT-AUTO RENTAL IN C-2**

Karen Chandler explained that the applicant Tim Menhennick, petitioned to allow for motor vehicle rental, as a permitted principal use in the C-2 Districts.

Eva Kipper, representing the applicant explained that Mr. Menhennick is asking for application to be approved. Wants application to be considered and follow recommendation of the Planning Director.

Mark Maki stated that the original plan doesn't call for sale or rentals. The amendment for auto sales was done in 1991 and another for auto body repair in 1996. Doesn't think this would beautify the township and it under utilizes sewer system.

**REZONING #96-TEXT AMENDMENT-PRIVATE CLUBS IN C-1**

Karen Chandler explained that the applicant Chocolay Township Planning Commission has petitioned to allow for Private Clubs as a permitted principal use in the C-1 Districts. No public comment was received on this.

**REZONING #97-TEXT AMENDMENT-SITE PLAN REVIEW**

Karen Chandler explained that the applicant, Chocolay Township Planning Commission has petitioned to amend the uses subject to Site Plan Review, the application and review of procedures, the site plan review standards and the approved plans and amendments to said plans.

Received comment from Mike Summers, Township Attorney which will be reviewed under discussion item. Scott Emerson arrived at 7:36 p.m.

**REZONING #98-TEXT AMENDMENT-SITE CONDOMINIUMS**

Karen Chandler explained that the applicant, Chocolay Township Planning Commission has petitioned, to allow for consistent consultation, review, and approval process for all condominium and site condominium projects within the township.

Received comment from Mike Summers, Township Attorney which will be reviewed under discussion. No public comment.

**CONDITIONAL USE PERMIT #44-SEMI-TRAILERS FOR STORAGE**

Karen Chandler explained that the applicant, Ray Beauchamp of ABC Hardware at 2250 US 41 South has petitioned the Chocolay Township Planning Commission to grant a conditional use permit on the following describer property, for the purpose of allowing semi-trailers for storage.

Correspondences were received from Carl Menze and Peter O'Dovero read and placed on file. These correspondences had no objections.

Ray Beauchamp, applicant, explained that the trailers have already been behind buildings since 1988, it was recommended by Mark Maki, Zoning Administrator, to apply for this conditional use, otherwise they were not moving them or changing them.

**REGULAR MEETING CALLED TO ORDER :**

Mike LaPointe, Chairperson, called Regular Meeting to order at 7:39 p.m.

**ROLL CALL:**

**PRESENT:** Scott Emerson, Mike LaPointe, Bill Sanders, Steve Kinnunen, Estelle DeVooght, Kendall Tabor.      **ABSENT:** None.

**APPROVAL OF MINUTES OF NOVEMBER 10, 1997**

Mike LaPointe inquired if there were any additions or corrections to the minutes of November 10, 1997. Mark Maki submitted the following changes: Insert page 2 after second paragraph

Zoning Administrator Mark Maki commented on the proposed site plan language suggesting two changes.

1. Require final site plan to be developed by a professional for new construction.
2. Eliminate recently added appeal language as this is a site plan review by the planning Commission and they should stick to their planning concerns as this is their responsibility.

Insert page 3 under discussion on Trails and Overlay Zoning

Mark Maki, Zoning Administrator provided a copy of proposed overlay zoning language which would revise the zoning ordinance to allow for snowmobile trails in the Township. Without this language currently the snowmobile trails are illegal on the railroad right of way and across private property. The alternate trail should be considered to put the trail away from the residential area of Ridgewood, Dana Lane, and Riverland which is not a good land use.

I objected to the trail in this area as a member of the Trails Committee.

It should be noted that the proposed snowmobile trail currently runs south of M-28 as the CTPC and Township Board have previously opposed a motorized trail along the track north of M-28.

Sanders moved, DeVooght supported to accept the minutes with submitted corrections.

**MOTION CARRIED: 6-0.**

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

Mike LaPointe inquired if there were any additions or changes in the agenda? It was suggested that under new business that the order be changed to A., E., F., B., C., D., G.

DeVooght moved, Sanders supported that the agenda be changed as noted.

**MOTION CARRIED: 6-0.**

**PUBLIC COMMENT:**

Mike LaPointe inquired if there was any public comment.

Chuck Nosal, 1324 M-28 East- opposed to snowmobile trail. Request alternate trail away from residential area. Presented petition to Planning Commission with many signatures from residents along M-28, Riverland, and Ridgewood.

**OLD BUSINESS:****DISCUSSION ON OVERLAY ZONING DISTRICTS:**

Mike LaPointe suggested that the committee get together Wednesday at 11:30 a.m. to discuss this issue.

**NEW BUSINESS:****CONSIDER REZONING #95-TEXT AMENDMENT-AUTO RENTAL IN C-2**

Mike LaPointe inquired if there were any questions/comments regarding Rezoning #95?

The following questions/comments were made:

- Does applicant plan on this being like airport rentals?
- Leasing and rentals short and long term. Mainly passenger rentals.
- No room for rentals, too small of a lot, looks nice.
- Could open this up for Ryder Truck rentals.
- Feels that if large trucks are being rented, then it should be in industrial zone.
- Only so many vehicles can fit on lot.
- Car & light truck rental should be for C-3 zone.

Emerson moved Sanders supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendment to the Chocolay Township Zoning Ordinance be approved.

**REPEALER AND AMENDMENT**

That portion of Section 210 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT C-2" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is underlined, and the removal thereto of the language that is in brackets [].

**[SEC.] SECTION 210      DISTRICT C-2.**

**(B) PERMITTED PRINCIPAL USES.** All principal permitted uses in C-1, offices, other offices and establishments selling goods and services at retail including gas stations, private clubs, hotels, nursing homes, funeral homes, hospitals, bakeries, drive-in restaurants, indoor theaters and other places of amusement, provided, however, that meat and poultry shops where slaughtering is done on the premises and all listed in Section 211 (B) of this Ordinance, with the exception of motor vehicle sales and rentals of light trucks and cars, are excluded.

**MOTION CARRIED: 6-0**

**CONSIDER CONDITIONAL USE PERMIT #44-SEMI-TRAILERS FOR STORAGE**

Mike LaPointe inquired if there were any questions/comments regarding this Conditional Use Permit #44?

- How many trailers are back there?
- Phase out trailers with a grandfather clause. Have time limit for this activity. Either permanent building for this or get rid of the trailers for good.
- Where are the trailers located?
- What we have to do for one, we have to do for others. It looks ok, screening is nice. Put a time frame on them.
- Logistics for trailer overbuilding? Impose extreme amount of vegetative screening.
- Businesses put up permanent building to make business community look better.

Sanders moved, Emerson second that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request from Ray Beauchamp, ABC True Value Hardware for a Conditional Use Permit be approved for the use of semi-trailers for storage with the following conditions,

1. That the number of semi-trailers used for storage not exceed 3.
2. That all semi-trailers used for storage be placed on site consistent with site plan submitted.
3. That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator.

**MOTION CARRIED: 6-0.**

**DISCUSS POSSIBLE RECOMMENDATION TO TOWNSHIP BOARD ON PUBLIC LAND DESIGNATION FOR WISCONSIN CENTRAL RAILROAD GRADE**

Mike LaPointe requested that the Planning Commission be able to have some time for discussion prior to public comment on this issue.

Planning Commissioners Comments and suggestions:

- It was mentioned that another railroad may be buying out this one to ship iron ore to Escanaba.
- How can railroad be abandoned when they don't own it. Ameritech does. No motorized traffic.
- Who's Master Planning process. Trails for foot traffic not for motorized traffic.
- Shouldn't be motorized traffic on that trail.
- In rails to trails-Master planing process, how is community involved.
- Draft letter of support 34 mile stretch unless conditions are put on it.
- Alternate route.
- Full community input.

- Attachment of trails highlighting route.
- Get copy of master plan, Find out the amount to purchase right of way.
- Snowmobilers do not belong in residential area.
- Opposed to letter.
- Get Master Plan here for January & have Robert Ziel come to next Planning Commission meeting to explain process.
- Have specific questions in advanced for Mr. Ziel.
- Do both-draft letter and have Mr. Ziel at next meeting.

**Public comment:**

- Likes a person who stands on own two feet and he agrees with them. Planning Commission excellent job making it clear on how the public feels about motorized vehicles on trail. Would like a foot trail, not motorized. Write letter of support as long as it has conditions.
- Planning Commission should reject plan, it opens it up to the DNR. With Master Planning process Township loses local control. There is not a 100% guarantee that the DNR will not stuff this trail down our throats, then the Planning Commission should reject it. The February 97 petition was referenced. There is nothing in Comprehensive Plan, Strategic Plan or Master Plan.
- Read a book on the what the DNR does, doesn't want the trail.
- How do you listen to property owners. Snowmobilers do not drive safely, they drive like idiots. Use alternate wooded area, it would be safer and more pleasant for the snowmobilers to ride on. They are operating illegal by riding against the traffic. The winter trails become ORV trails in the summer, very noisy.
- Opposed to trail.
- Opposed to support letter. Trail is being used right now. Moved to Chocolay for quietness, not like that anymore. Great danger.
- This trail is considered a recreational use, not primary to our lives, our residences and businesses are more important.
- Write letter of support, make sure conditions are put on it.
- Against snowmobiles in residential area. Hurts property values.
- Happy to see that the other side of M-28 is joining together to get this a non-motorized trail.
- Do not support letter.
- Concerns about property values.
- Not enough information from DNR to write support letter.
- Not in favor of support letter. Would like to see trail used for skiing, & walking, no motorized vehicles. Alternate routes available.
- Don't support letter until DNR has a plan.
- Pursue alternate route.
- Opposed to letter. Snowmobilers are leaving their trailers & trash in their yard and then go snowmobiling.
- Agrees to mushers sledding on trail, but not snowmobilers.
- DNR might not listen to residents and do what they want anyway. We should tell the DNR what we do want.
- Township should purchase right of way to regulate it.
- Present the DNR with our plan before they give us theirs.
- Present an alternate route.
- Don't say we approve of trail in letter of support.
- Need preliminary discussion on table.
- General motion
- Send alternate map
- Difficult to enforce snowmobilers.
- Purchase of adjacent land for property owners.
- Are they going to listen to us.

**Comments received from Mark Maki:**

- This request is inconsistent with the Township Planning Efforts.
- It is inconsistent because neither the Comprehensive Plan, the Recreation Plan and/or the recently completed Strategic Plan call for a State designed snowmobile or ORV trail through single family neighborhoods.

- It is inconsistent with the Zoning Ordinance of Chocolay Township because the zoning of some of this area is R-1 single family neighborhoods free from other uses which are incompatible with quiet residential neighborhoods. The R-1 zone does not permit snowmobile and/or ORV trails.
- On more than one occasion DNR officials as well as Mr. Ivan Fende, Supervisor, have said at public meetings that a snowmobile trail will not be approved in the residential areas by the Township or by the DNR.
- The Township Board and the Planning Commission have gone on record as opposing the proposal of a motorized trail along parts of this right of way.
- Area residents have not been notified of this request and this should be done if we are to get the public's comment on the proposal.
- Most of all, an alternate plan has been discussed which would allow the snowmobile trail and which would go around the residential homes.
- Corps of Engineer people have been willing to help build the bridges need. If the DNR has enough money to buy 34 mile of right of way then they surely can buy some right of way to avoid running through peoples front and back yards. Most of the land has already been granted the necessary easements with the exception of one owner who probably would sell.
- The Planning Commission should ask the DNR to be specific about their request.
- The Planning Commission is to protect the welfare and safety of its residents and implement its long range plans through zoning and other means.
- I have talked to people all around Marquette & Alger County and these snowmobile trails are not wanted in residential areas.
- The residents of Chocolay Township who live here all year long and pay taxes here as well as spend their money here everyday deserve better than to have a racing thoroughfare put right next to their homes.

It was decided that Scott, Steve, & Mark would write the letter of recommendation with Karen's review to Board for December 15, 1997.

#### **CONSIDER REZONING #96-TEXT AMENDMENT-PRIVATE CLUBS IN C-1**

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

#### **AMENDMENT**

That portion of Section 209 of the Charter Township of Chocolay Zoning Ordinance entitled "DISTRICT C-1" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is bold and underlined.

#### **SECTION 209      DISTRICT C-1.**

- (B) **PERMITTED PRINCIPAL USES.** Barber and beauty shops, general and specialty food and beverage stores, drugstores, restaurants, clothing and dry goods stores, offices, bakeries without additional sales outlets, Bed & Breakfast, **private clubs**, dry cleaning and laundry pick-up stations, coin operated laundry and dry cleaning establishments, provided, however, that drive-in restaurants and establishments cooking or preparing food for consumption off the premises are excluded.

**MOTION CARRIED: 6-0**

#### **CONSIDER REZONING #97-TEXT AMENDMENT- SITE PLAN REVIEW**

Sanders moved, Kinnunen second that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendment to the Chocolay Township Zoning Ordinance be approved with discussed changes.

#### **REPEALER AND AMENDMENT**

That portion of Section 502 of the Charter Township of Chocolay Zoning Ordinance entitled "SITE PLAN APPROVAL REQUIREMENTS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is bold and the removal thereof the language which is in brackets [].

**[SEC. 502 SITE PLAN APPROVAL REQUIREMENTS.]**

[Except with respect to single-family dwellings and mobile homes and accessory uses thereto not subject to Section 403 of this Ordinance, no person shall commence any use or erect or enlarge any structure without first obtaining the approval of a site plan by the Zoning Administrator as set forth in this Section, and no use shall be carried on, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved site plan.]

**SECTION 502 SITE PLAN REVIEW****A. PURPOSE**

The purpose of this Section is to provide for consultation between the applicant, the Planning Commission, and the Township staff to review an applicant's planned objectives in the utilization of land within the regulations of this Zoning Ordinance.

**B. USES SUBJECT TO SITE PLAN REVIEW**

A Zoning Compliance Permit for any proposed use or building or any other improvement requiring a site plan shall not be issued until a Final Site Plan has been reviewed and approved under the following procedure:

1. The following uses shall be subject to Site Plan Review by the Planning Commission:
  - a. All uses within the R-3, R-4, C-1, C-2, C-3, District Planned Unit Development Districts, except the following:
    - (1) One and two-family dwellings
    - (2) Temporary buildings and uses
    - (3) Accessory uses or structures
  - b. Uses Subject to Special Conditions in any zone district.
  - c. Site condominiums in any district.
2. All site plans not reviewed under Section 502, A, 1, a-c, shall be subject to Site Plan Review by the Zoning Administrator. Such review shall ensure that the setbacks, yards, parking, and other specific Zoning Ordinance requirements are met.

**REPEALER AND AMENDMENT**

That portion of Section 503 of the Charter Township of Chocolay Zoning Ordinance entitled "REQUIRED FORM OF AND INFORMATION ON SITE PLAN" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is bold and the removal thereof the language which is in brackets [].

**[SEC. 503 REQUIRED FORM OF AND INFORMATION ON SITE PLAN.]**

[Every site plan shall be submitted to the Zoning Administrator in three identical copies on one or more sheets of paper measuring not more than 24 by 36 inches, drawn to a scale not smaller than 40 feet to the inch, certified by a registered land surveyor or professional engineer. The certification requirement by a registered land surveyor or professional engineer may be waived by the Zoning Administrator if such a requirement will place undue hardship on the proposer and provided the proposer submits a site plan meeting the requirements of this section to the satisfaction of the Zoning Administrator. Each site plan shall show the following:

- (A) The boundary lines of the area included in the site plan including angles, dimensions, and reference to a section corner, quarter corner, or a point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.
- (B) Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding two feet.
- (C) The shape, size, location, height, and floor area of all structures, the floor area and ground coverage ratios, and the finished ground and basement floor grades.



- (D) Natural features such as wood lots, streams and lakes or ponds, and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered. Adjacent properties and their uses shall be identified.
- (E) Proposed streets, driveways, parking spaces, landing spaces, and sidewalks with indication of direction of travel for one way streets and drives and inside radii of all curves. The width of streets, driveways, and sidewalks and the total number of parking spaces shall be shown.
- (F) The size and location of all existing and proposed public and private utilities and required landscaping.
- (G) A vicinity sketch showing the location of the site in relation to the surrounding street system.
- (H) A legal description of the land included in the site plan and of the lot, the name, address, and telephone number of the owner, developer, and designer.
- (I) Any other information necessary to establish compliance with this and other ordinances of the availability of adequate utility capacity.]

## **SECTION 503 APPLICATION AND REVIEW PROCEDURES**

### **A. Application Procedures**

1. **An application for Site Plan Review by the Planning Commission shall be submitted at least twenty (20) days prior to the next scheduled Planning Commission meeting to the Planning Director, who will review the application materials with the Zoning Administrator to ensure that the requirements of Section 503, A, 2, are met, then transmit it to the Planning Commission.**
2. **An application for Site Plan Review shall consist of the following:**
  - a. **A completed application form, as provided by the Township.**
  - b. **Seven (7) copies of the Site Plan as outlined in Section 503, B. 2.**
  - c. **Payment of a fee, in accordance with a fee schedule, as determined by Township Board resolution.**
  - d. **A legal description, including the permanent parcel number, of the subject property.**
  - e. **Other materials as may be required by this Section, the Planning Director, the Zoning Administrator or the Planning Commission.**

### **B. Site Plan Review Procedures**

1. **Preliminary Site Plan Review**
  - a. **A Preliminary Site Plan review is encouraged and may be submitted to the Planning Commission for review prior to Final Site Plan review. The purpose of the Preliminary Site Plan Review is to allow discussion between the applicant and the Planning Commission to inform the applicant of the general acceptability of the proposed plans prior to incurring extensive engineering and other costs which may be necessary for the review of the Final Site Plan.**
  - b. **Preliminary Site Plans shall include the same information as required for Final Site Plan Review, unless deemed unnecessary by the Planning Director and the Zoning Administrator.**
  - c. **The Planning Commission shall review the Preliminary Site Plan and make such recommendations to the applicant that will cause the Plan to be in conformance with the review standards required by this Section and this Ordinance. To this end, the Commission may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to,**

**aerial photography, photographs; traffic impact studies; analysis of impacts on significant natural features and drainage; soil tests; and other pertinent information.**

**2. Final Site Plan Review**

**a. Final Site Plans shall include the following information.**

- (1) Small scale sketch of properties, streets and use of land within one quarter (1/4) mile of the area.**
- (2) Seven (7) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100'). The following items shall be shown on the plan:**
  - (a) Date of preparation/revision.**
  - (b) Name and address of the preparer who shall be a registered engineer, land surveyor, landscape architect, community planner, architect, or related professional.**
  - (c) The existing and proposed topography of the size at a minimum of two (2) foot intervals and its relationship to adjoining land.**
  - (d) Existing man-made features.**
  - (e) Dimensions of setbacks, locations, heights and size of buildings and structures, including the locations of existing buildings or structures within one-hundred (100) feet of the boundaries of the property.**
  - (f) Street right-of-ways, indicating proposed access routes, internal circulation, relationship to existing rights-of ways, and curb cuts within one-hundred (100) feet of the property.**
  - (g) Proposed grading.**
  - (h) Location, sizes, and type of drainage, sanitary sewers, water services, storm sewers, and fire hydrants.**
  - (I) Location, sizes, and type of fences, landscaping, buffer strips, and screening.**
  - (j) Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of this Ordinance found in Section 500.**
  - (k) Easements, if any.**
  - (l) Dimensions and number of proposed lots or condominium units.**
  - (m) Significant natural features, and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural assets.**

**b. The Planning Commission may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impact studies; analysis of impacts on significant natural features and drainage; soil tests; and other pertinent information.**

**c. The Planning Commission shall approve, deny, or approve with conditions the Final Site Plan based on the requirements of this Ordinance, and specifically, the standards of Section 504, A.**

**REPEALER AND AMENDMENT**

**That portion of Section 504 of the Charter Township of Chocolay Zoning Ordinance entitled "REVIEW PROCEDURE" adopted May 9, 1977, and any and all Amendments adopted**

subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is bold and the removal thereof the language which is in brackets [].

**[SEC. 504 REVIEW PROCEDURE.]**

[Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all the required information, shows compliance with this and all other ordinances of Chocolay Township, and demonstrates the adequacy of utility service. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten days, approve it in writing or deny approval in writing, setting forth in detail his reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance, or the inadequacy of any utility, and any changes which would make the plan acceptable. The proposer may appeal any denial to the Township Planning Commission.]

**SECTION 504 SITE PLAN REVIEW STANDARDS**

- A. All Final Site plans shall be approved, approved with conditions, or denied based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:**
- 1. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, climate considerations, size of the property, the uses on adjoining property and relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.**
  - 2. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.**
  - 3. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission or Zoning Administrator may require that landscaping, buffers, and/or green belts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.**
  - 4. The site plan shall comply with the general purposes and spirit of this Ordinance and the Comprehensive Plan of the Township of Chocolay.**

**SECTION 504(a) APPROVED PLANS AND AMENDMENTS**

- A. Upon approval of the Final Site Plan, the Chairman of the Planning Commission shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the Township's files; one (1) copy of the Final Site Plan shall be forwarded to the Zoning Administrator for issuance of a Zoning Compliance permit; and one (1) copy shall be returned to the applicant.**
- B. Each development shall be under construction within one (1) year after the date of approval of the Final Site Plan, except as noted in this Section.**
- 1. The Planning Commission may grant one (1) six (6) month extension if the applicant applies for such extension prior to the date of the expiration of the Final Site Plan and provided that:**
    - a. the applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and**
    - b. the site plan requirements and standards, including those of the Zoning Ordinance and Comprehensive Plan, that are reasonably related to said development have not changed.**

2. **Should neither of the provisions of Section 504-A, B, 1 be fulfilled, or a six (6) month extension has expired without construction underway, the Final Site Plan approval shall be null and void.**
3. **Amendments to an approved Final Site Plan may occur only under the following circumstances:**
  - a. **The holder of a valid Final Site Plan approval shall notify the Planning Director of any proposed amendment to such approved site plan.**
  - b. **Minor changes, requested by the applicant, may be approved by the Planning Director and the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Planning Director and the Zoning Administrator shall consider the following to be a minor change:**
    - (1) **Reduction of the size of any building and/or sign.**
    - (2) **Movement of buildings and/or signs by no more than ten (10) feet.**
    - (3) **Landscaping approved in the site plan that is replaced by similar landscaping to and equal or greater extent.**
    - (4) **Changes in floor plans which do not alter the character of the use or increase the amount of required parking.**
    - (5) **Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design or reduced required landscaping.**
    - (6) **Changes required or requested by the Township, Marquette County, or other State or Federal regulatory agency in order to conform to other laws or regulations.**
  - c. **Should the Planning Director and Zoning Administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by Sections 502-504(a).**

**C. Appeal**

**If any person shall be aggrieved by the action of the Planning commission, appeal in writing to the Township Board may be taken within five (5) days after the date of such action. The Township Board shall set a time and place for a public hearing. The appellant shall be notified in writing of the hearing and a notice shall be published in a newspaper of general circulation ten (10) days prior to the hearing. All interested parties shall be afforded the opportunity to be heard thereat. After such hearing, the Board shall affirm or reverse the action of the Planning Commission, stating its findings and the reasons for its action. A written copy of such findings, reasons, and action shall be given to the appellant.**

**MOTION CARRIED: 6-0**

**CONSIDER REZONING #98-TEXT AMENDMENT-SITE CONDOMINIUMS**

**Sanders moved, Emerson supported that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the following amendment to the Chocolay Township Zoning Ordinance be approved with discussed changes.**

**AMENDMENT**

**That portion of Section 216 of the Charter Township of Chocolay Zoning Ordinance entitled "SPECIAL USES IN DESIGNATED ZONING DISTRICTS" as adopted May 9, 1977, and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the language, which is bold.**

**SECTION 216 SPECIAL USES IN DESIGNATED ZONING DISTRICTS**

**B. SITE CONDOMINIUMS**

1. A Site Condominium may be permitted by the Township Board in any and all zoning districts as established in this Zoning Ordinance if such use meets all established requirements, standards, criteria, and conditions set forth in Sections 525 and 526 of this Zoning Ordinance.
2. The procedures, standards, and criteria applicable to the Township Board in its consideration of an application for a site condominium special use permit shall be as set forth in the provisions of Sections 525 and 526 of this Zoning Ordinance.

**AMENDMENT**

That the Charter Township of Chocolay Zoning Ordinance as adopted May 9, 1977, shall be, and the same hereby is, amended by the addition thereto of Section 525 and Section 526 as follows:

**SECTION 525 SITE CONDOMINIUM**

**A. Purpose**

The purpose of this Section is to provide for a consistent consultation, review and approval process for all condominium and site condominium projects within the Township. The review and approval process will ensure that these projects comply with the Township Comprehensive Plan and Zoning Ordinance.

**B. Site Condominium Projects Approval Procedures**

Prior to recording the master deed as required by Section 72 of the Condominium Act, as amended, all Site Condominium Projects shall undergo a pre-application conference, site plan review and approval pursuant to this ordinance. Pursuant to the authority conferred by Sec 141 of the Condominium Act, preliminary and final site plans for all site condominium projects shall be approved by the Chocolay Township Board. In determining whether to approve a site plan for a condominium project the Township Board shall consult with the following persons and organizations regarding the adequacy of the master deed, deed restrictions, utility systems and streets, site layout and design and compliance with all the requirements of the condominium act and this ordinance:

- A. The Chocolay Township Planning Commission
- B. The Chocolay Township Planning Director
- C. The Chocolay Township Zoning Administrator
- D. The Chocolay Township Attorney
- E. The Supervisor of Public Works
- F. The Marquette County Health Department
- G. The Marquette County Road Commission
- H. The Michigan State Highway Department
- I. The Department of Environmental Quality
- J. The Marquette County Drain Commissioner

**C. Definition Section**

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of the Chocolay Township Zoning Ordinance and the Subdivision Control Ordinance with the Condominium Act.

“Condominium Act” means Act 59 of 1978, as amended.

“Site Condominium” shall be equivalent to the term “subdivision” as used in the Zoning Ordinance and the Subdivision Control Ordinance.

“Condominium Subdivision Plan” means the site, survey and utility plans; floor plans’ and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, boundaries’ acreage and volume for each condominium unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common space elements.

“Condominium Unit or Site Condominium Unit” means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

“Consolidating master deed” means the final amended master deed for a contractible site condominium project, and expandable site condominium project or a site condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

“Contractible site condominium” means a site condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

“Conversion site condominium” means a site condominium project containing site condominium units some or all of which were occupied before the establishment of the site condominium project.

“Convertible area” means a unit or a portion of the common elements of the site condominium project referred to in the site condominium documents within which additional site condominium units or general or limited common elements may be created pursuant to express provision in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

“Expandable site condominium” means a site condominium project to which additional land may be added pursuant to express provision in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

“Front setback” shall be equal to the distance between the front lot line of the condo unit and the structure of that unit.

“Mobile home site condominium project” means a site condominium project which mobile homes are intended to be located upon separate sites as condominium units.

“Master deed” means the condominium document recording the site condominium project to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved site condominium plan for the project.

“Rear setback” shall be equal to the distance between the rear line and the structures on said unit.

“Side setback” shall be equal to the distance between the side line of the site condominium unit and the structures on said unit.

#### **D. General Requirements**

1. The applicant shall pay a reasonable fee, as determined from time to time by resolution by the Township Board.
2. No construction, grading, work, or other development shall be done upon the land intended to be used for a site condominium until a final site plan has been approved, except with express permission of the Township Board. This requirement shall include contractible, conversion, and expandable site condominiums.
3. If a building, structure, or use to be placed on a condominium unit requires site plan approval under Section 502 herein, a site plan for that building, structure, or use shall be approved in accordance with Section 502 herein, before a zoning compliance permit may be issued.
4. The Township Board shall have the authority to review and approve or deny preliminary and final site plans for site condominiums based on whether or not the site plans comply with the provisions of this ordinance.

5. Each condominium unit shall be located within a zoning district that permits the proposed use.
6. For the purposes of this Ordinance, each site condominium unit shall be considered equivalent to a single lot and therefore shall comply to that extent, with all regulations of the zoning district in which located. A site condominium containing single-family detached dwellings, shall have no more than one dwelling located in any condominium unit, nor shall a dwelling be located in any condominium unit which its principal structure or use is other than as a dwelling. Required set-back shall be measured from the boundaries of a condominium unit. Ground floor coverage and floor area ratio shall be calculated using the area of the condominium unit.
7. Each condominium unit shall be connected to public water facilities and to sanitary sewer facilities if available.
8. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
9. Each condominium unit that results from a subdivision of another condominium unit, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
10. All information required by this Ordinance shall be updated and furnished to the Planning Director and Zoning Administrator until applicable zoning compliance permits have been issued per Section 704 herein.

## **SECTION 526 APPLICATION AND APPROVAL PROCESS**

### **A. Pre-application Conference**

Before submitting any formal documents for approval of a site condominium each applicant shall meet and confer with the Chocloy Township Planning Director and interested Township officials regarding the preparation of the Application. It shall be the responsibility of the Planning Director to contact and invite the appropriate Township officials to such a meeting. The general outlines of the proposed site condominium evidenced by sketch plans are to be reviewed at the meeting before submission of a site condominium application. Thereafter, the Planning Director shall furnish the applicant with his written comments regarding the meeting including appropriate recommendations to inform and assist the applicant prior to preparing a site condominium. The applicant may then informally discuss the proposal with the Township Planning Commission at his/her option.

### **B. Preliminary Site Plan Requirements**

1. A preliminary site plan shall be filed for approval at the same time the notice of proposed action is filed with Chocloy Charter Township.
2. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
3. The preliminary site plan shall include all information required in Section 502, herein, except in the case of a development that consists only of condominium units and not buildings or other structures at the time of site plan application, the location and dimensions of condominium units and all required yards, rather than individual buildings, shall be shown on the preliminary site plan.

4. A final site plan for any phase of development shall not be filed nor reviewed by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission and is in effect.

**C. Final Site Plan Requirements**

1. A final site plan shall be filed for review for each phase of development shown of the approved preliminary site plan.
2. A final site plan shall include all information required in Section 66 of the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in Section 502, herein, except in the case of a development that consists only of condominium units and not buildings or other structures at the time of site plan application, the location and dimensions of condominium units rather than individual buildings, and required yards shall be shown on the final site plan.
3. The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over the improvements in the site condominium development, including but not limited to the County Drain Commissioner and the Marquette County Road Commission and the County Health Department. The Planning Commission shall not approve a final site plan until each County and State agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

**D. Revision of Condominium Subdivision Plan.**

If the condominium subdivision plan is revised, the final site plans shall be revised accordingly and submitted for review and approval or denial by the Township Board before building permit may be issued, where such permit is required.

**E. Streets/Roads**

All streets/roads proposed for any site condominium shall be developed according to Section 402, herein, in the minimum design, construction, inspection, approval, and maintenance requirements of Chocolay Township.

**F. Amendment to Master Deed or Bylaws.**

Any amendment to a master deed or bylaws that affect the approved preliminary or final site plan, shall be reviewed and approved by the Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require review of any amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

**G. Relation to Subdivision Ordinance**

All site condominiums shall conform to the plan preparation requirements, design, layout, and improvements standards as listed, and any financial guarantees determined to be necessary by the Township Board. The standards and requirements of these sections that are intended to apply to lots in a subdivision shall apply instead to site condominium units. Nothing in this Section shall be construed as requiring a site condominium to obtain plat approval under the Subdivision Ordinance of the Subdivision Control Act.

**H. Development Agreement.**

The Township Board may require, as a condition of approval, that the applicant enter into a development agreement with the Planning Commission and Chocolay Charter Township, incorporating the terms and conditions of final site plan approval and record the same in the Office of the Register of Deeds for Marquette County.

**I. Construction Located in General Common Element.**

Any application for a building permit for construction to be located in a general common element shall include written authorization by the Condominium Association for the application.

**J. Monuments and Lot Irons.**



Monuments shall be set in accordance with the Michigan Condominium Act and all other State rules and regulations. The Planning Commission may grant a delay in the setting of required monuments for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Township Clerk cash, a certified check, or any irrevocable bank letter of credit endorsed to Chocolay Charter Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

**K. Right-of-Way and Utility Easements.**

All right-of-way and utility easements shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities. Water, sewer and electrical easements may be placed within streets, subject to the Township and the standards of the Marquette County Road Commission.

**L. Compliance with Federal, State and Local Law**

All condominium projects shall comply with Federal and State statutes and local ordinances.

**MOTION CARRIED: 6-0**

**DISCUSS 1998 MEETING DATES**

Emerson moved, DeVooght supported to approve Planning Commission meeting dates as listed for 1998 as published on December 8, 1997.

**PLANNING DIRECTORS REPORT:**

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

- 1) Carl Menze called about the semi-trailers at ABC True Value. He mentioned that he thought the Township was taking a more proactive look at business and business development. He likes the efforts of CABA with beautification and the flower plantings along the highway. He'd like to see an access road at the corner. I explained to him about the meeting we held over a year ago to accomplish that effort. I told him that until the property owned by Wahlstrom's is sold on the corner, an access road will not become a reality.
- 2) I have received the Arc-View GIS software. The hardware will be ordered soon.

**PUBLIC COMMENT:** There was no public comment.

**COMMISSIONER'S COMMENT:** No comment

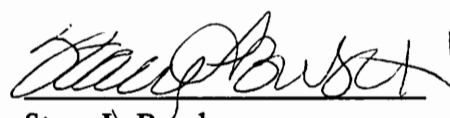
**INFORMATIONAL ITEM AND CORRESPONDENCES:**

- A. Chocolay Township Board minutes of 11/03/97
- B. Chocolay Township ZBA minutes of 10/23/97
- C. Memo from - Mark Maki - Proposed Snowmobile Trail in Chocolay Township/Action

**ADJOURNMENT:**

There being no further business, the December 8, 1997 Planning Commission Meeting was adjourned at 9:58 p.m.

  
 Estelle DeVooght  
 Planning Commission Secretary

  
 Stacy L. Busch  
 Recording Secretary