

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, JANUARY 12, 1998**

**PRESENT:** Mike LaPointe, Estelle DeVooght, Kendall Tabor, and Steve Kinnunen, Bill Sanders arrived at 7:34 p.m., Scott Emerson arrived at 7:35 p.m.

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

**OTHERS PRESENT:** Stacy Busch, Recording Secretary, Bob & Sharon Roshak, Gary Menhennick, Robert & Chris Yuill, David & Donna Barto, J. Burt Sparhawk, Don Britton, Robert Ziel and Mark Maki.

**PUBLIC HEARINGS:**

None

**REGULAR MEETING CALLED TO ORDER :**

Mike LaPointe, Chairperson, called Regular Meeting to order at 7:30 p.m.

**ROLL CALL:**

**PRESENT:** Mike LaPointe, Steve Kinnunen, Estelle DeVooght, Kendall Tabor Scott Emerson, Bill Sanders.

**ABSENT:** None.

**APPROVAL OF MINUTES OF DECEMBER 8, 1997**

Mike LaPointe inquired if there were any additions or corrections to the minutes of December 8, 1997.

DeVooght moved, Kinnunen supported to accept the minutes as presented.

**MOTION CARRIED: 4-0.**

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

Mike LaPointe inquired if there were any additions or changes in the agenda? It was suggested to add New Business A. Recreation Plan Sub Committee, and Old Business D. Church Related Uses.

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

**MOTION CARRIED: 4-0.**

**PUBLIC COMMENT:**

Mike LaPointe inquired if there was any public comment.

Mark Maki 405 Riverside Road- questioned who is responsible for signs prohibiting snowmobiles on the railroad grade as complaints came in saying that the signs that the DNR put up have been removed.

There is also a dangerous situation where a pole and metal sign is located near the Timberlane/Railroad grade which could cause an unsafe accident.

Mark also noted that Joe & Margo Riopelle (heirs of Pat Spear) claim that they own the right of way from the rock cut to around Green Bay St. in Harvey. They are sending a letter to the DNR on this.

I was also asked who is to maintain signs DNR, or trail groomers?

There were questions about the fact that the residents don't want the trail opened up once it is groomed for the dog sled race.

**OLD BUSINESS:**

**DISCUSSION ON RAILS-TO-TRAILS LEGISLATION AND THE DNR MASTER PLANNING PROCESS**

Mike LaPointe introduced Robert Ziel, from the DNR, he was here to answer any questions that the local residents may have concerning the Master Planning Process.

Mr. Ziel showed the Rails-to-Trails video.

Mr. Ziel made the following comments:

- He explained that the State of Michigan passed legislation for trails. Part of the law requires a Master Planning Process. He stated that most likely with all of the issues about who owns the easements, that the DNR would probably acquire the grade. It was also stated that some of the parcels may own those easements. To acquire the Railroad grade MDOT would get the first opportunity to buy for transportation, the DNR would get second for recreation. One other way is "rail banking" which would hold the grade for future transportation use, recreation now. He stated that none of this is finalized. The Master Planning Process will not start until then.

The following questions and comments were made:

- It was asked who in the State makes the decision? Where is the process now?
- Hector Chiunti. Wisconsin Central in negotiating process could now be breaks in ownership.
- If Ameritech owns the railroad grade and Wisconsin Central has easement, shouldn't the DNR negotiate with the owner.
- Local entities would have some say in how it is used.
- What is the time frame?
- Wisconsin Central interested in railbanking, may take a few years to finalize.
- Do tracks have to be pulled also?
- Some concerns about snowmobilers impact.
- With changes in trail system this year, traffic has slowed.
- What about east side of M-28?
- Trail is not sponsored by the DNR. Cannot encourage people to use that side of trail.
- M-28 between Ridgewood has no signs at Casino saying that you can't go further, why is this? The rails to trails video doesn't show enough ORV's or snowmobiles.
- Township residential should be involved, more benefits for year round trail rather than winter trail only.
- Township residents would like some reassurances of meeting motorized interests.
- How can you get involved in process?
- It was asked that the Planning Commission keep an open mind, there should be motorized trails where there can be.
- He is hoping that the Timberlane area and railroad track residents be patient with the Trails Committee, they are trying to get an alternate route.
- If state obtains railroad grade does the township have a say in what happens to it. Any provisions Trails Committee can work on for alternate route?
- It was stated that the Trails Committee can go prospecting.
- Are there any funds available for this?
- DNR is not going to fund alternate trail. Township does have to do it.
- The Trails Committee and snowmobile clubs should be commended for effort.
- It was suggested to put fencing up after sled dog event.
- What is the width of the right of way? 100 ft.

Mike LaPointe thanked Mr. Ziel for coming to the meeting.

Mr. Ziel- thanked the Planning Commission and Township Board for help.

#### **OLD BUSINESS:**

#### **DISCUSS RECOMMENDATION FROM TRAIL COMMITTEE**

Mike LaPointe inquired if there were any questions/comments regarding the recommendation from the Trails Committee?

The following questions/comments were made:

- Grant funding for alternate route dilemma-funding available in 1999.
- To purchase property for alternate route would cost \$30,000.
- Should be identified in Recreation Plan.
- It is not beneficial for Township to only purchase easements, should apply for grants.

- MDOT funding available also.
- A letter to the Marquette County Road Commission should be written about the overpass.
- We should have a purchase agreement first.
- If the Township buys property for trail, may not help grant process.
- Goals need to be set.
- Get going on trail.

Mike LaPointe inquired if anyone wanted to sit on the sub committee for recreation plan?

Scott Emerson, Steve Kinnunen, Kendall Tabor stated that they would spend some time on it. Mike LaPointe suggested that a date & time be set up with the Trails Committee.

Emerson moved, Kinnunen supported that the Chocolay Township Planning Commission advises that the Township Board provide legal and financial support to Trails Committee action for acquisition of alternate route from M-28 to Big Creek Road.

**MOTION CARRIED: 6-0.**

### **DISCUSS OVERLAY ZONING DISTRICT**

Mike LaPointe suggested that a public hearing be set up for February meeting.

### **CHURCH RELATED USES**

Karen gave overview that this was sent back to Planning Commission from the Township Board. Should they deny it or dump it. What is the recommendation of the Planning Commission? Karen suggested that the Planning Commission go ahead and tell the Board to pass it.

### **PLANNING DIRECTORS REPORT:**

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

- 1) MSPO is sponsoring a basic training course for both Planning Commissioners and Zoning Board of Appeals members. Each course will be held in Marquette on March 19. I have included a copy of the registration materials in your packet. If anyone is interested, please let me know and we can get you registered.
- 2) Our membership to the APA PAS has been renewed. Our Planning Library continues to grow. Are Planning Commission members receiving newsletters? I can bring copies to meetings for your review.
- 3) Several months ago members filed copies of a survey on growth management. I have received a copy of the final report and have made it available for your review. A copy of the survey results are included in your packet.
- 4) Department Heads met with Supervisor Ivan Fende this afternoon to discuss future needs by each department. This relates to office space requirements. A few options were discussed. The Board asked to review the growth requirements before they decide to add on to the front of the building to expand the Police Department offices.

### **PUBLIC COMMENT:**

There was no public comment.

### **COMMISSIONER'S COMMENT:**

Scott Emerson suggested that the landscaping ordinance be top priority this year. With the County moving the airport, should we get involved?

Karen stated that at the last Township Board meeting they decided not to get involved.

Mike LaPointe wanted to thank the commissioners for the letter of support that was written to the DNR, and thanked Karen for getting the information.

### **INFORMATIONAL ITEMS AND CORRESPONDENCES**


- A. Correspondence to - Robert Ziel, DNR Fire & Recreation Specialist - invitation to January Planning Commission meeting.

- B. Correspondence to Hector Chiunti, DNR - support of the DNR's acquisition of Wisconsin Central Railroad RoW
- C. Chocolay Township Board minutes of 12/01/97 and 12/15/97
- D. Ad Hoc Trail Development Committee minutes of 11/04/97 and 01/06/98
- E. Marquette Township Planning Commission minutes of 11/12/97 and 12/10/97
- F. MSPO Basic Training Registration information
- G. Opinion-Leaders Survey - Land Use Change and Organizational Needs Survey

**ADJOURNMENT:**

There being no further business, the January 12, 1998 Planning Commission Meeting was adjourned at 9:42 p.m.

  
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Estelle DeVooght  
Planning Commission Secretary

  
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Stacy L. Busch  
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, FEBRUARY 9, 1998**

**PRESENT:** Mike LaPointe, Steve Kinnunen, Ken Tabor, Estelle DeVooght, Bill Sanders, Gary Menhennick, Scott Emerson (arrived at 7:35 p.m.)

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

**OTHERS PRESENT:** Jeanette R. Collick, Recording Secretary, Don Britton, Eva Kipper, Chris Yuill, Sharon & Bob Roshak, Jon Wennerberg, Dave Meadows, John Smith and Mark Maki.

**PUBLIC HEARINGS:**

Mike LaPointe called the Public Hearings to order at 7:30 p.m. He explained the process of the public hearing.

1) **Rezoning # 99 - Overlay Zoning District for Snowmobiles**

Karen Chandler, Director of Planning & Research gave an update on Rezoning #99. She informed the Planning Commission she received comments from three people. They were in favor of the rezoning if it meant the snowmobiles would not be running on M-28 and it would keep the snowmobiles out of the residential neighborhoods. There was no further information regarding Rezoning #99.

Mike LaPointe closed Public Hearing for rezoning #99.

2) **Conditional Use Permit # 45 - Specialty Food Store in C-3**

Karen Chandler, Director of Planning & Research gave an update on Conditional Use Permit #45. She informed the Planning Commission she received one response that was in favor for Conditional Use Permit #45.

There being no further comments or information regarding Conditional Use Permit #45  
Mike LaPointe closed the Public Hearing for Conditional Use Permit #45.

3) **Draft Recreation Plan**

Karen Chandler, Director of Planning & Research gave an update of the Recreation Plan. Scott Emerson arrived at 7:35 p.m.

The following comments were made concerning the Recreation Plan:  
Memo from Larry Gould, Department of Public Works was included in the Planning Commission packet.

Mark Maki, Zoning Administrator provided the following comments:

- Trail plan updated for zoning districts.
- R1 - township building should be public lands.
- Zoning Districts Map is from 1977 and without updates.
- Trail development not quite current with the language.

John Smith provided the following information: he's exploring the idea for a trust fund.

Chris Yuill - 158 Riverside Road - keep snowmobiles away from residential areas.

There being no further comments concerning the Recreation Plan, Mike LaPointe closed the public hearing regarding the Recreation Plan.

There being no further Public Hearings, Mike LaPointe closed the Public Hearing section of the Planning Commission.

**MEETING CALLED TO ORDER:**

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

**ROLL CALL:**

**PRESENT:** Mike LaPointe, Bill Sanders, Estelle DeVooght, Steven Kinnunen, Scott Emerson, Ken Tabor, Gary Menhennick      **ABSENT:** None.

**APPROVAL OF THE MINUTES OF JANUARY 12, 1998:**

Mike LaPointe inquired if there were any additions or corrections to the minutes of January 12, 1998.

Gary Menhennick inquired as to the voting in the minutes regarding 4-0 and 6-0.

Karen informed him that at first there were four members present at the meeting and then some members arrived late, which would change the voting outcome in different areas of the minutes.

There being no further questions and/or comments the following motion was made: Sanders moved, DeVooght supported that the minutes be accepted as presented.

**MOTION CARRIED: 7-0.**

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

Mike LaPointe inquired if there were any additions or changes in the agenda?

Karen informed the Planning Commission of a typographical error under Old Business Item A. It states Rezoning #96. It should be Rezoning #95.

Sanders moved, Emerson supported that the Agenda for the February 9, 1998 be accepted as corrected. **MOTION CARRIED: 7-0.**

**PUBLIC COMMENT:**

Mike LaPointe informed the public present on the process for the public comment section of the agenda.

Eva Kipper - 316 N. Front Street - reserved comment during Old Business Item A - Rezoning #95.

Dave Meadows was present to answer any questions regarding New Business Item A- Conditional Use Permit # 45 for a speciality food store in C-3.

There being no further public comment, Mike LaPointe closed the first Public Comment section of the meeting.

**OLD BUSINESS:**

**Discussion on Rezoning # 95 - Motor Vehicle Rentals - referred back from Township Board**

Karen gave an update on Rezoning #95, light trucks are defined by the Secretary of State as under 10,000 pounds GVW.

Eva Kipper would like to have no restrictions in the language. She informed the Planning Commission that in C-2 district, U-Haul rentals already exists at ABC True Value.

Concern Van or light truck - how is this determined and how will this be enforced?

The following questions and/or comments were made regarding Rezoning #95:

- Motor Vehicle Sales has potential.
- Semi trailer and rigs more appropriate in C-3 zoning districts.
- Why is it ok for ABC to rent snowmobiles, etc.? They have been notified that they are not in compliance. Zoning Administrator did discuss this with Mr. Beauchamp.
- 1990-91 Sale of Motor Vehicle Sales was added to the Zoning Ordinance.
- No restrictions on sales, why on rentals?
- Continuity important to the zoning districts.
- What is the problem with this being as a conditional use? Need effective screening.

- How can you enforce this?
- We need to be careful what is allowed in C-2 Zones.
- C-2 needs to remain as nonindustrial as much as possible.
- Township Board is asking that the Planning Commission explain their action on Rezoning #95.
- The Planning Commission can send this back to the Township Board asking the Board to approve as originally amended and requesting that this be consistent with part of the Strategic Plan - 1995 and Comprehensive Plan of 1990.
- This weight limit would include U-haul trucks holding about three rooms of furniture.
- Planning Commission did put Body Shops as Conditional Use.

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

Emerson moved, Sanders second that the Chocolay Township Planning Commission send back to the Township Board the more definitive description of any restriction of light trucks as defined by weight under 10,000 lbs. GVW, and the Planning Commission's opinion on the original language as stated above, along with a recommendation that the Township Board consider approving the amended language as presented by the Planning Commission. Heavy sales should be in C-3 Zoning Districts to help keep the appearance of the C-2 Commercial and to keep the appearance of the 1995 Strategic Plan and the Comprehensive Plan of 1990.

**MOTION CARRIED: 6-1.**

**Discussion on Rezoning # 97 - Site Plan Review - referred back from Township Board**

Karen brought the Planning Commission up to date on Rezoning #97. The Township Board received a memo from the Zoning Administrator dated January 30, 1998 which was included in the Planning Commission agenda packet. Karen reviewed the suggested changes with Pat Coleman, U.P. Engineers & Architects. The changes have been incorporated into the site plan review language. The fee's have not been addressed and should be considered not by the Planning Commission, but by the Township Board.

Kinnunen moved, DeVooght second that the Chocolay Township Planning Commission send the revised Site Plan Review language back to the Township Board for approval.

**MOTION CARRIED: 7-0.**

**NEW BUSINESS:**

**Consider Conditional Use Permit # 45 - Specialty Food Store**

Karen gave an up date regarding Conditional Use Permit #45.

Menhennick moved, Sanders second that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request from Marquette Meats at 1450 East M-28 for a Conditional Use Permit be approved to allow for a specialty food store in the C-3 Zoning District with the following conditions,

1. That a Firefighter Right to Know form, along with the required floor plan of the business, be supplied to the Fire Department.
2. That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator.

**MOTION CARRIED: 7-0.**

**Consider Approval of Draft Recreation Plan**

The Planning Commission went through the Draft of the Recreation Plan page by page and took into consideration the memo from the Department of Public Works Supervisor and the Zoning Administrator.

After the various corrections of the Draft Recreation Plan were completed, the following motion was made:

Emerson moved, Kinnunen second to incorporate public comment and approve the draft recreation plan, have the draft plan sent to Department of Natural Resources for comment, and send to the Township Board with recommendation for final adoption after comments have been

received from the DNR. The final adopted plan will then be sent to the DNR, Central Upper Peninsula Planning & Development and the Marquette County Planning Commission.

**MOTION CARRIED: 7-0.**

**Consider Rezoning # 99 - Overlay Zoning Districts**

There were no further comments made on Rezoning #99.

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.

**AMENDMENT**

**To the Charter Township of Chocolay Zoning Ordinance as adopted May 9, 1977, amended with a new section entitled Section 217 "Overlay Zone for Snowmobile Trail" 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 217 OVERLAY ZONE FOR SNOWMOBILE TRAIL**

- A) INTENT. The Charter Chocolay Township has adopted a zoning ordinance regarding development in the Township. In order to facilitate the development of approved snowmobile trails within the Township, provision for an overlay zone has been established, specifically designed to provide for a zone no more than a 50 feet wide as a designated and approved snowmobile trail within all zoning districts.**

**Regulations for approved snowmobile trails are contained in the State Snowmobile Laws. These are applicable within the boundaries of the 50 foot overlay zone. An approved snowmobile trail shall be shown and described on the Township's overlay map for the purposes and uses permitted by the Township Zoning Ordinance.**

- B) PERMITTED PRINCIPAL USES. None.**
- C) CONDITIONAL USES. Snowmobile trails as designated and described. These shall be subject to and conditioned upon approval for use between December 1 through April 1 annually, provided always that the consent of the landowner over which the snowmobile trail is proposed, is shown by agreement, license, right-of-way, easement or other instrument.**

**MOTION CARRIED: 7-0.**

**PLANNING DIRECTOR'S REPORT:**

- 1) I received this mailing on Stealth Hidden Towers. We may want to take a look at these again later this year. We could set up a joint meeting with other local governments around us to see what action they are taking. We could also invite communication companies to discuss their plans and needs with the group.
- 2) I received a copy of a letter written to Charles Nosal from the Marquette County Planning Commission. The petition received by the Township Board and Planning Commission last fall was sent also to the County. The request was for County assurances that the DNR would not put the trail on the abandoned railroad grade. The letter is here for your review.
- 3) The Annual American Planning Association Conference this spring is in Boston. Northern Michigan University students again received scholarships to attend. If anyone would like information on the conference, I have conference materials available.
- 4) In January I attended the Michigan Townships Association Annual Educational Conference. I was able to attend the following workshops related to Planning:



A crackerbarrel discussion on Land Use - our group discussed gravel pits. I did learn of a case study in Silva vs. Ada Twp. We may be facing gravel pit issues very soon and testing our mining permit section in the Zoning Ordinance. Other groups discussed home occupations, agriculture vs. residential districts and accessory buildings. It's always good to hear what might be happening in other Townships and how they have resolved the same type of issues we face here at Chocoley and also to share how we have resolved some of the issues they face.

Growing Pains: Managing Growth in Rural Areas - the presenter was Steve Langworthy. Steve always has a good relationship with his audience. He discussed the important catalysts for growth such as, utility services, road systems, zoning & land use planning and the market.

A workshop on Siting Cellular Towers was also presented, but I was unable to attend. I hope to receive a copy of the presented materials.

**PUBLIC COMMENT:**

Mike LaPointe inquired if there were any public comment.

John Smith informed the Planning Commission that he is looking for support for a trust foundation in the future. The foundation would then be able to apply for recreation grants. He is looking for a letter of support from the Planning Commission. The Planning Commission supports the idea in concept. It was suggested that a presentation by the Marquette Community Foundation be made at the March 1998 Planning Commission.

Karen informed the Planning Commission that at the March 1998 Planning Commission there will be a public hearing on a lot split and the definition of private clubs will be ready for discussion.

Don Britton - 1250 Ortman Road thanked the Planning Commission for all the support they have given to the Trail's Committee.

**COMMISSIONERS COMMENT:**

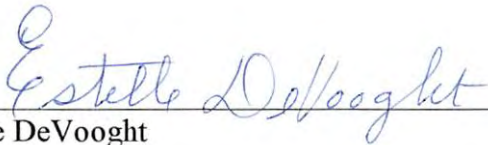
Gary Menhennick introduced himself to the Planning Commission members. He has been a resident of Chocoley Township for approximately 32 years. He works for Menhennick Enterprises, which is a family owned business.


**INFORMATIONAL ITEMS AND CORRESPONDENCES:**

- A. Correspondence from - Bill Sanders - Beyond Clustering
- B. Correspondence from - Stacy Busch - minutes taking
- C. Chocoley Township Board minutes of 01/05/98 and 01/19/98
- D. Ad Hoc Trail Development Committee draft minutes of 02/03/98

**ADJOURNMENT:**

There being no further business, the February 9, 1998 Planning Commission Meeting was adjourned at 9:45 p.m.

  
 Estelle DeVooght  
 Planning Commission Secretary

  
 Jeanette R. Collick  
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION**  
**MONDAY, MARCH 23, 1998**  
**7:30 P.M.**

**PRESENT:** Mike LaPointe, Ken Tabor, Estelle DeVooght, Bill Sanders, Gary Menhennick  
**ABSENT:** Scott Emerson and Steve Kinnunen

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

**OTHERS PRESENT:** Karen L. Deel, Recording Secretary, Don Britton, John Smith, Tammy Seavoy, Marquette Community Foundation Board Member, Rich Rossway, Daniel Rydholm, Terry Bangry.

**PUBLIC HEARINGS:**

Mike LaPointe called the Public Hearings to order at 7:30 p.m. He explained the process of the public hearing.

1) Lot Split # 12 - Applicant, Daniel Rydholm, Lot 14 Riverside Addition to Lakewood. Karen Chandler gave a brief description of the request. Only one neighbor had stopped by the office and was not opposed to the split. Rydholm reported he had the property surveyed. Chandler reported having contact with the County Road Commission and Bob Menard had no problems with this request.

2) Conditional Use Permit # 46 - Applicant, Fraco Inc. has requested that the Chocoday Township Planning Commission consider granting a conditional use permit to allow a change to the original conditional use on the described property. Karen Chandler gave a brief description of the request. Everyone was notified and we have received no correspondence has been received. Terry Bangry presented oral comments regarding the request and responded to questions from the commissioners. Commissioners reiterated their concern about the conditions not being met as was requested, i.e., two rows of pines not planted, etc.

There being no further comments received from the public, this section of the meeting was closed at 7:40 p.m.

**MEETING CALLED TO ORDER:**

Mike LaPointe, Chairperson called the Regular Meeting of the Planning Commission to order at 7:41 p.m.

**ROLL CALL**

**PRESENT:** Mike LaPointe, Ken Tabor, Estelle DeVooght, Bill Sanders, Gary Menhennick.  
**ABSENT:** Scott Emerson and Steve Kinnunen.

**APPROVAL OF THE MINUTES OF FEBRUARY 9, 1998**

Mike LaPointe inquired if there were any additions or corrections to the minutes of February 9, 1998. Karen Chandler noted one correction to be made on page 2 (under approval of the minutes) to change the date from January 12 to February 9, 1998.

Bill Sanders moved, Gary Menhennick supported that the 2/9/98 meeting minutes be accepted with the correction to the approval date (February 9, 1998) of the agenda from the last meeting.  
**MOTION CARRIED.**

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

Mike LaPointe inquired if there were any additions or changes in the agenda?

Bill Sanders moved, Ken Tabor supported that the Agenda for the March 23, 1998 be accepted as presented. **MOTION CARRIED.**

**PUBLIC COMMENT:**

Rich Rossway, Public Relations Representative for the Ojibwa Casino, explained their current status as relates to the Casino on Kawbawgam Road and their application to move it to a new location near the business district. His desire was to clarify any questions, concerns, rumors, and errors about the situation and hopefully work toward building a better relationship between them

and the Chocoday Township Board. Any future activity regarding the Casino will be shared with the Chocoday Township Board. The legal process for all this to happen is complicated and may take up to three years, and involves the Federal Government, the Indian Gaming Regulation Act, State law, and Tribal laws. Rumors of hotels, restaurants, and relocating of homes at this point are just that. Moving homes would be a very last resort.

Rossway responded to questions from the Commissioners and then thanked them for this opportunity to talk with them.

Karen Chandler announced a public hearing at the Cherry Creek School on Tuesday, April 14, 7:30 p.m. regarding the Casino issues.

Don Britton reviewed the status on the trail situation as relates to the Johnson property-- we were off on our lines a little bit. Further comments were made about the crossing of the Chocoday River and Golf Course.

John Smith gave an update on the North Country Trail -- which is strictly a hiking trail.

The Public Comment Section was then closed.

### **OLD BUSINESS**

At the request of the Chocoday Township Planning Commission, a presentation on Marquette Community Foundation(MCF) was made by Tammy Seavoy, MCF Trustee for nine years. This presentation involved oral comments and a seven minute video, distribution of their 1996 Annual Report, and responding to questions from the commissioners. John Smith commented that the impetus for this presentation stemmed from an inquiry into securing some funds for the trails' system. No action was taken at this time.

### **NEW BUSINESS:**

**Consider Lot Split # 12 - Daniel Rydholm Lot 14 Riverside Addition to Lakewood**  
The Zoning Board of Appeals met to review a variance for a proposed addition on the home of Daniel Rydholm. The variance was approved and at this time the lot and home meet the requirements of the Zoning Ordinance. After further review of the application and the other relevant facts related to the subdivision in which the lots are located, I recommend that Lot Split #12, Riverside Addition to Lakewood, Lot 14, where property owners are exchanging a portion of Lot 14 to eliminate an encroachment, be approved.

Bill Sanders moved, Gary Menhennick Seconded that the Chocoday Township Planning Commission recommend to the Chocoday Township Board that Lot Split #12, Riverside Addition to Lakewood, Lot 14, where property owners are exchanging a portion of Lot 14 to eliminate an encroachment, be approved. **MOTION CARRIED.**

### **Consider Conditional Use Permit # 46 - Fraco, Inc.**

Ken Tabor moved Estelle DeVooght seconded that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request by Fraco Inc. at 200 Cherry Creek Road for Conditional Use Permit # 46 be approved to allow for a change to the original site plan to now add redi-wash equipment and a 40 x 70 building to house the equipment, to relocate the underground fuel storage tank of 10,000 gals, to place a scale near the office, and to add a 36 x 70 storage addition on existing block plant building and remove the two Quonset huts proposed in permit # 17, on the following described property:

Section 7 T47N R24W

The N 660' of W 1278.26' of NW 1/4 of SE 1/4 lying W of Cherry Creek Road  
exc the S 500' of E 460.37' thereof. Located at 200 Cherry Creek Road.

With the following conditions:

1. That previous conditions placed on Conditional Use permit # 6 and # 38 be preserved.
2. That the two rows of pines planted at five feet intervals along the north lot line be preserved as a thirty-foot buffer.
3. That at such time as the storage building and platform scale are constructed, the Zoning Administrator and Fraco Inc. will agree to the placement on the site plan as presented to the Planning Commission for this Conditional Use Permit # 46.

- That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to use.

**MOTION CARRIED.**

**Review & Consider Approval of 1997 Annual Report**

Bill Sanders moved Ken Tabor seconded that after review and acceptance we forward the 1997 Annual Report to the Chocolay Township Board. **MOTION CARRIED.**

**Discuss Annual Road Ranking**

ROAD NAME	Location	2nd Road Dead End	Collector Distrib	Condition	Design Standard	Density	Total	Rank	CTPC Rank	Board Rank
Little Lake Road (RR-2)	2	1	2	2	3	4	14	4		
Greenfield Road (RR-2)	2	1	0	2	3	1	9	1		
Mangum Road (RR-2)	2	1	0	4	3	2	12	3		
Shot Point Road	4	0	0	0	3	3	10	2		
Coming Street	4	1	2	2	3	4	16	5		

PROJECTS FOR PAVING OF A GRAVEL ROAD										
Gentz Road	2	0	0	2	4	0	8	1		

After review and discussion of the above road rankings being considered for improvement, the following questions were recorded:

- The ranking for "Density" seems to be out of sync with the other factors -- verify!
- What are they (Chocolay Township Transportation Planning Group) talking about in terms of improvements, i.e., pavement, resurfacing? Could we have specifics for each road?

Karen Chandler will research these issues and report back.

**Review Township Hall Addition**

The Chocolay Township Planning Commission reviewed the Township Hall Addition, per Act 168 of 1959 Township Planning § 125.330 *Basic plan; approval of public way, space, building or structure, Section 10*. Schematics and floor plans were viewed and discussed. Bill Saunders commented on his knowledge and understanding about preserving and respecting the historic nature of buildings and the need to stay away from changing the symmetry of the facade -- cardinal rule of renovations. After much discussion, the following motion was made:

Gary Menhennick moved Ken Tabor seconded that we appoint Bill Sanders as our representative for input on the Chocolay Township Hall Addition and to work with the Planning & Research Director Karen Chandler in communicating this input to the Township Board. **MOTION CARRIED.**

**PLANNING DIRECTOR'S REPORT:**

- I have made copies of information sent to the Township Board from the Chocolay River

Watershed Council. It seems they maybe starting a Strategic Planning process.

- 2) At the last meeting, Board approved the rentals of motor vehicles and site plan review. I have sent a memo to Mark Maki, Zoning Administrator for his interpretation of private clubs. Private clubs have been a permitted principal use in the C-2 districts and we should use the same meaning for the C-1 district.

The Board also approved the Recreation Plan and directed staff to begin preparing a grant application for property acquisition for trail development. Larry Gould and I have been working to get the grant application ready for the Board meeting on March 16. A public hearing will also be held at that time. We need to thank Don Britton for all of his time and energy. Don has personally contacted all of the property owners along the proposed trail route.

- 3) I have been working with Jim Blondeau, Fire Chief, Larry Gould, Jack Menhennick, and Jim & Elry Reetz to get some history of the Fire Department preserved. The department was organized in 1967 and the first truck was purchased in 1968. We'll have a story on the front cover of the next CABA Quarterly due out the end of March.
- 4) Private road request -- Mark Heikkila -- tabled to April -- will need to extend to May. He is working with County Road Commission.
- 5) The Chocolay Watershed Council is looking for volunteers for RiverFest.

**PUBLIC COMMENT: NONE**

**COMMISSIONER COMMENT:**

A brief discussion was heard on the current status of the Casino in hopes of being helpful and beneficial to the understanding of all commissioners.

Mike LaPointe reported on the Watershed Initiative Conservation District, funding available from same, and the process to access those funds, as relates to Marquette Harbor. This initiative could have impact on Chocolay. Efforts include trying to organize for the Chocolay River, Carp River and Dead River.

**INFORMATIONAL ITEMS AND CORRESPONDENCES:**

Correspondence to - DNR, CUPPAD & Mqt. Co. Planning Commission - Copy of Recreation Plan

Correspondence to - Robert Menard, MCRC - on pedestrian overpass bridge

Correspondence copy of letter sent to Representative Mike Prusi

Correspondence from - Ojibwa Casino Resort

Chocolay Township Board minutes of 02/02/98 & 02/16/98

Chocolay Township ZBA minutes of 01/22/98

Marquette Township Planning Commission minutes of 01/14/98

Mission Statement of Marquette Sustainability Council

1997 Annual Report of Marquette County Solid Waste Management Authority

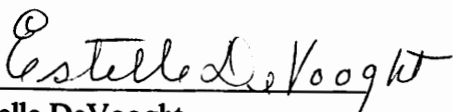
MSPO workshops May 21 in Marquette

Memo from - Mark Maki, Zoning Administrator - Zoning Report/Information

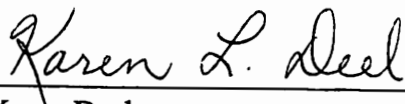
Legislative Fax from MTA 02/27/98

**ADJOURNMENT:**

There being no further business, the March 23, 1998 Planning Commission Meeting was adjourned at 9:50 p.m.



Estelle DeVooght  
Planning Commission Secretary



Karen Deel  
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, APRIL 13, 1998**

**PUBLIC HEARINGS:** None.

**MEETING CALLED TO ORDER:**

Mike LaPointe, Chairperson called the April 14, 1998 Regular Meeting of the Planning Commission to order at 7:30 p.m.

**ROLL CALL**

**PRESENT:** Mike LaPointe, Estelle DeVooght, Scott Emerson, Bill Sanders, Gary Menhennick.  
**ABSENT:** Steve Kinnunen and Ken Tabor.

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

**OTHERS PRESENT:** Karen L. Deel, Recording Secretary, Don Britton, Mark Maki, Zoning Administrator, Sharon and Bob Roshak.

**APPROVAL OF THE MINUTES OF MARCH 23, 1998**

Mike LaPointe inquired if there were any additions or corrections to the minutes of March 23, 1998.

**Bill Sanders moved, Gary Menhennick seconded that the 3/23/98 meeting minutes be approved as submitted. MOTION CARRIED.**

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

Mike LaPointe inquired if there were any additions or changes in the agenda? A memorandum from Mark Maki, Zoning Administrator, was submitted for addition to the agenda, under VIII. B. Zoning Issues.

**Bill Sanders moved, Scott Emerson seconded that the Agenda for the April 13, 1998 be accepted with the addition. MOTION CARRIED.**

**PUBLIC COMMENT:**

Mark Maki, 405 Riverside Road, and Zoning Administrator commented on the issue of the Casino and the Township Board taking a position that they did not support it in the current location because of planning. Mark Maki noted that more recently that the Board now supports it if it would be in the Township business district. He noted this would be an appropriate support issue for the Planning Commission. However, the Public Hearing that is scheduled is not the same kind of hearing where you notify the property owners, but a general advisory public hearing. It appears to be brought about by the Casino employees who want to be heard. Listening to the comments I have heard, I think it would be good for the Planning Commission to support the Board's position. This is a residential area. There is a Federal Law that indicates a casino can not be detrimental to the surrounding community.

Mark Maki further commented on the trail grant application and wondered why there was an issue with hunting? He asked for clarification about how "hunting" came about being added to the grant -- was it really for the issue of hunting or was it for getting additional points in the grant process. If you look at the Township Trails, none of them are suitable for hunting.

**OLD BUSINESS**

**DISCUSSION ON PRIVATE ROAD 6A - MARK HEIKKILA:** Karen Chandler, Director of Planning and Research presented a memo to the Commission outlining the current status of Mark Heikkila's Private Road Request and recommended that the Commission table the request again while the applicant is making progress with the County Road Commission on their part. Discussion followed.

**MOTION by Bill Sanders, supported by Gary Menhennick, that we table the Private Road 6-A request by Mark Heikkila and instruct the Director of Planning & Research to bring it back to agenda when it is ready for action. Motion carried unanimously with one dissenting vote.**

**DISCUSS ANNUAL ROAD RANKING:** In follow-up to last month's meeting and instructions to the Planning Director to provide addition information on the Road Ranking issue, Karen Chandler presented an explanation of the road conditions for the road ranking, corrected the ranking for "density," and submitted this information for review and consideration. An overhead projector reflecting maps of the areas in question were viewed. The actual road rankings are as follows:

Road Name	Location	2nd Road Dead End	Collector Distrib	Condition	Design Standard	Density	Total	Rank	CTPC Rank	Board Rank
Little Lake Road (RR-2 & RP)	2	1	2	2	3	4	14	2		
Greenfield Road (RR-2)	2	1	0	2	3	1	9	5		
Mangum Road (RR-2)	2	1	0	4	3	2	12	3		
Shot Point Road (L/S/R)	4	0	0	0	3	3	10	4		
Corning Street (C-2 & R-1)	4	1	2	2	3	4	16	1		

PROJECTS FOR PAVING OF A GRAVEL ROAD										
Gentz Road (RR-2)	2	0	0	2	4	0	8	6/1		
							0			

**MOTION by Scott Emerson, supported by Bill Sanders, to approve the Annual Road Ranking Report developed by the Planning Director, as presented above, and to forward it to the Chocolay Township Board for action. Motion carried unanimously.**

**REVIEW TOWN HALL ADDITION:** Karen Chandler and Bill Sanders reviewed their activities since the last Commission Meeting when they were authorized to give input to the Architect regarding preserving the historical nature of the building. A drawing and related memos were reviewed. No action required.

**DISCUSSION ON COMMUNITY FOUNDATION:** A memo from the Planning Director to the Commission was reviewed. It outlined a plan for the Trails Committee to enter into an Agreement with the Marquette Community Foundation (similar to the Ishpeming & Negaunee Community Foundations). This information is being presented to the Commission for comment (since the Trails Committee reports to the Commission). Discussion followed, and included a review of how this is a long-term investment by people in this community, and that you could apply for the money just like you to for a grant. Basically, you would be spending the interest earned by the donations/monies from this community to the Foundation.

**MOTION by Bill Sanders, supported by Scott Emerson, that the Commission endorse the Trails Committee recommendation to develop an Agreement with the Marquette Community Foundation, as outlined, and that Chairman LaPointe submit a letter to the Chocolay Township Board to that effect. Motion carried unanimously.**

**NEW BUSINESS:**

**DISCUSS HUNTING ON TOWNSHIP OWNED PROPERTIES:** Laws governing firearms stipulates that you can not discharge a gun within 500 feet of a residence. Is it necessary to forbid hunting if there's a law that covers the issue?

A discussion was heard on the issue with input from Sharon Roshak and Don Britton, with a final understanding that the sentence about "hunting" had been removed from the grant application and that no one was really intending to have hunting from the trails permitted. Legally, the laws governing firearms do not allow for the discharge of firearms within 500 of a residence, therefore it was felt the concern was put to rest.

Mark Maki inquired if there was some way to work with the attorney to develop a legal document with the people who are giving permission for the trail to go through their properties that would include language to protect the Township from people changing their minds, or if someone sells their property?

It was suggested that the Trails Committee address the issue of a policy regarding the discharging of guns in the Township. The Planning Director will talk with others and develop a policy to take to the Board.

**ZONING ISSUES FROM MARK MAKI:** Mark Maki addressed the Commission and reviewed his letter which outlined 5 zoning issues in the Township and recommendations for addressing them, plus a recommendation that a private road be named. Please see the enclosed Memorandum.

A lengthy discussion ensued about zoning definitions, pros and cons of zoning areas that affect personal property, and whether or not the Zoning Board really should be stipulating what people can and cannot do on their own property. Areas of discussion included Taxidermy, Kennels, Contractors yards, Intensive Agriculture, and Bed & Breakfast signage.

In summary, it was the consensus of the group that additional information was needed to address these zoning concerns, i.e., definitions, laws and regulations, etc.

**PLANNING DIRECTOR'S REPORT:** Director Chandler did not have a written report, but did call attention to some booklets on the table which are available for Commission Members review. A reminder about the Public Hearing, time, location and anticipated reaction was heard.

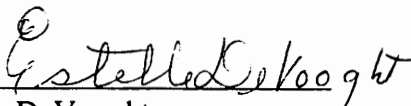
**PUBLIC COMMENT:** None

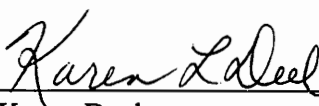
**INFORMATIONAL ITEMS AND CORRESPONDENCE:**

- A. Correspondence from Varnum, Riddering on broadcasting towers.
- B. Chocoday Township Board Minutes of 3/2/98 and 3/16/98.
- C. Ad Hoc Trail Development Committee Minutes of 2/3/98.
- D. Marquette Township Planning Commission Minutes of 2/11/98 and 2/25/98.
- E. Information on KI Sawyer Development.
- F. Basic Planning & Zoning Workshop sponsored by MML in Escanaba, May 2.

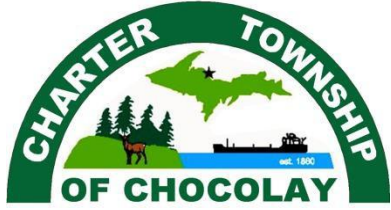
**ADJOURNMENT:**

There being no further business, the April 13, 1998 Planning Commission Meeting was adjourned at 9:20 p.m.

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

  
 \_\_\_\_\_  
 Karen Deel  
 Recording Secretary





**Planning Commission**  
**Charter Township of Chocolay**

5010 US 41 South  
Marquette, MI 49855  
Phone: 906-249-1448 Fax: 906-249-1313

**There are no minutes for the meeting in May, 1998.**

**There was no meeting scheduled.**

**CHOCOLAY TOWNSHIP PLANNING COMMISSION**  
**JUNE 1, 1998**

**PUBLIC HEARINGS CALLED TO ORDER:**

Mike LaPointe, Chairperson called the June 1, 1998 Public Hearing section of the Planning Commission to order at 7:30 p.m.

**PRESENT:** Mike LaPointe, Estelle DeVooght, Steve Kinnunen, Bill Sanders, Gary Menhennick, and Ken Tabor. **ABSENT:** Scott Emerson.

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

**Conditional Use #47 - Gentz/Homestead Golf Course:** Karen M. Chandler reviewed the application as a conditional use permit request from Randy Gentz, owner of Homestead Golf Course. They are requesting to put up a pole building for cart storage. They are not ready to build the pro-shop until next summer. We did send out information to property owners within 300'. All correspondence was positive.

Randy Gentz explained the exact location, which is slightly different, than the map used. Cart storage would be on the bottom level of a future clubhouse. He reported he lost his garage last winter with snow and needed to proceed with this cart storage shed in order to open for business.

No other comments were heard.

**Conditional Use #48 - Seidl:** Karen Chandler reviewed this application for conditional use permit for use of a recreation structure at 885 Cherry Creek Road, which would mean a cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreation or vacation and not a permanent place of residency. Several of the neighbors have stopped in expressing their opposition to this. The property is condemned, as it does not have an approved septic system. Applicant was not present.

No other comments were heard.

**Private Road #12 - Varvil:** Karen Chandler reviewed the request from applicant Dana V. Varvil, which involves a request to approve a private road located within the following described property: Section 8 T47N R24W that part of the SW 1/4 of NE 1/4 lying south of M-28 and the SE 1/4 of the NE 1/4 lying south of M-28, Cherry Creek and the Chocolay River. Chandler reported she submitted this request to the County Road Commission and the County Drain Commission. We did have correspondence and it was positive.

Steve Peltó was present to represent the applicant. Peltó said he would make his comments under New Business, and noted he had a new map and information from the surveyor, and will answer questions then.

Secretary DeVooght read a letter from Robert Grove of Marquette and he had no objections to the request.

Mark Maki, Township Zoning Administrator, commented on the language in the Planning Directors recommendation. His concern was based in the language under #4. "The requirements of the County Road Commission for curve radius, grades, crowns and ditches are not shown on this survey and this requirement must be met." He made various suggestions based on information in the memo received from Larry Gould, DPW Supervisor.

No further comments were heard.

**MEETING CALLED TO ORDER:**

Mike LaPointe, Chairperson called the June 1, 1998 Regular Meeting of the Planning Commission to order after the Public Hearings.

**ROLL CALL**

**PRESENT:** Mike LaPointe, Estelle DeVooght, Steve Kinnunen, Bill Sanders, Gary Menhennick, and Ken Tabor. **ABSENT:** Scott Emerson.

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

**OTHERS PRESENT:** Karen L. Deel, Recording Secretary, Mark Maki, Zoning Administrator, Sharon Roshak, Carol J. Pelkola, Steve Pelto, William E. Kessel, Cathy & Randy Gentz.

**APPROVAL OF THE MINUTES OF APRIL 13, 1998**

Mike LaPointe inquired if there were any additions or corrections to the minutes of April 13, 1998.

A correction was made on page 2 of the minutes, paragraph 3, changing the wording in the last sentence... "Motion carried with one dissenting vote."

**Bill Sanders moved, Ken Tabor seconded that the 4/13/98 meeting minutes be approved as corrected. MOTION CARRIED.**

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

Mike LaPointe inquired if there were any additions or changes in the agenda? The agenda was adjusted by moving VIII. New Business before VII. Old Business.

**Estelle Devooght moved, Bill Sanders seconded that the Agenda for the June 1, 1998 be accepted as adjusted. MOTION CARRIED.**

**PUBLIC COMMENT:**

Mark Maki, 405 Riverside Road, and Zoning Administrator commented that he had sent a memo to the Commission on Trails, and said that it has been six months since we started this project to get a trail all the way through the area. I am just brining it back to the Planning Commission's attention and again requesting that some kind of legal paperwork be prepared so that when people sell their property, the new owners can't object to the current owners approval of the trail. The Planning Commission and Township need to be involved in this to help Don Britton accomplish this.

Mark Maki commented further regarding the golf courses and the bed and breakfast businesses that need signs and the reviewed the requirements for signs. He would like some language to allow 24 square feet for off premise signs with permission from the property owners so that it would allow them a sign.

**NEW BUSINESS:**

**Conditional Use Permit #47 - Gentz/Homestead Golf Course:** Chairman LaPointe asked if anyone had any questions for Mr. Randy Gentz. Estelle DeVooght asked if all traffic has to go past his house. His response was yes.

Bill Sanders motioned Gary Menhennick seconded that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request by Gentz/Homestead Golf Course for Conditional Use Permit # 47 be granted

With the following conditions:

1. That previous conditions placed on Conditional Use permit # 19 and the amendment made on November 11, 1996 be preserved.
2. That at such time as the pro-shop building are constructed, the Zoning Administrator and Gentz/Homestead Golf Course will agree to the placement on the site plan as presented to the Planning Commission for this Conditional Use Permit # 47.
3. That a Zoning Compliance Permit be obtained from the Chocoley Township Zoning Administrator prior to use.

**MOTION CARRIED**

**Conditional Use Permit #48 Seidl:** Chandler reported we are working with her to get a temporary structure. She also reported receiving a call asking what the requirements were and neighbors were concerned and not sure she should be out there in a mobile home and wood heat etc. Chandler suggested tabling the request until there is an acceptable septic system there.

Chandler also reported there are various service agencies working with her to try and help her with this situation. We have been working with the Health Department and Building Codes people.

Concern was expressed by the Commission that she may just move out there without anyone's permission, and noted that it would be nice if she was present to discuss this with her.

**Gary Menhennick moved, Steve Kinnunen seconded that we table this request until we have more information. MOTION CARRIED.**

**Private Road Request #12 - Varvil:** Chairman LaPointe asked Mr. Pelto for his input. Steve Pelto, Presque Isle, Marquette, MI, commented that he was representing Dana Varvil. Pelto explained the request and clarified any concerns voiced.

Mark Maki entered the discussion again regarding the language in the motion. Various suggestions were made for change.

**Gary Menhennick moved, Bill Sanders seconded that the Chocolay Township Planning Commission recommend the Township Board approve the private road request from Dana Varvil from the intersection of Autumn Trail to the end of Parcel D as identified on the Survey Sketch dated June 1, 1998 with the following conditions:**

1. A covenant be established on the parcel deeds identifying the private road status and the owners responsibility for road maintenance, bridge maintenance, right-of-way maintenance, and drainage maintenance as well as requiring that open access to the private road be maintained for public services.
2. A certificate of bridge weight capacity for a minimum of 80,000 pounds be certified by an engineer and presented to the Planning Director.
3. A temporary cul-de-sac as per County Road Commission requirements be included and dedicated at the end of the private road (at parcel "D") as a turn around for emergency vehicles until such time as the private road maybe extended and further approval will be requested.
4. The requirements of the County Road Commission for curve radius, grades, crowns, and ditches are not shown on this survey and this requirement must be met.
5. Developer to comply with all other agency regulations.
6. Road name to be Wintergreen Trail.
7. A Zoning Compliance permit will be issued after all conditions are met.

**AND REVISIT THOSE AREAS OF LANGUAGE CONCERNS EXPRESSED AT A LATER DATE.**

**MOTION CARRIED.**

#### **OLD BUSINESS**

##### **Annual Election of Planning Commission Officers and Review of Bylaws:**

**A motion was made by Estelle DeVooght, supported by Ken Tabor, that we retain the same slate of officers: Mike LaPointe Chair; Bill Sanders Vice-chair; Estelle DeVooght Secretary; Steve Kinnunen Vice-Secretary. MOTION CARRIED.**

The Bylaws were distributed for review and no recommended changes made.

**Discussion on Land Division Act Ordinance:** Mark Maki suggested that the Chocolay Township Planning Commission recommend to the Township Board adoption of this document. It was suggested that this document be reviewed and brought back under Old Business next month.

Discussion on (1) Taxidermy; (2) Kennels; (3) Contractor's Yards; (4) Intensive Agricultural Use; (5) Sign provisions for Bed & Breakfast; (6) Private Road designation in OS and RP Districts.

A 3-inch notebook of information was received regarding these topics, with 50-75 pages on agriculture alone. Discussion followed. Two additional topics were added: Golf Course Signs and Portable Saw Mills.

Chairman LaPointe appointed a committee to work on the Intensive Agriculture Use language, consisting of: Estelle DeVooght, Bill Sanders, and Mike LaPointe. They will meet in two weeks.

A lengthy discussion took place regarding the requirements for private road building. This will come back for discussion at a future meeting.

Karen Chandler and Mark Maki will work on language regarding the golf course signs. Contractor's Yards and remaining topics will be taken up in October or November.

#### **Planning Director's Report.**

- 1) We have a rezoning text amendment request coming before us at the July meeting. The request will be for an office as a conditional use in the C-3 Districts. In particular if approved, this request will be for an office at the Varvil Center. The Varvil Center continues to be problematic since it was rezoned from C-2 to C-3 many years ago. The complex itself is more conducive to the C-2 district than the C-3. You will recall that the Environmental Assessment done in the fall of 1996 by students of the NMU Geography Department suggested that we rezone that area to C-2.
- 2) We have our new computer equipment and systems in place in the office. We have also had the offices completely repainted. This has caused some temporary problems with the computers. We now operate with Windows 95 and are using Office 97 programs. This means that we no longer have access to WordPerfect. The entire \$1.1 million budget has to be retyped from WordPerfect to Excel. The departmental budgets must be given to all department heads by July 1. Since I am responsible for this budgeting process, I plan to load Arc-View to my station sometime after July 1.
- 3) When we planned our meeting schedule in December, I indicated that I might not be available for our meeting on the second Monday in July. We will have a public hearing at that meeting. Would the Planning Commission consider changing that meeting to the second Tuesday or would you prefer to hold the meeting on the regular schedule? Monday nights will be difficult for me during July.  
**The July Planning Commission meeting was changed from Monday, July 13 to Tuesday, July 14, 1998.**
- 4) Update on the private road request by Mark Heikkila. The County Road Commission will be hearing a proposal on the property at their next meeting. The request should be back to us by July or August.
- 5) There was a question on trail development at public comment. The Township Board has applied for an acquisition grant. A representative from Lansing walked the property today with Larry Gould, DPW Supervisor and Don Britton. Larry Gould is also working with the Township Attorney to finalize agreements with the property owners along the trail area.

**PUBLIC COMMENT - NONE.**

#### **COMMISSIONER COMMENT:**

Estelle DeVooght reported on a large amount of truck traffic on Karen Road and inquired about mining requirements.

Estelle DeVooght also reported on a number of junk cars and was directed to report it to the Police Department.

LaPointe reported that Lynn Frazier has not yet completed his screen windbreak, but will be working with the Soil Conservation District to accomplish this requirement.

LaPointe also reported on the coordination of Planning Directors of the City and Marquette Township regarding an "Overlay Zone."

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

Correspondence from Mark Maki re: trails.

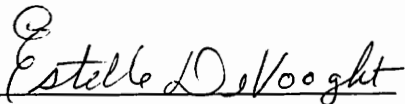
Chocolate Township Board Minutes of 4/6/98, 4/14/98, and 5/4/98.

Ad Hoc Trail Development Committee Minutes of 4/7/98 and 5/5/98.

Zoning Board of Appeals Minutes of 2/26/98 and 4/23/98.  
Chocolay River Watershed Project Advisory Council Minutes of 4/30/98  
U.P. WaterFest '98 at NMU June 18-19.

**ADJOURNMENT:**

There being no further business, the June 1, 1998 Planning Commission Meeting was adjourned at 10:00 p.m.

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

  
\_\_\_\_\_  
Karen Deel  
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
TUESDAY, JULY 14, 1998**

**PRESENT:** Mike LaPointe, Estelle DeVooght, Scott Emerson, Bill Sanders, Gary Menhennick, and Ken Tabor.

**ABSENT:** Steve Kinnunen

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

**OTHERS PRESENT:** Karen L. Deel, Recording Secretary, Mark Maki, Zoning Administrator, Randy & Cathy Gentz, Denise Mullins, Dale & Olive Hillier, and Kay Beauchamp

**PUBLIC HEARINGS:**

**Rezoning #100 – C-3 to C-1, Meadows Request at 1430 M-28, The Varvil Center**

Planning Director Chandler reported this was a request brought in by Charlane Meadows, who has petitioned the Chocolay Township Board to rezone the following described property from a current zoning classification of C-3 to C-1:

**Part of the SW¼ of the NW¼ Section 10 T47N R24W Located at 1430 M-28.**

George and Gale Manosky are the current owners of the property.

The original application was C-2, however, permitted uses include gas station use, etc., with sandy soil. It went back to Meadows and they agreed to C-1. I have received no letters, but 2 phone calls that agreed to C-1. The applicant is not here this evening.

No other public comments were forthcoming.

**Rezoning #101-Applicants Dale & Olive Hillier, Parcel At 118 W. Wright Place From R-1 To C-2.**

Planning Director Chandler reported the applicants have petitioned the Chocolay Township Board to amend the CT Zoning Ordinance to rezone the following described parcel from the R-1 to C-2. The site is surrounded by C-2 and R-3.

**Part of the SW1/4 of the SE1/4 Section 6 T47N R24W Parcel "C" Located at 118 W. Wright Place.**

Background information reveals that when Hilliers purchased the property in 1975, it was zoned commercial and changed upon Hilliers request. Now 20 years later the property on three sides are zoned commercial, and they now wish to have theirs changed back to commercial, as the property will be put up for sale.

One letter of objection has been received from a neighbor, Margaret (Maggie) Meiss, which was read into the record by Secretary DeVooght.

Chandler reported the applicants are present, and they were invited to comment. Dale Hillier stated, "Karen Chandler explained it well." He noted he had raised his family of 5 children next door to commercial property and they have all moved, and now that they plan to sell the property, he believes it would be more salable if it were zoned commercial. Olive Hillier commented she had always tried to be a good neighbor and that "rumors" and "misinformation" may be the cause for any neighborhood objections.

Margaret Meiss, who lives on the "corner" voiced her concerns, at length, about the change and re-stated her concerns as enumerated in her letter, which is on record.

No other comments were forthcoming.

**Rezoning #102 Text Amendment for Golf Course Signage, Chocolay Township**

Planning Director Chandler reported this request was the result of discussion at the last meeting, and language was developed in response to the issue, which is now presented for public review.

The Chocolay Township Planning Commission has petitioned the Chocolay Township Board to amend the Zoning Ordinance with new language that will add the following, to allow for signs off premise.

### **Section 812 Golf Course Directional Signs**

Notwithstanding Sections 809 and 811, a sign not exceeding 24 square feet, identifying the location of a Golf Course shall be permitted in any residential zone upon permit granted by the Zoning Board of Appeals upon finding that: A substantial number of motorists who might seek the advertised establishments pass the proposed location; that such establishment has no other sign visible from the same road; that consent of the property owner has been obtained; and that placement of the sign will not cause any hazard or significant obstruction of any scenic view.

A group of pictures reflecting various types of signs and which were considered directional and which were advertising types.

Randy Gentz, golf course owner, commented in favor of the language change.

**No other public comment was forthcoming.**

### **Conditional Use #49 – A public park on Silver Creek Road, Chocolay Township.**

Planning Director Chandler reported the applicant, Chocolay Township, has requested that the CTPC consider granting a conditional use permit to allow for expansion of the public park on Silver Creek Road, i.e., additional parking, buffer screen between park and residential area, and a new access, utilizing the natural features of the property. A letter was received from Ida Mercure objecting to the project because of increased noise, traffic, and environmental risk. Another letter/call was received today concerned about the foot traffic.

Larry Gould explained there is no intent to develop a new access, just move the parking from one side of the field to the other, along with the development of a green area, and bleachers. An overhead projection reflected the details of the plan.

Kay Beauchamp of 261 Silver Creek Road expressed concern about the traffic, teen-age parties that are already happening, and policing of it.

Olive Hillier, 118 W. Wright Street, offered comments in agreement with the concern about the late-night parties. She was in support of the park development but would like to see additional security around the park area. A fence was suggested.

Larry Gould commented that a fence would not prohibit parties and would be cost prohibitive. As for the access, temporary access was created to get the bulldozer in. The buffer zone will be increased to 40 feet, with trees and a berm to control noise.

Denise Mullen, 321 Silver Creek Road, commented she agrees with trees and no fencing, particularly trees for a buffer. As far as the park goes, it is only 4 months out of the year, otherwise it is pretty quiet, normally.

**No further comment was forthcoming. Public Comment was closed at 8:05 P.M.**

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

Mike LaPointe, Chairperson called the July 14, 1998 Regular Meeting of the Planning Commission to order at 8:06 P.M.

### **ROLL CALL**

**PRESENT:** Mike LaPointe, Estelle DeVooght, Scott Emerson, Bill Sanders, Gary Menhennick and Ken Tabor.

**ABSENT:** Steve Kinnunen.



**APPROVAL OF THE MINUTES OF JUNE 1, 1998**

The June 1, 1998 meeting minutes were presented for approval. Mark Maki, Zoning Administrator, asked that a correction be made under his comments on **page 1, last paragraph, second line, deleting "saying it was too restrictive."**

**Bill Sanders moved, Ken Tabor seconded that the 6/1/98 meeting minutes be approved with the above correction. MOTION CARRIED.**

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

It was suggested that we modify the agenda by moving VIII.A.B.C.D. to VII between B. and C. and add a letter from Mark Maki under VIII. as F.

**Bill Sanders moved, Estelle DeVooght seconded that the Agenda for the July 14, 1998 be accepted with the suggested changes. MOTION CARRIED.**

**PUBLIC COMMENT: NONE.**

**OLD BUSINESS****CONSIDER CONDITIONAL USE #48 – SEIDL**

Planning Director Chandler reported that this request is not being recommended for various reasons:

1. This conditional use cannot be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The conditional use, with the condemnation of the septic system, will interfere with the general enjoyment of adjacent property.
3. The conditional use will not represent an improvement to the property under consideration and the surrounding area in general.
4. The conditional use cannot be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted township development plan.

The applicant has been invited on several occasions to meet with the Commission to discuss her situation, but to no avail. Chairman LaPointe asked Director Chandler to review the background information for the Commission's edification and review. A lengthy discussion ensued on this topic and it was learned that Arlene Seidl had never paid her application fee. Although there was compassion and sympathy expressed by Commission members for the individual involved, and various other options reviewed that could benefit her, Chandler was instructed to convey the contents of her letter to Arlene Seidl and the following motion was made:

**It was moved by Ken Tabor, seconded by Gary Menhennick, to inform Arlene Seidl of the Commission's concerns and that we can not discuss it [the application] without her paying the fee. Vote was unanimous.**

**CONSIDER PRIVATE ROAD #6a – HEIKKILA**

Planning Director Chandler explained that we have two new Commissioners since this request came into being. She reviewed the request from its beginning in July of 1997.

**Motion by Gary Menhennick, seconded by Bill Sanders, that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that Private Road Request #6A, be denied because the applicant is not the owner of the property surveyed for the private road. Motion carried.**

**REZONING #100 – APPLICANT CHARLANE MEADOWS, PARCEL AT 1430 M-28 THE VARVIL CENTER FROM C-3 TO C-1**

The application materials and map were reviewed. A brief discussion followed.

**Motion by Scott Emerson, supported by Bill Sanders, that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the rezoning of**

that part of the SW1/4 of the NW1/4 of Section 10 T47N R24W located at 1430 M-28 from the current zoning classification of C-3 to C-1 be approved. Motion carried.

**REZONING #101 – APPLICANTS DALE & OLIVE HILLIER, PARCEL AT 118 W. WRIGHT PLACE FROM R-1 TO C-2.**

The application and related materials were reviewed one more time. Commissioner Emerson commented that he was sensitive to Ms. Meiss' comments but would have to support the recommendation based on the materials at hand.

A general discussion of the issue ensued, with input from all concerned.

**Motion by Bill Sanders, supported by Gary Menhennick, that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the Rezoning of that part of the SW1/4 of the SE1/4 of Section 6 T47N R24W Parcel "C" located at 118 W. Wright Place from the current zoning classification of R-1 to C-2 be approved. Motion carried with one dissenting vote (DeVooght).**

**REZONING #102 – APPLICANT CHOCOLAY TOWNSHIP, TEXT AMENDMENT FOR GOLF COURSE DIRECTIONAL SIGNS.**

Director Chandler explained how they came up with the language via a committee effort and advise from legal counsel. Discussion followed with a review of the related materials.

**Motion by Bill Sanders, supported by Scott Emerson, that the Chocolay Township Planning Commission recommends to the Chocolay Township Board that the text amendment rezoning request #102 to allow for golf course directional signs be approved. Motion carried.**

**CONDITIONAL USE #49 – APPLICANT CHOCOLAY TOWNSHIP.**

Mike LaPointe expressed his concern about the teenagers in the area of the park and suggested that citizens contact Chocolay Township Police Department. Karen Chandler will convey the message to the Police Department.

Bill Sanders made some suggestions for change regarding the proposed park plan, stating that it would make more sense to have the parking at the far end of the field, and the greens and bleachers closer to the fence with the drive between them. The sketch was reviewed again, and a lengthy discussion ensued with input from all concerned. Sanders said he wants to go on record objecting to the design as submitted.

Issues of safety, traffic flow, continuity of plan in the overall scheme, barriers or buffers, topography, future areas that could be developed, future needs for the soccer sport, other options for soccer fields, were discussed in great detail with input from those concerned. Questions about changing the plan and incurring additional expense or changing completion dates were also considered.

**Motion by Ken Tabor, supported by Gary Menhennick, that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request by Chocolay Township for a public park at Silver Creek Recreation Area for Conditional Use Permit # 49 be granted.**

**Bill Sanders moved to AMEND the motion, supported by Estelle DeVooght, that the parking and drive be moved tight to the west end of the lot, 120' from the soccer field and the buffer along the south side along the homes on Silver Creek Drive be maintained at 40'.**

**VOTE TO AMEND THE MOTION CARRIED UNANIMOUSLY.**

**VOTE ON THE MAIN MOTION WITH THE AMENDMENT CARRIED UNANIMOUSLY.**

**DISCUSSION ON PRIVATE ROAD REQUIREMENTS.**

Discussion on private road requirements was heard. Larry Gould, DPW Supervisor was in attendance and presented such requirements and standards as they are spelled out. As to whether the language in the ordinance was necessary, the language cannot exceed what the County requires. General discussion followed with no action required.

Margaret Meiss requested to make a public comment so she could go home. Chairman LaPointe acknowledged the request.

Ms. Meiss stated, "I am still pretty upset about your decision regarding the house on the corner being rezoned to commercial. I don't think its part of the community plan, from what I understand. Who is in charge here? I don't see how it could benefit anybody but the house owners. I have a hard time understanding how you can make any decisions. Karen Chandler are you in charge of this? The "greening of the Township has been put off and put off. It should have been done in October of 1995 and here it is July 1998 and still dragging along. In the meantime, all these decisions are being made with negative impact in the township. All this pollution stuff. Nothing is being done. If you are the Planning Director, who do I talk to any more. No one seems to know what is going on. Can you tell me why you think this is a plus to the community?"

Chairman LaPointe asked Ms. Meiss if she would like to meet with Director Chandler, and encouraged her to do so. He further educated Ms. Meiss on the purpose and intent of Public Comment, and that as far as Commissioner decisions are concerned, they are based on the information and materials provided for them by the Planning Director.

Public Comment was then closed with thanks for the comments.

Gary Menhennick invited Ms. Meiss to phone him or meet with him for further discussion over coffee, and noted that Commissioners were appointed officials and would be glad to talk with her at an appointed time.

**LAND DIVISION ORDINANCE**

A revised copy of the Land Division Ordinance was presented for consideration. Discussion was heard regarding the process of reviewing of applications. There are some suggested changes pending Attorney Summers review.

**Motion by Scott Emerson, supported by Estelle DeVooght, that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the attached Land Division Ordinance be approved. MOTION CARRIED.**

**Motion by Scott Emerson, supported by Estelle DeVooght, that the Chocolay Township Planning Commission request that annual reports on Land Division applications be supplied to the Commission by the Township Assessor. MOTION CARRIED.**

**DISCUSSION ON INTENSIVE AGRICULTURAL DEFINITION**

In view of the time, it was suggested that this topic be brought back next month.

**DISCUSS 1998 BUDGET REQUESTS**

Planning Director Chandler revised the budget worksheet to include this years budgeted amounts and five month actual expenses with a column for requests. Suggestions were made to increase the office supply account, reduce the Internet Access costs, and include a quote from MAPS North to enter data on the entire 3,300 parcels in Chocolay Township on ArcView. Chandler also encouraged the Commission to consider requesting monies in Capitol Outlay to hire an outside consultant to work with the Commission to update the Comprehensive Plan.

**TRAIL DEVELOPMENT MEMO FROM MARK MAKI**

Planning Director Chandler was asked to respond to the letter received from Barb Crill since t the Trails Committee will not be meeting until August.

**PLANNING DIRECTOR'S REPORT**

I received a phone call this afternoon from a resident looking for a definition of a contractor's yard. Will the Planning Commission be looking to define this term? I have received information from PAS on contractor's yards and I can bring this back to the next meeting if we plan to define this term.

Remember the Chocolay RiverFest '98 is coming up Saturday, August 8 at the Beaver Grove Recreation Area. If you haven't attended in the past, stop by and enjoy the exhibits.

I brought copies of the CABA Quarterly for those of you who may have missed it in last week's Action Shopper.

Advertising for the Chocolay RiverFest was distributed, as well as copies of the CABA Quarterly.

Chandler encouraged the Commissioners to consider membership with the Lake Superior Community Partnership, even though the fee structure is high.

Chandler alerted the Commissioners to a private road request from 1993 that maybe coming back for review.

**INFORMATIONAL ITEMS DISTRIBUTED.**

Chocolay Township Board Minutes of 5/18/98

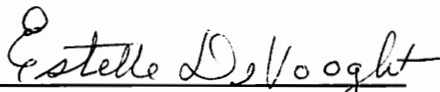
Ad Hoc Trail Development Committee Minutes of 6/2/98

Memo from Mark Maki re: Trail Development

Correspondence from Charles Nosal on status of trail development.

**ADJOURNMENT:**

There being no further business, the July 14, 1998 Planning Commission Meeting was adjourned at 10:30 P.M.

  
 Estelle DeVooght  
 Planning Commission Secretary

  
 Karen Deel  
 Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, AUGUST 10, 1998**

**PRESENT:** Mike LaPointe, Estelle DeVooght, Scott Emerson, Steve Kinnunen, Bill Sanders, Gary Menhennick, and Ken Tabor.

**STAFF PRESENT:** None

**OTHERS PRESENT:** Karen L. Deel, Recording Secretary, Mark Maki, Zoning Administrator.

**PUBLIC HEARINGS:** NONE.

**MEETING CALLED TO ORDER AND ROLL CALL:** The regular meeting of the Chocolay Township Planning Commission was called to order at 7:30 p.m. by Chairperson Mike LaPointe, on August 10, 1998.

**ROLL CALL:** All present as noted above.

**APPROVAL OF MEETING MINUTES:**

The 7-14-98 meeting minutes of this commission were presented for approval. Commissioner Sanders asked to edit the minutes as follows: *Page 5., second to the last paragraph, last sentence to read, "Sanders said he wants to go on record objecting to the design, as submitted."*

**Motion by Commissioner Sanders, supported by Commissioner Kinnunen, to approve the 7-14-98 Chocolay Township Planning Commission Meeting Minutes as edited, and noted in the preceding paragraph. Motion passed unanimously.**

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

No changes or additions suggested.

**Motion by Commissioner Kinnunen, supported by Commissioner Sanders, to approve the 8-10-98 meeting agenda as submitted. Motion carried.**

**PUBLIC COMMENT:** None.

**OLD BUSINESS:**

***Review Changes made in Land Division Ordinance:*** (It was immediately noted that the second page of the enclosed Mike Sommer's letter was missing from all meeting packets. Mark Maki made the necessary copies and they were distributed.)

After review and comparison of the language as submitted and as revised, it appears that Director Chandler has included the changes as noted in the letter. No objections to the changes were voiced by the Planning Commission. ***It was the consensus of the Commission that the Land Division Ordinance be forwarded to the Board as submitted to us.***

***Discussion on Intensive Agricultural Definition:*** The Committee Report on Intensive Agricultural Definition was reviewed. Members of the Committee are Mike LaPointe, Bill Sanders, Estelle DeVooght and Karen Chandler.

Chairperson LaPointe noted that this issue was originally brought up by Mark Maki and himself after hearing of concerns in West Branch Township. The result of that discussion was to form a sub-committee, which is now reporting on their efforts. In their deliberations, the following questions were raised:

1. **How cost effective would intensive agriculture be in this area? And is its potential a real threat?**
2. **How does intensive agriculture relate to health, safety and welfare of the Township residents? Could intensive activities be prevented on their impact to health, safety and welfare alone?**

3. **Can we ask the Township Attorney to investigate intensive agriculture in relationship to the County Health Department? Have they had any experience with intensive agriculture? How does intensive agriculture affect water/wells on site?**
4. **How many parcels (farm or otherwise) could be affected by the possibility of intensive agricultural use in Chocolay Township?**

The question this evening is: *Where do we think we should go with this?*

A lengthy discussion ensued. Bill Sanders commented, "I had some second thoughts about this since our original discussion. My concern is for us to do this, we have to come up a definition, or borrow some or take from somewhere else." Estelle DeVooght noted the information received from Ely Township, the numbers were ludicrous. Is there another way to do this without numbers. Scott Emerson suggested that we learn from others and their experience in responding to these kind of questions. Sanders noted another obstacle – say some guy is trying to grow something, do we need to set where that line is? Gary Menhennick inquired if there are other regulatory agencies that set these [regulations] out? The property in Chocolay Township is very valuable – is there a problem in this township? Mike LaPointe noted there is a problem and he was involved in it. Menhennick inquired, "Do we need to be one more burden?" DeVooght noted that there is not that much land in Chocolay Township left for farming. Concerns were expressed that if definitions were not developed now, maybe in the future, if somebody started farming or developing definitive language, there might not be representation from the farming community involved. Other questions about controlling "farm smell" were discussed. Is this a quality of life issue or a nuisance odor? Estelle DeVooght explained the West Branch Township situation as quite unique and explained it, as it involved her son. Menhennick summarized his concerns as two issues: 1 is Size of lot, and 2. Seeking approval from the Planning Commission. It was noted that farming has changed in the area, it used to be 80% of population farmed, now it has dropped to 2%. Mark Maki commented he did not think it appropriate to put numbers on a definition, but only through regulating lot size. *It was the consensus of the group that before anything can be done, we would need answers to the above questions, and to focus on lot sizes and a broad-based definition. Also, Mark Maki volunteered to bring back some language for their review and reaction.*

#### **DISCUSSION ON BOARD APPEAL OF SITE PLAN/FORMATION OF RECREATION COMMITTEE:**

Chairperson LaPointe noted that at our last meeting we reviewed a Site Plan submitted by Larry Gould and listened to an oral presentation as to how, why and when this would happen. After much discussion we passed a motion to recommend a change in the plan before submitting it to the Board. In talking to Supervisor Fende, he plans to appeal the "condition" we recommended to be set on the site plan.

A lengthy discussion ensued and in summary, it appears that we based our decision on information different than what the Township Board used when they decided to appeal our recommendation. The information was again reviewed and input received from each individual Commissioner regarding their recollection of the situation. Commissioners again expressed their concern for the safety of the children, the need for the warm-up or practice field to be close to the playing field, and the fact that this Commission's decision was based on information shared with us by Mr. Gould.

Bill Sanders stated, "I feel a certain responsibility for Larry Gould's being on the defensive. By the same token, it is our job to address these things. There are things you can do to this to make it safe. (Bill submitted 3 additional drawings to that effect.)"

Scott Emerson commented if the visual plan is to build another soccer field to the west, we should stay with our position. I would need some type of firm statement as to whether they are going to do that or not.

Mike LaPointe commented, "I don't think anybody has really sat down and looked at the big picture -- this site, Beaver Grove, and Lion's Park. I really thing we ought to set up a recreation committee, look at these areas. I looked at Beaver Grove at 6:30 PM, there were 80 cars in the

lot, and there were from 50-60 kids in the practice field. There are a lot of kids and lots of traffic and this is only one field.”

If a Recreation Committee was developed, who would they answer to? Would it be a regular/standing committee or ad hoc committee?

Bill Sanders recommended that we just send a memo to the Township Board telling them that after reviewing all the information submitted to us from the last meeting, we want to re-iterate our conditions on the Site Plan from the last time. Basically, we are “sticking to our guns” or “maintaining our original position, and furthermore that any future development would be compatible or better served by our original recommendation, and to enclose the three drawings reviewed this evening. *It was the consensus of the group to endorse Sander’s recommendation.*

*As to the formation of the Recreation Committee, the Planning Commission has the following questions – what is the chain of command? Would it be a regular committee or ad hoc committee? How will the Planning Commission connect to this? We have a Master Plan, would this committee address the Master Plan? Would it be like the Trail’s Committee? What would be this committee’s finite mission and time frame? The Planning Commission would not support a Recreation Committee but an Ad Hoc Committee to address specific issues, the same as the Trails Committee.*

**PLANNING DIRECTOR’S REPORT:** None.

**COMMISSIONER’S COMMENTS:** Chairperson LaPointe noted in his recent discussions with Director Chandler that Scott Emerson had some information and plans for the Landscape Ordinance regarding the “greening concept” and asked Commission Emerson to comment. Commissioner Emerson explained that he had given all his notes and information to Director Chandler and was not in a position to comment right now. He further stated that he would rather address the issue some time in October after he had completed some of his current tasks, but did note that we have tremendous natural beauty and it should be preserved and maintained even in the commercial area by park-like appearances. A brief discussion followed but no decisions made.

Bill Sanders commented that he is currently working on a Zoning Project in Marquette Township and had experienced some frustrations with their local requirements as they pertain to drawings, owner’s name and legal descriptions, site plan, etc. Sanders noted that this personal experience has made him more aware of the issues and hopes to use this experience in making decisions with this Commission and setting requirements for this township. He expressed his concern that we don’t get caught up in ordinances that are too restrictive or subjective. We need to search for the good middle road without pushing people out.

Mike LaPointe noted that he though Emerson’s suggestions were good with the broad based approach to membership in developing such a plan.

**INFORMATIONAL ITEMS AND CORRESPONDENCE:**

Chocolay Township Board Minutes of 6-15-98

Zoning Board of Appeals Minutes of 5-28-98 and 6-25-98

Information on Water Testing by MDA – August 15 at Marquette County Fair

Correspondence from MSPO re: renewal sticker.

Correspondence to Margaret Meiss in response to her questions.

PAS Memo re: Road to be Traveled: Planning & Preserving Transportation Corridors.

**ADJOURNMENT:** The meeting was adjourned at 9:05 p.m.

*Estelle DeVooght*

Estelle DeVooght  
Planning Commission Secretary

*Karen L. Deel*

Karen L. Deel  
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, SEPTEMBER 14, 1998**

**PRESENT:** Mike LaPointe, Estelle DeVooght, Bill Sanders, Gary Menhennick, and Ken Tabor.

**ABSENT:** Scott Emerson and Steve Kinnunen

**STAFF PRESENT:** None

**OTHERS PRESENT:** Jeanette R. Collick, Recording Secretary, Reverend Guy S. Thoren and Bill Rowe.

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

**(1) LOT SPLIT #13 - HIGHLAND MEADOW LOT 7; APPLICANT, KENNETH & VERA JACOBSON:**

Mike LaPointe, Chairperson inquired if there were any representation for Lot Split #13, or if there were any questions or public comment regarding this issue. There were none.

Mike LaPointe closed the public hearing regarding Lot Split #13.

**(2) CONDITIONAL USE PERMIT #50 - ST LOUIS THE KING CATHOLIC CHURCH:**

Mike LaPointe, Chairperson inquired if there were any representation for Conditional Use Permit #50, or if there were any questions or public comment regarding this issue.

Reverend Guy S. Thoren was present to answer any questions that may come up when this would be discussed during the meeting.

Mike LaPointe inquired if there were any further questions or comments regarding Conditional Use Permit #50. There were none.

Mike LaPointe closed the public hearing regarding Conditional Use Permit #50. There being no further public hearings, Mike LaPointe closed the public hearing section of the September 14, 1998 Planning Commission Meeting.

**MEETING CALLED TO ORDER:**

The regular meeting of the Chocolay Township Planning Commission was called to order at 7:40 p.m. by Chairperson Mike LaPointe, on September 14, 1998.

**ROLL CALL:** All present as noted above. Scott Emerson and Steven Kinnunen absent.

**APPROVAL OF MEETING MINUTES:**

The August 10, 1998 meeting minutes of the Planning Commission was presented for approval.

**Motion by Commissioner DeVooght, supported by Commissioner Menhennick to approve the August 10, 1998 Planning Commission Meeting Minutes as presented.**

**Motion Carried: 5-0.**

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



Commissioner DeVooght suggested that New Business, B be moved up on the agenda before Old Business.

**Motion Commissioner DeVooght, supported by Commissioner Sanders to approve the September 14, 1998 Planning Commission agenda as suggested.**

**Motion Carried: 5-0.**

**PUBLIC COMMENT:**

Chairperson LaPointe inquired if there were any public comment. There were none. He closed the first public comment section of the meeting.

**NEW BUSINESS:**

**DISCUSS CONDITIONAL USE PERMIT #50 AND REVIEW SITE PLAN AS SUBMITTED BY ARCHITRON FOR ST LOUIS THE KING CHURCH**

The following comments were made regarding Conditional Use Permit #50:

- There needs to be a height variance.
- Design - this was discussed that the 15' variance is subject to recent Zoning Board of Appeals approval.
- Zoning Ordinance allows for 30' - proposed height is 52'. There would be no people at this height, but has to have sky light or airway. This would be able to be obtained.
- We need to see the correct site plan. It was noted that the corrected site plan would not be changing the land.
- Why was church hi-lighted. It was noted that this was probably hi-lighted for the discussion.
- It was asked when construction would begin. It was noted that probably next year.
- There will be a corrected a site plan at the Chocelay Township Office this week.

Chairperson LaPointe inquired if there were any further discussion or questions regarding Conditional Use #50. There were none.

**Commissioner Sanders moved, supported by Commissioner DeVooght that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request by Architron, LTD for St. Louis the King Catholic Church for a religious/instructional facility as Conditional Use Permit #50 be granted with the following conditions:**

1. That a Zoning Compliance Permit be obtained from the Chocelay Township Zoning Administrator prior to use.
2. Official site plan be presented to the Chocelay Township for their approval included in the minutes as discussed.

**Motion Carried: 5-0.**

**COMMISSIONER COMMENT:**

The Recreation site parking was discussed.

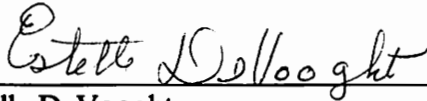
It was noted that there would be a Planning Commissioners training workshop in October in Mackinac Island. If anyone is interested in going, please inform Karen or Mark that you would like to attend.

**INFORMATIONAL ITEMS AND CORRESPONDENCES:**

- A. Chocoday Township Board minutes of 07/20/98 & 08/17/98
- B. Zoning Board of Appeals minutes of 7/23/98
- C. Chocoday River Watershed Project minutes of 07/16/98
- D. Correspondence to - Dr. Richard Vermeulen - on trail development
- E. Miscellaneous Information received from Arlene E. Hill, Township Clerk on ordinances in Shelby Township in Macomb County on public parks and in Southfield Township in Oakland County on wireless communication facilities.

**ADJOURNMENT:**

The meeting was adjourned at 8:30 p.m.



Estelle DeVooght  
Planning Commission Secretary



Jeanette R. Collick  
Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, OCTOBER 12, 1998**

**PRESENT:** Mike LaPointe, Estelle DeVooght, Scott Emerson, Bill Sanders, Gary Menhennick

**ABSENT:** Steve Kinnunen and Ken Tabor.

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

**OTHERS:** Karen L. Deel, Recording Secretary  
John F. Smith, Don Britton, Crystal Glass, Jeff Glass, and Mark Keegan

**Mike LaPointe called the meeting to order at 7:35 p.m.**

**PUBLIC HEARINGS:**

Conditional Use Permit #51 – Jeffrey Glass, Gitchee Gumee Campground.

Jeffrey Glass, owner of the Gitchee Gumee Campground & RV Park, 2048 M-28 East, has requested that the Chocolay Township Planning Commission consider granting a conditional use permit to allow for expansion of the existing Conditional Use Permit for a Campground and a Resort designation in Section 7, T47N, R23W.

Karen Chandler, Director of Planning and Research, explained the expansion which is to eliminate a section of the existing camping area that was never developed and include a storage building, a building for children's recreation, two camping cabins, and the installation of up to 10 cabins (re-worked and remodeled use mobile homes), in addition to cross-country ski trails, on the property designated as CO 44-11 on the tax roll. This will change the original permit from 30 acres and summer use, to over 70 acres and year-around use.

Ms. Chandler also reported receiving two responses from neighbors which were positive, with encouragement to expand on the cross-country trail portion.

Jeffrey Glass, owner of the property, made the following comments: "I took out the original permit when I was 20 years old; I am now 50." He reviewed the history of his beginnings and how he has come to this point in time where he wants to make the above expansion. He shared articles from Recreation magazines highlighting the Park and its cleanliness, read letters from people who have stayed there, showed pictures of people who have stopped at the park, and displayed material reflecting what kind of cabins he plans to build. He called attention to the fact that this park was really developed from re-cycled materials and he intends to continue in this vein with the used mobile homes that he plans to convert into attractive wood sided cabins that can house up to 8 people each. He explained the difference between park models and cabins and the law/ordinances that allow what can be used in the various situations. He elaborated further on the fact that his current enterprise is really seasonal and with this expansion it would allow him to operate year-around. He explained the background work he has done to date to meet all the requirements in terms of septic tank and tile field, licensing, Michigan Campground rules, etc. etc. He explicitly promised that if his project did not meet up to the required standards and did not have a positive appearance and positive enhancement to Chocolay Township, they could close him up and he would leave.

Mark Keegan, 2033 E. M-28, stated he got the notice in the mail, and being quite new to the area, met Jeff and walked through his park with him. He was impressed with what he had done thus far; it is clean, no gum wrapper, no cigarette butts. He and his wife both support his request for a permit to expand on what he has going there. He further stated, "I am sure his cabins would be top notch and an improvement to the Township."

John Smith, 2176 E M-28, stated he supported Jeff's efforts. It would fit in perfectly with the trails out there for cross-country skiers and snowmobiles. He stated he has lived there 13 years and never had a problem, they are real good neighbors. I would hope you would give what he needs to expand out there.

The Public Hearing was closed at 8:00 p.m.

**MEETING CALLED TO ORDER AND ROLL CALL:** The Regular Meeting was called to order at 8:01 p.m. It was noted that Ken Tabor and Steve Kinnunen were absent, as noted at the beginning of these minutes.

**APPROVAL OF MEETING MINUTES:**

The 09-14-98 meeting minutes of this commission were presented for approval.

**Motion by Commissioner Sanders, supported by Commissioner Menhennick, to approve the 9-14-98 Chocolay Township Planning Commission Meeting Minutes as submitted.**

**Motion carried: 5-0**

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

It was suggested that we switch the order of business as follows:

VIII NEW BUSINESS, A. Conditional Use Permit #51

VII OLD BUSINESS, B. Ad Hoc Trail Committee Update.

A. Intensive Agricultural Information

**Motion by Commissioner Sanders, supported by Commissioner DeVooght, to approve the 10-12-98 meeting agenda as shown above.**

**Motion carried. 5-0**

**PUBLIC COMMENT:**

**Don Britton requested to address the Ad Hoc Trails Update at the time it is discussed.**

**NEW BUSINESS:**

Chairperson LaPointe asked if there were any comments or questions from the Commissioners regarding Conditional Use Permit #51, Jeffrey Glass and Gitchee Gumee Campground.

Clarification was requested regarding where cabins will go. Response: I will space them out in ½ acre sites in the nice Norway Pine area and will clear the Jack Pine out. I will start out with 6, and then add the remaining four as I go along. The resort cabins are different than the 2 camping cabins; camp cabins will be closer to the service building where they can use the bathrooms and showers there.

Director Chandler also explained her understanding and MIs-understanding of the cabin situation and further noted that her recommendation would include the change from Park Models to Cabins.

**Motion by Commissioner Emerson, supported by Commissioner Menhennick, that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request by Jeffrey Glass for expansion of the existing campground and a resort designation with the development of cross country ski trails as Conditional Use Permit # 51 as submitted on the site plan, which includes 2 camping cabins, 1 Kids Clubhouse, 1 Storage Building, be granted with the following conditions:**

1. The approval of the resort designation at this time is for six cabins with possible expansion of an additional four as shown on site plan submitted with application after MDEQ written approval of the septic system capacity for a total of ten cabins.
2. That the Zoning Administrator be given copies of the MDEQ written approval and Marquette County Health Department written approvals for all water and septic system hookups.
3. That the Zoning Administrator be given a copy of the site plan prepared by Robert Cambensy when completed, showing the cabins, expansions in the campground and the cross country ski trails.
4. That a Zoning Compliance Permit be obtained from the Chocolay Township Zoning Administrator prior to use.

**Motion carried: 5-0**

**OLD BUSINESS:**

**Ad Hoc Trail Committee Update:** Don Britton commented on his attendance at the Rails-to-Trails Conference held in Battle Creek, as well as some plans to work with the DNR and Wisconsin Central Railroad for future planning of that property.

A Petition has been received by the Trails Committee that was reviewed and it is almost certain that this Petition was formed by someone who does not have the current and most up-to-date information about the trails and Ivan Fende, Larry Gould and Don Britton will be looking for an opportunity to speak to each one on the list to clarify the issue.

The Trails Committee recommended that the Planning Commission send a recommendation to the Township Board that its former position regarding railroad grade remain non-motorized from the Visitor's Center to the Varvil Center.

**Motion by Commissioner Menhennick, supported by Commissioner Sanders, to send to the Chocoley Township Board our former stand that the railroad grade remain non-motorized from the Visitor's Center to the Varvil Center.**

**Motion carried: 5-0**

Other related information and discussion took place regarding trails, multi-use trails, the petition, Trail Grants, Michigan Trailways, and proposed Rail-Trails in the State.

**Review of information on Intensive Agriculture:**

Director Chandler reported on the information she enclosed in the meeting packet for this evening, which included discussions with Dr. Kurt J. Norgaard of MSU's Department of Agricultural Economics, and copies of some of his slides on the topic.

General discussion took place on the information from Director Chandler, information received from Mark Maki, Zoning Director, and what direction we want to take.

It was the **consensus of the group** that the two language proposals be sent to this Dr. Norgaard for his review and feedback.

Chairperson LaPointe also suggested that the Right to Farm Guidelines be included.

**Planning Director's Report:**

Director Chandler did not present a written report inasmuch as she just returned from attending a family funeral.

She did report that she went to the Land Division Act conference and there are still a lot of questions about how we are going to start dividing land.

Chandler also reported on the site plans for the First of America Bank property on the corner of US41 and Cherry Creek Road. Burger King is planning on putting in a convenience store and Burgher King restaurant. This will be on the next meeting's agenda.

Chandler also noted that the "Left Turn" light is not in place yet at this intersection but it was promised by October 15. John Smith noted he saw the equipment in the motel parking lot.

**PUBLIC COMMENT:** John Smith commented briefly on the complex and confusing situation regarding the Intensive Agriculture language and the potential for problems, i.e., is it a real problem or is it a neighborly dispute.

**COMMISSIONER'S COMMENT:**

Mike LaPointe asked for information from the last meeting regarding the Ford Road. Mark Maki gave an oral report on the background of the situation. In summary, the people have not made a formal request on their own yet.

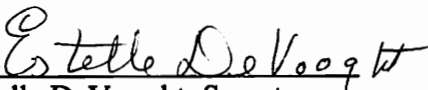
Commissioner Sanders suggested that we consider spending money for a consultant to come in and help us with the access problem. He believes there is money out there but we need someone who has time to start writing and researching grants that we might qualify for.

General discussion was heard on various topics amongst the commissioners.

**INFORMATIONAL ITEMS AND CORRESPONDENCE DISTRIBUTED:**

1. Chocolay Township Board Minutes of 9/21/98
2. Correspondence from MSU Extension re: Community Tourism Workshop
3. Correspondence from Cathy DeVooght re: Petition re: Snowmobile/Multi-use Trails.
4. Correspondence to Jim Woods, DNR, re: Land Acquisition.

The meeting was adjourned at 9:30 p.m.

  
\_\_\_\_\_  
Estelle DeVooght, Secretary

  
\_\_\_\_\_  
Karen L. Deel, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, NOVEMBER 9, 1998**

**PRESENT:** Mike LaPointe, Estelle DeVooght, Bill Sanders, Gary Menhennick, Steve Kinnunen and Ken Tabor.

**ABSENT:** Scott Emerson

**STAFF :** Karen Chandler, Director of Planning and Research

**OTHERS:** John Hlinak

**Mike LaPointe called the meeting to order at 7:30 p.m.**

**PUBLIC HEARINGS:**

Karen Chandler, Director of Planning and Research, explained the rezoning request. The applicant, Mr. John Hlinak was present. The request is to rezone his parcel from R-4 (Mobile Home Park) to R-3 (Multi-family). Mr. Hlinak stated why he wanted the rezoning. He's looking for relief on his sewer rates and the Township Board will not take action until the zoning issue is resolved. It had been suggested he apply for the multi-family zoning district. He rents out rooms in the home and has for almost thirty years.

Mike LaPointe asked for further public comment. Hearing none the Public Hearing was closed at 7:40 p.m.

**MEETING CALLED TO ORDER AND ROLL CALL:**

The Regular Meeting was called to order at 7:40 p.m. It was noted that Scott Emerson was absent, as noted at the beginning of these minutes.

**APPROVAL OF MEETING MINUTES:**

The October 12, 1998 meeting minutes of this commission were presented for approval. Two typing errors were noted for correction.

**Motion by Commissioner Sanders, supported by Commissioner DeVooght, to approve the October 12, 1998 Chocolay Township Planning Commission Meeting minutes as corrected.**

**Motion carried: 6-0**

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

It was suggested that we switch the order of business as follows:

VIII NEW BUSINESS A. Rezoning request # 103, to before VII OLD BUSINESS.

**Motion by Commissioner Sanders, supported by Commissioner DeVooght, to approve the November 9, 1998 meeting agenda as shown above.**

**Motion carried. 6-0**

**PUBLIC COMMENT:**

**No public comment.**

**NEW BUSINESS:**

**Discuss Rezoning Request #103 - Applicant John Hlinak, Property Parcel from R-4 (Mobile Home Parks) to R-3 (Multiple Family).** Mr. Hlinak is not allowed multi-family use under the current zoning classification. Correspondence was sent to Mr. Hlinak suggesting he talk with the Catholic Church and include their properties to make for a contiguous R-3 zoning district otherwise to rezone just Mr. Hlinak's would create a small spot zoning within the R-4 district.

Questions were raised on the setback requirements when a district is changed. And the setback requirements for adjoining districts, i.e. the Church property and how it would be affected.

Questions on the road came up. There has been a court case involving this issue. John Hlinak has legal ingress and egress from his parcel by easement from Richard Hahka. There was a question on whether this has been an approved private road. Chandler will check the past records.

Bill Sanders is interested in a site plan for this parcel. A rezoning to R-3 may allow for more buildings on the site. All setbacks and surrounding parcels should be reviewed for compatibility.

Commissioners agreed that they wanted the following questions answered for the December 14 meeting

1. How do the existing roads relate to frontage for this parcel?
2. Have these roads been designated as private roads or are they a part of the Mobile Home Park plan?
3. How does the non-conforming use section relate to this parcel if Mr. Hlinak has been renting rooms for almost thirty years and has been zoned into different districts over the years?
4. Is a site plan for the current parcel and the buildings required?

**Moved by Commissioner Kinnunen and supported by Commissioner Sanders that this rezoning request be tabled until a site plan is received and all questions have been answered.**

**Motion carried 6-0.**

#### **OLD BUSINESS:**

**Review of information on Intensive Agriculture:** Chandler received information from Patricia Norris, Associate Professor with the Michigan State University Extension. Ms. Norris would come to a Planning Commission meeting and would invite Kevin Kirk with the Michigan Farm Bureau. A discussion could take place with both sides being presented.

It was suggested that a lot of time has been spent on this issue and some commissioners would like to see the issued tabled. Just keep a file on all information received and discussed to date for future use.

Mike LaPointe asked that Mark Maki's comments be sent to Ms. Norris for review and recommendation and that her information be sent to West Branch Township for their information.

#### **NEW BUSINESS:**

**Discuss Attorney's Opinion on Motion Language for Conditional Use Permit.** Discussed the letter received from Township Attorney, Mike Summers. Have we had problems with these motions in the past? Chandler indicated that there has not been a problem and that the motion had been changed after Zoning Administrator Mark Maki asked that the Planning Commission consider include the Standards in the motion for approval or denial.

To make a motion directing future Planning Commission's on a motion to be passed ties up the Planning Commission's ability to place individual decision making into each situation. Each conditional use permit has unique issues. No further action was taken on this issue.

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

Chandler reported that the DNR grant for multi-use trails will be turned down. We will not be able to purchase the necessary properties. A call was received from Representative Stupak's office on our requirements for mining & mineral extraction within 3,000 feet of a public park. This requirement became an issue for a property owner near the proposed trail system. A petition regarding snowmobiling and multi-use trails was received at the Township Office and the Planning Commission received it in last month's packet.

Chandler attended an ESRI user-group meeting in Marquette. Several people from the US Forestry Departments were there along with County people. It was a good session. Marquette County and the Lake Superior Community Partnership also held a meeting to discuss uses and funding for the GIS program in Marquette County. There is a lot of interest, but funding the project maybe a problem. The County's staff is looking for possible grants.



**PUBLIC COMMENT:**

No public comment.

**COMMISSIONER'S COMMENT:**

We should look into the 3,000 foot requirement in the Mining & Mineral Extraction section of the zoning ordinance. In some cases the 3,000 feet maybe too much and in others it may not be enough.

Copies of the Mining & Mineral Extraction section of the zoning ordinance will be included in the next Planning Commission packet for review and discussion.

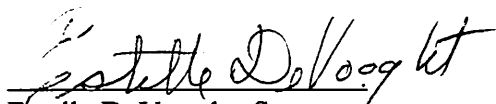
In reviewing the minutes from Marquette Township, it was suggested that we number our pages in a similar fashion.

The new light on the flag is not glare free. We really should look at a lighting ordinance. There are lighting requirements in many communities and they specify which lights to use and which lights not to use. The lighting at the Welcome Center is one example of good lighting. All the light is faced downward and no watts are wasted in an upward direction.

**INFORMATIONAL ITEMS AND CORRESPONDENCE DISTRIBUTED:**

1. Chocoday Township Board minutes of 10/05/98 & 10/19/98
2. Chocoday Township ZBA minutes of 09/24/98
3. Marquette Township Planning Commission minutes of 8/12/98
4. Correspondence to - Jim Woods, DNR - on DNR Grant

Chairperson Mike LaPointe declared the meeting adjourned at 9:15 p.m.

  
Estelle DeVooght, Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION**  
**MONDAY, DECEMBER 14, 1998**  
**7:30 PM**

**PRESENT:** Mike LaPointe, Estelle DeVooght, Scott Emerson, Bill Sanders, Gary Menhennick, and Ken Tabor.

**ABSENT:** Steve Kinnunen

**STAFF:** Karen Chandler, Director of Planning and Research

**OTHERS:** Karen L. Deel, Recording Secretary, Mark Maki, Don Britton, Bob & Sharon Roshak, George Niemi, Bill Hall, Ava & Ralph Bennett.

**Mike LaPointe called the Public Hearing meeting to order at 7:30 p.m.**

**PUBLIC HEARINGS:**

Planning Director Chandler reviewed the applicant's (Silver Bullet Management Corporation) request that the Chocolay Township Planning Commission (CTPC) consider granting a conditional use permit to allow for a combination (co-brand) fast food restaurant and convenience/fuel store in one building in Section 7, T47N, R24W, located at the now vacant First of America Bank building at the corner of U.S. 41 and Cherry Creek Road.

Chandler further noted that one other businessman stopped in Friday and said he had no problems with the proposal. No negative comments have been received.

Bill Hall, President of Silver Bullet Management, stated "we are a restaurant management group out of Wausau, WI. We have 30 Burger King stores throughout the Upper Peninsula of Michigan and north central Wisconsin. The advantage of co-branding is both operators are able to take one piece of property and develop it in combination with each other and co-exist on the same piece of property." Mr. Hall circulated a picture of an operation similar to what they are proposing for the current site. He further stated, "Silver Bullet does not get involved in the gas station. We run the Burger King and the gas partner runs their side. We do not have a gas partner identified as yet for this site. We propose this Burger King to seat 90 customers, as opposed to the one in Marquette that seats 145 customers, and we will not have a Child Play Room here. We propose to remove the current building and build new on the site."

Chairperson LaPointe asked for Public Comment and none was forthcoming, so this portion of the meeting was closed.

**CALL TO ORDER:**

Chairperson LaPointe then called the Regular Meeting of the CTPC to order at 7:40 p.m. and noted that all were present except Steve Kinnunen, as noted in attendance above.

**APPROVAL OF MINUTES:**

**Motion by Commissioner Sanders, supported by Commissioner Tabor, to approve the CTPC Meeting Minutes of 11/9/98 as printed.**

**MOTION CARRIED. Vote was unanimous.**

**APPROVAL OF AGENDA:**

**Motion by Commissioner Emerson, supported by Commissioner Sanders, to change the order of the agenda as follows:**

- #1. VII.B. Discuss Recommendation of Ad Hoc Committee on Trail Development
- #2. VIII.A. Discuss Conditional Use Permit #52, Silver Bullet Management Corp.
- #3. VII.C. Review Mining and Mineral Extraction Section of Zoning Ordinance.
- #4. VII.A. Discuss Rezoning #103 – Hlinak Property from R-4 to R-3.
- #5. VIII.B. Discuss 1998 Meeting Dates Schedule.

**MOTION CARRIED. Vote was unanimous.**

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, DECEMBER 14, 1998  
7:30 PM**

**PRESENT:** Mike LaPointe, Estelle DeVooght, Scott Emerson, Bill Sanders, Gary Menhennick, and Ken Tabor.

**ABSENT:** Steve Kinnunen

**STAFF :** Karen Chandler, Director of Planning and Research

**OTHERS:** Karen L. Deel, Recording Secretary, Mark Maki, Don Britton, Bob & Sharon Roshak, George Niemi, Bill Hall, Ava & Ralph Bennett.

**Mike LaPointe called the Public Hearing meeting to order at 7:30 p.m.**

**PUBLIC HEARINGS:**

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**CALL TO ORDER:**

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**APPROVAL OF MINUTES:**

**Motion by Commissioner Sanders, supported by Commissioner Tabor, to approve the CTPC Meeting Minutes of 11/9/98 as printed.**

**MOTION CARRIED. Vote was unanimous.**

**APPROVAL OF AGENDA:**

**Motion by Commissioner Emerson, supported by Commissioner Sanders, to change the order of the agenda as follows:**

- #1. VII.B. Discuss Recommendation of Ad Hoc Committee on Trail Development
- #2. VIII.A. Discuss Conditional Use Permit #52, Silver Bullet Management Corp.
- #3. VII.C. Review Mining and Mineral Extraction Section of Zoning Ordinance.
- #4. VII.A. Discuss Rezoning #103 – Hlinak Property from R-4 to R-3.
- #5. VIII.B. Discuss 1998 Meeting Dates Schedule.

**MOTION CARRIED. Vote was unanimous.**

**PUBLIC COMMENT:**

Bob & Sharon Roshak both addressed the commissioners regarding the Trail Development, its history, and the current changes being proposed, indicating that this Planning Commission and the Chocolay Township Board had voted that these trails would be "non-motorized." If the plans change as development occurs, will there be additional opportunity for public input?

Ava & Ralph Bennett, 205 Riverland, also addressed the commissioners regarding the Trail Development and the lengthy, changing process that has taken place, as well as their opinion about the Commissioners changing their position on the issue, and that with future elections, we may have the opportunity to elect different Board members to handle this issue.

A lengthy open discussion followed with all public parties and commissioners about the Trail Development Committee, their efforts, their stumbling blocks, their changes in direction, their proposals for alternate routes, their contacts with the various entities involved, i.e., Ameritech, Wisconsin Central RR, DNR, MDOT, residential property owners, locations of the trails, Varvil Center, noise abatement efforts, purpose and function of the trails, petitions against the proposal, law enforcement of snowmobilers, funding for law enforcement for same, DNR maps reflecting trails that really do not exist, and the need to designate someone to talk to the four parties that are so vehemently against any trail development, attorney involvement, law suits, mineral rights, and the necessary health, safety and welfare of the people in Chocolay Township, etc. etc.

**RECOMMENDATION FROM AD HOC COMMITTEE ON TRAIL DEVELOPMENT.**

The above discussion was heard regarding the Committee recommendation.

**Motion by Commissioner Sanders, supported by Commissioner Menhennick, that the Chocolay Township Planning Commission recommends the following:**

To ask the Chocolay Township Board to start discussions with the DNR for

1. to find out how long it will take to purchase the Wisconsin Central grade.
2. to encourage the DNR to look at the idea of continued use of the bike path through the business district with buffers and landscaping, and alternate routes to avoid residential districts.
3. to approach funding sources to improve the M-28/Chocolay River bridge.
4. to encourage more enforcement of existing snowmobile laws.
5. to encourage non-motorized use during the summer months. No ORV use on the trail.

**MOTION CARRIED. Vote was unanimous.**

Chairperson LaPointe extended a special "thank you" to the Trails Committee who have worked very hard on finding alternatives.

**CONDITIONAL USE PERMIT #52 – SILVER BULLET MGMT CORP.**

Commissioner Emerson expressed his concerns about the building image and asked if it could be anything else? Bill Hall noted there was one other possibility and showed the Commissioners a second picture.

Emerson further commented on his concern for additional green space, including suggestions for what kind of trees are favorable for the area and what he preferred. Emerson's comments included his review of the site plan, and what he liked and did not like. He further suggested no overhead lights but the utilization of downward lights, and suggested that Mr. Hall review the other sites like Mr. Movies, the Medical Center, etc.

Commissioner Menhennick commented that while he doesn't disagree with Commissioner Emerson, he would like to see consideration of additional shrubs and bushes included in the landscape, and power lines to be underground.

Bill Hall commented, "I think we could do what you want through a landscape plan; I am sure we could come up with something."

Commissioner DeVooght inquired how the existing building compares with the proposed building in terms of size. Hall responded the new building would be 1 and ½ times larger.

Chairperson LaPointe instructed Director Chandler to share the Townships Strategic Plan with Silver Bullet Management for use in their considerations in terms of green space, etc.

Mr. Hall commented he can not start a site plan process, or landscaping process, or even get a gas station partner until he has the Planning Commission's permission to go ahead.

**Motion by Commissioner Sanders, supported by Commissioner Tabor, that after careful consideration of all the general standards as set forth in Section 701 of the Township Zoning Ordinance and finding the applicant is in compliance with these standards, the request by Silver Bullet Management Corporation as Conditional Use Permit #52 as submitted on the application be granted with the following conditions:**

1. A Site Plan shall be submitted for Planning Commission review and approval.
2. Silver Bullet Management be encouraged to keep the green space, and further be encouraged to dedicate a bike path along the westerly edge of the property.
3. A Zoning Compliance Permit be obtained from the Chocoley Township Zoning Administrator prior to construction.

**Motion by Commissioner Emerson, supported by Commissioner Menhennick, to amend the motion by adding to #2 the following language... "and finally to consider the Commercial Landscaping section of the Chocoley Township's Strategic Plan of 1995 in their decision-making."**

**MOTION CARRIED. Vote on the amendment was unanimous.**

**MOTION CARRIED. Vote on the main motion was unanimous.**

#### **REVIEW MINING AND MINERAL EXTRACTION SECTION OF ZONING ORDINANCE:**

Chairperson LaPointe reviewed the background leading to this discussion and the fact that the Trails Committee requesting this review in light of several residents protesting the Trail Committee's efforts and wanting to protect their property and mineral rights. The Mining and Mineral Extraction Sections of the Zoning Ordinance, along with two letters received from mining companies, and copies of sample ordinances from other municipalities were distributed for review. It has been suggested that a sub-committee be formed to look at the distance requirements and review the sand and gravel permitting process.

It had been suggested that those residents protesting the trail based on protecting their mineral rights were operating with erroneous information.

Lee Blondeau commented that the definition of "public park" really needs to be clarified, and the 3,000 foot requirement seems excessive. Further, he commented that if someone wants to sell some sand, topsoil, or gravel, does that constitute a mining operation? Does it make a difference if the mining site is active or inactive?

Does the 3,000 feet mean the distance to the actual mining operation site or to the mining site property boundary?

Director Chandler recalled that the distance was determined based on the noise factor, i.e., crushing rock, etc.

**A sub-committee was formed to look at these issues, as follows:**

**Ken Tabor, Bill Sanders, Karen Chandler, Lee Blondeau, and Gary Menhennick**

#### **DISCUSSION OF REZONING #103 – HLINAK PROPERTY – R-4 TO R-3**

Chairperson LaPointe noted that the applicant John Hlinak was not present and that this agenda item should not be addressed without his presence.

A general discussion followed with input from Director Chandler, Zoning Administrator Maki and Commissioners as to what the issues were, what has been done to date, and what can be done in the future.

**Motion by Commissioner Menhennick, supported by Commissioner Emerson, to table Rezoning #103 until such time that the surrounding properties are included in the rezoning request to eliminate a potential spot zone.**

**MOTION CARRIED. Vote was unanimous.**

**DISCUSS/SET MEETING DATES SCHEDULE FOR 1999:**

Director Chandler submitted a proposed list of meeting dates for the CTPC for 1999. May and June presented problems in that Chandler will be in classes in May and June on those particular Mondays. An alternate date of the second Tuesday was suggested.

**Motion by Commissioner Emerson, supported by Commissioner Sanders that the Planning Commission set their meeting dates as follows:**

January 11	April 12	July 12	October 11
February 8	May 11	August 9	November 8
March 8	June 8	September 13	December 13

**MOTION CARRIED. Vote was unanimous.**

**PLANNING DIRECTOR'S REPORT:**

Regarding the request for the CTPC Meeting Packets to be numbered, a brief discussion was heard, followed by confirmation of their request to number the pages for easier navigation during meetings.

Director Chandler submitted a printed report, as follows:

1. GIS coverage for 1999. What would the Commissioners want?  
After a brief discussion, it was the consensus of the Commissioners that this decision really needs to be made by staff. Related to this, discussion was heard on Marquette County's efforts in computerizing information and how it connected to Chocolay Township's needs and visa versa. Chandler responded that through the Lake Superior Partnership, there are avenues where we can connect and share information and attend meetings to learn more. In any event, the plans for next year's needs was deferred to the staff for their consideration and prioritizing.
2. Leroy Wahlstrom has applied to re-zone the parcel on M-28 currently zoned R-3, to be changed to C-2. Details will be presented at the next month's meeting.

**PUBLIC COMMENT:**

Mark Maki, 405 Riverside, Marquette commented as follows: Scott's (Emerson) suggestion was the best, for inclusion to the Mining & Mineral Section 404 at B 2 add the letter (d) trails.

I did send a memo on snowmobile trails... in the meantime we have a trail running through the township that is a trail. DNR won't admit it is a trail, yet they put up signs and people are using it. It appears on maps that say they are printed in cooperation with the DNR. At some point it will become an issue. It will be in violation of the zoning ordinance. It is one continuous circle.

The DNR does what they want, even though they said "they would not run it through, if the Township opposed it." It does not do much for their reputation to do this.

Commissioner Menhennick commented in defense of the DNR and sited the efforts out at Little Presque Isle and the cabins they built there. They did listen to the people in that case.

It was suggested that the meeting minutes be researched for the above quoted language by the DNR.

Discussion followed again about trail alternatives, land authorization agreements, Ameritech, WI Central RR, and related issues.

**COMMISSIONER'S COMMENTS:**

A general discussion was heard on topics previously discussed. No new items were added.

**INFORMATIONAL ITEMS AND CORRESPONDENCE:**

- A. Chocolay Township Board minutes of 11/02/98
- B. Chocolay Township ZBA minutes of 10/20/98 & 11/05/98
- C. Chocolay Township Ad Hoc Committee Trail Development minutes of 12/01/98
- D. Marquette Township Planning Commission minutes of 10/14/98
- E. Correspondence to - Jim Woods, DNR - on DNR Grant
- F. Memo from - Mark Maki - Zoning Ordinance Requirements
- G. 1999 MSPO Basic Training Workshops

The meeting was adjourned at 10:10 PM

*Estelle DeVooght* *1-11-99*  
 \_\_\_\_\_  
 Estelle DeVooght, Secretary Date

*Karen L. Deel* *Jan 11, 1999*  
 \_\_\_\_\_  
 Karen L. Deel, Recording Secretary Date