

**CHOCOLAY TOWNSHIP PLANNING COMMISSION**  
**MONDAY, JANUARY 11, 1999**  
**7:30 PM**

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

**ABSENT:** Commissioners Steve Kinnunen, Mike LaPointe

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

**OTHERS:** Karen L. Deel, Recording Secretary, Mark Maki, Don Britton, Bob & Sharon Rochak, Lee Blondeau, John Hlinak, Kathy Garrow.

**Commissioner Sanders called the Public Hearing meeting to order at 7:30 p.m.**

**PUBLIC HEARING: Rezoning Request #104, LeRoy E. Wahlstrom, from R-3 to C-2.**

Planning Director Chandler reviewed the applicant's (LeRoy E. Wahlstrom) petition that the Chocolay Township Planning Commission (CTPC) consider amending the Chocolay Township Zoning Ordinance to **rezone the following described parcel from the current zoning classification of R-3 to C-2:**

Part of the NE 1/4 of Section 7 T47N R24W, Chocolay Township, Marquette County, MI known as lots 9-15 of Maude B. Warren's unrecorded plat, and more particularly described as commencing at the NE corner of Section 7; thence S00°39'10"W, 1327.77' (recorded as 1327.6') along the E line of Section 7 to the PoB and N 1/16 corner; thence continuing S00°39'10"W, 279.42' (recorded as 278.4') along the E Section line to the N'ly Right-of-way line of Highway M-28 (200' R/W February 1997); thence S82°11'45"W, 380.74' along the N'ly Right-of-Way line of Highway M-28 to a point of Tangency; thence NW'ly, 302.51' along the arc of a 855.37' radius Right-of-Way curve to the right, having a delta angel of 20°15'47" and a chord bearing N87°40'24"W, 300.94' to the SW corner of Lot 15 Maude B. Warren's unrecorded plat; thence N12°22'08"E, 314.14' along the W line of said Lot 15 to the N 1/16 line of Section 7; thence continuing N12°22'08"E, 22.72' along the W line of Lot 15 to the NW corner of Lot 15; thence S89°02'40"E, 609.02' (recorded as 609.4') along the N line of Maude B. Warren's unrecorded plat to the PoB. Parcel contains 4.77 Acres and is located near the NE corner of the M-28 and US 41.

It is currently multiple family and they are asking for it to be commercial. Chandler noted they received a call from C. Lindstrom of MDOT inquiring what the proposed development might be. At this point we don't have any information on any development there. The Holiday Station District Manager stopped by and they are in favor of the rezoning. They also wanted to know what development might be forthcoming. We also received a letter from Togo's owners, Joe and Ann Fountain, which Commissioner DeVooght read into the record.

Mark Maki, 405 Riverside Road, pointed out a couple things on the overhead map, and reviewed some of the history of the area. He noted all the parcels in the area that are currently zoned commercial and the problems getting in and out of their properties. He noted it would be nice to have a specific plan that included curb cuts, traffic flow, etc.

Kathy Garrow from Togo's commented that from their standpoint, they really do need access. "I am really starting to get concerned about an access with so much traffic. We tried so hard to talk to Wahlstrom's to give us access. I don't want to see anybody get hurt."

Don Britton commented he had come out of that driveway several times and to trying to make a left turn is impossible.

Lee Blondeau commented he was in favor of the request. But we are going to have to do something with the traffic.

The Public Hearing was closed at 7:40 p.m.

**The Regular Meeting was then called to order at 7:40 PM.** Commissioner Sanders chaired the meeting in the absence of Commissioner LaPointe. Commissioner Sander's noted that Commissioner Kinnunen was also absent.

**APPROVAL OF MEETING MINUTES:**

**Commissioner DeVooght moved Commissioner Tabor seconded to approve the Regular Meeting Minutes of the Chocolay Township Planning Commission, dated 12/14/98, as submitted. Vote was unanimous.**

**APPROVAL OF AGENDA:**

Commissioner Sanders suggested that the agenda be re-organized in the following order:  
VII.A.= 1. VIII.A.=2. VII.B.=3. VII.C.=4. VIII.B.=5.

**Commissioner DeVooght moved Commissioner Tabor seconded to approve the revised agenda as suggested. Vote was unanimous.**

**PUBLIC COMMENT:** Mark Maki, 405 Riverside Drive, read a letter from Mike Davison, 300 Partridge Bay, with property at 146 Lakewood Lane, Marquette, regarding the proposed snowmobile trail. In the letter Mr. Davison makes suggestions to Supervisor Ivan Fende that he write a letter to key people within Ameritech, including the following information:

1. A brief synopsis of the citizens' overwhelming support for the "Rails-To-Trails" project, and their strong objection to a "snowmobile trail" running through neighborhood residential areas, because of speed, noise, alcohol, safety, liability, and inability to police violators.
2. A map of the township to include the passage of the railroad grade through the township. With areas of deed restrictions highlighted.
3. A request for Ameritech to be a good corporate citizen by placing the deed restrictions on this small segment of land for 100 years. The township could offer to cover the associated nominal cost for the deed change.

Mr. Davison further included a list of Ameritech board members, with bibliographies, so that you can select individuals who may be sympathetic to our concerns, for letters and possible phone calls.

Mark Maki commented further about this whole situation and inquired why representatives of the Township are saying one thing here and other things at meetings outside the area.

Sharon Rochak said her understanding was that the Railroad Grade would not be groomed without a permit and it was groomed last Friday, and asked the Commission to look into that.

**REZONING REQUEST – HLINAK – R-4 TO R-3.**

Planning Director Chandler reviewed the materials included in the meeting packet regarding this request. At the last meeting, Chandler was instructed to write Mr. Hlinak about the Commission's action to table the request until such time that the surrounding properties are included in the rezoning request to eliminate a potential spot zone. A letter has been received from Mr. Hlinak's attorney advising us that Mr. Hlinak does not plan to add any additional properties to his petition. A letter was also received from one of the neighbors requesting that we table this request until the easement situation can be resolved. Chandler also commented that within the requirements of the Zoning Ordinance, the future potential of this parcel if rezoned to multiple family is about 17 apartments at 600 square feet each. And that would be just one floor.

John Hlinak, 234 Silver Creek Road, explained the history of the situation about the easements, both the 16' and the 4'. Commissioner Sanders asked if we have a recorded copy of the easement? We have a copy of the 16' easement.

We are looking at a multiple family versus single family. Hahka's are not interested in multiple family use of their easement. Commissioner DeVooght commented that "until Mr. Hlinak comes to terms with Hahka's, we should not rezone it.

Commissioner Menhennick commented he thought there might be some confusion that came when Hlinak sold the trailer park and didn't allow himself entry and exit.

Mr. Hlinak commented that the church was interested in purchasing some property from him and building a rectory on it but as of today he has not had any definite word on it, but if that

happened, then the entry and exit problem would be solved. He is also working with the Church for an easement if they're not interested in purchasing the parcel.

**A motion was made by Commissioner Menhennick and supported by Commissioner DeVooght to table this request for 90 days to allow Mr. John Hlinak time to pursue the issue with the people from the church about an easement or possible purchase of his parcel. Vote was unanimous.**

**REZONING REQUEST #104 – LeRoy Wahlstrom requesting a rezoning of a parcel on the Northeast Corner of M-28 from R-3 to C-2.**

It was noted that no representatives were in attendance on behalf of the Wahlstrom's. Commissioner Sanders and Menhennick commented they had no problem with the zoning request made by Wahlstrom's. Commissioner Emerson said he would not be in favor of this request unless there is some way we could have a public hearing which would be better for the businesses in the area. There was strong feeling expressed that Wahlstrom's or a representative should be here to participate in the discussion.

Commissioner Menhennick stated we should set up a meeting with MDOT regarding the driveway access issue. This is so important to the business district. They may not realize how important it is.

**Motion by Commission DeVooght, supported by Commissioner Sanders that we deny the rezoning request. AYES: DeVooght. NAYS: Menhennick, Emerson, Sanders and Tabor.**

Commissioner Sanders noted that if you apply the Ordinance to this request, it is entirely appropriate. The whole access thing has to be addressed at some time, but it is not a factor in approving or denying this current request.

**Motion by Commissioner Menhennick, supported by Commissioner Tabor, that the Chocolay Township Planning Commission recommend to the Chocolay Township Board that the rezoning request by LeRoy E. Wahlstrom for the following parcel be approved: Part of the NE 1/4 of Section 7 T47N R24W, Chocolay Township, Marquette County, MI known as lots 9-15 of Maude B. Warren's unrecorded plat, and more particularly described as commencing at the NE corner of Section 7; thence S00°39'10"W, 1327.77' (recorded as 1327.6') along the E line of Section 7 to the PoB and N 1/16 corner; thence continuing S00°39'10"W, 279.42' (recorded as 278.4') along the E Section line to the N'ly Right-of-way line of Highway M-28 (200' R/W February 1997); thence S82°11'45"W, 380.74' along the N'ly Right-of-Way line of Highway M-28 to a point of Tangency; thence NW'ly, 302.51' along the arc of a 855.37' radius Right-of-Way curve to the right, having a delta angel of 20°15'47" and a chord bearing N87°40'24"W, 300.94' to the SW corner of Lot 15 Maude B. Warren's unrecorded plat; thence N12°22'08"E, 314.14' along the W line of said Lot 15 to the N 1/16 line of Section 7; thence continuing N12°22'08"E, 22.72' along the W line of Lot 15 to the NW corner of Lot 15; thence S89°02'40"E, 609.02' (recorded as 609.4') along the N line of Maude B. Warren's unrecorded plat to the PoB. Parcel contains 4.77 Acres and is located near the NE corner of the M-28 and US 41. MOTION CARRIED.**

**MINING AND MINERAL EXTRACTION SECTION OF ZONING ORDINANCE.**

Planning Director Chandler's memo to the Planning Commission was reviewed and it included a recommendation for language change in Section 404. B. 1. And 404.B.2. This was developed in response to the question of the 3,000 foot requirement currently in the language as the distance between mining operations and hospitals, churches, schools, public parks or cemeteries. The question arose within discussions of the definition of a public park and its application to recreational trails. After the committee reviewed the issue, it became obvious that the distance involved in an "impact area" could vary depending upon what kind of operation is taking place, i.e., a gravel and rock crushing operation would have a larger "impact area" than a sand or topsoil "impact area." So the committee is saying "Determine your impact area" first, and while 1,000 ft is presumed to be an appropriate distance, it may be increased or decreased according to the specific reason for the site request. Discussion followed.

Mark Maki submitted a memo on this topic, asking if anyone could tell why the original setback was established at 3,000 feet in 1992 and why is it being considered now?

It was explained that if you took a map and drew a 3,000 circle around each church, school, public park and cemetery, and now the trails, there would not be much opportunity at all in Chocoley Township for a mining or mineral extraction operation, and the person raising the question, may have an interest in selling fill dirt when the highway is being worked on next summer. The current 3,000' restriction from a trail would not allow this to happen for Cathy DeVooght.

Commissioner Emerson noted that the trails issue is really tangential to the reason we brought this up in the first place. The first question was about the definition of a public park.

It was the consensus of the Commissioners that the language be referred back to its Committee for language improvement and that Planning Director Chandler investigate this further with the County Road Commission and MDOT.

#### **ZONING ADMINISTRATOR'S REQUEST ON HADLEY PARCEL.**

A memo from Mark Maki, Zoning Administrator, regarding the Hadley Parcel was reviewed. Mr. Maki noted this is not a big issue but it's a piece of unfinished business in that the entire area was zoned Open Space at one time and was changed to RR-1 and RR-2 in the 1970's. This parcel (3 acres) was probably overlooked by the Township as it sits alone surrounded by State land. His memo suggests that the Township become the sponsor to clear up the issue by adding this request to a planned public hearing.

Discussion followed. Commissioner Emerson stated he thought we were going to contact the owner for input. Commissioner Menhennick stated if we get a current letter from the owner, we will consider it further. Mr. Maki agreed to contact the current landowner on the matter.

#### **SECTION 300: Height Definition and Accessory Building Height.**

Planning Director Chandler presented information regarding a recent request for a Height Variance in building a garage. Our Height is 14 ft, Marquette is 15', as well as Marquette Township is 15'. We have only had one other request for same. This has been the only request since we changed the ordinance in April of 1996. This Fisher Request is on the Township Board agenda as an informational item for their meeting on 1/12/99. Chandler's recommendation is to leave the height requirement alone unless otherwise directed by the Township Board to do so.

Mark Maki addressed the issue and noted that you can build a garage like the one proposed, anywhere in the U.P. but in Chocoley Township. He felt the language should be changed, including the language relevant to the Fire Department access. Mark said he has tried for 4 years to get the height definition changes. We've come a long way since the amendment in 1996, but we are still not there.

No action was taken on the issue.

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

Planning Director Chandler gave an oral report.

The Township Board is going to be looking at an issue tomorrow night about the formation of a Recreation Committee. The Recreation Plan suggests that a Committee be formed. It was suggested by DPW that the Committee consist of 5 members: 1 each from the Planning Commission (Mike LaPointe), Engineering Field (Carroll Hicks), Baseball Association (?), Soccer Association (?) and DPW (Larry Gould). Chandler did ask Ivan Fende to include someone from the Trails Committee and that was denied. This group would also be applying for grants. Discussion followed.

**It was the consensus of the Planning Commission Members that Planning Director Chandler write a letter to the Township Board from the Planning Commission with our recommendation that they consider a 7 member committee, and that they advertise these Committee Membership Positions to the public.**

**The Planning Commission further instructed Planning Director Chandler to write a letter to the Ameritech people as outlined in Davison's letter regarding the snowmobile trails etc.**

**The Planning Commission further instructed Planning Director Chandler to write to the Township Board asking them to pursue grant funds and to contract with a Planning Consultant to develop alternate highway access in the vicinity of M-28 and U.S.-41 intersection, and that it include lighting.**

Chandler also reported that she tried to contact Randy Van Port Fleet at the Escanaba office of MDOT. He will be out of the office until January 19. He is working on the State guidelines for snowmobile traffic along state highways. We should plan to have a meeting with Mr. Van Port Fleet sometime in the near future.

**INFORMATIONAL ITEMS AND CORRESPONDENCES**

- A. Chocalay Township Board minutes of 12/07/98 & 12/21/98
- B. Marquette Township Planning Commission minutes of 10/21/98 & 11/11/98
- C. Correspondence to - MDEQ - response to permit applications

The meeting was adjourned at 10:00 p.m.

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Estelle DeVooght, Commission Secretary

Date

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Karen L. Deel, Recording Secretary

Date

**CHOCOLAY TOWNSHIP PLANNING COMMISSION**  
**MONDAY, FEBRUARY 8, 1999**  
**7:30 PM**

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

**ABSENT:** None.

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

**OTHERS:** Karen L. Deel, Recording Secretary, Mark Maki, Don Britton, Bob & Sharon Roshak, Lee Blondeau, Steven Pietila, Ralph & Ana Bennett, John G. Smith

**PUBLIC HEARINGS – NONE.**

**MEETING CALLED TO ORDER:**

Chairman LaPointe called the regular meeting of the Chocoday Township Planning Commission to order at 7:30 p.m.

Roll call was conducted and all Commissioners are noted as in attendance.

**APPROVAL OF MEETING MINUTES:**

The meeting minutes of the regular meeting of the Chocoday Township Planning Commission, dated January 9, 1999 were presented for approval. Commissioner Menhennick requested one change to be made on Page 5., paragraph 3, line 4. "question, may have an interest..."

**It was moved by Commissioner Sanders, supported by Commissioner Menhennick, that the January 9, 1999 meeting minutes be accepted, as modified. Motion carried.**

**APPROVAL OF AGENDA/ADDITIONS TO AGENDA:**

One item was added to the agenda as VIII. B. Overlay Zone/Snowmobile Trails.

**It was moved by Commissioner DeVooght, supported by Commissioner Menhennick, to adopt the agenda with the one addition. Motion carried.**

**PUBLIC COMMENT:**

Planning Director Chandler stated, "There has been a Conditional Use Permit Request brought to the office by Trails Inc. It will be coming up for Public Hearing at the next meeting. The Permit does not have a map with it for the Overlay Zone but it goes from the Casino east to the Old County Road BA and down to Camp Four Road. We would not place an overlay on the County Road. It will be running East.

**OLD BUSINESS: Discussion on Mining and Mineral Extraction Section of Zoning**

**Ordinance:** Chairman LaPointe asked the Committee (Bill Sanders, Gary Menhennick, Ken Tabor, Lee Blondeau, and Karen Chandler) if they were ready to propose and address the requested language re-write for Section 404, Mining and Mineral Extractions. As of the meeting time, no re-write language was available, but the committee is going to meet again and complete the charge. A brief discussion followed about whether the 3,000 ft distance limit should be reduced to 1,000 ft, or 500 ft., or 100 ft, and would it affect snowmobile trails, gas lines or should it be flexible? Director Chandler reported she spoke to Andy Sikkema at MDOT and Mike Etelamaki at the Marquette County Road Commission and they have no problem with 500 ft. **No action taken at this time.**

**OLD BUSINESS: Discuss Creation of Recreation Committee:** Chairman LaPointe opened the meeting to discussion this topic and asked Larry Gould, DPW, to explain and clarify his rationale for a 4-man committee. Gould said he was looking at a small, 4-man working committee with quarterly meetings. Maybe initially, it would take a meeting a month, or every other month, to get established and organized. Gould reported they would review the CTPC's Strategic Plan and physically visit the recreation areas as soon as whether permitted. He explained further, that he envisioned the Committee doing things beyond what is specified in the Plan but to be an ongoing working committee. Gould felt it was important to get members from the two heaviest user groups (soccer and ball) involved. They are using the recreation areas every night and on weekends, they give of their time and money for this purpose. So, membership would be 2 Public Officials and 2 User Groups Members. This would be a working

committee, not a decision-making committee, and they would make recommendations to the Planning Commission which ultimately would go to the Township Board for action. This was presented to the Township Board and they referred it back to the Planning Commission for further review and consideration after receiving a memo from the Planning Commission recommending a 7-member committee.

Commissioners asked questions of Mr. Gould and offered their input and rationale for a larger committee as follows: Two additional members, at large, were proposed, with advertising for member interest in the community. It was pointed out that the Strategic Plan requires "grass roots" input from the community, and if we involve the community in the planning stages of activities, this would respond to that need.

Questions and answers followed, with an understanding being developed that the Recreation Committee would be an ongoing committee that would work with Mr. Gould in the formation of recommendations to the Planning Commission regarding recreation activities, development, etc. etc. How would the Trails Committee fit in? It was Gould's opinion that the Trails Committee was for trails and would not continue after being done with their project. Menhennick noted that his feelings about the Trails Committee was focused more on snowmobile trails and the Recreation Committee would be a multi-purpose effort, and he just wants to be sure that the two are networked together. The Chairman of the Trails Committee felt their work would be ongoing and might include other types of trails. How did you [Gould] decide you should have someone from the Soccer and Ball Clubs? Gould responded it was because of their active involvement to date and their commitment of time and resources.

**It was the consensus of the Commissioners that the Recreation Committee should have 7 members, with two of them being filled by advertising in the community for membership, and that the Recreation Committee would make recommendations to the Planning Commission, which would then be considered for action by the Township Board.**

**NEW BUSINESS: Discuss Proposed 1999 Recreation Grant Application:** Following the above discussion, Mr. Gould presented information about the Grant Application Process with the DNR and discussed time lines, priorities, and projects. In the information handouts were 10 items that needed to be prioritized for consideration in the 1999 Application being developed, with a deadline of April 1. After much discussion, Commissioners were instructed to individually prioritize their lists and submit them to Mr. Gould for inclusion in his application. A lengthy discussion ensued regarding the outlined projects being considered. It was noted that these monies, if awarded, would not be available until 2000. Feedback from the discussion included the fact that a pavilion was being considered and Gould was encouraged to pursue it with consideration of community support in erecting the building, and not a contracted builder; something similar to how the fair ground buildings were built. It was the consensus of the Commissioners that community support will affect a sense of pride and care-taking if they are involved in the project. **It was noted that a letter of commitment and support from the community is needed to be included with the Grant Application.**

A discussion was also heard on whether or not activities should be limited to only soccer and ball and not other activities that the general community would find attractive, or even attract tourism. Gould noted that what information he had was what was developed in the Recreation Plan and given to the Board for adoption, and if there are other plans to be made, they would have to be developed by the Recreation Committee for future consideration. **It was noted that there isn't much for kids in the community to do if they were not involved in team sports or organized activities. There is a need for a family place to go and enjoy an outing, and not be chased away by a scheduled event coming in.**

Last but not least, Gould noted that the prices attached in the Action Program handout were, in fact, 1998 costs, and they would have to have an inflation factor calculated for prices that would be in the year 2,000.

**NEW BUSINESS: Discuss Overlay Zone for Snowmobile Trail.** Don Britton requested this agenda item and was invited to address it. Britton commented that after working on the Trails Committee for 3-4 years, and then was given the Overlay Zone for Snowmobile Trails written language, and further the Conditional Use Permit language which applies to it. When reading it, he noted in #5 of the General Standards that the language was vague and subject to interpretation

in many ways. He felt this language really didn't (couldn't) pertain to trails. He further noted that to his knowledge, there is no other overlay zone in the whole U.P. or State of Michigan, but only in Chocolay Township. Planning Director Chandler commented, "We have no way of getting a snowmobile through the Township unless we put the Overlay Zone in." Mr. Britton stated he is objecting to the whole Conditional Use language. Commissioners offered their explanation of the Overlay Zone and noted that by doing this, their intention was to help the Trails Committee, not hinder their activity. It was further noted that "one person" can not stop the activities of the majority. Chairman LaPointe noted that this was adopted to make it easier and based on the advice and information we had, this was the best way to go.

Related to the above discussion, Commissioner Menhennick requested that he would like to see the Planning Commission again recommend to the Township Board that they should look into becoming a member of CUPPAD. By belonging to CUPPAD, you can get information about what other townships are doing etc, and we don't then have to invent the wheel every time we take on a project. In response to this request, additional discussion was heard on the cost of a CUPPAD membership and previous experience dictated that membership was cost-prohibitive.

A brief discussion was again heard on the Trail Committee activities and the status to date.

**PLANNING DIRECTOR'S REPORT:** Director Chandler distributed copies of the letter Supervisor Fende sent to Ameritech requesting their assistance in solving a potential noise problem in our residential neighborhoods regarding the proposed Snowmobile Trail.

Chandler reported that consideration of the development of M-28 & U.S. 41 intersection properties by the Township Board has been put on hold until Wahlstrom's return to the area in April. A meeting will be set up with them then.

There is a possible meeting here Friday morning on MDOT guidelines. Any interested Commissioners should call the office on Thursday for definite time.

Chandler distributed copies of a Fax from the Michigan Townships Association re: SB 205, Michigan Right to Farm Act Bill.

Chandler encouraged Commissioners to write letters of support to Bill Brondyke, DNR, Gwinn regarding support for the DNR acquisition of the Wisconsin Central Railroad grade for non-motorized trails.

**PUBLIC COMMENT:** Mark Maki called attention to the new copies of the Zoning Ordinance which he distributed to the Commissioners.

**COMMISSIONER COMMENT:** None.

**INFORMATIONAL ITEMS AND CORRESPONDENCE GIVEN TO COMMISSIONERS:**

- A. Chocolay Township Board Minutes of 1/12/99.
- B. Chocolay Township Zoning Board of Appeals minutes of 12/21/98.
- C. Marquette Township Planning Commission minutes of 12/9/9998 and 12/17/98.
- D. Correspondence to Trails Inc. re: Application for Conditional Use Permit.
- E. Notice for APA Conference.
- F. Notice for National Town Meeting.

The meeting was adjourned at 9:45 p.m.

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Estelle DeVooght, Commission Secretary

Date

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Karen L. Deel, Recording Secretary

Date



**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, MARCH 8, 1999**

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

**ABSENT:** None.

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

**OTHERS:** Karen L. Deel, Recording Secretary, Gary Miller, Jerry Weeks, Chris Yuill, Bill Kessel, Chris Hyde, John & Gwen Bayerl, Don Williams, Joyce Gravelle, Gary Gravelle, Dennis Hickey, Dave Barto, Donna Barto, Sharon Roshak, Bob Roshak, Mike Bal, Dave Retaski, Ryan Chartier, Larry Sparks, Allan Keto Michigan DNR, Carolyn McCleary, Darren McCleary, Michael Roose, Marguerite Roose, John F. Smith, James Lake The Mining Journal, Dorothy Petroskey, Francine Sanderson, Burt Sparhawk, Emil Kezerle, Don Britton, Jim Jamieson, Cathy DeVooght. Not everyone present signed in, and some have made comments below and their names do not reflect in the attendance list.

### **PUBLIC HEARINGS**

Chairman LaPointe declared the Public Hearing on Conditional Use #53 open at 7:30 p.m., and explained the procedure to be followed for the hearing. First Planning Director Chandler will give the background information, then the applicant will make his comments, followed by comments from the public. In order to accommodate the large crowd, Chairman LaPointe said each person wishing to comment could address the assembly once, giving his name and address, and to respect those around you with differing opinions and feelings.

Director Chandler reported, first of all, we have worked with this Overlay Zones but we have not had any language in the ordinance addressing snowmobile trails within the Township. So about a year ago, the Township Board approved the language the Planning Commission and Trails Committee has been working on for what they called an Overlay Zones for Snowmobile Trails. What the Overlay does is actually lay over all the different zoning districts within the Township, so you might have a residential district, open space district, you might have a resource production district, you might have a rural residential district where you could have 5 acres or more for property, and pretty much these trails run through all those different zoning districts. We have 2 applications from Trails, Inc, from Al Conrad, their president. He is here tonight to answer questions also.

The first application brought in about a month ago was Conditional Use Permit Request #53. They are requesting that Chocolay Township Planning Commission consider granting a conditional use permit to allow for an Overlay Zone for a Snowmobile Trail in T47N, R23W, Sections 7, 8, 9, 10, 11, 12, 14, 23, 26 & 36 and in T47N, R24W, Section 12. The proposed snowmobile trail would start at the trailhead at the Ojibwa Casino II and run east on portions of the abandoned railroad grade and on Co. Rd BAA until it runs southeasterly on predominantly state land to the Alger County Line. The overlay zone is approximately 50 ft wide designated and approved snowmobile trail within that area.

An overhead map was projected on the screen reflecting the proposed trail, in two colors: The Chocolay Township would only have jurisdiction over those areas in purple, and the County Road Commission has jurisdiction over the green areas. We also do not have jurisdiction for zoning on trust property held by KBIC. Only the area in purple is in question for Conditional Use #53. All residents within 300 feet were notified. We have received some correspondence in favor of Permit Request #53.

Al Conrad, President of Trails, Inc., 488 Silver Creek Road, and we have applied for this conditional use permit. This portion of the trail is in two parts, pretty much the non-obtrusive portion of the trail. The trail at this point does not go by any residential homes. We think it is a good route, and safe.

**Bill Kessel, 111 Green Bay Street.** "There will be no trails running by anybody's house without going through court. That's it. This will be decided in court. We are wasting our time here tonight."

**Gary Miller, 154 Ridgewood Drive.** "You will be asked to sanction a trail in a long-standing residential area and you will be asked to sanction noisy machines, drunk drivers, sometimes going as fast as they want to."

Chairman LaPointe clarified that the Public Comment currently being taken is only for Conditional Use Request #53; a second hearing will be held for Request #54 which goes through the residential area.

**John Bayerl, 136 Ridgewood Drive.** "I would like some information. Does this trail make any sense without Overlay Zone #54?"

Chairman LaPointe explained his understanding that there are two separate applications and two separate Public Hearings.

Al Conrad explained that it actually does make sense to apply for two with the idea that the Casino is a good trailhead with a good parking area, and is a destination location.

**Cathy DeVooght, 6341 U. S. 41 South.** "The State of Michigan owns about ½ of Chocoday Township. I think you should pursue snowmobiles to go play, and that is what it is – "play", on State of Michigan property, they have thousands of acres. Apparently, everybody is opposed to snowmobiles but you guys want to push, push, push that on everybody. Either in that area or behind me. There is no reason for it. They have trailers to carry their machines there."

**John F. Smith, 2176 East M-28.** "I actually own, if you look at the map up there where it says 'Gordon's' and the very next 40, that is what I own. I purchased that property couple years ago, knowing full well there was a snowmobile trail there. It's been there for many years. I have lived there for about 14 years now. I am probably on the minority side. I am in favor of the trail right there mainly because it is a very safe route. The other day I was actually paying attention to 'do I hear the sleds out there,' and 'are they intrusive on my 40?' I was sitting there on Saturday night, I was kind of listening, I could hear this super loud sled, and I thought 'boy he must be in my back yard.' He was out on 28. I kind of feel by putting the sleds back there on this trail, you get them off the highway, we get them out from in front of my driveway, and I just feel it is a much safer area. I kind of went around the area, did kind of a quick count, very unscientific, on my way to work and coming home, I decided to see how many people in Chocoday actually have sleds. I came up with a figure of about 300. So, I come to the conclusion that if you try to stop this, what your friends and neighbors have, to use their machines, they can use the county roads. There is probably going to be provisions made for MDOT to allow them to use M-28, so it boils down to 3 things. They are going to come through here, that is a fact. I don't think we are ever going to get around that. So, do we put them where we can control them? Do we actually control the situation? Or do we put them on M-28 where we have no control and no say? That is a likely possibility. They will be crossing everyone's driveways, and it will be legal for them to do. The solution is the county roads. Lakewood Lane and every other road in here is a county road. They have a right, the county ordinance says they can ride there. Its unsafe. I think you all have to take a look at this, step back and determine what is going to be the safest route. You are not going to keep them from coming here. If you do a trailhead there, you will have 300 people. I have seen that many sleds in this Township. If you try to control them, at least you have control. I am not going to sit here and blow smoke at people and say snowmobiling is safe. I had a unique opportunity yesterday and I went out on the groomer just to see what was on the trails. What I did run across, and very amazed to see a lot of families out yesterday. I did not see anybody drunk. They were driving at a reasonable speed. I kind of thought if I was in the groomer I would see someone acting unlawful, at a high speed, reckless, and it would be a perfect opportunity to see it. I seen one guy who had to slow down but it was on a very tight corner. So, all in all, when I got back, I walked on my 40, I paid attention to what sleds were back there and there were a few, lots of noisy trucks and cars on the road too. I have been going to the Trails Committee Meetings for years, trying to find a solution. I challenge everybody here that is going to probably have a more negative aspect of this, to come to the Trails Committee and help us find a solution. You take your time to come to this meeting, its time to come and help us find a solution."

Robert H. Ball, David & Linda Johnson and John F. Peterson send correspondence opposing Conditional Use #53. Jeff Glass and Karen Hart send messages they were in favor of Conditional Use #53. Donald Dayo called on ¾ offering information to change trail route.

Robert Abel called in opposing the trail. Correspondence from Frank Ravitz says he has no problem with the designated trail if its used just for snowmobiles. Correspondence from Robert L. Able, with power of attorney for his parents, Joseph & Selma Abel, voiced opposition to Permit #53.

The Public Hearing on Conditional Use Permit Request #53 was closed at 7:45 p.m.

Chairperson LaPointe opened the Public Hearing on Conditional Use Permit Request #54 at 7:46 p.m.

Planning Director Chandler reported the Application for Conditional Use Permit #54 from Al Conrad, Trails, Inc. President, has requested Chocolay Township Planning Commission to consider granting a conditional use permit to allow for an Overlay Zone for a Snowmobile Trail in T47N, R24W, Sections 9, 10, 11, and 12. The proposed overlay zone for a snowmobile trail would start at the trailhead at the Ojibwa Casino II and run westerly on portions of a seasonal county road, into Section 10 and then along the abandoned railroad grade in Section 9 until it meets M-28.

This conditional use is going to be affecting several home owners. After I was given this map, I received a phone call from Joe Gibbs who owns the golf course here. He is not in favor of the trail running through his golf course. He would rather, when he first called, said come up the Section 11 line and run just on the north side of his property, just off the railroad grade. He sent a map which is in the Planning Commission packet that now suggests that they come up on Trust Property to the railroad grade and run across. That was his suggestion. They do not have land control over Joe Gibbs but they would have land control at the Casino and land control from Ameritech at this point, and again this is on a conditional use and that's pretty much where they had intended to run. The application before the Planning Commission tonight is as it was proposed when it came in, so that is what they should be looking at.

This proposal would need consent of the landowner by agreement, license, right-of-way, easement or other instrument. 132 notices were sent out to property owners on this trail. The other trail had 36 notices.

**Chairman LaPointe noted, as a Commission, we can only act on what is before us and not a proposed change to it. I would like Al Conrad to comment on this.**

Al Conrad, President, Trails Inc. We started grooming trails 3 years ago. We inherited this trail and did minor changes to the trail. Other than that we picked up a trail system that was already there. In doing this work, we got easements from people like Ameritech. The MDOT in terms of M-28. Looking at what legal rights that trail may have with the permits, its uses, etc. I came here tonight to try to work out a trail system in Chocolay Township that we can all live with. When we got the MDOT permit this winter, that was for one way down each side of M-28, across the Chocolay River bridge, across the driveways, MDOT right-of-way and that included all the driveways from the railroad trestle on back. As a groomer, we have the legal right to come into Chocolay Township. Basically, to actually do that job the way it was proposed, we would have been asking people to move light poles, fences. We probably could have done all that, we probably could have gotten paid from the DNR to do that. We were authorized to do that. We decided not to move light poles, not to move fences, we decided to that on our own expense, going around the structures. The Ameritech easement that we have gives us land control from M-28 to the Alger County line, down the railroad tracks. We were based late in the year, I believe it was the first in December, we had a board meeting and told to apply for a permit for this ordinance. We sought legal counsel about that ordinance. Our legal counsel told us they were not interested in going into court without have a case that was not so good. About a month, after a lot of research, they let us know they were ready to go to court. Whether we win in court or don't win in court, I am not saying I have a case that I can beat you and run down this trail without regard. If I did that, I could run down the railroad grade. I really don't want to do anything like that. I am a trail groomer, I am a father, resident here. My job is to groom trails. My concerns are safety. I have read this entire packet, all the letters. I don't disagree with a lot of your comments. I could almost be on your side. But, we need to come up with an answer rather than a fight. I think Trails, Inc. has looked at the work that has been done by Chocolay Township and the Ad Hoc Committee and the trail that they proposed is a very good trail. It was away from your houses, away from the railroad grade. The DNR is looking for ways to make

this section of railroad grade, a non-motorized section. Everybody wants a way to do that. We don't want to run up and down your back yards. We don't want to do things like that. On the railroad grade, snowmobilers got tickets this year because the trail was not more than 50 feet away from the iron that was on the track. We had groomed closer to the track to stay further from the houses. It was illegal for us to groom it like that. We moved out into the area that would have been legal, it would have involved some of the fences that are along that way, sheds, dog houses, wood piles, that are actually in that Ameritech right-of-way. Do we want to do that, go knocking on doors and say 'we have land control her, please move it at your own expense. We don't want to do that. We want to maintain a safe trail, we want to build a better trail. This is what we inherited. This is what we have to work with. What I am asking is that you allow us some time and I think we are looking at two years. We contacted Representative Prusi's office for block funding to go back in and re-look at the trail that was proposed by Chocolay Township. Again, I have to say Chocolay Township's Ad Hoc Committee when they routed that trail, they did an excellent job. The trail did not involve anyone the whole length. It will not involved condemning anybody's property, or doing anything but working with the residents and property owners. I believe it is going to take us 2 years to do that. Do we want to stop this trail for two years while we build the other one. It will make it very difficult to get the funding to do that? It will make it very difficult to control snowmobiles, as we saw this year. When we quit grooming that section between M-28 and the Varvil Center, law enforcement went out and started writing tickets. People started driving down Lakewood Lane, any side road, people started going around. It put a lot of traffic in places where it really was not safe, not wanted, and shouldn't have been. I think we can resolve the problems with snowmobile trails, but I don't think we can solve them tonight. But, if people would rather work together, put our energy into something that is acceptable, rather than come to these meetings and debate the arguments. I have read all the letters. I have sat through a lot of Township meetings. I have heard the story. Because I am president of Trails, Inc. I get all phone calls. I don't say there isn't problems with snowmobiles, and there are certainly problems with snowmobiles by my house. If you will consider this trail, we will work to change the trail into something that will make this railroad grade non-motorized. When we talked to Mike Prusi's office, there is nobody more interested in resolving this issue. It is a money deal to resolve this issue, you people have made it possible for me to get money to do it. And to answer your question about the dollars per mile, I think we are possibly closer to \$420 per mile FOR THE YEAR. I think that I will probably lose about \$10,000 or \$12,000 this year. Trail's Inc is a non-profit business. I am a volunteer, Paul Smith is the other main volunteer. If we had to work 600 hours this year, we haven't worked at all. There has been money taken out of our pockets this year. We have about \$260,000 invested in equipment at this point. [Mr. Conrad reiterated his feelings about the people letters, their comments and what it means to them.] That is all I really have to say. I am the trail groomer. I don't want to go forth and win a small battle, put a trail in there. I would rather work with the trail that has already been put together. We have the support of the DNR to work on that project. I know we have support from the State. I hope you will allow me to do it.

**Chairman LaPointe opened the floor for public comment at this time.**

Gary Menhennick suggested that it would save time if Mr. Conrad would withdraw his request for a Conditional Use Permit with Mr. Joe Gibb's change. He can't use this proposal.

**Mr. Al Conrad came forth and said, "With the change from the landowner, I have to withdraw the application for Conditional Use Permit #54 for this trail, then re-draw the trail per the landowners request and re-apply."**

Chairman LaPointe stated we are still going to take Public Comment for what was presented to us, and reminded the audience to state their name, address and your feelings on this proposal.

**Bill Kessel, 111 Green Bay Street.** "What you want to do is drag our butts back here another night. Why? He can walk up there and put the line next to the railroad tracks. What difference does that make."

Response: If that line is re-drawn, there may be people who will have to be notified.

**Emil Kezerle, 98 Riverland Drive.** He owns 285 foot of frontage on Riverland Drive. Mr. Kezerle has also sent a letter to Director Chandler, dated 3/8/99, and asks that the letter be held over for the next hearing when Mr. Conrad re-applies.

**Mark Maki, 405 Riverside Drive.** This hearing is a real 'sham' with Mr. Conrad withdrawing his application. He further indicated he is the Zoning Administrator for Chocolay Township and that he was being investigated by Mr. Conrad, and also had received threats, and efforts to intimidate him. He felt it to be disgusting.

**Lee Blondeau,** He approves the proposed trail. He would not like to characterize all snowmobilers by "one bad apple." "There are a lot of people in the Township who use the trails. I think Al's proposal of a 2-year period to get the ball moving on this is good. I think it is the way to go. I think that would be positive and a good way to go."

**Burt Sparhawk, 246 Lakewood Lane.** "While I am not affected directly by this item, I am directly affected by the proposal. I would like to comment that I am not a snowmobiler but some of my best friends are. I do cross-country ski, and my son downhill skis, and some of my friends are ice skaters. Ice skaters get in their car and go to the arena to ice skate. I take my son in the car to the Marquette Mountain to ski. And fortunately I can go out my door and cross-country ski or snow shoe if I want, but not motorized. My question is, I guess, if we can go to these venues for ice skating, snow shoeing, downhill skiing, why can't the snowmobilers get in their cars and put their snowmobiles on a trailer and take them to the many miles and miles of existing trails that we have rather than going behind people's property or on people's property just for the fun of it. I would submit that we get to these other places to do our snow sports, why can't we put our snowmobiles on a trailer and take them to a place that already exists and not bother the people that are along this proposed trail." [applause]

**Don Williams, 265 West Fairbanks.** "I would like to re-iterate this gentleman's comments because it is exactly what I wanted to bring up tonight. I don't get all this 'to do' about trails, trails downtown, and trails out. These machines I believe were originally to be put out in the bush. Why do we have to run them through town and through people's yards. Why isn't there an idea of a staging area or areas, one at each end of town. They can still stay at their motels and still go to the restaurants, do all the business they want to do in Marquette, Chocolay, whatever. Hey, how did they get those machines here? Ninety percent of them were on the trails. When they get here, they can go to their motel, if they want to go and drive, ride to the bush. Trail that thing out to the staging area, put it out on the ground and go wherever they want. I just know all this to do about trails is crazy, because I don't think you need any of these trails. All you need to do is have your snowmobile on your trailer, take it out in the bush, and put it on the ground and your ready to go. You're not bothering anybody in the bush. I never hear anybody commenting about I have 40 acres of bush and I don't like people driving through my bush. I don't like them driving across my back yard but I don't care if they go out in the bush and drive all they want. That's where the snowmobilers have all their fun anyway, is out in the bush. Not going to downtown Marquette or the Casino. So, I just wanted to reiterate what this gentleman stated here. I am confused about a lot of these things, but it's a lot to do about nothing."

**John Bayerl, 136 Ridgewood Drive.** We just bought a new home on Ridgewood. One thing bothers me -- no one told us about snowmobile trails. I am not opposed to snowmobiles. I am opposed to noise and every time I see them on one side of my house they gotta drive 25 miles an hour, and on the other side they can go as fast as they want. We have to have mufflers on our cars. They don't drive up on my lawn. Its really a crazy, crazy situation. Can you put specific limits? This is going to make our home harder to sell. How come you raised my assessment 20% this year. Please talk to those people too. This is not a nice situation.

**Gary Miller, 154 Ridgewood Drive.** "We will be back again. My bedroom window is 60' from this trail and there is traffic out there all hours during the night. If this was a groomed trail, how much worse will it be. Your job as a Planning Commission is to protect the residents from this type of intrusion. Observe the quality of life we used to have. Not in our back yards. Protect us from this noise."

**Jerry Weeks, 120 Ridgewood Drive.** "If we decided we don't want that in our township, can we change that? I don't think so. That railroad is a piece of property, just like my house. I don't believe we should change the ordinance. If we change the ordinance every time something comes along, we would never have peace. The noise keeps you up all night long, the latest I have heard them is 4:30 in the morning. I am getting tired of this. It is dangerous, they run too fast, no mufflers or whatever it is on them."

**Carolyn McCleary, 108 Ridgewood Drive.** "I just moved here from Kansas. In Kansas we have recreational vehicles but they are out in the country. They don't run in behind people's houses. My bedroom window is also 60' from the railroad grade. I was up the other night at 2:30. I would love to tell them to call that gentleman who takes these calls."

**Gwen Bayerl, 136 Ridgewood Drive.** "We are about 60' from the trail. If I had a choice I would rather have snowmobiles go in front of my house. People don't get killed very often by cars in front of our house; I can't let my grandson ride down the slope in my back yard. Maybe I don't own that couple of feet there, but if he goes one foot over, he could get killed. I can't go out cross-country skiing there for fear of snowmobiles. I should think that as a home owner, I didn't plan on this trail."

**Cathy DeVooght, 6341 U.S. 41 South.** "What I am saying here is, our Township government doesn't seem to care about our people private lives, private living, and private property. They care more about the almighty dollar; that whoever is grooming the trail is getting paid, maybe whoever might decide to turn their property into a resort along the trail; its always going to be the big businessmen of the Township and of the County. Its not just the Township, business people are going to be making money. It could be lawyers, not all lawyers, believe me, but it will be some lawyers who are in partnership with other people on the other side, sitting back waiting to make this money. It is not worth people's lives, liberties and properties for somebody who is already wealthy to start with, to make more money."

**Jim Jamieson, 117 Ridgewood Drive.** "I am a snowmobiler. I moved up here from downstate Grand Rapids because of the winter activities. I did cross-country ski through that area back in '93 because of that snow. We don't have a trailer. A lot of folks like this area because they don't have to haul it anywhere. You mentioned because its fun, well it is fun. You leave the motel and drive where you want to go. For example, I leave my front yard and I go on to Copper Harbor along trails. That's one thing about the U.P. up here, its God's Country. I believe so. It is dollars, it brings in many dollars to the U.P. Like in the summer time, I am a scuba diver. That brings in a lot of dollars. Many people don't know that. This is a #2 dive spot in the world for ship wrecks. That brings in many, many dollars. There are two ways to look at this: a lot of people do move in because of the trails. And the other thing I have a question on is you had mentioned that until this becomes a non-motorized trail, how do you propose to do this. Since I do work for Ameritech and have a responsibility for Ameritech railroads in the northern part of the U.P., the Keweenaw, many miles of it. I have been arguing with people for years between Chassell and Houghton. You can not make that an unmotorized trail. They have tried that up in Houghton and people are putting up road blocks on their own sites. All police, sheriff and county calls are referred to me."

Al Conrad said he is not suggesting that we tell Ameritech what to do, it is their land. What I am suggesting is that we take the trail around the area. That would be the snowmobile trail taken away from the railroad track and away from the sub-division, bring it back out and find solutions to the problems.]

"Those folks would have to move their sheds, fences, if it is in the way. Any road blocks on Ameritech's property will be moved at your expense."

Don Britton, Chocolay Township Trustee, said this proposal is only temporary until some alternative route is made. Chairman LaPointe said we are not going to be acting on this tonight. Al Conrad commented he would like to withdraw his application.

Correspondence from Robert and Shelly Welker expressed opposition to Permit #54.

An E-mail from Dennis Zanetti, owner and Dennis Zanetti, resident, John Grabowy was in opposition to Permit #54.

A letter from Robert L. Abel, with Power of Attorney for his parents, Joseph & Selma Abel, opposed the request for Permit #53.

A note from Steve Pawielski, business owner, was in favor of granting request #53, and 54.

A letter received from Glenn M. and Evelyn Ann Johnson indicates opposition of Permit #54.

A letter from Philip A and Colleen K. Creech was in opposition of Permit #54.

A letter from Jean Olson was in opposition of Permit #54.

A letter from Mary Jane Lynch was in opposition of Permit #54.

Mari M Dahl sent a letter in opposition of Permit #54 but was in favor of a non-motorized trail.

Ralph and Ava Bennett sent a memo in opposition of Permit #54.

Emil S. Kezerle submitted a letter also in opposition of Permit #54, in addition to his public comments above.

Gentleman from Dana Lane. "I just would like to speak on behalf of 3 others in favor of the trail. I just would like to comment that these people who do live along these proposed trail on the railroad, and how many people who live there. I came here from the Keweenaw and they do have snowmobiles up there. I particularly like going down highway 41 because I am also about 40 feet off the road. It just so happens down the road a little ways is a bar. I can't tell you coming from that bar, they didn't like to use the trail, but one block over they wanted to use the highway. The state police clocked them going 70-80 mph. The way they were going down 41 when we left the bar and there was 12-15 of them at 3 AM at 80 mph, it's a little bit aggravating. These people who live along that right-of-way, they can anticipate a lot of noise."

**Mark Maki, 405 Riverside Road.** "Two additional comments – one is that it is unfortunate that with the controversy Ameritech has granted people the right to use this as well as the problem with the fact that the DNR is trying to acquire this land. Early on when this process started, I was on the Trails Committee and the DNR officials informed us that if the Township did not support the trail through the residential areas, DNR would not pursue it. That process went on for several months and that was in the Township Planning Commission, the Board and the Trails Committee have resoundingly said not to...

try and acquire this railroad. They will not guarantee the Township that they will not use it for a snowmobile trail in spite of what they said, so there are larger interests pushing this trail and the residents of this Township need to be aware of the fact that all of this stuff is just be passed down and passed down, and some morning you are going to wake up and read that the DNR has bought this railroad with your money and are putting a snowmobile trail through your property. We tried to get the DNR to commit that they won't do it, and all they will say is they want it for recreational use. They are going to try and force this trail down you. The Township can do a couple things about that. One is, they can try and get the DNR people in here and make this decision and make them accountable for they do work for the people in the State of Michigan. They should be accountable to the people. The other thing the Township can do is to try to purchase this right-of-way from Ameritech. The City of Marquette, as I understand it, is trying to purchase some of this right-of-way and Ameritech is negotiating with them. They should enter into those same negotiations with the Township. If the Township purchased this railroad right-of-way, and there were covenants put in this that would restrict motorized use within the residential areas, that would probably be enforceable. But unless the Township does something, the state is going to put this through. So, if the Township doesn't do anything to stop this trail, the Township is standing by and letting it happen."

Scott Emerson commented, "I did talk to an Ameritech representative today about that proposal of the Township buying this segment of trail, and I think he is worried that this would hinder the deal with the DNR. Ameritech wants to sell this, they don't want to continue to pay taxes on this... [Ameritech doesn't pay taxes] they want to sell the whole thing, lock, stock and barrel.

Mark Maki: Why are they negotiating with the City then?

Planning Director Chandler: Can I answer that? I have talked with representatives in Chicago from Ameritech. Apparently, in the city of Marquette, there are not cables buried by Ameritech so they do not own portions in the City of Marquette, only outside the City of Marquette and that's where they are negotiating. The City of Marquette will be negotiating with, I believe, Wisconsin Central, and not Ameritech. That's the difference."

**Al Keto, Recreation Manager, DNR.** "I guess some misconceptions – yes, we are looking at purchasing it as a multi-use trail. We are going to decide through public hearings, and working with the people on what type of trails will be there. If it comes down to the fact that no motorized trail is wanted there, then we are asking the people who don't want it there, to help us find alternate route. Within Chocolay Township, the Recreation Committee and the Planning Commission did a lot of work. They applied for a grant, they were approved, and that was pulled out. That would have eliminated a lot of this problem. As far as purchasing it, yes, by law MDOT gets first rights at it, Michigan DNR gets second rights at it, and after that, then it goes out. That's the procedure of abandonment and purchase of any railroad grades. We are in that line to purchase it and we are looking at it for a multi-use trail. It is not to say that it is going to be, there are no guarantees out there, but we are going to look at the whole situation. But our stance is that if the motorized trail isn't going in there, then we are going to ask the people along that route and in Chocolay Township, to assist us and Chocolay Township in finding a route that is suitable and a safe route for people to use."

Why can't they just put their snowmobiles on trailers and take them to an existing trail rather than coming through our neighborhoods in town."

Al Keto: "I guess you got to realize too and that's a point if your are local, snowmobiling has grown over a number of years. There are millions of snowmobilers that come through. It isn't a five mile ride anymore. People will leave St. Ignace and go to Copper Country in two days. They'll drive up across the bridge, unload their trailer, they will come to Munising and spend a night, go to Copper Country and spend a night, and then they go down to Ironwood and make a loop back to St. Ignace. That's the way most people go when they plan their trips nowadays. It isn't the old 5 mile or 30 mile trip anymore. People traverse across the whole U.P., even to Minnesota. And that's the way snowmobiling has grown. The reason we are looking at the trail site, it helps connect the segment between the ones that are used in the U.P. to make that available for snowmobilers who traverse across the whole U.P."

Al Conrad: We have the MDOT permit to use that on M-28. They are changing rules and guidelines with the DOT, there are problems along the U.S. 41 corridor. There are quite a few problems here in Chocolay Township concerning trails. The trail, as proposed here, would put the trail down M-28 into the commercial district. This is early on in planning. Basically, what we would like to do is use a block of local property in back of the Wahlstrom's Restaurant and Blondeau parking lot, and gain access to the community. Basically, it would be a parking lot and public roads, rather than the mess that we have here on U.S. 41. The reason Trails, Inc. has tried to work on the trails to re-route what the ad hoc trail committee has already worked on, is the people on Dana Lane and Ridgewood want a non-motorized trail that the DNR can put in place for biking, hiking, walking. Would we want to see that trail in our community, I don't think anybody wants to see that portion of the trail, they would like to see the snowmobiles go back into the country and away from the residents. It's going to take time. But the whole reason for proposing this and working on this project is to save the railroad as a DNR project. It would be a perfect snowmobile trail for a snowmobiler. If you are a resident, it's a nightmare. We are trying to work around this."

**Warren McCleary, 108 Ridgewood Drive.** "You talked about this, you talked about safety. There are no speed limits. You said you want to get them into town so why not make it like a road map. They move too fast by my house. If there any way you get around going back there?"

**Walt Tuccini, 134 Ridgewood Drive.** "I know snowmobiling has really mushroomed in the last years. I know snowmobiles go behind my house. I guess it is just a matter of priorities, but why is it more important for people to drop their snowmobile off their trailer at the Soo and drive to Duluth than it is for my own peace, quiet and safety? I don't see why that is more important. There is easily 3 times the amount of people living on Ridgewood now than they was in '85 when I moved in. There's lots of kids. I don't think it is worthwhile. If somebody wants to snowmobile from the Soo to Duluth, that's fine, but I don't give a damn how they get there, but not in my back yard."

**Cathy DeVooght, 6341 U.S. 41 South.** "I don't know if everybody in the room is aware there is more to the public than I think you guys are already aware of this that these Rails to Trails is not just Rails to Trails, it will be Rails to Trails to Rails. The DNR man there can probably tell you that all these old abandoned railroads or grades that they want to turn into these playgrounds for



the people with the snowmobiles, is a temporary thing. An interim thing until in the future they need railroads again. It didn't make sense that they abandoned them but they did, but they have a big plan, and it's a law that Governor Engler signed that all these Rails to Trails are eventually going to be Rails again. So we have got this plan, and we have got some people making money, eventually it will be railroad, back again."

**Mark Maki, 405 Riverside Drive.** "I still have a question for the petitioner, I would still like to know why the petitioner and his friends are spending hundreds of dollars trying to investigate me after I sent two letters to you telling you that had to abide by ..."

Chairperson LaPointe cut this comment/question off, and re-directed the meeting back to the Public Comments.

**Mike Bal, 1599 East M-28.** "I live on the opposite side of the highway of the tracks. I have stood in the kitchen looking over as the snowmobiles come by. In the winter time your house is all closed up, you are not sitting there with your windows open, you have to listen hard to hear these things go by. [Boos] I am a snowmobiler, I am for the trail. I agree with Mr. Smith, too, that you are not going to stop it. They are going to come in regardless and I see them lost and confused on 28 all the time because the snowmobile trail through there is so chaotic, they are going every which way. I helped give a guy directions today that was lost. They are going everywhere because the trail is so chaotic back there. I think the people that are complaining about it going in and out through their yard – if there was a speed limit, I think the majority of the people would heed it if it was posted, 'please slow down through this residential area' would abide to that just to be able to get through there. I know I would. I mean if there was a big, huge, red, stop sign when you come into that area that would make people stop, and have a note, 'must abide by speed limit, residential area, or trail will be closed.' I know I would go through there at 25 mph and its not that long an area to get through. I think most people would abide just to go through there. That is my opinion to make some of these people happier."

**Gwen Bayerl, 136 Ridgewood.** "I was thinking about my grand son in my back yard sledding, now I have to think about the kids in the front yard sliding down the snowbanks down into the streets. We all have to be careful for that. There is no guarantee that a car is not going to come down our street at 50-60 mph. There is no guarantee. I am sure you would obey a speed limit of 25 mph, but I can't be sure that its you in my back yard."

Letters from Emil Kezerle, Mari Dahl, Jean Olson, Philip & Colleen Creech, Glenn and Evelyn Ann Johnson, Ralph & Ava Bennett, Mary Jane Lynch were read into the record.

**Ron Ziebell, 124 Riverland Road.** "I guess it is my opinion that everybody is opposed to having snowmobile sleds go through on this railroad grade and I have to agree with them. When I moved up here about a year ago, I was hoping for peace and quiet. With those snowmobilers coming through at 3 am in the morning. There are some good ones and some bad ones. There is always a bad apple that spoils the barrel. I have seen snowmobiles go by close to 100 mph and that as a safety factor is unacceptable. I don't believe that no matter how much you patrol a trail, you will never be able to 100% enforce any laws or regulations. I am strictly opposed to this trail."

PUBLIC COMMENT WAS CLOSED AT 8:45 PM

Chairperson LaPointe called the regular meeting of the Chocolay Township Planning Commission to order at 8:55 p.m. All Commissioners were present as indicated above.

**Motion by Commissioner Emerson, supported by Commissioner Sanders, to approve the February 8, 1999 meeting minutes of this Commission as presented.**  
**MOTION passed unanimously.**

**Motion by Commissioner Emerson, supported by Ken Tabor, to approve the meeting agenda, with the Old and New Business items switched in order.**  
**MOTION passed unanimously.**

**PUBLIC COMMENT:**

**Mark Maki, 405 Riverside Drive.** "Two additional comments... one is that I noticed that the meeting is being recorded and I would like to request that I be afforded a copy of the actual recording of these tapes. Secondly, I do not believe the Township should take any action on any trail systems that does not coordinate a complete trail system through the Township nor one in which the property owners are not allowed to ask the petitioner questions. Thank you."

**NEW BUSINESS:**

**Consider Conditional Use #53 – Trail's Inc. for Overlay Zone for Snowmobile Trail:**

Director Chandler reported there were 36 notices sent out in this particular section. We did not get any calls but there is a letter in your packet from a property owner at 200 Kawbawgam Road that is not in favor. Chandler reviewed the proposed trail and what properties it went through, commenting on who owned the property on the way.

Discussion amongst Commissioners regarding this proposal included pros and cons to the issue, economic impact, benefit ratio, whether it made sense to approve one section without having the connecting links ready to go, etc.

**Motion by Commissioner Menhennick, 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 Trails, Inc. for Conditional Use Permit #53 as submitted on the application and accompanying maps be granted with the following conditions:**

- 1. The approval is for use from December 1 through April 1 annually, provided always that the consent of the landowners over which the snowmobile trail is proposed, is shown by agreement, license, right-of-way, easement or other instrument.**
- 2. That grooming take place only on the designated trail and the trail groomer is not to cross any undesignated/unapproved land uses within the Township without prior conditional use approval by the Planning Commission.**
- 3. That a Zoning Compliance Permit be obtained from the Chocoley Township Zoning Administrator prior to use.**

**VOTE: AYES: Menhennick, Sanders, LaPointe and Tabor.**

**NAYS: Emerson, DeVooght, and Kinnunen.**

**MOTION CARRIED.**

**Consider Conditional Use #54 – Trail's, Inc. for Overlay Zone for Snowmobile Trail**

Discussion amongst Commissioners included commendation of the Trails Committee for their work in trying to find an alternate route, acknowledgement that the majority of the people in the room are against the proposed trail, we are never going to please everyone, and what alternatives do we have.

Commissioner Kinnunen commented he had a problem with the issue knowing that we had an alternate trail identified by the Trails Committee but because of improper handling it was "blown."

It was also noted that what people are saying is not that they don't want a trail, but just not in their back yard. It was also noted that the petitioner had withdrawn his application as it is before the Commission this evening. So what is next? Should we pursue the alternate route? Director Chandler was asked to mark out the previously identified route that fell through to see if it had any merit or consideration. This was done on the overhead map for everyone to see. **Al Conrad commented that he would pursue the alternate route. The Trails Committee will also be working on this alternate route. The meetings are held the last Wednesday of each month at 7 p.m. right in this building and residents are invited.**

**NO ACTION WAS REQUIRED ON THE WITHDRAWN PETITION FOR PERMIT #54.**

**Recess was declared while the audience departed the meeting.**

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**The meeting was re-convened at 9:25 p.m.**

**CONSIDER Site Plan for Manthey Motors.**

A site plan for Manthey Motors was reviewed and discussed. It was noted that it did not comply with the standard site plan in that it was not to scale.

**Moved by Commissioner Menhennick and supported by Commissioner Emerson to table the request and ask for a detailed site plan. Motion passed unanimously.**

**OLD BUSINESS:**

**Discussion on Mining and Mineral Extraction Section of Zoning Ordinance**

A memo from the Director Chandler on behalf of the Committee with revised language for the Mining & Mineral Extraction Sections of the Zoning Ordinance was reviewed and discussed. In summary, it changes the 3,000 foot language to 1,000 feet, as an impact area. Discussion followed as to how this number was achieved, and what flexibility does it have. The background situation that has led to this point and its need to change it was again reviewed.

Chairperson LaPointe did ask for comment from Cathy DeVooght as this language would affect her and her property.

**Cathy DeVooght** commented, "I don't know how many of you are aware that the Chocolay Township Board gave quit claim deed into the State at the Beaver Grove Recreation Area. All mineral rights from underneath the park across the street from me that my husband and me sold to the township gave all the minerals and right of ingress and egress at all times to go into that park at any time they want to take any minerals they want to and they I think it was Mr. Blondeau who made the application for mining ordinance to be in existence. Somebody came up with the bright idea of 3,000 ft as an impact area. You all know this, or at least the 4 people who made the ordinance, that the State of Michigan has a quit claim deed with Chocolay Township to take any and all minerals at all times from the very park that I am within 3,000 ft of mind you. Are you all aware of that? That's all I want to know."

"You are not capable of being fair, when it comes to me and my property, you do not play fair ball."

Commissioner Menhennick states there were two things changed, the 3,000 to 1,000 ft impact area, and also where impact area starts from.

Lee Blondeau commented that he thought the committee's idea is valid. Basically, there are two mining operations here—Lindberg and Blondeau.

With the 3,000 ft impact area, virtually all the property in Chocolay Township was excluded and if we adopt this change, it corrects that.

Cathy DeVooght commented further it was her land and she would just do whatever she wanted to do because the history between her and Chocolay Township was such that nothing is going to work anyway.

Chairperson LaPointe suggested that we have a public hearing on this.

**It was moved by Commissioner Menhennick, supported by Commissioner Sanders, to adopt the new language as follows:**

**SECTION 404 MINING AND MINERAL EXTRACTION**

**B. No mining and/or mineral extraction operation or any mining related buildings, structures, processing equipment or tailing ponds, basins or mounds may be built, operated or maintained:**

- 1. Until an impact area is determined. One thousand (1,000) feet is presumed to be an appropriate impact area from the point of operation. If the analysis reveals a site-specific reason why the impact area should be increased or decreased, the impact area shall be modified.**

**Motion passed unanimously.**

**PLANNING DIRECTORS REPORT:**

Planning Director Chandler reported her official letter of resignation has been accepted by Supervisor Ivan Fende. She has agreed to help out in the interim until the position is filled. She requested a meeting with the Executive Committee after this meeting. She further thanked the Commission for their cooperation over the last four years and commended them for their accomplishments but noted planning work is never done.

**PUBLIC COMMENT**

None.

**COMMISSIONER COMMENT**

Commissioner Menhennick inquired about bylaw review and revision. He also noted that Commissioner Kinnunen had missed too many meetings. Discussion followed and after Commissioner Kinnunen clarified his lack of knowledge of the number, and his desire to continue on the Commission, it was decided to let the matter end as so.

A second discussion took place about Commissioners commenting on issues that reflect poorly on the Commission and their performance. It was suggested that such comments could be made outside of the public meetings.

General discussion took place about the efforts of the Trails Committee, their accomplishments, and their incomplete projects, not just on snowmobile trails but other trails as well.

**INFORMATIONAL ITEMS AND CORRESPONDENCES**

- Chocolay Township Board Minutes of 2/1/99 and 2/15/99.**
- Marquette Township Planning Commission Minutes of 1/13/99 and 1/18/99.**
- Central Lake Superior Watershed Partnership Minutes of 1/19/99.**
- Letter from Gene Elzinga and copy sent to Mining Journal.**

The meeting was adjourned at 10:30 p.m.

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Estelle DeVooght, Commission Secretary Date

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Karen L. Deel, Recording Secretary Date

**CHOCOLAY TOWNSHIP PLANNING COMMISSION**  
**MONDAY, APRIL 12, 1999**

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

**ABSENT:** Scott Emerson.

**OTHERS:** Stacy Busch, Recording Secretary, Mark Maki, Don Britton, Sharon Roshak, Lee Blondeau, John Smith, Joe Menze, Richard Hahka, Ray Liubakka, Karl Benda, Liz Herman, Karen Lynch, Dale Manthey

**PUBLIC HEARINGS**

Chairman LaPointe declared the Public Hearing on Rezoning #105 open at 7:32p.m., and explained that the Chocolay Township Planning Commission is the applicant petitioning the Chocolay Township Board to amend the Chocolay Township Zoning Ordinance with a text amendment which would change the requirement in Section 404 B (1) from 3000 feet to an impact area.

Chairman LaPointe asked if there were any public comments on this rezoning.

Mark Maki 405 Riverside Road and Zoning Administrator-I have read the language and have some questions and comments. I am requesting 30 days for zoning review before this is forwarded on.

Lee Blondeau 30 N Tracie-Feels that the existing requirement is excessive in restrictions.

Public Hearing Rezoning #105 was closed at 7:35 p.m.

Chairman LaPointe declared Public hearing Special Use Permit #1 is opened for public comment at 7:36 p.m. He requested that the representative from the applicant Lindberg and Sons give some background as to what was going on.

Karl Benda A. Lindberg & Sons-During this Green Garden project we may need some sand. The sand on Ted Whittler's property has been tested and meets MDOT's specifications. We may need to use anywhere from 0-10,000 yards for this project.

Chairman LaPointe closed the public hearing at 7:38 p.m.

Chairman LaPointe declared the Public Hearing on Conditional Use #27 open at 7:38 p.m.

Chairman LaPointe asked if there was a representative from the church present and could give some background on the proposed project.

Ray Liubakka 504 Woodvale-The addition we're proposing is a 40 x 40 multipurpose room and Sunday school rooms.

A letter from Vincent Sinervo was received in favor of Conditional Use #27.

Liz Herman 1487 M-28-Concerns with increase in traffic flow.

Karen Lynd 1507 M-28-Concern as to where the new location is going to be. Also concerns with increase in traffic.

Public hearing was closed at 7:42 p.m.

**MEETING CALLED TO ORDER:**

Chairman LaPointe called the regular meeting of the Chocolay Township Planning Commission to order at 7:42 p.m.

Roll call was conducted and all Commissioners are noted as in attendance except for Scott Emerson.

**APPROVAL OF MEETING MINUTES:**

The meeting minutes of the regular meeting of the Chocolay Township Planning Commission, dated March 8, 1999 were presented for approval.

**Moved by Commissioner Sanders, supported by Commissioner Menhennick, that the March 9, 1999 meeting minutes be accepted as presented. Motion carried.**

**APPROVAL OF AGENDA/ADDITIONS TO AGENDA:**

Chairman LaPointe requested that New Business be moved in front of Old Business.

**Moved by Commissioner Menhennick, supported by Commissioner Sanders, to adopt the agenda as changed. Motion carried.**

**PUBLIC COMMENT:**

Mark Maki-Comments on the minutes. Minutes regarding the approval of Conditional Use #53 (snowmobile trail east of Casino) and noted that the zoning ordinance requires that the decision be based and supported by facts. As one who opposed the partial approval of a trail, I am concerned that the Chocolay Planning Commission approved this with no support material on record as required by the zoning ordinance.

Also concerned about recent article in the Mining Journal where the DNR apparently still hopes to permit snowmobiles along the grade. Apparently local input is being ignored as for over 2 years the Township has approved this motorized use. I would like to have the Chocolay Township Planning Commission request that the appropriate DNR officials update the township on its plans.

Also concerning the minutes from the March 8, 1999 on page 9 the sentence should read “abide by Township Zoning Ordinance.”

Commissioner Gary Menhennick stated that the Trails Committee is working on an acceptable alternate route.

Sharon Roshak-I don't think the trail is on M-28. Shouldn't be where there are a lot of cars.

John Smith-Trail goes through 40 acres of mine. I like trail back in there. I have met a lot of my neighbors having it there.

**NEW BUSINESS: Consider Rezoning #105-Mining and Mineral Extraction Section of Zoning Ordinance**

In discussion of the Commissioners regarding this rezoning noted that they should not delay this any longer, new language makes process easier, see no reason to change proposed language.

**Motion by Commissioner Tabor, Second by Commissioner Menhennick that the Chocolay Township Planning Commission recommends to the Chocolay Township Board that the text amendment rezoning request # 105 be approved.**

**AYES: LaPointe, Kinnunen, DeVooght, Sanders, Tabor, Menhennick.**

**NAYS: NONE.**

**MOTION CARRIED.**

**Consider Special Use Permit #1-Mining & Mineral Extraction-Lindberg & Sons, Inc.**

**Motion by Commissioner Tabor, Second by Commissioner Menhennick, that after careful consideration of the application for a mining and mineral extraction permit as provided in Section 404-407 of the Chocolay Township Zoning Ordinance #34, the Chocolay Township Planning Commission recommends to the Chocolay Township Board that this permit be approved with the following condition(s)**

- 1. That a Zoning Compliance/Mining Mineral Extraction Permit be obtained from the Chocolay Township Zoning Administrator prior to use.**

**AYES: Kinnunen, DeVooght, Menhennick, Sanders, Tabor, LaPointe.**

**NAYS: NONE**

**MOTION CARRIED.**

**Consider Conditional Use #27A-Faith Assembly of God Church-Building Expansion**

In discussion of the Commissioners comments included that people are already at the church on Sundays so what more traffic would there be? The turning lane had to already have been a problem. Has the Road Commission been contacted about building a turning lane? Neighbors should petition to have a turning lane put in.

It was suggested that a letter be sent to MDOT about a turn off lane.

**Motion by Commissioner Menhennick, Second by Commissioner Sanders that after careful consideration of the general standards as set forth in Section 701 of the Township Zoning Ordinance, the request by Faith Assembly of God Church for an addition to the existing church as Conditional Use Permit #27-A be granted with the following conditions:**

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

**AYES: Kinnunen, DeVooght, Tabor, Menhennick, Sanders, LaPointe.**

**NAYS: NONE.**

**MOTION CARRIED.**

**Discuss Chocolay Watershed Plan**

Chairperson LaPointe asked Larry Gould to explain the watershed plan.

Larry Gould-Chocolay River Watershed is developing a master plan for the watershed by contract with Whitewater Associates. Looking for input from Planning Commission and then go back to the Board for input. The three topics of problem areas were explained from the map. Discussion followed and there were no suggested changes other than possibly including more threatened areas. No specific locations given. The public will be notified by an add and maps will be posted within the township identifying areas affecting streams.

Commissioner's comments were as follows:

- Concern about labeling these sections. Landowners should be contacted to let them know what is going on.
- Bringing in Technical and Financial assistance to make improvements has worked in the past.
- If areas are labeled threatened areas because of development, then there should be more threatened areas maybe labeled, like in section 9 & 10.

**OLD BUSINESS:**

**Consider Site Plan for Manthey Motors**

**Commissioner Menhennick moved, Commissioner Tabor second that the Chocolay Township Planning Commission approve the preliminary site plan submitted by Manthey Motors for their review on April 12, 1999.**

**AYES: DeVooght, Menhennick, Tabor, Kinnunen, Sanders, LaPointe.**

**NAYS: NONE**

**MOTION CARRIED.**

**Consider Revised Site Plan for the St. Louis the King Church**

**Motion by Commissioner Menhennick, Second by Sanders to approve revised site plan as shown on map.**

**AYES: Menhennick, Tabor, LaPointe, DeVooght, Sanders, Kinnunen.**

**NAYS: NONE.**

**MOTION CARRIED.**

**PLANNING DIRECTOR'S REPORT:**

**A New Director of Planning and Research has been hired.**

**PUBLIC COMMENT:**

John Smith-Trail issue has a lot of opposition.

Don Britton-Trails Committee is proposing an X-Country Ski Trail. New Planning Director should be involved. Kawbawgam property should be listed in future recreation plan.

**COMMISSIONER COMMENT:**

- Send Karen Deel a letter thanking her for good job with the minutes.
- Motions should say why they are approved or denied.
- Funds available for bridges.
- Look at property for park on Kawbawgam Road.
- Keep numbering pages for agenda packet.

**INFORMATIONAL ITEMS AND CORRESPONDENCE GIVEN TO COMMISSIONERS:**

- A. Chocolay Township Board minutes of 3/01/99 and 3/15/99
- B. Chocolay Township Trails Committee minutes of 3/31/99
- C. Central Lake Superior Watershed Partnership minutes of 2/02/99
- D. Correspondence from - Lake Superior Community Partnership - Snowmobile Forum, Friday, April 30, 1999
- E. Correspondence from - Joseph E. & Margo Riopelle - on property ownership of Railroad ROW
- F. Information from Mark Maki

The meeting was adjourned at 9:25 p.m.

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Estelle DeVooght, Commission Secretary

Date

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Stacy L. Busch, Recording Secretary

Date



**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, MAY 10, 1999**

**PRESENT:** Commissioners Estelle DeVooght, Steve Kinnunen, Mike LaPointe, Gary Menhennick, Bill Sanders, Scott Emerson and Ken Tabor (arrived 7:32).

**ABSENT:** None

**OTHERS:** Stacy Busch, Recording Secretary, Doug Riley, Director of Planning & Research.

**PUBLIC HEARINGS-None**

**MEETING CALLED TO ORDER:**

Chairman LaPointe called the regular meeting of the Chocoday Township Planning Commission to order at 7:30 p.m.

**APPROVAL OF MEETING MINUTES:**

The meeting minutes of the regular meeting of the Chocoday Township Planning Commission, dated April 12, 1999 were presented for approval.

**Moved by Commissioner Sanders, supported by Commissioner Menhennick, that the April 12, 1999 meeting minutes be accepted as presented. Motion carried.**

**APPROVAL OF AGENDA/ADDITIONS TO AGENDA:**

**Moved by Commissioner Menhennick, supported by Commissioner Sanders, to adopt the agenda as presented. Motion carried.**

**Commissioner Tabor arrived 7:32 p.m.**

**PUBLIC COMMENT: None**

**NEW BUSINESS: Conditional Use Permit #49 Silver Creek Recreation Area "Access"**

Doug gave some background on placing this item on the agenda for the Planning Commission to discuss whether the new driveway proposed for the Recreation Area was included in the original Conditional Use approval by the Planning Commission. In researching this issue it was revealed that a "new access" was included on the application, however, the access was not detailed on the site plan. In addition, the meeting minutes were conflicting on whether a new access was proposed. The property owners within 300' were notified. The nearest property owner commented that she did not have any particular problem with the drive other than she would like some trees planted as a buffer.

Larry Gould gave some added information as to why the new access should be put in that location.

1. The access will no longer "cut through" the parking lot for the school, especially against their new traffic pattern.
2. It appears logical to separate the traffic between the school and park for safety purposes.
3. The connection to Silver Creek will be designed to Road Commission specifications and is appropriately off-set from the drives across the street to avoid awkward turning movements with opposing traffic.

Commissioner comments were:

- Is this a good location for the driveway?
- Think it is a good location, are neighbors ok with this?
- Where is open space going to be?

**Motion by Commissioner Menhennick, Second by Commission Sanders that after careful review and discussion of the record from the Conditional Use #49 approval of July 14, 1999, the new access drive for the Silver Creek Recreation Area was included in said approval and the file and plans shall be marked accordingly.**

**AYES: LaPointe, Kinnunen, DeVooght, Sanders, Tabor, Menhennick, Emerson.**

**NAYS: NONE.**

**MOTION CARRIED.**

**APPROVE 1998 PLANNING COMMISSION ANNUAL REPORT**

Chairman LaPointe asked if there were any Planning Commissioner comments on the report?

**Motion by Commissioner Sanders, Second by Commissioner Emerson to accept the 1998 Planning Commission Annual Report as prepared and pass onto the Township Board.**

**AYES: LaPointe, Kinnunen, DeVooght, Sanders, Tabor, Emerson, Menhennick.**

**NAYS: NONE.**

**MOTION CARRIED.**

**DISCUSSION-SEWER/GROUNDWATER CONTAMINATION WATER SYSTEM-PRIORITIES**

Commissioner Emerson asked for this item to be placed on the agenda for discussion. It is felt that the Planning Commission has been left out on what the Water Committees intentions are. I would like the Planning Commission to be kept informed on what is happening with the Water Committee.

Commissioner Menhennick stated at this point it would be 5-7 years if we proceed, our groundwork is done if grant money becomes available. Plan and prepare to be years ahead. We are working with Sands and KBIC. If we can find good water, KBIC will put in 2 test wells that could get water system there whether the casino is there or not. We are looking at different areas. Tie into city if needed or have our own and use city as backup. Sands would like some sewer also. The idea is to lay the groundwork first to be ready when the grant monies become available. Tribal Community is a source of money.

Commissioner Emerson we need to make sure our priorities are straight. Majorities of the residents have good water already. We should see what the residents want first. The businesses may want it over residents. What does the Commission want first?

Commissioner DeVooght-This is going to cost a lot and then we have to pay every month. The Village is a big concern for water first.

Larry Gould, DPW Supervisor-We did a water study 5 or 6 years ago. The feasibility study for Chocoley is done. Planning is good but realistically the residents are not favorable of paying for the system. To convince someone whose well works fine is going to be a battle. This water system should be made big enough for hydrants.

**AUTHORIZE-THANK YOU LETTERS-KAREN CHANLDER & KAREN DEEL**

The Planning Commission authorized the above mentioned thank you letters to be sent.

**DISCUSSION-NEW PLANNING DIRECTOR, COMMISSIONER, SUGGESTIONS/RECOMMENDATIONS**

Chairman LaPointe welcomed Douglas Riley new Director of Planning & Research.

Doug Riley gave a brief explanation of his planning background and education. He also requested that the Planning Commission provide him with their suggestions/recommendations on areas for initial concentration.

The Planning Commissioner Comments/Suggestions were:

- Review the strategic plan
- Check on Planning Commission "To Do" list
- Get a Landscaping Committee together to create a Landscaping Ordinance.
- Keep numbering the agenda pages.
- Conditional Use procedure-Justifying motions.
- Problematic uses that are not addressed in the zoning ordinance.

**PLANNING DIRECTOR'S REPORT:**

1. Lindberg Mining Permit has been approved.
2. MDOT Reviews - You received a copy of the letter I sent to Andy Sikkema of MDOT regarding the Faith Assembly of God Church (on turning lanes as requested by the Commission at the April meeting). I also requested their input on the future review of

projects of this nature on State Highways. I have since talked with Mr. Sikkema and Chuck Lindstrom (the MDOT permit agent) and we have established a basic framework to obtain their review of projects of this nature prior to the Planning Commission's meetings in order that you can include their input for your review and condition approvals accordingly.

3. Snowmobile Forum - The DNR stated at the meeting that they are pursuing the purchase of the railroad right-of-way and are maybe 6 months away. Once they have the property in hand, they will begin their planning process, and look at all the alternatives, for the use of the right-of-way. They are obviously aware of the residential conflict issue and would love to find an alternate route to avoid that section.
4. Estelle DeVooght: Estelle has been reappointed to the Planning Commission for an additional 3-year term. Estelle was the only member whose term expires this year.
5. June Meeting - Reminder - the June Meeting constitutes the Commission's Annual Meeting and you may want to start thinking about the election of officers.

**PUBLIC COMMENT: NONE.**

**COMMISSIONER COMMENT:**

- Landfill complaining about filling up too soon. Is there a possibility of selling recycling and trash bins.
- What is the random drug screening tests all about?

**INFORMATIONAL ITEMS AND CORRESPONDENCE GIVEN TO COMMISSIONERS:**

- A. Letter to the Michigan Department of Transportation - M-28 Turning Lanes (Faith Assembly of God Church)
- B. Chocoday Township Board Minutes - April 5, 1999, April 12, 1999 and April 26, 1999
- C. AdHoc Water Committee Minutes - March 10, 1999
- D. Zoning Board of Appeals Minutes - March 25, 1999
- E. MTA - April E-News

The meeting was adjourned at 9:25 p.m.

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Estelle DeVooght, Commission Secretary

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Stacy L. Busch, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
TUESDAY, JUNE 8, 1999**

**PRESENT:** Commissioners Mike LaPointe, Gary Menhennick, Bill Sanders, Scott Emerson and Estelle DeVooght (arrived 7:32).

**ABSENT:** Steve Kinnunen and Ken Tabor

**OTHERS:** Doug Riley, Director of Planning & Research.

**PUBLIC HEARINGS-None**

**MEETING CALLED TO ORDER:**

Chairman LaPointe called the meeting of the Chocoday Township Planning Commission to order at 7:30 p.m.

**APPROVAL OF MEETING MINUTES:**

The meeting minutes of the regular meeting of the Chocoday Township Planning Commission, dated May 10, 1999 were presented for approval.

**Moved by Commissioner Emerson, supported by Commissioner Sanders, that the May 10, 1999 meeting minutes be accepted as presented. Motion carried.**

**APPROVAL OF AGENDA/ADDITIONS TO AGENDA:**

**Moved by Commissioner Menhennick, supported by Commissioner Emerson, to adopt the agenda as presented. Motion carried.**

**Commissioner DeVooght arrived at 7:32 p.m.**

**PUBLIC COMMENT: None**

**OLD BUSINESS:**

**REZONING #105 - TEXT AMENDMENT - MINING AND MINERAL EXTRACTION**

The Planning Commission reviewed the reasons that the Township Board referred this item back to the Planning Commission for review. Essentially, the County Planning Commission and Township Attorney reviewed the proposed amendment and both believed the language was too vague, especially in terms of the "analysis" of the impact area. New/additional language has been proposed that the Attorney and staff believes clarifies the amendment in referencing the standards the analysis is based upon, who performs the analysis, and from where the point of impact is measured.

Brief discussion by the Commissioners followed regarding the amended language.

**Motion by Emerson, Second by Menhennick that after further review the Planning Commission recommends to the Township Board that rezoning text amendment #105 be approved to read as follows:**

- 1. Until an impact area is determined. One Thousand (1,000) feet shall be presumed to be an appropriate distance from any mining operations or structures. The area encompassed by that distance shall be designated the "impact area". If, as a result of review and analysis by the Planning Commission, a site-specific reason based upon health, safety or welfare, as specified in subsection 404,A)2), a) through d) would allow a reduced "impact area" or require an enlarged "impact area" such adjustment may be made as is found to be reasonable.**

**AYES: LaPointe, Sanders, DeVooght, Emerson and Menhennick.**

**NAYS: None**

**MOTION CARRIED.**

**NEW BUSINESS:**

**ANNUAL MEETING - ELECTION OF OFFICERS**

**Motion by Emerson Second by Menhennick that Sanders be elected as Chair, LaPointe as Vice-Chair, DeVooght as Secretary and Kinnunen as Vice-Secretary for the Planning Commission for the June 1999 to June 2000 meeting year.**

**MOTION PASSED UNANIMOUSLY.**

#### **CONDITIONAL USE PERMIT MOTIONS**

Doug Riley advised that as suggested by the Planning Commission at the May meeting, following concerns expressed by Zoning Administrator Maki, he had reviewed the issue of appropriate reviews and motions by the Planning Commission, particularly as they relate to action on Conditional Use Permits. Essentially, the Planning Commission may be inconsistent with addressing the Ordinance required standards of approval in their actions and subsequent motions.

The most appropriate motion references the section of the Ordinance in which the standards are contained and includes that the Planning Commission reviewed and found compliance with those standards. This method is expressed or suggested in the Township Attorney's opinion on this matter dated October 13, 1998. In addition, obviously the minutes should reflect evidence of the review of the individual standards to some degree. In the future, staff reports will provide comments on each of the standards with an opinion on whether they have been achieved and/or suggest conditions that could address deficiencies. The Commission can then review the staff reports and agree or disagree or modify these "findings". This action can be reflected in the minutes and the staff reports, therefore, become part of the public record.

Brief discussion followed. Riley did not believe the Commission needed to adopt or pass any specific motion on this issue, as we will simply attempt to address this issue during future reviews.

#### **ORDINANCE AMENDMENTS - PROBLEMATIC USES**

Doug Riley advised that, as suggested by the Commission at the May meeting, he had begun to review the Ordinance for land uses that are not addressed or that could be problematic (e.g. cellular towers, adult entertainment uses, etc.). Riley advised that he had also spoken with Zoning Administrator Maki about items within the Ordinance that have been absent or problematical for zoning administration and would like to address these also. In order to provide the necessary focus on this issue, it was suggested that possibly a standing "Ordinance Amendment Sub-Committee" could be formed to work on these issues and make periodic amendment recommendations to the Commission of the whole.

Emerson expressed his interest in serving on such a committee if the scheduling could be somewhat flexible due to his work obligations. DeVooght stated that she would serve as long as the committee was tightly focused, had a focused agenda and was not simply a "discussion group". Doug Riley stated that he envisioned a committee that would meet approximately once a month or every other month and tackle maybe 3 items per meeting. They would review the options and recommendations presented by himself and Zoning Administrator Maki on amendment alternatives and then make recommendations to the Commission of the whole. Every effort would be made to make the work sessions very focused and action based.

**Chairperson Sanders appointed Emerson, DeVooght and himself to a standing Ordinance Amendment Sub-Committee to review and make recommendations on staff suggested Zoning Ordinance Amendments. Supported Unanimously.**

#### **CORRIDOR PLANNING**

The Planning Commission advised that they had reviewed Doug Riley's memo of June 2, 1999 regarding a corridor planning effort for the US-41 commercial area which would address traffic/access management, landscaping/open space, lighting and drainage in one coordinated sub-area plan.

It was discussed that these types of plans are being encouraged at the local level by the Michigan Department of Transportation to help preserve or enhance the traffic functions of their highways. Subsequently, there may be monies available (through MDOT) to help pay the costs of completing such a plan, especially the access/traffic management element in which a consultant/traffic engineer would have to be hired. There is also money earmarked in the 1999 budget for an "update" of the Comprehensive Plan in which this plan could definitely be considered.

The Planning Commission suggested that Doug Riley further pursue putting this program together. This would include the basic scope of work, preliminary cost estimates, funding sources, etc. for further consideration by the Planning Commission on whether to proceed with this program.

**PLANNING DIRECTOR'S REPORT:**

1. There are two private road requests off from US-41 that are being worked on that may be submitted for Planning Commission consideration in the very near future.
2. Included in the packets is the Notice of Intent by the DNR for the Marquette to Munising Rail-Trail acquisition. Supervisor Fende is working on the response to this request based on the Township's previous action and official stance on the trail issue (non-motorized versus motorized).
3. The Township Board has agreed to join the Lake Superior Community Partnership pending negotiation of the fee structure.

**PUBLIC COMMENT: NONE.**

**COMMISSIONER COMMENT:**

- LaPointe requested that perhaps the Planning Commission could write a letter of support for the Sanders family on US-41 regarding their problem with the Michigan Department of Transportation on installing a "tunnel" for access to their pastureland that is being cut off from the US-41 expansion. After considerable discussion regarding the agricultural and open space policies of the Township, the Planning Commission directed Mike LaPointe and Doug Riley to write a letter from the Planning Commission to the appropriate authorities on this issue.
- Emerson asked if it would be possible to have Larry Gould attend a future meeting to address the garbage collection issue as he indicated he would in his memo of May 24, 1999. Discussion centered on garbage collection issues.
- DeVooght asked if anything had been done regarding contacting Wahlstroms regarding an access drive behind their property?

**INFORMATIONAL ITEMS AND CORRESPONDENCE GIVEN TO COMMISSIONERS:**

- A. Correspondence from - Larry Gould, DPW Supervisor on Plastic Refuse Bags and Recycling Containers
- B. Correspondence from - Joseph and Margo Riopelle dated April 2, 1999 (response?)

The Planning Commission asked Doug Riley to write a letter to the Riopelles regarding their request for Planning Commission assistance on the rail-trail reversion issue. Said letter to include that the Planning Commission believes this is private legal matter regarding their real estate and that, overall, the Planning Commission still promotes the use of the referenced area of the rail-trail for non-motorized uses.

- C. Correspondence from - MDOT - Faith Assembly of God Church
- D. Minutes - Chocolay Township Board - May 3 and May 17, 1999
- E. Minutes - Zoning Board of Appeals - April 22, 1999 and May 27, 1999
- F. Minutes - AdHoc Water Committee - April 14, 1999
- G. Minutes - AdHoc Trails Committee - May 4, 1999
- H. Minutes - Recreation Committee - May 13, 1999
- I. Minutes Chocolay River Watershed Council - March 31, 1999
- J. Minutes - Lake Superior Watershed Partnership Meeting - April 15, 1999
- K. Notice - MDNR - Notice of Intent for Recreation Grant Project - Marquette-Munising Rail-Trail Acquisition

The meeting was adjourned at 8:45 p.m.

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Estelle DeVooght, Commission Secretary

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Douglas Riley, Recording Secretary  
(Director of Planning and Research)

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, JULY 12, 1999**

**PRESENT:** **Commissioners** Gary Menhennick, Bill Sanders (arrived 7:35), Estelle DeVooght, Steve Kinnunen, Ken Tabor and Scott Emerson (arrived 7:40)

**ABSENT:** Mike LaPointe

**OTHERS:** Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Larry Gould, DPW Supervisor, Don Britton, Bill Mahan, Bill Stenglein

**PUBLIC HEARING-PRIVATE ROAD #13-Stenglein**

Acting Chairman DeVooght called the public hearing to order at 7:30. Planning Director Riley gave an overview of Mr. Stenglein's request for approval of the private road under Section 402 of Zoning Ordinance 34. This proposed private road is located off US-41, directly across from Ortman Road in Section 8.

Public Hearing closed at 7:34.

**MEETING CALLED TO ORDER:**

Acting Chairman DeVooght called the meeting of the Chocolay Township Planning Commission to order at 7:34 p.m.

**APPROVAL OF MEETING MINUTES:**

The meeting minutes of the regular meeting of the Chocolay Township Planning Commission, dated June 8, 1999 were presented for approval.

**Moved by Commissioner Menhennick, supported by Commissioner Kinnunen, that the June 8, 1999 meeting minutes be accepted as presented. Motion carried.**

**APPROVAL OF AGENDA/ADDITIONS TO AGENDA:**

**Moved by Commissioner Menhennick, supported by Commissioner Sanders, to adopt the agenda as changed, moving New Business C ahead of New Business B. Motion carried.**

**PUBLIC COMMENT: None**

**NEW BUSINESS:**

**PRIVATE ROAD #13-Stenglein**

Commissioner comments were:

- Have there been any comments on the 5' offset?
- Is the cul-de-sac the right size?
- Has the road permit been filed with MDOT?

Menhennick moved, DeVooght second that after review of Private Road request #13; the standards of Section 402,D of Ordinance 34; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS, and subsequently finding compliance with the standards for approval of the private road request, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) The centerline of the private road be offset 5' to the south of the centerline of Ortman Road at the US-41 Intersection so as to retain a 63' setback from the Brown residence to the centerline of the proposed road.
- 2) A covenant be established on the deeds for any parcels created off from this private road identifying the private road status and which reference the Declaration of Easement which must be fully executed.
- 3) The applicant is required to provide certification from a surveyor that the private road standards of the Ordinance have been achieved at the conclusion of construction.
- 4) The applicant pays for and installs a road name and stop sign at the intersection of the road and US-41.
- 5) The applicant comply with the conditions and requirements of all other agency regulations including the Michigan Department of Transportation for the road connection to US-41.
- 6) The applicant investigate the need for a culvert under the road approximately 200' from US-41 to allow for north to south drainage.

- 7) The Declaration of Easement include wording to provide access to the Township and other public agencies to provide services on the road.
- 8) A zoning compliance permit shall be issued after all of the above conditions are met.

It should also be noted for the record that any development on lot created to the south of the road may experience soils, floodplain or wetland constraints towards the rear of the lots.

**MOTION CARRIED**

**DISCUSS-RECYCLING/TRASH BAGS**

Commissioner Comments:

- Is it possible to buy or lease containers for garbage and recyclables and do away with trash bags?
- Make recyclable containers standardized.
- Our township needs to take the lead and voice our concerns to the landfill.

Larry Gould comments on this issue were:

1. **PLASTIC REFUSE BAGS** – The landfill director raised this issue last year and there has been some controversy over whether there is a need to change. There was also discussions as to what acceptable alternatives are available. As you may recall, several years ago there was a biodegradable garbage bag on the market that did not work and no one has developed a new product. The landfill director wanted municipalities to discontinue the use of plastic bags since they felt it would help the deterioration of the refuse that is buried in the landfill. The issue was raised that with the compacted and baled refuse the recirculation of leachate still would not be able to readily be absorbed into the refuse to accelerate the deterioration process. The Township suggested that the landfill purchase a bag shredder to be used prior to baling or if they could come up with a cost effective and acceptable alternative it would be considered. I noticed in the landfill proposed budget they have requested funds for a bag shredder.

The other part of the bag issue is that the public does not want to go back to garbage cans. Last winter the city surveyed their residents and the residents did not want to go back to cans. One other thing that should be mentioned is that our contract with the refuse collector would have to be revisited since it deals with bags, and whether cans would be more costly to deal with.

2. **RECYCLING CONTAINERS** – This issue was discussed when we contracted out curbside recycling. Since that time there has not been any serious discussions about reusable containers for recyclables. A lot if people think the current system is good since they can use containers (grocery bags, etc) that they would otherwise dispose of at a cost. If there was enough interest to improve the current system then the issue could be addressed with our contractor.

It was suggested that perhaps we could consult with Northern Refuse on recycling bins for the recyclables and see what the price difference would be for using garbage containers versus bags.

**DISCUSS-KAWBAWGAM CROSS COUNTRY SKI-TRAIL/POCKET PARK**

Doug Riley gave an overview of what the AdHoc Trails Committee have proposed for the idea of a Cross County Ski-Trail and Pocket Park. It is proposed that the trail head/pocket park be located on the Township owned property on Kawbawgam Road and the ski-trail would then run east. The draft plan/map was reviewed with the Commissioners.

This proposed project has been preliminarily reviewed by the Recreation Committee and the Township Board. Essentially, the Recreation Committee supported the ski-trail as a short-term project and the pocket park as a proposed long-term project. The Township Board subsequently supported both elements of the project pending the resolution of all necessary commitments (easements, funding, maintenance, etc.) as proposed by the Ad Hoc Trails Committee.

This project, as proposed, will require the Planning Commission's future review and recommendations on the following:

- 1) A rezoning of the Township property to either Public Lands or RR-1. (The property is currently zoned C-1 and RR-2. The C-1 zoning does not allow "parks" and the RR-2 requires 20 acres or more for "parks".



- 2) A Conditional Use Permit to allow the overall "trail" (off Township property).
- 3) Planning Commission review of the site/development plan for the park.
- 4) Inclusion in the Township's Recreation Plan (future amendment/adoption)

These review items may be placed on the Planning Commission's August meeting if all submittal materials (easement, funding, etc.) have been acquired and are in to the Township in time to meet rezoning publication requirements for the required public hearings.

Don Britton stated that he is looking for suggestions from the Planning Commission on the proposed trail.

Commissioner Comments:

- It was suggested that the trails committee get some input from knowledgeable skiers in the planning process.
- Two problems with the proposed trail is that it is in close proximity to the snowmobile trail, the two trails cross over each other, which makes it unsafe.
- Signage needs to be clear.
- There should be a solid contractual agreement for grooming (concerned about volunteer grooming).
- Maybe have user fees for trail also.
- This trail should have something different to offer than all of the other trails in the area.
- Good plan.
- Potential expansion by using state land.

#### **DISCUSS-BURNING BARRELS/OPEN BURNING**

At the June 21, 1999 Board of Trustees Meeting, two residents on Briarwood complained regarding burning barrels in their neighborhood. The Township Board suggested that this issue be discussed by the Planning Commission as well as being placed on the next agenda of the Board of Trustees.

The Township Board has discussed this issue as late as July of last year. At the July 20, 1998 Board meeting, the minutes reflect that no action was taken on adopting specific regulations.

Essentially, right now the Township has no specific regulations or Ordinance to regulate this activity. The State of Michigan has statewide regulations and is the enforcing agent minus local laws. Regarding burning barrels, these are permitted for 1 or 2 family dwellings (no businesses) in an approved container for the burning of trash as long as they do not violate other air pollution rules (i.e. those limiting smoke and smells).

Of course, the issue of burning regulations largely comes down to enforcement, and the questions are:

- 1) Is there a need for local regulations?
- 2) Does the Township have the desire or resources to become the enforcing agency in this area?

Commissioner Comments:

- Have we gotten a lot of complaints?
- Why have it if we have not gotten any complaints?

It was indicated by staff that we had received approximately 4 complaints in 5 years. It was recommended by the Planning Commission not to pursue a burning barrel/open burning ordinance at this time.

#### **CONSIDER-2000 BUDGET**

Doug Riley suggested to the Planning Commission that he proposed no major changes from last year's budgeted amounts, except for increasing the committee meeting per diems for additional meetings for Ordinance amendment work, etc. and including \$500 for Miscellaneous.

In regards to the GIS support line item, the County is applying for a grant through the Land Information Access Association in which parcel based mapping for the entire County may be

achieved. (See the Michigan Association of Counties letter to Steven Powers, which is included in the Informational Items of your packet). If this occurs, in which they say the County has a good chance of receiving the grant, our parcel based mapping would be achieved. The Grant is for roughly \$250,000 in which \$60,000 must be pledged by the County and community. The County is pledging \$30,000 and has asked the Townships, Cities, and other agencies (schools, SCS, etc.) to pledge the other \$30,000. I am recommending that the \$2,500 in this years budget for GIS support be pledged by the Township in achieving this countywide initiative (i.e. we may be able to achieve our base parcel mapping for \$2,500 versus last years quote of \$26,000; along with being able to integrate with the County's system).

Riley would also suggested that we again request \$5,000 under Capital Outlay - Consultant - to allow us to contract for work on completion of some element of the Corridor Plan, major ordinance amendment work or perhaps necessary survey work.

**PLANNING DIRECTOR'S REPORT:**

1. The first meeting of the Planning Commission Ordinance Amendment sub-committee addressed the issue of kennels in the RP District, minimum lot sizes and widths for the C-1, C-2, and C-3 Districts and Seasonal Roads. Amendments were recommended on the kennels and minimum lot size issues and the public hearing/Planning Commission review will be in August.
2. The Township has joined the Lake Superior Community Partnership and Ivan Fende is the representative and Doug Riley is the alternate.
3. Spoke with Burger King/Ameriking and it will be spring before they re-approach the Township regarding their proposed new facility on M-28 and US 41 and they have hired a contractor to mow the lawn every couple of weeks.

**PUBLIC COMMENT:** None

**COMMISSIONER COMMENT**

Commissioner Menhennick spoke with Wahlstroms and they expressed interest in discussing corridor effort and possible drive connection to M-28.

Commissioner DeVooght-can we address cell towers/antennas as a future regulation/amendment item.

**INFORMATIONAL ITEMS AND CORRESPONDENCE GIVEN TO COMMISSIONERS:**

- A. Correspondence - Joseph and Margo Riopelle - Re: Rail/Trail Reversion
- B. Correspondence - MDOT - Re: Sanders Farm
- C. Correspondence from - MDOT - Re: Sanders Farm
- D. Correspondence from - Marquette Area Wastewater Treatment Facility - Re: Capacity and Future Issues
- E. Minutes - Chocolay Township Board - June 21, 1999
- F. Minutes - Recreation Committee - June 16, 1999
- G. Minutes - Central Lake Superior Watershed Partnership - May 20, 1999
- H. Minutes - Chocolay River Watershed Council - May 19, 1999
- I. Information - Michigan Association of Counties letter to Steven Powers - Re: GIS

The meeting was adjourned at 9:02 p.m.

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Estelle DeVooght, Commission Secretary

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Stacy L. Busch, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, AUGUST 9, 1999**

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

**ABSENT:** Bill Sanders, Steve Kinnunen.

**OTHERS:** Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Don Britton, Sam Elder, Mike Beltz, Bill Todd, James & Betty Thompson

**PUBLIC HEARING-CONDITIONAL USE #55-Recreational Structure on Mangum Road**

Acting Chairman LaPointe called the public hearing to order at 7:30. Planning Director Riley gave an overview of Mr. Thompson's Conditional Use request for a recreational structure (camp) on Mangum Road, approximately 1,500 feet east of Kawbawgam Road in Section 17. The key element for this proposed use is that the applicants have already received Health Department approval for a septic system. No other intensive services are envisioned. The other key is that this request must be for "recreational structure use" only and cannot be converted to a year round residence (especially since as a mobile home does not meet the minimum residential standards of Section 401) and any approval must be conditioned on such.

Public Hearing closed at 7:32.

**PUBLIC HEARING-REZONING #106-TEXT AMENDMENT-Kennels in RP District and Minimum Lots Sizes and Widths for C-1, C-2 and C-3 Districts**

Acting Chairman LaPointe called the public hearing to order at 7:32. Planning Director Riley gave an overview of Rezoning #106, which entails two proposed zoning ordinance text amendments that were presented to the Planning Commission's Ordinance Amendment Sub-Committee by staff. The Sub-Committee subsequently concurred with staff and recommended that these amendments be presented to the Planning Commission and Township Board for consideration.

Kennels in the RP District:

Currently the ordinance allows kennels in the RP District but as a Permitted Principal Use. This could be problematic as it allows for no public review/hearing and requires no minimum site area. Kennels can be one of the most problematic land uses as far as nuisance elements and a formal review is clearly needed for the RP District in which they may be proposed.

The recommended option is to make it the same as the RR-2 District where they are allowed as a "Conditional Use on 20 acres or more." This would create a public hearing/review and formal Planning Commission/Board review to address appropriate nuisance issues.

Public and Commissioner comments as followed:

Bill Todd-Is this for new applicants?

Planning Director Riley-Any expansion would have to come to the Planning Commission for Conditional Use approval.

Commissioner Emerson-We see this as a way of getting rid of a problem before it happens.

Sam Elder-Are kennels only allowed in the RP District?

Minimum Lot Sizes/Widths for C-1, C-2, and C-3 Districts

The Ordinance does not currently establish minimum lot sizes and widths for these commercial zoning districts. This could lead to multiple, small, inadequate lots being created under the Land Division Act.

The recommended option would be to establish minimum standards in Section 300-Height and Placement Regulations

C-1	125' width	25,000sf
C-2	125' width	25,000sf
C-3	150' width	1 acre

Public and Commissioner Comments as followed:

Commissioner Menhenick-Could they go to the Zoning Board of Appeals for a variance? Is there any rush on the commercial side of this?

Planning Director Riley-Yes on first question, No on second question.

Public Hearing closed-7:40 p.m.

**MEETING CALLED TO ORDER:**

Acting Chairman LaPointe called the regular meeting of the Chocolay Township Planning Commission to order at 7:40 p.m.

**APPROVAL OF MEETING MINUTES:**

The meeting minutes of the regular meeting of the Chocolay Township Planning Commission, dated July 12, 1999 were presented for approval.

**Moved by Commissioner Emerson, supported by Commissioner Menhennick, that the July 12, 1999 meeting minutes be accepted as corrected. Motion carried.**

**APPROVAL OF AGENDA/ADDITIONS TO AGENDA:**

**It was suggested to move Old Business after New Business**

**Moved by Commissioner DeVooght, supported by Commissioner Menhennick, to adopt the agenda as changed, moving New Business ahead of Old Business . Motion carried.**

**PUBLIC COMMENT: None**

**NEW BUSINESS:**

Conditional Use #55 - Recreational Structure (Camp) on Mangum Road, East of Kawbawgam Road

Commissioner Comments:

Could the Thompson’s build a house there if they wanted to?

Let it also be noted for the record that Mike Morgan has no objection to this request.

Menhennick moved DeVooght second that after review of Conditional Use request #55; the standards of Section 701 and other applicable standards contained in the Township Zoning Ordinance; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use Permit request #55 with the following conditions:

- 1) That this recreational structure cannot be converted to a permanent place of domicile or residency without receiving approval from Chocolay Township.
- 2) The applicant comply with the conditions and requirements of the Road Commission for the existing driveway.
- 3) That the applicant obtain a zoning compliance permit from the Township Zoning Administrator.

**MOTION CARRIED**

**REZONING #106-Text Amendment-Kennels in RP District and Minimum Lot Sizes for C1, C2 and C3 Districts**

Menhennick moved Emerson second that the Planning Commission recommend approval of Rezoning #106 to the Township Board for a text amendment to Zoning Ordinance #34 to amend Section 212 (RP District) to change Kennels from being a Permitted Principal Use to a Conditional Use on 20 acres or more and to amend Section 300 to establish minimum lot sizes and widths for the C-1, C-2 and C-3 Districts.

**MOTION CARRIED**

**PRELIMINARY PLAT-TENTATIVE APPROVAL-EWING PARK NO 2**

Comments:

- Are the utilities underground?
- Would the church have potential sewer hook-up?
- Do the lots have sewer now?

Menhennick moved Emerson second that following review of the proposed Preliminary Plat of Ewing Park No. 2 dated 7/26/99 the Planning Commission recommends Tentative Approval of the Preliminary Plat to the Township Board with the following conditions:

- 1) That approval grants the proprietor approval of lot sizes, lot orientation, and street layout for a period of 1 year.
- 2) That the proprietor comply with the requirements of Chocolay Township Wastewater Ordinance #39 and any other additional requirements of the Department of Environmental Quality for the proposed sewer extensions.

**MOTION CARRIED**

**PRELIMINARY PLAT-TENTATIVE APPROVAL-ELDERWOOD**

Comments:

- The 50’ buffer strip would be reasonable.
- No trees are being cut down that do not have to be cut.
- What are the setbacks?
- Are there additional setbacks for corner lots?

Emerson moved Menhennick second that following review of the proposed Preliminary Plat of Elderwood Subdivision dated 7/26/99 the Planning Commission recommends Tentative Approval of the Preliminary Plat to the Township Board with the following conditions:

- 1) That approval grants the proprietor approval of lot sizes, lot orientation, and street layout for a period of 1 year.
- 2) That the proprietor comply with the requirements of Chocolay Township Wastewater Ordinance #39 and any other additional requirements of the Department of Environmental Quality for the proposed sewer extensions.

Also, the Planning Commission recommends to the proprietor and the Road Commission that the plat include language, as well as the subdivision deed restrictions, that lots #2 and #3 are to have no street access (curb cuts) to Ortman Road.

**MOTION CARRIED**

**DISCUSS-REZONING REQUEST #103-Hlinak R-4 to R-3**

Time has run out for this request. Should it be scheduled for next meeting and notify property owners again. This needs some action.

DeVooght moved Tabor second to deny this request and see where it goes from there and notify the landowners.

**MOTION CARRIED**

**PLANNING DIRECTOR’S REPORT:**

1. Recycling
2. Corridor Plan update
3. Burning Barrels
4. Board approval –Stenglein
5. Fire Chief-Gary Johnson
6. Trails Committee Recommendation

Menhennick moved, Emerson second that the Planning Commission support the Trails Committee recommendation to the Board and Department of Public Works on pursuing the construction of a bike path/sidewalk along Silver Creek Road from the overpass to the Silver Creek School.

**MOTION CARRIED**

**PUBLIC COMMENT:** None

**COMMISSIONER COMMENT:** None

**INFORMATIONAL ITEMS AND CORRESPONDENCE GIVEN TO COMMISSIONERS:**

- A. Harvey Motors v. Maki
- B. Correspondence – Zoning Administrator Maki to Harvey Oil Co.
- C. Correspondence - Zoning Administrator Maki to Gibbs
- D. Correspondence - Fende/Twp. Board to Wisconsin Central; Ameritech; MDNR
- E. Minutes - Chocolay Township Board - July 19, 1999
- F. Minutes - AdHoc Trails Committee - July 6, 1999
- G. Memorandum - Beckman

The meeting was adjourned at 8:23 p.m.

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Estelle DeVooght, Commission Secretary

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Stacy L. Busch, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, SEPTEMBER 13, 1999**

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

**ABSENT:** None

**OTHERS:** Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Don Britton, James Compton, Jason Copeman, Judy Copeman, Gary & Cathy Peterson, Jon & Nancy Wennerberg, Gary Shane, Richard Sorensen, Tim Hunt, Jim Mitchell

**PUBLIC HEARING-REZONING #107-TEXT AMENDMENT-Accessory Housing**

Chairman Bill Sanders called the public hearing to order at 7:30. Planning Director Riley gave an overview of Mr. Copeman's request for amending the zoning ordinance to allow "accessory housing" for elderly parents or other family members.

Staff has completed a rather extensive review of this issue, (knowing that allowing these units can be problematical). Subsequently, we also discussed this issue with the Planning Commission's Ordinance Amendment Sub-Committee. We agreed that perhaps provisions should be made to allow such housing, especially due to the social issue of our aging populace and the need for alternate "assisted living accommodations". However, it is believed that any such Ordinance provisions should be rather restrictive in order to avoid these units from becoming duplexes or rental apartments and changing the character of the single family districts in which they may be located. Therefore, staff has reviewed the literature on this issue and several existing Ordinances regarding this use and utilized the best of these to recommend our own text amendment language to address these concerns.

The key elements of our proposed text amendment language is the following:

- 1) It creates an adequate definition of what is permitted as "Accessory Housing" and limits it to the parent(s) or grandparent(s) of the owner-occupiers of the single-family dwelling. (i.e. does not allow rentals for unrelated persons).
- 2) Adds this use as being permitted as a Conditional Use in the districts permitting single family homes. This is very important as it provides for public notice and adjacent property owner notification and the stricter review powers afforded the Planning Commission.
- 3) There is a floor area limitation to the size of the accessory housing unit.
- 4) Exterior elevation drawings (i.e. renderings) are required to be submitted to allow the Planning Commission and the public (adjacent property owners) to determine that there will be no visible change from that of a typical single family structure. (i.e. to avoid the appearance of a duplex).
- 5) The applicant is required to file an affidavit with the Registrar of Deeds indicating that the accessory housing unit is for a parent or grandparent only. (i.e. to prevent someone from purchasing the home unknowingly as a duplex).

While these provisions may not be flawless, and undoubtedly some enforcement problems could arise, at least we have the basis for adequate reviews and standards to limit adverse impacts to any residential area where they may be proposed.

One letter was received on this issue from Mr. & Mrs. Arnold. Riley reviewed this letter and advised that he had spoken with the Arnolds.

Public hearing closed at 7:39 p.m.

**PUBLIC HEARING-REZONING #108-TEXT AMENDMENT-Site Plan Review**

Chairman Bill Sanders called the public hearing to order at 7:39. Planning Director Riley gave an overview of Rezoning #108, which is a proposed text amendment to the Site Plan Review section of the Ordinance to exempt limited site and building changes from requiring Site Plan Review by the Planning Commission. This needed amendment was discussed with the Planning Commission's Ordinance Amendment Sub-Committee last month. The Sub-Committee subsequently concurred with staff and recommended that this amendment be presented to the Planning Commission and Township Board for consideration.

The basis for the amendment is because staff has witnessed that the new Site Plan Review requirements have proven rather burdensome (in regards to time and money) for many existing or prospective businesses desiring to change uses or make minor site improvements or additions

to their structures. The current Site Plan Review language requires that "any proposed use or building or any other improvement requiring a site plan shall not be issued until a Final Site Plan has been reviewed and approved...". The Ordinance then gives three exceptions that do not require formal Site Plan Review by the Planning Commission: (1) one and two family dwellings, (2) temporary building and structures and (3) accessory uses or structures.

An additional exception needs to be created to allow administrative review and approval of other "minor" changes. A classic example where this is needed is John Weting's office building immediately south of A&W where the businesses occupy individual suites. A beauty shop is proposed to be placed in one of the suites. Clearly, an Ordinance permitted business should not have to wait and receive formal Site Plan Review by the Planning Commission before being approved to go in, especially if the use only triggers a few additional parking spaces and no other Ordinance requirements.

Therefore, staff and the Ordinance Sub-Committee proposes the attached text amendment to address this problem. This is rather "typical" ordinance language that many Zoning Ordinances have to allow administrative review of such limited changes.

Public hearing closed at 7:42 p.m.

**PUBLIC HEARING-CONDITIONAL USE #56-Wennerberg-Storage Building**

Chairman Bill Sanders called the public hearing to order at 7:42. Planning Director Riley gave an overview of Conditional Use #56, Jon Wennerberg has requested Conditional Use Permit approval, including Site Plan Review, for two (2) mini-storage and two (2) R/V storage buildings. These buildings are proposed immediately west of Mr. Wennerberg's Star Industries facility at 115 Industrial Drive (Varvil Center).

Public hearing closed at 7:44 p.m.

**PUBLIC HEARING-Private Road request #14-Peterson**

Chairman Bill Sanders called the public hearing to order at 7:44. Planning Director Riley gave an overview of Cathy and Gary Peterson's requested approval of a private road under Section 402 of Zoning Ordinance 34. This proposed private road is located east off US-41 just north of the Beaver Grove Recreation Area in Section 16. (Proposed on the property previously recognized as the DeVooght property).

Staff has identified three primary concerns with the proposal. These are: 1) no cul-de-sac is proposed to be provided; 2) the soils near the connection to US-41 appear to be questionable and may need to be tested; and 3) the proposed maintenance and access provisions proposed are a little different than standard and need to be explored further.

In addition, the DPW Director and Fire Department has identified several concerns that the applicant also needs to explore and address. Therefore, staff is recommending that the Planning Commission conduct the Public Hearing on this item but then TABLE the request for one month in order to give the applicant, and the Township, an opportunity to further explore and clarify the identified concerns.

Public hearing closed at 7:45 p.m.

**REGULAR MEETING CALLED TO ORDER:**

Chairman Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:45 p.m.

**APPROVAL OF MEETING MINUTES:**

The meeting minutes of the regular meeting of the Chocolay Township Planning Commission, dated August 9, 1999 were presented for approval.

**Moved by Commissioner Menhennick, supported by Commissioner LaPointe, that the August 9, 1999 meeting minutes be accepted as presented. Motion carried.**

**APPROVAL OF AGENDA/ADDITIONS TO AGENDA:**

**Moved by Commissioner Kinnunen, supported by Commissioner Emerson, to adopt the agenda as presented. Motion carried.**

**PUBLIC COMMENT: None**

**NEW BUSINESS:**

**Rezoning # 107-Text Amendment-Accessory Housing**

Commissioner Comments:

Do any other areas have square footage limitations? This should be limited to 300 sq. ft.

Answer: Yes, AARP requirements are 280 sq. ft for 1 person and 400 sq. ft. for 2 persons, maximum being 900 sq. ft.

We are worried about these additions turning into rental units.

This use should be limited to parents and grandparents only.

What about incapacitated children?

Is this for a separate structure or an addition?

Has the attorney reviewed this yet?

It was felt that a larger sq. ft. should be allowed.

Public comment:

The size limit of 300' is smaller than an apartment.

This may be discriminatory to say that you can add on but not allow a family member to move in.

Menhennick moved Emerson second that the Planning Commission recommend approval of Rezoning #107 to the Township Board for a text amendment to Zoning Ordinance #34 as drafted on the "STAFF RECOMMENDED TEXT AMENDMENTS TO ALLOW ACCESSORY HOUSING" dated August 24, 1999 to create provisions to permit the conversion of a single family dwelling to include an accessory apartment as a means of accommodating an elderly parent(s) or grandparent(s).

Under SECTION 101 - DEFINITIONS **add** the following language:

"ACCESSORY HOUSING UNIT: A complete, self-contained dwelling unit created within or attached to a permitted existing detached single-family dwelling that provides accommodations for the elderly parent(s) or grandparent(s) of the owners-occupiers of the single family dwelling".

Under Subsection C (CONDITIONAL USES) in SECTIONS: 202 (DISTRICT R-1); 203 (DISTRICT R-2); 206 (DISTRICT LS/R); 207 (DISTRICT RR-1); 208 (DISTRICT RR-2); 212 (DISTRICT RP) and 213 (DISTRICT OS) **add** the following language:

"Accessory Housing Units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C)."

Under SECTION 107 - ACCESSORY USES AND STRUCTURES **add** a subsection (C) which reads:

"Accessory Housing Unit: It is the intent of this section to provide standards that will allow extended family living in what have traditionally been detached single-family only zoning districts or neighborhoods. Such provisions will permit the conversion of a single-family dwelling to include an accessory apartment as a means of accommodating an elderly parent(s) or grandparent(s). It is the intent that by providing housing opportunities for the elderly that a vital need can be met without diminishing the quality of the affected neighborhood; this allows independence and yet close contact to younger family members.

- 1) Accessory Housing Units shall meet the following requirements:
  - a) Only owner-occupiers are permitted to install and/or maintain accessory housing units.
  - b) Occupancy of the accessory housing unit is limited to the parent(s) or grandparent(s) of the occupants of the single-family dwelling.
  - c) Accessory housing units are required to be attached to the single-family dwelling and shall not increase the floor area of the single family dwelling by over 30%, and in no case shall any accessory housing unit exceed 1,000 square feet.
  - d) There shall be no visible change in the exterior appearance of the dwelling containing the accessory housing unit that will alter the single-family appearance of the dwelling. Exterior elevation drawings, architectural renderings and floor plans of the existing/proposed structure are required to be submitted for review as part of the Conditional Use application.
  - e) All improvements associated with construction of the accessory housing unit shall meet current applicable codes including approval of the Health Department for any needed improvements



to the on-site septic system if applicable. Utilization of the existing septic system, without creating a new/separate system is encouraged and Health Department permits shall be provided to the Township by the applicant.

- f) Separate sale or ownership of the accessory housing unit from the primary dwelling on a lot or parcel is prohibited. Upon conditional use approval of any accessory housing unit, the owner shall file an affidavit with the Registrar of Deeds for the parcel indicating that said accessory housing unit is for use by only a related parent or grandparent.
- g) Any additional parking as needed or required by this Ordinance shall be provided in off-street space.
- h) Conditional Use approval of accessory housing units are valid for a period of five (5) years subject to Planning Commission review of requested five (5) year extensions.
- i) Upon the cessation of use of the accessory housing unit by the parent(s) or grandparent(s) of the owner-occupiers of the single-family home, said accessory housing unit shall be removed or converted to remove the individual floor plan elements (such as a separate/duplicate kitchen facilities) that functionally create a separate dwelling unit.
- j) The Planning Commission may impose any other reasonable conditions deemed necessary to protect adjoining properties, to retain the residential character of the neighborhood and to protect the public health, safety and welfare.

## **MOTION CARRIED**

### **REZONING #108-Text Amendment-Site Plan Review**

Planning Commission believes that if the site plan review process is expedited and nothing is being changed, to them this is a good thing.

Menhennick Moved Kinnunen Second that the Planning Commission recommend approval of Rezoning #108 to the Township Board for a text amendment to Zoning Ordinance #34 under SECTION 502 (SITE PLAN REVIEW) subsection B.1.a. to add a subsection (4) which would read:

- "4) A change of use to another permitted principal use in the respective zoning district, or an expansion to any one (1) existing permitted building, which, in either case, does not increase the building floor area by over 20%, or increase the parking requirements not already developed on the site by over 20%, and in which there are no changes in access locations or other site improvements (including but not limited to landscaping) being made."

## **MOTION CARRIED**

### **CONDITIONAL USE REQUEST #56-WENNERBERG-STORAGE BUILDING-Industrial Drive**

Comments:

Would the fence placement be on the property?

Does this coincide with other mini-storages?

Are floodlights proposed?

What about a gate mechanism?

Emerson moved Menhennick Second that after review of Conditional Use request #56; the standards of Section 701 and Section 504 and other applicable standards contained in the Township Zoning Ordinance; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use Permit request #56 with the following conditions:

- 1) That the center aisle lanes, and any lanes providing access to storage doors, be left with a 20' unobstructed area to allow customer access/maneuvering as well as for providing access for emergency vehicles.
- 2) That the applicant provide the Township with authorization and provisions to access the gate for emergency purposes.

- 3) That the applicant provide the Fire Department with a final set of building plans detailing the fire breaks within the buildings.
- 4) That this parcel cannot be further split or subdivided.
- 5) That the applicant obtain a zoning compliance permit and land division approval from the Township Zoning Administrator.

**MOTION CARRIED**

**PRIVATE ROAD REQUEST #14 –Peterson**

Commissioner comments on Township concerns:

1. Cul-de-sac
2. Soil testing
3. Maintenance of road.

Is the application for the whole road?

Road should be part of proposed 5 acres parcels.

Might facilitate selling of land if there was a cul-de-sac.

Are there any current private roads without cul-de-sacs?

Felt that a temporary cul-de-sac could be put in and then abandoned when road is extended.

Sanders Moved, DeVooght Second that after review of Private Road request #14; the standards of Section 402,D of Ordinance 34; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS, and identifying several concerns with the proposal as detailed in the STAFF/FILE REVIEW and the DPW Director and Fire Department's Review, the Planning Commission TABLES this request for one month in order to give the applicant, and the Township, an opportunity to further explore and clarify the identified concerns.

**MOTION CARRIED**

**SITE PLAN REVIEW #99-1-Family Dollar**

Commissioner Comments:

- Are the other 2 stores and the number of parking spaces the same?
- Could a 100-year storm system be put in?
- Can the driveway be moved?
- Suggestion to demo house and move building, and rezone.
- Change parking size and add more green area.
- Can you tie into 12-inch storm sewer?
- Is infiltration good for the environment?
- Is it feasible to add a larger sump?
- Concerns about preserving the trees.
- Feels that Family Dollar should come back next month with a revised site plan and reduction in parking and more landscaping.
- Suggested that Family Dollar seek a parking space variance from the Zoning Board of Appeals.

Gary Shane-Family Dollar completes parking studies and the maximum number of cars in the parking lot at one time is 15-20.

Bob Cambensy-Driveway is possible to be moved. 100-year storm is possible also. Not a whole lot can be done with landscaping in the front of the building.

Emerson Moved, Menhennick second that after review of the standards of Section 504 and other applicable standards contained in the Township Zoning Ordinance; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS; and identifying several concerns with the proposal as detailed in the STAFF/FILE REVIEW and DPW Director and Fire Department's Review, the Planning Commission TABLES this request for one month in order to give the applicant an opportunity to amend their plans to address these concerns and that the applicant pursue a parking space reduction through the Zoning Board of Appeals and add more landscaping along US-41.

**MOTION CARRIED**

**SITE PLAN REVIEW REQUEST #99-2-Bayshore Veterinary Hospital**

Tim Hunt-My intent is to change the Bayou House to a veterinary clinic hospital and maintain the home. I don't want to change anything else. Change for parking and to make handicap accessible.

Commissioner Comments:

- Is there a 2<sup>nd</sup> driveway?

Menhennick moved, Kinnunen second that after review of the standards of Section 504 and other applicable standards contained in the Township Zoning Ordinance; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Site Plan Review Request #99-2 with the following conditions:

- 1) That the handicapped space be signed in accordance with State Barrier free requirements.
- 2) That a One-Way traffic sign be placed near the southeast corner of the facility to channel and train traffic that the secondary driveway is for egress purposes.
- 3) That the applicant obtain a permit from the Michigan Department of Transportation for the driveway improvements to US-41.
- 4) That the applicant obtain a Zoning Compliance permit from the Zoning Administrator.

**MOTION CARRIED**

**TRAIL DEVELOPMENT-EMERSON CORRESPONDENCE**

Scott Emerson presented his proposal dated September 8, 1999 regarding a solution to the snowmobile trail routing dilemma that has been confronting the Township. This proposal would include contacting Ameritech to establish a non-motorized trail on the abandoned railroad grade from Chocoy Downs to the State Information Center. In addition, approval would be sought to allow a winter use motorized trail on the abandoned railroad grade from the east edge of the Township to Chocoy Downs, then on the south side of the M-28 right of way to the overpass, then along the north side of M-28 to the US-41/M-28 intersection and the summer bike path. He stated that while this route may not be perfect, it may be the safest and most doable access through the Township, particularly in order to get the snowmobiles through our primary commercial corridor.

Gary Peterson-These trails are nice but when the weather is bad these people use the roads, which is a bad, unsafe situation.

Emerson encouraged the Planning Commission to support a group meeting with the decision-makers at Ameritech, MDOT, DNR, CABA, members of the Planning Commission and the Township Board to move forward on this issue.

It was discussed that any such meeting be scheduled for an Ad Hoc Trails Committee meeting as this group has been working on this issue and would be the best to facilitate such a meeting. Perhaps the October trails meeting could host such a discussion.

Jim Mitchell-stated that he believed the Planning Commission is making the same mistake that has been made in the past by not contacting the affected property owners prior to any such meetings. Part of the problem is that there are too many groups studying this issue and that is part of the problem and opposition to the trail.

Emerson moved, Sanders second that the Planning Commission offer a resolution of support to the Township Board to bring the necessary parties together with the goal of achieving an approved overlay trail route.

**Motion Carried**

**PLANNING DIRECTOR'S REPORT:**

1. Township Board-Approved Elder Plats
2. Pocket Park-Letter of funding
3. Rezoning #107 received recommendation of 2-text amendments approval from the County.
4. Recycling- Will be on next agenda and will ask Larry to attend meeting

**PUBLIC COMMENT:**

Cathy Peterson-Believes Mr. Emerson's study is terrible and the property owners along M-28 did not "buy into" a trail in front of their homes.

**COMMISSIONER COMMENT:** None

**INFORMATIONAL ITEMS AND CORRESPONDENCE**

The meeting was adjourned at 10:35 p.m.

- A. Minutes - Chocolay Township Board - August 16, 1999
- B. Minutes - AdHoc Trails Committee - August 3, 1999

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Estelle DeVooght, Commission Secretary

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Stacy L. Busch, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, OCTOBER 11, 1999**

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

**ABSENT:** None

**OTHERS:** Doug Riley, Director of Planning & Research, Don Britton, John Smith, Tom Mahaney, Sharon Roshak, Robert Cambensy and Gary Shane

**PUBLIC HEARING - CONDITIONAL USE #57 - CHOCOLAY CHARTER TOWNSHIP  
- CROSS COUNTRY SKI TRAIL**

Chairperson Sanders opened the public hearing at 7:30 p.m. Planning Director Riley indicated that, as of today, the Township had not received any calls or correspondences in response to the Public Hearing notice or property owner notifications.

No other public comment. Chairperson Sanders closed the public hearing at 7:31 p.m.

**REGULAR MEETING CALLED TO ORDER:**

Chairman Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:32 p.m.

**APPROVAL OF MEETING MINUTES:**

The minutes of the regular meeting of the Chocolay Township Planning Commission, dated September 13, 1999 were presented for approval.

**Moved by Commissioner LaPointe, supported by Commissioner Menhennick, that the September 13, 1999 meeting minutes be approved as presented. Motion carried.**

**APPROVAL OF AGENDA/ADDITIONS TO AGENDA:**

**Moved by Commissioner Menhennick, supported by Commissioner Kinnunen, to adopt the agenda as presented. Motion carried.**

**PUBLIC COMMENT: None**

**OLD BUSINESS:**

**PRIVATE ROAD REQUEST #14 - PETERSON**

The Planning Commission received Cathy Peterson's October 6, 1999 letter requesting that the Planning Commission table her private road request until January, 2000 in order to allow her to work on her proposal.

**Moved by Commissioner Menhennick, supported by Commissioner Sanders to Table Private Road Request #14 until the January 2000 Meeting. Motion carried.**

**SITE PLAN REVIEW #99-1-FAMILY DOLLAR**

Planning Director Riley indicated that Family Dollar had submitted a revised site plan. The revised site plan addressed the three primary concerns that had been previously identified. The first being that the access drive location had been shifted approximately 60' to the west to create a larger vehicle stacking area from the US-41 and Wright Street intersection which should greatly increase the safety at the intersection. The second is that the applicant received a variance from the Township Zoning Board of Appeals to the required number of parking spaces, being reduced to 33 required, which decreased the amount of impervious surface and subsequently retained additional existing trees on the site and created additional open space for trees to be planted. Third, the stormwater retention system has been re-designed/enlarged to accommodate a 100 year storm event, versus a 10 year storm event.

Staff's memorandum recommending for approval with conditions was reviewed with the Commission. Commissioner Emerson explained an idea to leave the two parking spaces in the southeast corner of the site plan and eliminate the two spaces in the northeast corner and plant large trees in this area, as well as along the east boundary of the site along US-41, in order to "pull" some landscaping toward the road. He also suggested that perhaps the applicant could utilize downward directed or shielded lighting for the parking lot.

Discussion centered on the Board of Appeals approval of the parking space variance and whether this relocation of parking spaces would conflict with their ruling.

Gary Shane, representing the applicant, indicated that they typically like to construct their building and then look at where trees or landscaping should go.

The Planning Commission discussed the landscaping options with the applicant. Planning Director Riley indicated that a condition on the lighting is not inappropriate as a customary condition to protect the neighboring properties from adverse lighting impacts. Discussion also centered on landscaping/buffering for the west property line and underground versus above ground electrical service.

Commissioner Emerson moved, Commissioner Kinnunen second, that after review of the standards of Section 504 and other applicable standards contained in the Township Zoning Ordinance, the Planning Commission approves Site Plan Review request #99-1, incorporating the revised Site Plan dated October 7, 1999, for the construction of a Family Dollar Store, with the following conditions:

- 1) That the two southeast parking spaces be retained on the site plan to create an irregular contour in the existing trees with all the other existing trees being left intact in the "Do Not Disturb Existing Trees" area.
- 2) That one parking space be deleted in the northeast corner of the site plan near the US-41 and Wright Street intersection to create a larger open space area and one parking space be deleted immediately east of the access drive location to enlarge that open space area and that additional large trees such as white spruce, red oak, etc. be planted in these areas.
- 3) That the applicant obtain a permit from the Marquette County Road Commission for the access location to Wright Street.
- 4) That the applicant obtain the appropriate permit for the sewer connection from Chocolay Township and the well permit from the County Health Department.
- 5) That final building plans be submitted to the Fire Department under the Fire Fighter Right to Know program.
- 6) That the applicant obtain a zoning compliance permit from the Township Zoning Administrator.
- 7) That commercial non-glare, downward directed lighting be installed to protect adjoining properties.

In addition, it is recommended that the applicant install the stormwater catch basins with a 2' minimum sump depth in order to increase the sediment holding ability of these structures and the applicant make every attempt to construct this facility with underground electrical service.  
Motion Carried.

The Planning Commission commended the applicant for working to revise their site plan to address the identified concerns and felt that it was greatly improved over their original proposal.

#### **JAMES CARTER CORRESPONDENCE - COMMUNITY SIGNAGE**

Commissioner Kinnunen indicated that he was rather disappointed that the MDOT is implementing such a policy. He believes that these signs are an important part of our history and are utilized to a very significant extent, particularly in the Upper Peninsula. Planning Director Riley gave an update on the Green Garden request for their sign to be replaced. He read a letter from the U.S. Postal Service indicating that Green Garden residents can utilize Green Garden as their mailing address.

The Planning Commission voiced agreement with Mr. Carter's argument that it is important to retain these community place names. The Planning Commission indicated that perhaps we should wait and see what happens on the Green Garden signage request to the MDOT and then determine what appropriate support the Planning Commission can offer in this effort to support the retention of community signs and map listings.

#### **NEW BUSINESS:**

#### **CONDITIONAL USE #57 - CHOCOLAY CHARTER TOWNSHIP - CROSS COUNTRY SKI TRAIL - KAWBAWGAM ROAD AREA**

Planning Director Riley gave a brief overview of the proposed ski trail and staff's recommendation for approval with conditions. Discussion centered on staff's recommended condition #7 in regards to the location for the crossing of the railroad grade/snowmobile trail. It was discussed that some flexibility was needed in regards to the location of this crossing to account for differing snow conditions, trees, etc..

Commissioner Emerson moved, Commissioner Kinnunen second, that after review of Conditional Use request #57; the standards of Section 701 and Section 504 and other applicable standards contained in the Township Zoning Ordinance; and the STAFF/FILE REVIEW - SITE DATA AND ANALYSIS; and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use Permit request #57 with the following conditions:

- 1) That the easement agreements with Ameritech and John Smith be fully executed.
- 2) That a permit from the Health Department be approved for the restroom.
- 3) That the required insurance coverages/riders be obtained for the project.
- 4) That the MDNR approves the final ski trail plan.
- 5) That the Road Commission issue the final permit for use of the Seasonal Road BAA right-of-way.
- 6) That minor extensions or changes to the ski trail are permitted, however, any extensions or changes are limited to the south half of Sections 8 and 9 and extensions to within 300' of private property shall require an amendment to the Conditional Use Permit.
- 7) That the crossing of the railroad grade/snowmobile trail be engineered safely and be appropriately signed.
- 8) That all funding and costs for this project be provided on a volunteer basis or needed Township expenditures must be authorized by the Township Board.
- 9) That a zoning compliance permit be obtained from the Township Zoning Administrator once conditions 1 through 5 have been met.

Motion Carried.

The Planning Commission commended the Trails Committee for the work they had completed on this project. The Planning Commission also thanked Tom Mahaney for his assistance in working with the Trails Committee on this project. Tom Mahaney indicated that he is very excited for this project, as is the Superiorland Ski Club which he is a member, and commended Chocolay Township for promoting such a project.

#### **SNOWMOBILE TRAIL SURVEY LETTER - BOARD REQUEST FOR PLANNING COMMISSION REVIEW/INPUT**

Commissioner Menhennick stated that he believes that the idea of a survey may be premature. Since we do not have a safe bridge crossing over the river, why should we pursue the survey. Perhaps we need to lay the groundwork on getting a safe river crossing before we go any further on the routing. Menhennick stated that, as recently recommended by the Trails Committee, the Township should look at completing a multi-use trail along M-28 first, then pursue the bridge crossing. By having a trail in place up to the river, when the MDOT does replace or improve the bridge, they may make provisions for the trail crossing.

Don Britton, Chairman of the Ad Hoc Trails Committee, indicated that at their October 5, 1999 meeting, they recommended that the Township look at adopting a local ordinance on a snowmobile curfew and speed limit.

Commissioner Emerson indicated that he thought it may be a good idea to get the residents input now and he did not see any major problems with the survey. Discussion centered on the timing of the survey and whether it was the appropriate time to ask the people. Discussion also centered on who should be sent the survey. It was discussed that perhaps anyone within 300' of the proposed route should be notified, as is standard practice in rezonings or conditional uses, as the impacts could affect more than just abutting property owners.

Commissioner Menhennick stated that he believed the best approach for now would be for the Township to look at a local ordinance establishing an 11:00 p.m. snowmobile curfew, which would be consistent with Munising, along with a snowmobile speed limit. This would be a necessary first step in establishing a framework for how snowmobiles can operate in the Township.

Sharon Roshak, 1318 E. M-28, stated that she is not in favor of a motorized trail across her front yard as has been proposed. She stated that it is interesting to note that concern is expressed by the Planning Commission on site plans regarding lighting impacts on nearby residences, (such as Family Dollars), and she believes the same concern should be given for those residences along the trail route. The concern is even larger for these residences because of light and noise impacts.

Commissioner LaPointe indicated that he believed the Township probably should not pursue the survey until after the bridge crossing issue is resolved. If that takes a few years, we would need to re-survey the people anyway to make sure we have valid/timely responses.

Commissioner Kinnunen indicated that he supports a path along M-28 for multi-use. It's an improvement that would be used by a lot of people, regardless of whether snowmobiles ever use it. Commissioner Emerson indicated that he surely supports the Trails Committee working on a multi-use trail along M-28.

Commissioner DeVooght indicated that she believed the Township should send the survey out and find out exactly how the people feel.

Chairman Sanders suggested that the Planning Commission defer to the Trails Committee, and their recommendations on this issue, as they are closer to all of the nuances of the snowmobile trail issue. Commissioner Emerson indicated that he could support this, however, while the timing may be wrong now, he does believe that the survey should be sent out to the residents/property owners before agreeing on proceeding on a route. He would also suggest that the first question in the survey state that "Do you support a motorized trail, limited to snowmobiles only during the winter months, along the above described route"? Further this question, or another portion of the survey, should identify a reasonable estimate of the number of snowmobiles that could be expected daily, (not the 5,000 to 6,000 per day that has been reported in the paper recently).

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

- 1) Rezoning #106 - Approved at 1<sup>st</sup> reading by Township Board.
- 2) Rezoning #107 & #108 - Reviewed by Township Attorney, waiting for County Planning Commission response.
- 3) FY 2000 Budget has been adopted by the Board.
- 4) GIS Grant - Marquette County has been chosen as grant recipient and we will be participating in the upcoming meetings.
- 5) Marquette Township - Idea for joint Planning Commission Conference/Training.

#### **COMMISSIONER COMMENT:**

Commissioner Menhennick stated that, as recommended by the Ad Hoc Trails Committee, he would like the Planning Commission to consider recommending to the Township Board that they look at adopting a snowmobile curfew and speed limit ordinance.

John Smith stated that the Township needs to show the DNR that we are being pro-active on dealing with snowmobiles and he would support the Board adopting an Ordinance establishing a snowmobile curfew and speed limit.

Commissioner Menhennick moved, supported by Commissioner Sanders, that the Planning Commission recommend that the Township Board take a hard look at adopting an Ordinance establishing a snowmobile speed limit and curfew. Motion Carried.

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

- A) Correspondence from - Larry Gould, DPW Supervisor - Recycling Bins and Curbside Collection of Refuse Cans.
- B) Minutes - Chocolay Township Board - September 20, 1999
- C) Minutes - AdHoc Trails Committee - September 8, and October 5, 1999

The meeting was adjourned at 10:00 p.m.

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Estelle DeVooght, Commission Secretary

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Douglas Riley, Recording Secretary



**CHOCOLAY TOWNSHIP PLANNING COMMISSION  
MONDAY, NOVEMBER 8, 1999**

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

**ABSENT:** Scott Emerson

**OTHERS:** Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Bob & Sharon Roshak

**PUBLIC HEARING – REZONING #109 - CHOCOLAY CHARTER TOWNSHIP –  
KAWBAWGAM ROAD PROPERTY- C-1 & RR-2 TO PUBLIC LANDS**

Chairperson Sanders opened the public hearing at 7:30 p.m. Planning Director Riley indicated that, as of today, the Township had not received any calls or correspondences in response to the Public Hearing notice or property owner notifications.

No other public comment. Chairperson Sanders closed the public hearing at 7:31 p.m.

**REGULAR MEETING CALLED TO ORDER:**

Chairman Sanders called the regular meeting of the Chocolay Township Planning Commission to order at 7:31 p.m.

**APPROVAL OF MEETING MINUTES:**

The minutes of the regular meeting of the Chocolay Township Planning Commission, dated October 11, 1999 were presented for approval.

**Moved by Commissioner Tabor, supported by Commissioner Menhennick, that the October 11, 1999 meeting minutes be approved as presented. Motion carried.**

**APPROVAL OF AGENDA/ADDITIONS TO AGENDA:**

**Moved by Commissioner Sanders, supported by Commissioner Kinnunen, to adopt the agenda as presented. Motion carried.**

**PUBLIC COMMENT: None**

**OLD BUSINESS: None**

**NEW BUSINESS:**

**REZONING # 109- CHOCOLAY TOWNSHIP- KAWBAWGAM ROAD PROPERTY- C-1 & RR-2 TO PUBLIC LANDS**

Staff supports this request as a practical and reasonable zoning for this property. Staffs only concern lies within the actual Ordinance language of the Public Lands District itself. This concern relates to the fact that there are no specific uses listed as permitted or as conditional as in the other zoning districts. This is important as there could be certain Township functions that perhaps should go through the Conditional Use Permit procedure and, most importantly, the public notice and nearby property owner notification it entails. For example, before the Township should place a "waste transfer station" or other "intensive" land use on this property, a public hearing should be held and the adjoining property owners should be notified.

Therefore, perhaps the Public Lands district language needs to be amended to spell out which type of Township uses should be listed as more intensive "Conditional Uses" that warrant that subsequent review process.

Staff advised that they would review this with the Ordinance Amendment Subcommittee.

**Menhennick moved LaPointe second that following the review of Rezoning request #109 and the Staff/File Review, the Planning Commission recommends approval of Rezoning #109 to the Township Board to rezone said property from C-1 and RR-2 to PUBLIC LANDS.**

**Motion Carried.**

**PLANNING DIRECTOR'S REPORT:**

- 1) Minutes-As discussed at the October Meeting, we will continue with the minutes stating motion carried. If the commission desires to have broken out-ask for roll call.

- 2) Green Garden-The request for map identification has been approved by MDOT. The request for signage is still pending.
- 3) Snowmobile trail issue-The Board decided not to send out property owners survey. They decided to review potential ordinance controlling speed limit and establishing a curfew.
- 4) Ordinance Amendment Sub Committee-met and reviewed parking requirements and cell towers.
- 5) Rezoning- The Board approved the first reading on the ordinance text amendments on Accessory housing and site plan review.

**COMMISSIONER COMMENT:**

Commission discussed recent site plan reviews including Family Dollar.

**INFORMATIONAL ITEMS AND CORRESPONDENCE**

- A. Minutes - Chocolay Township Board - October 4 and October 18, 1999
- B. Correspondence - Township Attorney to Ameritech - Re: Railroad Grade
- C. Correspondence - James Carter - Green Garden Signage and Map Identification

The meeting was adjourned at 7:55 p.m.

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Estelle DeVooght, Commission Secretary

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Stacy Busch, Recording Secretary