

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, JANUARY 10, 2000**

PRESENT: **Commissioners** Gary Menhennick, Bill Sanders, Scott Emerson, Mike LaPointe, Estelle DeVooght, Kendall Tabor arrived at 7:43 p.m.

ABSENT: Steve Kinnunen

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch Recording Secretary, John Smith, Robert & Sharon Roshak

PUBLIC HEARING-REZONING # 110-TEXT AMENDMENT-WIRELESS COMMUNICATION FACILITIES

Chairperson Sanders opened the public hearing at 7:33 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.

No public comment. Chairperson Sanders closed the public hearing at 7:34 p.m.

PUBLIC HEARING-REZONING # 111-TEXT AMENDMENT-OFF-STREET PARKING REQUIREMENTS

Chairperson Sanders opened the public hearing at 7:34 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.

No public comment. Chairperson Sanders closed the public hearing at 7:35 p.m.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 7:35 p.m.

APPROVAL OF THE MEETING MINUTES:

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

Moved by Commissioner Menhennick, Supported by Commissioner Emerson that the December 13, 1999 minutes be approved as presented. Motion carried.

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

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

PUBLIC COMMENT:

John Smith-2176 M-28 East- The new ski trail is in place and is groomed. Have seen many skiers using trail. The trash in the woods needs to be cleaned up, there is grant monies available to do this. Requesting someone from the township to apply for these monies.

OLD BUSINESS:

PRIVATE ROAD REQUEST #14-PETERSON

Remained tabled at applicant's request.

NEW BUSINESS:

REZONING # 110-TEXT AMENDMENT-WIRELESS COMMUNICATION FACILITIES (CELL TOWERS)

Planning Director Riley briefly reviewed his memo to the Planning Commission dated January 5, 2000 detailing the changes that were made to the proposed ordinance language based upon the attorney's review and recommendations.

The Planning Commission specifically reviewed and discussed the following points of the proposed regulations: 1) 1 mile spacing requirement. Whether this item should remain in the regulations; 2) Minimum site area. Should we specify a minimum site area? and 3) RP District Regulations. Whether the four (4) proposed special regulations for the RP District are reasonable.

Significant discussion centered on the pros and cons of the 1 mile spacing requirement and whether this would encourage collocation or would simply disperse more towers over a larger area. It was also discussed to amend the Intent and Purpose section to eliminate the section of the first sentence which reads "reducing the obtrusive impact and unnecessary proliferation" and to insert "regulating" in its place. In addition, "and collocation" should be inserted after "cooperative use". It was believed this clarified the intent of the regulations without being overly negative.

Menhennick pointed out that if the smaller towers can be "camouflaged" as a light pole or flag pole, perhaps they should also be allowed in the C-2 District. Discussion centered on the pros and cons of allowing them in even more districts and the need to limit the districts to some degree to encourage collocation and placement in the Township's Public Lands District.

Emerson moved LaPointe second that the Planning Commission recommends the adoption of rezoning #110, to the Township Board of Trustees to read as follows:
MOTION CARRIED.

Amend Section 101 "**DEFINITIONS:**" to add the following definition in the correct alphabetical location:

Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings, and private and commercial mobile radio service facilities.

Amend Section 211 "**DISTRICT C-3**" subsection (C) **CONDITIONAL USES** to add "Wireless Communication Facilities subject to the conditions of Section 527".

Amend Section 212 "**DISTRICT RP**" subsection (C) **CONDITIONAL USES** to add "Wireless Communication Facilities subject to the conditions of Section 527".

Amend Section 214 "**PUBLIC LANDS ZONING DISTRICT**" subsection (C) **CONDITIONAL USES** to add "Wireless Communication Facilities subject to the conditions of Section 527".

Amend To Add a Section 527 to read:

WIRELESS COMMUNICATION FACILITIES:

The Township has a clear and identifiable interest in accommodating the communication needs of residents and businesses but also has an interest in regulating highly visible structures such as large, high communication towers. It is the Township's interest, also, to induce, to the extent reasonable, cooperative use and collocation of such towers and their associated facilities and structures.

- A. Wireless Communication Facilities located in the C-3 or Public Lands District are subject to the following qualifying conditions and/or regulations:
1. The height of the wireless communication facility shall not exceed 175' unless a variance has been granted by the Zoning Board of Appeals.
 2. All sites must contain a minimum area sufficient to contain the wireless communication facility and all related accessory uses. The site shall have legal documented access to a public road.
 3. Any wireless communication tower must be set back from all property lines a distance equal to its height, unless engineering plans and

specifications have been certified by a licensed mechanical, civil, professional engineer or architect, or other engineer licensed and competent in assessing the structural integrity of such towers, verifying a safe fall zone. All towers shall be certified by an above licensed engineer verifying that the structural design will withstand wind speeds and icing under the worst conditions experienced in the area.

4. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
5. No wireless communication facility shall be approved unless the applicant is able to establish that any existing tower, structure or facility is not available for co-utilization based upon technical inadequacy or incapacity, unreasonable or prohibitive cost, denial by owner or other practical impediment to use or access.
6. There shall not be displayed on the wireless communication facility advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
7. The wireless communication facility shall be maintained in a predominate color, coating or material which matches the exterior surroundings. The predominant color scheme shall be designed to minimize off-site visibility of the structure.
8. All wireless communication facilities must comply with the standards of the Federal Aviation Administration, the Federal Communications Commission and all applicable State or Local codes.
9. The wireless communication facility shall be located and operated so that they do not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
10. All wireless communication facilities shall be removed by the property owner or lessee within six (6) months of being abandoned by all users.
11. Minimum spacing between wireless communication facilities shall be one (1) mile in order to prevent a concentration of towers in one area.
12. Wireless communication facilities shall not be artificially lighted unless required by the Federal Aviation Administration.
13. The base of any tower and any cable supports shall be fenced with a minimum six (6) foot high security fence and all fencing shall be screened with landscaping. Accessory structures shall match the construction characteristics of other existing buildings in the surrounding area.
14. All wireless communication facilities shall be inspected after being constructed and then once every three (3) years for compliance with all ordinance, structural and operational requirements and shall be certified as in compliance by a licensed mechanical, civil, professional engineer or architect, or other engineer licensed and competent in assessing the structural integrity of such towers, and said certification shall be submitted to the Township.

B. Wireless Communication Facilities located in the RP District are subject to the above qualifying conditions and/or regulations (1 through 14) with the following exceptions or additional requirements in order to reduce the impact of wireless communication facilities on the low intensity intent of the RP District and the tourism related aesthetic qualities of the Township's outlying areas:

1. The height of the wireless communication facility shall not exceed 75' unless a variance has been granted by the Zoning Board of Appeals.
2. The wireless communication facility and any accessory structures shall be set back a minimum of 150' from all public or approved private road rights-of-way. Said set back shall be left in its natural state in order to provide screening or buffering to the roadway.
3. The wireless communication facility and any accessory structures shall be set back a minimum of 300' from any existing residential dwellings.
4. The applicant shall make every attempt in the design of the wireless communication facility to disguise the structure (e.g. as a light pole, tree, etc.) to reduce/eliminate the aesthetic impact to the surrounding area.

REZONING #111-TEXT AMENDMENT-OFF-STREET PARKING REQUIREMENTS

This amendment establishes parking standards for certain new uses and reduces the parking requirement for others. It also amends or establishes the standards for parking lot lighting, maneuvering lanes, related site plan requirements and commercial vehicle parking in residential districts.

Following the discussions from the last meeting, I have changed the proposed language to clarify the standard for parking lot lighting (Note #6). In addition, there were a couple of typographical errors in the parking lot standards chart that were causing confusion (e.g. aisle width and parking stall length).

Discussion centered on slight changes to the language for the RV parking space requirement and the language for gas stations to better clarify the intent of these regulations. A change was also suggested to provide a note for the parking standards table that a 2 way traffic/parking pattern requires a minimum 24' aisle width.

Emerson moved Sanders second that the Planning Commission recommends the adoption of rezoning #111 to the Township Board of Trustees to read as follows:

MOTION CARRIED.

SECTION 500 OFF-STREET PARKING REQUIREMENTS

Except in Districts RP and OS, there shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be as shown in the following list:

USE		SPACES REQUIRED
Single and Two-family dwellings		2 per dwelling unit
Rooming houses, fraternities, sororities, dormitories, convalescent homes.		.4 times maximum lawful number of occupants.
Hotels		1.2 per room in addition to spaces required for restaurant facilities & 2 oversized spaces for RV's and trucks.
Apartment and townhouses		2 per dwelling unit or floor area in square feet divided by 440, which ever is greater.
Senior Housing		1 per dwelling Unit
Mobile home subdivisions and parks		2 per mobile home & 1 per 300 sq. ft. for offices.
Churches, theaters, facilities for spectators sports, auditoriums, concert halls		.35 times the seating capacity.
Community Center		.35 times the seating capacity.
Golf courses		7 per hole
Barber shops and beauty parlors		2 plus 1.5 per chair
Bowling alleys		5 per lane in addition to spaces required for restaurant facilities
Fast food take-out establishments and drive-in restaurants		1.5 per 100 sq. ft. of floor area (amended 2-22-93) & 2 oversized spaces for RV's and trucks.
Restaurants (except drive-ins)		1.2 per 100 sq. ft. of floor space & 2 oversized spaces for RV's and trucks.
Hardware stores, household equipment, repair shops including shoe repair, contractor's showroom and others.		1.2 per 100 sq. ft. of floor space 1 per 200 sq. ft. of floor space
Museums and galleries		1 per 100 sq. ft. of floor space
Furniture, appliance, carpet		1 per 200 250 sq. ft of floor space (amend. 8-15-78)
Funeral parlors		1 per 50 sq. ft of floor space

Gas stations		1 per fueling location plus 2 per lift
Auto Body Repair Shops		1 Space per bay and 1 per employee
Motor Vehicle Sales		1 space per each 1000 sq. ft. of display area
Laundromats		.50 per machine .33 per machine
Doctor's and dentist's offices		1 per 100 sq. feet of waiting room area and 1 per doctor or dentist
Day Care Center		1 space per 5 children
Banks		1 per 150 sq. ft. of floor space
Warehouses		1 per 500 1500 sq. ft. of floor area
For uses not specifically listed above, the requirements listed below are applicable:		
Retail stores and service establishments		1 per 150 200 sq. ft. of floor space and outdoor sales space
Offices		1 per 300 sq. ft of floor space
Bed & Breakfast		One space per room for transient guests in addition to spaces required for single family dwellings.
Other commercial and industrial uses		.75 times maximum number of employees on premises at any one time

- Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one half or more shall require one space.
- Required off-street parking shall be provided on the lot to which it pertains. **All spaces shall be provided by adequate access by means of a maneuvering lane. Backing directly onto a street is prohibited.**
- The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.
- All required parking spaces shall be clearly defined by use of a car wheel or bumper stops, and or painted lanes.**
- No off street parking shall be constructed or altered until approval has been issued by the Chocolay Township Planning Commission under site plan review.**
- Lighting fixtures used to illuminate off-street parking areas shall be designed to reflect light downward and away from adjoining residential properties, institutional premises, or streets and highways. Lighting shall not emanate from fixtures above a point 15 degrees below horizontal as measured at the light fixture.**
- Handicap parking spaces shall be provided in accordance with the applicable building code and shall be provided in sufficient number.**
- Parking lot layout should include consideration for snow removal and on-site drainage and plans shall be provided for on the site plan.**
- Parking of non-residential vehicles is prohibited in all residential zones including semi-trailers and tractors, and other commercial equipment and vehicles that are not also utilized as a customary personal family vehicle unless specific approval has been obtained by a home occupation permit.**

For a use not specifically identified the off street parking facilities shall be in accordance with a use, which the Zoning Administrator considers as similar in type.

The following minimum design standards shall be observed in laying out off-street parking facilities.

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Aisle Width</u>	<u>Parking Stall Length</u>	<u>Curb to Curb</u>
0 to 15	9 ft.	12 ft.	23 ft.	30 ft.
16 to 37	10 ft.	12 ft.	19 ft.	47 ft.
38 to 57	10 ft.	13 ft.	19 ft.	54 ft.

58 to 74	10 ft.	18 ft.	19 ft.	61 ft.
75 to 90	10 ft.	24 ft.	19 ft.	63 ft.

NOTE: Minimum aisle width is 24' for 2-way traffic.

CONSIDER MSPO COMMUNITY PLANNING PRINCIPALS

LaPointe moved, Sanders second that

Whereas the Michigan Society of Planning Officials (MSPO) exists to promote quality community planning through education, information and advocacy, statewide; and

Whereas the Michigan Society of Planning Officials Board of Directors has endorsed the attached Community Planning Principles; and

Whereas the Community Planning Principles are intended to be used as a guide to define what constitutes "Quality Community Planning"; and

Whereas the Planning Commission of the Charter Township of Chocolay strives to promote quality community planning.

Now Therefore Be It Resolved that the Planning Commission of the Charter Township of Chocolay hereby adopts the attached Michigan Society of Planning Officials Community Planning Principles.

MOTION CARRIED.

PLANNING DIRECTOR'S REPORT

1. Kawbawgan Area Ski Trail
2. Ordinance Sub Committee discussed-building heights, Public Lands and Campgrounds.
3. KBIC park funds received.
4. Browers Property.
5. MTA Convention is next week in Lansing.

PUBLIC COMMENT-None

COMMISSION COMMENT

Mike LaPointe asked how the County GIS system is coming along.

INFORMATION ITEMS AND CORRESPONDENCES

- A. Minutes-Chocolay Township Board-December 20, 1999
- B. Minutes-AdHoc Trails Committee-December 7, 1999
- C. Correspondence-Road Commission-Cherry Creek Road Reconstruction
- D. Correspondence-Donald Browers-Property Donation
- E. Information-MTA E-News
- F. Information-MTA-SB 205 Analysis

The meeting was adjourned at 9:10 p.m.

Estelle DeVooght, Commission Secretary

Stacy Busch, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, FEBRUARY 14, 2000**

PRESENT: Commissioners Gary Menhennick, Bill Sanders, Mike LaPointe, Estelle DeVooght, Kendall Tabor
ABSENT: Steve Kinnunen, Scott Emerson
OTHERS: Doug Riley, Director of Planning & Research, John Smith, Four NMU Students

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 7:30 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission, dated January 10, 2000 were presented for approval.

Moved by Commissioner Tabor, Supported by Commissioner LaPointe that the January 10, 2000 minutes be approved as presented. Motion carried.

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Planning Director Riley indicated that it would be preferable if New Business Item A - Countywide Community Information System (incl. GIS) be moved to the end of the Agenda in order that the Commissioners and Public can move to his office to review a CIS system that has recently come on-line.

Moved by Commissioner Menhennick, supported by Commissioner Tabor, to adopt the agenda with the change of moving New Business Item A. to the end of the agenda. Motion carried.

PUBLIC COMMENT: None

OLD BUSINESS: None

NEW BUSINESS:

CLEAN MICHIGAN INITIATIVE GRANT APPLICATION - BEAVER GROVE RECREATION AREA - RESUBMIT FOR SPRING 2000 CYCLE

The Planning Commission reviewed Larry Gould's, (DPW Supervisor), February 9, 2000 memorandum and a copy of the grant application and took public comment. There were no public comments. The Planning Commission made the following motion:

Motion by Menhennick, supported by LaPointe, that the Planning Commission reviewed and took public comment on the draft 2000 Clean Michigan Initiative Recreation Bond grant application to the DNR for the final phase of development at the Beaver Grove Recreation Area and the Planning Commission supports the application.

MOTION CARRIED

LAND DIVISION ORDINANCE - UPDATE

Planning Director Riley gave an update on the recent proposed/considered changes to the Township's Land Division Ordinance regarding enforcement issues. The reason for the considered changes was due to the State Tax Commission ruling that parcels created in violation of the Land Division Act, and/or any local Land Division Ordinance, must still be recognized on the tax roll. This ruling conflicted with our Land Division Ordinance enforcement language. In addition, our Ordinance requires that we take court action against any person who makes any illegal division. The problem is this places an unreasonable burden on the Township, especially since the Land Division Act is a State Law and the State and County will not prosecute violations.

While the Board initially looked at rescinding the entire Ordinance, it has now been proposed that we keep the Ordinance, as there are good qualities in it such as spelling out the process for approval, lot width/depth regs, etc.. The only portion that would be amended would be the enforcement provisions section to delete the respective portions that are not applicable. In addition, we would add a requirement that an affidavit shall be

filed with the Register of Deeds with a parcel indicating that the parcel is in violation of the Ordinance/Act. This way future purchasers are alerted as to a potential problem with obtaining permits, etc..

BY-LAWS AND POLICIES - RECOMMENDATION FROM ZONING ADMINISTRATOR

The Planning Commission received Mark Maki's memorandum and materials dated 2-7-2000 addressed to the Planning Commission, Zoning Board of Appeals and Township Board regarding a policy being established for conflicts of interest.

Commissioner Menhennick indicated that previously when this issue has been addressed at the Board level it would be openly discussed and a unanimous decision is required to abstain the person from discussions and voting. Commissioner DeVooght indicated that often a person who has been excused would actually leave the room during the deliberations and vote. Chairperson Sanders stated that he did not believe the Planning Commission has had a problem in these regards. The financial question is obvious, however, it is often difficult, especially in smaller communities such as ours, to not have some type of other connections. In addition, any policy should not preclude anyone from raising a conflict of interest issue at any time.

The Planning Commission discussed perhaps researching this issue, and other potential policy language, further beyond what is currently in the Planning Commission By-Laws. The Commission asked Planning Director Riley to do this for the Annual Meeting in June when the Commission normally reviews the By-Laws.

PLANNING DIRECTOR'S REPORT

1. Rezoning - Text Amendments - #110 & #111 (Cell Towers and Parking).
2. Text Amendments for March Meeting - Public Lands Zoning District and Campgrounds in RP District
3. U.P. 200 - Snowmobile Grade
4. Recycling Notice - Mixed Paper

PUBLIC COMMENT-None

COMMISSIONER COMMENT

Commissioner Menhennick indicated that he is having second thoughts regarding the Planning Commission's Ordinance Amendment Sub-Committee. It seems that their review and recommendation streamlines the process too much. He would like the benefit of the full Planning Commission discussion regarding these issues - the old way. He has received a number of calls regarding the changes to the parking standards, particularly the regulation regarding commercial vehicle parking in residential areas.

Commissioners LaPointe, Sanders and DeVooght spoke in support of the Sub-Committee approach as the Township is finally making progress on some of these outstanding issues.

Planning Director Riley indicated that he believed that the process is working the way it should and is essentially designed to by statute. In regards to the recent parking standards amendment, it is unfortunate that we did not get feedback sooner from the public, especially at the Planning Commission public hearing. However, the amendment has not even went to the Board, therefore, the opportunity for review and revisions are clearly still available and the opportunity for public and private review are still there.

Sanders asked about the Cherry Creek Road reconstruction and wondered if we had received plans. We should check the school approval as specific intersection improvements were to be made.

COUNTYWIDE COMMUNITY INFORMATION SYSTEM (INCL. GIS)

The Commission and those in attendance moved to relocate to Planning Director Riley's office for a review of a CIS system downstate that has recently gone on-line. Planning Director Riley and the Commission discussed the County's efforts and the intent and capabilities of the program. Unfortunately, the on-line CIS system was not accessible for demonstration.

The Commission then returned to the meeting room.

INFORMATION ITEMS AND CORRESPONDENCES

- A. Minutes-Chocolay Township Board-January 24, 2000
- B. Minutes-AdHoc Trails Committee- January 4, 2000
- C. Correspondence-UP 200 - Re: Railroad Grade
- D. Correspondence from - County of Marquette - Re: Rezoning #110 & #111
- E. Information-Maki - Re: Marquette Township Newsletter
- F. Information-MTA E-News - February

Menhennick Moved, LaPointe second, to adjourn the meeting at 9:05 p.m.

Estelle DeVooght, Commission Secretary

Douglas Riley, Recording Secretary

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, March 13, 2000**

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

ABSENT: Kendall Tabor

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, John Smith, Carl Besola, Dave Zorza, Don Britton, Eddie LaMere, Bob LaJuenesse Jr., James Shockey, James Erickson, William Kimmes, Lee Blondeau

PUBLIC HEARING-REZONING #112-TEXT AMENDMENT-PUBLIC LANDS ZONING DISTRICT-PERMITTED AND CONDITIONAL USES

Chairperson Sanders opened the public hearing at 7:35 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.

No public comment. Chairperson Sanders closed the public hearing at 7:39 p.m.

PUBLIC HEARING-REZONING #113-TEXT AMENDMENT-CAMPGROUNDS/DAY CAMPS-DEFINITION AND RP DISTRICT CLASSIFICATION

Chairperson Sanders opened the public hearing at 7:39 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.

No public comment. Chairperson Sanders closed the public hearing at 7:40 p.m.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 7:40 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission, dated February 14, 2000 were presented for approval.

Moved by Commissioner Menhennick, supported by Commissioner DeVooght, that the February 14, 2000 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Kinnunen, supported by Commissioner Emerson, to move Old Business B. Rezoning #111-Text Amendment-Off Street Parking Requirements before Old Business A. Rezoning #110-Text Amendment-Wireless Communication Facilities to accommodate the audience. **Motion carried.**

PUBLIC COMMENT:

- Doesn't like to see all the changes in language happening to the ordinance.
- There is no real problem with parking of commercial vehicles on private property now, shouldn't be addressed if this hasn't been a problem.
- #9 should be removed from the parking regulations.
- The Nuisance Ordinance should take care of this problem.
- You are telling us what we can and can't do in our own driveways.
- We don't need to have all these restrictions like other places do. The free market should dictate.
- There seems to be a lack of communication between businesses and the commission.

OLD BUSINESS:

REZONING #111-TEXT AMENDMENT-OFF-STREET PARKING REQUIREMENTS-BOARD REQUEST FOR REVIEW OF ITEM

Doug Riley, Director of Planning and Research explained that at the March 6, 2000 meeting, the Township Board sent Rezoning request #111 (text amendment to the Off-Street Parking Requirements - Sec. 500) back to the Planning Commission for their review/comment on Note #9 which states:

"Parking of non-residential vehicles is prohibited in all residential zones including semi-trailers and tractors, and other commercial equipment and vehicles that are not also utilized as a customary personal family vehicle unless specific approval has been obtained by a home occupation permit."

Essentially, following the Planning Commission meetings, where the Sec. 500 amendments were reviewed, we received several inquires and concerns from the public regarding Note/Requirement #9. As is obvious from the Board minutes, there was significant public opposition to this section of the proposed amendment at the Board meeting. In addition, the County Planning Commission also commented on this section

Striking a balance in the proposed amendment was attempted by still allowing commercial vehicle parking in the residential districts via two (2) mechanisms:

- 1) If the commercial vehicle is still utilized as a customary personal family vehicle (e.g. ordinary cars, trucks, vans).
- 2) If approval has been obtained by a home occupation permit. This option provides for Township Board of Appeals review/approval and adjoining property owner notification. (This option, therefore, would allow for review/approval of more "intense" commercial vehicle parking/storage such as large trucks, cargo vans, etc.)

Clearly there is a problem with the proposed language for the first exception in regards to the fact that many commercial vehicles, (even regular size cars, trucks and vans), are not allowed to be utilized as a personal family vehicle. This is due to the fact that many employees are only allowed to drive them to and from work or the vehicle is for "on-call" purposes only.

The general consensus from the Board meeting seemed to be that there may not be a need for specific language such as this at this time as we only receive one or two complaints a year regarding this issue. In addition, we should not pass a regulation that we do not intend to enforce or get into an issue of selective enforcement.

Discussion centered on the need for this regulation since there have been relatively few complaints over the years. The Planning Commission discussed deleting Note #9 in the suggested off-street parking requirement language and to also delete the over-sized RV parking space requirement for hotels, fast-food, & restaurants.

Menhennick moved Sanders second that after re-reviewing Rezoning #111 and specifically Note #9 as requested by the Township Board, the Planning Commission recommends the adoption of rezoning #111 with Note #9 being deleted and also to delete the oversized RV parking space requirement for Hotels, Fast-food, & Restaurants.

Motion Carried

REZONING #110-TEXT AMENDMENT-WIRELESS COMMUNICATION FACILITIES (CELL TOWERS) BOARD REQUEST FOR REVIEW

Doug Riley, Director of Planning & Research, explained that at the March 6, 2000 meeting, the Township Board sent Rezoning #110 (text amendment for wireless communication facilities - cell towers) back to the Planning Commission for your review/comment on the following two items:

- 1) The County Planning Commission has recommended the insertion of additional language into the text to reference the "Airport Zoning Ordinance for Marquette County" in Section 527.A.8. and to insert "public" in the definition in addition to "private and commercial mobile radio service facilities"

- 2) In addition, as you were being requested to review the recommendation by the County, the Board also requested the Planning Commission to revisit the lower height limit for towers in the RP District (75' versus 175' for the C-3 and Public Lands Districts). There was some thought that the height limit should be increased for the outlying RP District as these areas would not be as visually impacted by the higher towers due to a more "remote" setting.

Most ordinances take the approach we proposed with the rationale that higher or "more intense" towers should be placed in "more intense" development districts, (such as the C-3), and lower "less intense" towers be placed in the "less intense" districts (such as the RP). In addition, and very importantly, the lower height limit should encourage the towers to locate in either the Public Lands or C-3 Districts where they can automatically obtain an additional 100' of height without going to the ZBA. Lastly, the courts have upheld a more stringent siting requirement in scenic/tourism based communities that are trying to protect their scenic vistas which could be argued as being tied to the more rural areas of the Township.

The Planning Commission discussed both of these issues (the County's recommendation and the issue of the tower height in the RP District). Significant discussion centered on the pros and cons of the reduced height for the RP District and the fact that applicants could still apply for a variance to the ZBA for individual height variances if conditions warrant.

Kinnunen moved DeVooght second that after re-reviewing Rezoning #110 as requested by the Township Board, the Planning Commission recommends the adoption of rezoning #110 with the insertion of the language as recommended by the County Planning Commission and to leave the height limitation for the RP District as previously recommended.

Motion Carried.

NEW BUSINESS:

REZONING #112-TEXT AMENDMENT-PUBLIC LANDS ZONING DISTRICT-PERMITTED AND CONDITIONAL USES

Planning Director Riley explained that Rezoning request #112 is a text amendment that was necessitated by the rezoning of the Township's Kawbawgam Road property to "Public Lands". During that process, analysis of the Public Lands Zoning District language revealed that it clearly needed to be amended to spell out which Township uses should be listed "Permitted Principal Uses" versus more intensive "Conditional Uses" that would warrant that more intensive review process and a public hearing. In addition, this amendment would make this district consistent with our other zoning districts in that actual permitted and conditional uses are spelled out. (The listing of permitted uses for any district assists both the Township and citizens better evaluate the rezonings of property). The County has also commented on the need for this change during their review of both the Kawbawgam property rezoning and our "Cell Tower" regulations where that use would be placed as a conditional use in the Public Lands District.

Staff has prepared, and the Ordinance Amendment Subcommittee has reviewed and forwarded, the attached amendment for consideration by the Planning Commission. We attempted to address the potential uses that could be placed in this district in the operation of Township business.

Planning Commission discussion centered on whether campgrounds should be included as a conditional use. Would the Township ever have a campground on Township property?

LaPointe moved Emerson second that the Planning Commission recommend approval of Rezoning #112 to the Township Board for a text amendment to Zoning Ordinance #34 under SECTION 214 (PUBLIC LANDS ZONING DISTRICT) to amend to establish permitted and conditional uses to read as follows:

SECTION 214 PUBLIC LANDS ZONING DISTRICT

- A) **INTENT.** To establish and preserve areas for certain public purposes and functions conducted by Chocolay Township.
- B) **PERMITTED PRINCIPAL USES.** Offices and related buildings, Police and Fire Stations, Community Centers, Indoor Sports Facilities, Libraries, Parks, Township controlled utility infrastructure, Recycling Drop-Off Site, Maintenance and Storage Facilities.
- C) **CONDITIONAL USES.** Wireless Communication Facilities, Solid Waste Transfer Stations, Cemeteries, Campgrounds.

Motion Carried.

REZONING #113-TEXT AMENDMENT-CAMPGROUNDS/DAY CAMPS-DEFINITION AND RP DISTRICT CLASSIFICATION

Planning Director Riley explained that Rezoning request #113 is a proposed text amendment that was discussed by the Ordinance Amendment Sub-Committee and has been forwarded to the Planning Commission for formal consideration.

Problem:

The Ordinance currently allows campgrounds and day camps in the RP District but as "Permitted Principal Uses". This could be problematic as it allows for no public review/hearing and requires no minimum site area.

Campgrounds can be a rather intensive land use and a formal review, and adjoining property owner notification, seem logical prior to the establishment of this use.

Recommended Option:

Make it the same as the RR-2 where they are allowed as a "Conditional Use on 20 acres or more". (This would be consistent with Jeff Glass's campground on M-28). This would create a public hearing/review and formal Planning Commission review to address potential nuisance issues.

In addition, the definition of campground in Section 101 should be amended to address that it includes more than just "recreational vehicles", (e.g. could also be tent sites), hence the recommended language to clarify.

Planning Commission discussion centered on the lack of a definition of a "Day Camp". Riley indicated that upon reviewing the dictionary and other zoning ordinances he could not find a definition for day camps. The Commission discussed that without a definition for day camps, the regulation of this use, whatever it is, would be problematic.

Menhennick moved Sanders second that the Planning Commission recommend approval of Rezoning #113 to the Township Board for a text amendment to Zoning Ordinance #34 as follows:

Section 101 - Definitions - To amend the definition of campground to read as follows:

CAMPGROUND, a parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters consisting of any combination of three or more recreational vehicles, tents or other temporary habitable structures or sites.

And Section 212 - RP District - To change campgrounds from being a Permitted Principal Use to a Conditional Use on 20 acres or more.

With the deletion of "day camps" from the text.

Motion Carried.

PLANNING DIRECTOR'S REPORT

1. Jennifer Wiles - New Township Secretary/Records Clerk
2. Recreation Grant Update - Beaver Grover Recreation Area
3. Update on Bike Path Grants
4. Peterson Private Road - New information has been submitted for review at April Meeting
5. Police Department - Snowmobile
6. Drainage Issues

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Minutes-Chocolay Township Board-March 6, 2000
- B. Minutes-AdHoc Trails Committee-February 1, 2000
- C. Minutes-Recreation Committee-February 24, 2000
- D. Information-MCCD & CLSWP-Buffer Strip Workshop
- E. Information-Recreation Committee-1st Annual Report (1999)
- F. Information-MJ Article-Brower Property
- G. Information-MTA E-News-March

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

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
MONDAY, April 10, 2000

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

ABSENT: Scott Emerson

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, John Smith, Don Britton, Don Dupra, James Shockey

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 7:33 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission, dated March 13, 2000 were presented for approval.

Moved by Commissioner Menhennick, supported by Commissioner LaPointe, that the March 13, 2000 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

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

PUBLIC COMMENT:

Don Dupra- 1832 Fitch Avenue raised a question concerning black topping of Old Little Lake Road.

Planning Director Riley informed him that his request would be brought up to the Planning Commission when the road ranking is done this spring.

OLD BUSINESS: None

NEW BUSINESS:

CONSIDER/REVIEW-KAWBAWGAM ROAD "POCKET PARK"- SITE PLAN (BASKETBALL COURT)

The Township, through the efforts of the AdHoc Trails Committee, received \$7,029 from the Keewenaw Bay Indian Community Housing Authority late last year for the development of a basketball court and parking lot on the Township's Kawbawgam Road property. (The same site as the Cross Country Ski Trailhead). This project has been touted as providing a recreational facility for the youth of the Kawbawgam Road area. The AdHoc Trails Committee is coordinating the volunteer construction of the project.

The proposed location for the basketball court places it in an existing cleared area of the property that is also in close proximity to the existing light fixture. Unfortunately, there is an existing seasonal road right-of-way located along the southern boundary of the property (even though the road does not physically exist). Therefore, an application has been submitted to the Zoning Board of Appeals for their April 13 meeting for a setback variance to the road right-of-way (i.e. to have a 14' setback where 40' is the Ordinance requirement).

Menhennick moved Sanders support that the Planning Commission has reviewed the Kawbawgam Road property plan for the construction of a basketball court and recommends the construction of the project with the following conditions:

- 1) That a variance is approved by the Zoning Board of Appeals for the setback to the seasonal road right-of-way. If the variance is not obtained, the court must be relocated to meet the required setbacks and any disturbed areas shall be re-vegetated to prevent erosion.
- 2) That the project is completed entirely with volunteer efforts and the KBIC funds that have been earmarked for the project.
- 3) That the project be coordinated with the Supervisor of Public Works and the Director of Planning and Research.

Motion Carried

DISCUSS- AIRPORT ZONING ORDINANCE FOR MARQUETTE COUNTY

Planning Director Riley’s review reveals that the Ordinance will function as a County administered overlay district to (primarily) regulate the height of structures within a 10 mile radius of the Airport. It appears that a significant portion of Chocolay Township would fall under these regulations.

The Planning Commission suggested that Doug forward comments on for the Commission to the County.

DISCUSS-INFORMATION FROM MICHIGAN MUNICIPAL LEAGUE-RE: ZONING DECISIONS

The Planning Commission discussed the recommended items to be followed or completed in zoning decisions and discussed the need to update the Comprehensive Plan once the new census numbers are available.

PLANNING DIRECTOR’S REPORT

1. Peterson Private Road to be on May Agenda
2. Burger King
3. MCTA Banquet
4. Non-Motorized Trail Summit
5. Stu Bradley Regional Planning Conference
6. MQT Township Cell Tower Moratorium
7. Rezoning 110 & 111
8. Ivan Fende-Appointed to EPA

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Memo- Larry Gould- RE: Central Lake Superior Watershed Partnership
- B. Memo- Mark Maki- RE: Non-Motorized Trail Issues
- C. Memo- Arlene Hill- RE: Annual MCTA Banquet
- D. Recreation Committee-1999 Annual Report
- E. Minutes-Chocolay Township Board-April 3, 2000
- F. Minutes-Recreation Committee-February 24, 2000
- G. Information-MTA –Legislative Updates

The meeting was adjourned at 8:25 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
TUESDAY, June 13, 2000

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

ABSENT: Kendall Tabor

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Bob Cambensy, Don Britton, Frank Stabile, Robert Ranta, James Carter, Bernard & Dianne Huetter, M. Hillier, Richard Reader, Mark Maki

PUBLIC HEARING-PRIVATE ROAD #15 – Frank Stabile

Chairman Sanders called the public hearing to order at 7:30 p.m. Planning Director Riley gave an overview of Mr. Stabile's request for approval of a private road under Section 402 of Zoning Ordinance 34. This proposed private road is located east off from US-41, north of St. Paul's Cemetery, in Section 26.

Bernie Huetter, 300 Green Garden Road, addressed the Planning Commission regarding his concern for the soils in the area of the private road. His concern relates to not only the soils for under the road bed but also for well and septic approvals for the future lots. Mr. Huetter was concerned of the potential for groundwater contamination as there are perched water tables in the area of the road.

Frank Stabile, applicant, addressed the Planning Commission and explained his rationale for choosing this property for his new home and for constructing the private road. He has completed preliminary investigations with the Health Department, well drillers and several road contractors and no major concerns were identified. Mr. Stabile also introduced his engineer for the road, Mr. Bob Cambensy, to address any technical questions the Commission may have.

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 THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission, dated April 10, 2000 were presented for approval.

Moved by Commissioner Menhennick, supported by Commissioner Kinnunen, that the April 10, 2000 minutes be approved as corrected. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner LaPointe, supported by Commissioner Menhennick, to move New Business A. Private Road Request #15- Frank Stabile before Old Business A.

Motion carried.

PUBLIC COMMENT: None

NEW BUSINESS: PRIVATE ROAD #15-Stabile

Discussion by the Planning Commission centered on the soils in the vicinity of the project. The Planning Commission noted that while they were only reviewing the proposed private road, they would also make a recommendation that the applicant complete his well and septic tests with the Health Department prior to road construction. He would have to obtain these approvals prior to receiving land division approval for the parcels anyway. The applicant has met all of the requirements of the private road standards in the Zoning Ordinance.

Bob Cambensy, engineer, stated that he was aware of the sometimes intricate soils in this area and those will be addressed as part of the road construction and his certification of the construction.

Richard Reader, Green Garden Road, asked if the applicant had been in contact with the DEQ regarding any wetlands on the property.
Board Memo. Stabile Private Road

Mr. Stabile indicated that he had not but that he could not envision there being anything considered wetlands on the property. Commissioner DeVooght indicated that there is a lower area on the property that does get wet.

Mr. Stabile indicated that he had already obtained his soil erosion and sedimentation control permit.

Planning Director Riley indicated that suggested condition #4 was included to clarify that the applicant would have to comply with all other agency requirements/approvals, such as the DEQ, as part of the project.

Commissioner Emerson inquired as to whether the applicant would install underground utilities. Ms. Stabile indicated that he was in discussion with the service providers now and would install them underground if it fell within his budget.

The Planning Commission discussed that they believed the suggested conditions, especially to address the soils, were appropriate and would address this concern.

Menhennick moved, Kinnunen second, that after review of Private Road request #15; 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) 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.
- 2) The applicant is required to provide certification from a surveyor/engineer that the private road standards of the Ordinance have been achieved at the conclusion of construction and that soil/roadbed conditions have been addressed.
- 3) The applicant pay for and install a road name and stop sign at the intersection of the road and US-41.
- 4) 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 and a soil erosion and sedimentation control permit.
- 5) The road shall be called Vista Hills Trail.
- 6) The "Possible Future Road" along the south boundary of the parcel is not part of this application or approval.
- 7) The Declaration of Easement include wording to address needed culvert sizing for individual driveways to the private road and that no access be provided for lots directly to US-41.
- 8) A zoning compliance permit shall be issued after all of the above conditions are met.
- 9) The applicant is strongly encouraged to obtain Health Department review of well and septic considerations for the proposed lots prior to road construction.

MOTION CARRIED

OLD BUSINESS: Rezoning # 113- Text Amendment- Campgrounds/Day Camps- Definition and RP District Classification

The Planning Commission discussed suggested definitions of a Day Camp and thought that Rezoning #113 should be brought back to the Commission for formal consideration with the first suggested definition of the three presented being included in the proposed amendment.

NEW BUSINESS: Update- Kawbawgam Road "Pocket Park"/Trails Committee

Don Britton gave an update to the Planning Commission on the completion of the basketball court, fencing and parking lot. He requested that the Planning Commission support writing a thank you letter from the Township Board and Trails Committee

recognizing all the volunteers and their work that has been done on this community project.

Discussion also centered on whether some type of plaque/monument should be erected at the park to recognize the volunteer effort.

Don Britton, as Trails Committee Chairman, requested that the Planning Commission include a section in the Comprehensive Plan pertaining to a multi-use trail along M-28 from US 41 to Superior St. with consideration for a bridge at the Chocolay River.

Discussion centered on whether this item should be included in the Recreation Plan or Comprehensive Plan or both. This item would be discussed by the Recreation Committee for inclusion in the Recreation Plan. The Planning Commission would also consider this in the next update to the Comprehensive Plan.

Commissioner Emerson had to leave at 9:05 pm

UPDATE/REVIEW-Cherry Creek Road Project

Planning Director Riley reviewed the Cherry Creek Road plans with the Planning Commission and gave an update on the project.

The Commission discussed the need to address the pedestrian/bicycle link to Cherry Creek School; relocation of the power poles at the Ortman Road Intersection and the need to improve the clear vision situation at the Cherry Creek/Carmen Drive Intersection.

These items would be discussed by the Township Board at their next meeting for forwarding to the Road Commission.

ANNUAL ELECTION OF OFFICERS

DeVooght moved, Kinnunen second that current Planning Commission officers serve for the term June 2000 to June 2001.

MOTION CARRIED.

REVIEW OF BY-LAWS-CONFLICT OF INTEREST PROVISIONS

It was suggested that the Planning Commission table this item until their next meeting.

ANNUAL REPORT

Menhennick moved, Sanders second that the Annual Report be forwarded to the Board as drafted.

MOTION CARRIED

PLANNING DIRECTOR'S REPORT

1. Rezoning's have been approved: Cell Tower Regulations, Parking Standards, Kawbawgam Property Rezoning.
2. Bennett Road Trial
3. Corridor Planning
4. Burger King
5. Grant Updates
6. Peterson Private Road
7. Bill, Steve, Gary Reappointment
8. Candidates for Township Office
9. Arc view/GIS Data

PUBLIC COMMENT:

Mark Maki, Zoning Administrator, gave the Planning Commission an update on current zoning issues within the Township.

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Memo-Fende-Re: William Bennett Private Road Meeting
- B. Correspondence-MDOT-Re: Traffic Signal at US 41/M-28

- C. Minutes-Chocolay Township Board-April 17, May 1, and May 15, 2000
- D. Minutes-Zoning Board of Appeals-May 25, 2000
- E. Minutes-AdHoc Trails Committee-May 2, 2000

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

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

July 10, 2000

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

ABSENT: None

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, John & Linda Carlson, Suzanne Harding, Sigfried, John Hongisto, Gene Elzinga, Burt Sparhawk, Denise Herron, P. Rasmussen-Donnelly, Sharon & Boyd Nutting, Steve & Claryce Herner, Kim Erickson, Pam Erickson, Shirley LaBonte, Bernadette Wallace, Janice Lindstrom Wester, Van Beyman, Virginia & Daryl Davis, Wayne Varvil, Ronald Ziebell, Donna Barto, Rene McEachern, Mary Kaye Schaefer, Martha Leppanen, Ronald Gingrass, Sue Schenk Drobny, Mike Barbieri, Vincent Sinervo, Bob & Sharon Roshak, Bill & Beth Menhennick, Bob Dewey, Ginger Winn, Cathy Peterson, John Smith, Scott Hubbard, Andy Smith, John Hubbard, Russell & Catherine LeBlanc, Ted & Joyce Smith, Robert & Chris Yuill, Sandra & Don Balmer, Barbara Grove, Al Conrad, Pat Girard, Barb Murringer, Cynthia Ojaniemi, John VanBeyoran, Mariau & Roland Schultz Goebel, Jude Catallo, William Kessel, Judy Samonte, Darlene Pierce, Q. Samonte, Marie Dahl, Mark Maki, Daniel Rydholm, Jim DeMarinis, Joyce Barbieri, Mike Barbieri, Louise Bourzault, Niel Cumberlidge, Don Britton, Ralph Bennett, Connie & Glenn Barto

PUBLIC HEARING-CONDITIONAL USE REQUEST #59-NORTH COUNTRY TRAILS C/O GENE ELZINGA-NON MOTORIZED HIKING/BIKING TRAIL FROM WELCOME CENTER ON US-41 TO SAND RIVER

Chairman Sanders called the public hearing to order at 7:34 p.m. Planning Director Riley gave an overview of the proposed trail and the route it would take.

Letters received were read by the Commissioners and placed on record.

Al Conrad, -He has been given a permit to groom a portion of the trail and have an easement to it and he has not authorized this use.

Ginger Winn-The trail is already a road, I will use it as motorized trail.

Boyd Nutting-County Road BAA is already a county road and is being plowed and maintained. If it is made non-motorized I will be walking to my house.

John Hongisto-Supports multi-use trails, not just non-motorized, people need to share, conflict of uses already.

Don Britton-Would like to see trail from Casino to M-28 left as is with the ability for snowmobiles to also utilize this portion.

Jude Catallo-Trail is a good idea, support non-motorized trail, residents want this, motorized trail should go by businesses.

Vincent Sinervo-Opposed to multi-use trail, sanitation problems will develop, signs won't keep people on trails, privacy-people could be watching you.

Cathy Peterson- This trail is not a good thing, people will trespass on other's property.

Mike Barbieri-People trespass all the time, people don't care, they litter, people are wrecking newly paved private road. Who is going to patrol this trail?

Sigfried-Can't hear noise, but neighbors dog barks whenever something goes by.

Darlene Herkins-Opposed to any trail, trespass across property now and they don't care that they are doing it.

Steve Hurner-Moved back to the UP because of what it has to offer. Opposed to trail, needs to have restrictions.

Mark Maki-North of 28 has never been a motorized use. The Township Recreation Plan refers to non-motorized trails, but local trails only. Non-motorized would be available to the locals.

Bill Kessel-Everyone has already guaranteed that they cannot control the trail.

Ron Gingrass-Qwns ¼ mile of the grade and no one has talked to us about this.

Dan Rydholm-Opposed to non-motorized use, can't enforce, lose respect for these areas.

Bob Dewey-Seen a lot of changes while living here, put restrictions on these trails.

Brenda Howell-People are walking all over the place now, opposed to trail.

BernadetteWallace-Supports non-motorized trail.

Daryl Davis-Supports non-motorized trail.

Cynthia Ojaniemi- Is there going to be a cost for these trails, we pay to use our motorized vehicles? Also concerns for privacy, and litter.

June Rydholm-Supports non-motorized trail.

Susan Harding-Supports non-motorized trail.

Darlene Pierce-Sees 2 portions of trail in question. Supports non-motorized use on what is proposed.

Lousie Bourgault-High tech always wins over low tech-motorized will win over non-motorized.

Gary Nadeau - Against using trail at all, running through yard already.

James & Susan Drobney -Supports non-motorized trail.

Van Beyman-Support non-motorized, does not believe you will see that much traffic, locals will mostly use it.

Virginia Davis-Why on the railroad right of way all the way to Munising?

Pam Erickson-Will this trail be surfaced?

Donna Barto-Why through backyards? Not the woods, concerns for garbage, policing, and privacy.

Public Hearing closed at 8:33pm.

PUBLIC HEARING-PRIVATE ROAD REQUEST#14-CATHY & GARY PETERSON-US-41-SOUTH

Chariman Sanders called the public hearing to order at 8:33pm. Planning Director Riley explained that the Peterson's have amended their request for private road approval that the Planning Commission original reviewed, and tabled last September. Because the plan was amended, and because of the time that has elapsed from the original public hearing, a new public hearing was scheduled and the required property owner notifications were mailed. The amended application includes: 1) an amended road layout plan which extends the road further onto the property; 2) amended deed restrictions.

No letters or comments were received objecting to the proposed road.

Public hearing closed at 8:35pm.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 8:35 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission, dated June 13, 2000 were presented for approval.

Moved by Commissioner Menhennick, supported by Commissioner Emerson, that the June 13, 2000 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner LaPointe, supported by Commissioner Menhennick, to move New Business before Old Business. **Motion carried.**

PUBLIC COMMENT:

Jude Catallo-Directly opposes a motorized trail.

Bill Kessel-There can't be a settlement here tonight.

NEW BUSINESS:

CONDITIONAL USE #59-North Country Trails c/o Gene Elzinga-Non-Motorized Hiking/Biking Trail from Welcome Center on US-41 to Sand River

North Country Trails, c/o Gene Elzinga, has applied for conditional use approval for a non-motorized hiking/biking trail from the Welcome Center on US-41 to Sand River. The primary route will follow the abandoned rail-road grade from the Welcome Center east to Kawbawgam Road. East of Kawbawgam Road the route will primarily follow seasonal road BAA and existing trails on State Land to Sand River.

Planning Director Riley reviewed for the audience the approval process for trails in the Township and answered the questions of the audience regarding the status of seasonal County Road BAA and the location of the approved snowmobile trail east of the Casino.

Gene Elzinga, North Country Trails, answered the following questions/concerns from the public in attendance:

The trail will be used as a connecting trail.

BAA will stay motorized.

Railroad grade is the best place for a trail due to safety issues.

Houghton Lake Trail is used as a snow trail except through residential areas.

Barriers will be put up along trail at railroad trestles and bridges.

Signage will be placed along trail.

Trail info signs at Welcome Center and will give history of area.

Blue blazes on trail marking it, as well as trail crossing signs on orange posts.

The trail will be maintained by local trail members.

Commissioner Comments:

Will there be portable facilities?

What about liability insurance? Any protection to landowners?

How is camping and tenting stopped? What about people carrying weapons on the trail?

Is there a cost to the trail?

The Planning Commission read and discussed the Conditional Use Permit standards for the public and their rationale for the support of the proposed trail.

Menhennick moved Emerson second that after review of Conditional Use request #59; the standards of Section 701 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 #59 with the following conditions:

1. That the applicant obtain a Zoning Compliance Permit from the Zoning Administrator upon compliance with item #2 and #3.
2. That North Country Trails install and maintain barriers at the rail-road trestles at the Chocoday River, the Bayou and at the M-28 overpass that allow permitted non-motorized uses to pass yet will prohibit motorized uses from utilizing these trestles. In addition, North Country Trails shall take every precaution to make said trestle crossings safe for users.
3. That North Country Trails provide signage on the trail that is appropriate to inform users of trail requirements and to identify potential conflict areas.
4. Any future change in the location of the trail route, or organizational control of the trail, must be reviewed by the Township Planning Commission and may require a new/amended conditional use approval.
5. That North Country Trails shall supply the Planning Commission with a written update on the status of the trail in two years (July Meeting, 2002) and the Planning shall review the conditional use approval to determine that no changes are needed to correct problems or that the approval should be revoked which, in either case, may require that a new public hearing be held.

MOTION CARRIED

PRIVATE ROAD REQUEST #14-Cathy and Gary Peterson

Planning Director Riley indicated that Staff and the Planning Commission identified three primary concerns with the applicant's original proposal last September. These were: 1) no cul-de-sac was proposed to be provided at the end of the road; 2) the soils near the connection to US-41 appeared to be questionable and may need to be tested; and 3) the proposed maintenance and access provisions proposed were a little different than standard and needed to be explored further.

In regards to these concerns, the applicant has done the following:

- 1) While no cul-de-sac is yet proposed, they have included language in the deed restrictions requiring individual property owners to install circular driveways on their lots in order to accommodate large or emergency vehicle turnarounds. As such, they are requesting the Planning Commission to grant the road without the cul-de-sac under the terms of the Ordinance which state: *"If a cul-de-sac is not required to be constructed due to site conditions, then the easement to meet County Road Commission standards must be provided."*
- 2) Regarding the soils near the connection to US-41, the applicant has applied for the necessary wetland permit through the DEQ for the filling of this area. In addition, our standard condition of requiring engineer certification of the road and road bed construction would address this concern.
- 3) The applicant has substantially revised their deed restrictions and maintenance language. These have been reviewed by the Township Attorney who has advised that they are now acceptable and achieve the goals of requiring such language.

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 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) A cul-de-sac **IS NOT** required to be physically constructed at the end of the private 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/engineer that the private road standards of the Ordinance have been achieved at the conclusion of construction and that soil/roadbed conditions have been addressed and an as built survey plan shall be provided to the Township.

- 4) The applicant pay for and install 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 and the Michigan Department of Environmental Quality.
- 6) The road shall be called Morning Meadow Trail.
- 7) The Declaration of Easement include wording to address needed culvert sizing for individual driveways to the private road and that no access be provided for lots directly to US-41.
- 8) A zoning compliance permit shall be issued after all of the above conditions are met.
- 9) The applicant is strongly encouraged to obtain Health Department review of well and septic considerations for the proposed lots prior to road construction.

MOTION CARRIED

OLD BUSINESS:

REVIEW OF BY-LAWS-CONFLICT OF INTEREST PROVISIONS

Tabled

PLANNING DIRECTOR'S REPORT

1. DPW Supervisor
2. Stabile approved by Township Board
3. Bennett Road Trial-cancelled
4. 1st day of Chocalay Township Summer Recreation Program 27 kids attended
5. Central Lake Superior Partnership Watershed

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence-MDOT-Re: US 41 Bike Path Relocation
- B. Correspondence-Road Commission-Re: Cherry Creek Road Project
- C. Correspondence-Re: Harvey Motors v. Maki
- D. Minutes-Township Board-June 19, 2000
- E. Minutes-Zoning Board of Appeals-April 13 & June 22, 2000
- F. Minutes0recreation Committee-June 21, 2000
- G. Minutes-Us-41 Corridor Management Team-June 21, 2000
- H. Information-Central Lake Superior Watershed Partnership-Informational Meeting
- I. Information-MTA-Capitol Currents
- J. Information-MTA-Legislative Updates

The meeting was adjourned at 10:16 p.m.

Estelle DeVoght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

August 14, 2000

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

ABSENT: Kendall Tabor

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, John Smith, Jim Edwards, Sharon Petrella, Christal Silta, Denise Dawydko, JM. Dawydko, Joseph Chranko, Ken & Gloria Hoog, Mike Farrell

PUBLIC HEARING-CONDITIONAL USE REQUEST #60-CHRISTAL SILTA-PROPOSED MINI-WAREHOUSES ON THE NORTHWEST CORNER OF US-41 AND BIG CREEK ROAD

Chairman Sanders called the public hearing to order at 7:33 p.m. Planning Director Riley gave an overview of the proposed Conditional Use permit for two mini-storage buildings. Public Hearing closed at 7:43pm.

PUBLIC HEARING-REZONING #113-TEXT AMENDMENT-CAMPGROUNDS/DAY CAMPS-DEFINITION AND RP DISTRICT CLASSIFICATION

Chairman Sanders called the public hearing to order at 7:43pm. Planning Director Riley explained that at the June 13, 2000 meeting, a suitable definition of a "day camp" had been found for inclusion in the Zoning Ordinance (since it is already a listed use within two zoning districts). This change is in addition to the previously recommended amendment to the definition of a "campground" and with moving both "day camps" and campgrounds" in the RP District from permitted principal uses to be allowed as Conditional Uses on 20 acres or more" (same as the RR-2 district).

Public hearing closed at 7:44pm.

PUBLIC HEARING-REZONING #114-TEXT AMENDMENT-SECTION 402 FRONTAGE REQUIREMENTS-TO ESTABLISH A REQUIREMENT FOR PROPERTY OWNER NOTIFICATION/ACKNOWLEDGEMENT PRIOR TO A RESIDENCE BEING CONSTRUCTED ON A SEASONAL COUNTY ROAD.

Chairman Sanders called the public hearing to order at 7:44pm. Planning Director Riley explained that the Township has received a letter from the Marquette County Township's Association regarding their work with the Marquette County Road Commission. One of their areas of focus has been the policies regarding seasonal roads. As identified in that letter, one of the key issues all Township's are facing are increasing pressures for the development of residences on seasonal roads; (and then the resulting pressures that are sometimes placed on the Road Commission or local Township for the road's upgrading).

It has been recommended that each Township have prospective homeowners on these roads sign an acknowledgment that they are building on a seasonal road and that they are aware of its limitations. Therefore, while the Township Board has already discussed this issue, it has been recommended by the Zoning Administrator, and I definitely agree, that perhaps we place this requirement right in the Zoning Ordinance so that it withstands the test of time.

Public hearing closed at 7:47 pm.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 7:47 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission, dated July 10, 2000 were presented for approval.

Moved by Commissioner Menhennick, supported by Commissioner Emerson, that the July 10, 2000 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner LaPointe, supported by Commissioner Kinnunen, to Table Old Business item 1 because of the public hearing agenda. **Motion carried.**

PUBLIC COMMENT:

Jim Edwards-549 Cherry Creek Road-Is happy that Cherry Creek Road is getting fixed, however, concerned about speed limits and safety for children.

NEW BUSINESS:

CONDITIONAL USE #60-Christal Silta- Proposed Mini-Warehouses on the corner of US-41 and Big Creek Road

Commissioner Comments:

- Is there proposed fencing?
- How long has property been owned?
- Do you live in the area?
- How will the storage areas be secured?
- Concrete flooring? Drains?
- Will the buffer be preserved? How many trees in buffer?

The Commissioners reviewed the standards of Section 701 and 504 of the Ordinance with the applicant and the audience.

Moved by Commissioner LaPointe, supported by Commissioner Menhennick, that after review of Conditional Use request #60; 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 #60 with the following conditions:

- 1) That 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 Fire Department with a final set of building plans detailing the fire breaks within the buildings.
- 3) That all of the existing trees in the 30' buffer on the west side of the site abutting the residential area be retained and that upon the completion of the buildings the Zoning Administrator and Planning Director shall review this buffer to determine that the buffering standards of Section 511 of the Zoning Ordinance have been achieved.
- 4) That the proposed security lighting shall be designed to reflect light downward and away from adjoining residential properties in accordance with the requirements of Section 500 of the Zoning Ordinance.
- 5) That the applicant obtain a zoning compliance permit from the Township Zoning Administrator.
- 6) Comply with all governing agencies.

MOTION CARRIED

PRELIMINARY SITE PLAN REVIEW-AMERIKING (Restaurant/Gas Station-C-Store/Car Wash)-Northwest corner of US-41 and Cherry Creek

A representative from Ameriking and the members of the Planning Commission discussed the preliminary site plan of Ameriking and some of the concerns the Planning Commission has regarding traffic, access points, landscaping and the aesthetics of the building. The Planning Commission also suggested that a bike path/safety lane be placed to run along the back of the property.

DRAINAGE REQUIREMENTS FOR SITE PLANS (DISCUSSION WITH THE DRAIN COMMISSIONER)

Planning Director Riley explained that the Planning Commission and Ordinance Amendment Sub-Committee have previously discussed the need for drainage reviews as part of the site plan review process. While we have a requirement in the site plan review section of the Zoning Ordinance pertaining to drainage, the fundamental problem is

having the technical expertise for reviewing this as a requirement as well as being able to see the big picture in terms of the area's overall drainage capacity and patterns.

The most common approach for the municipal review of projects with drainage considerations is to have the County Drain Commissioner complete these reviews. They are the agency that typically has the ability to review the "big picture" in order to evaluate overall drainage patterns and system capacities.

Mike Farrell, Marquette County Drain Commissioner, spoke with the Commission on the need for such reviews and how this review process could work.

The Planning Commission agreed that we need to look at drainage for site plans more critically and working with the Drain Commissioner seemed to be logical approach. Planning Director Riley indicated that he would work with the Drain Commissioner and Zoning Administrator on proposed language and the review procedure that could be implemented.

REZONING #113-TEXT AMENDMENT-CAMPGROUNDS/DAY CAMPS-DEFINITION AND RP DISTRICT CLASSIFICATION

Commissioner Menhennick moved supported by Commissioner Sanders that the Planning Commission recommend approval of Rezoning #113 to the Township Board for a text amendment to Zoning Ordinance #34 as follows:

Section 101 - Definitions - To amend the definition of campground to read as follows:

CAMPGROUND, a parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters consisting of any combination of three or more recreational vehicles, tents or other temporary habitable structures or sites.

Section 101 - Definitions - To create a definition of a day camp to read as follows:

DAY CAMP, A camp providing facilities for groups of young people such as YMCA camps, Boy Scout camps, and Girl Scout camps.

And Section 212 - RP District - To change campgrounds and day camps from being a Permitted Principal Use to a Conditional Use on 20 acres or more.

MOTION CARRIED

REZONING #114-TEXT AMENDMENT-SECTION 402 FRONTAGE REQUIREMENTS- To establish a requirement for property owner notification/acknowledgement prior to a residence being constructed on a seasonal County road.

Commissioner Menhennick moved Sanders second that the Planning Commission recommend approval of Rezoning #114 to the Township Board for a text amendment to Zoning Ordinance #34 as follows:

Section 402 - FRONTAGE REQUIREMENTS - To add a subsection E. to read as follows:

E. CONSTRUCTION OF DWELLING ON SEASONAL COUNTY ROAD

Any person constructing a dwelling on a seasonal County Road is required to sign a "Construction of Dwelling on Seasonal County Road - Property Owner Notification" form prior to the issuance of a zoning compliance permit. (Said notifications to be kept with the Zoning Compliance permits).

MOTION CARRIED

LAND DIVISION ORDINANCE-Discuss possible amendment for procedure/standards for variances.

The Planning Commission reviewed the Zoning Administrator's memorandum regarding the need for a variance procedure for lot depth to widths in the land division ordinance. It was recommended that the Board look at making this amendment.

PEDESTRIAN/BIKE PATH ALONG SILVER CREEK ROAD FROM OVERPASS TO SCHOOL-Discuss/Recommendation to Board

It was suggested by the Planning Commission that a letter be submitted to the Township Board recommending the construction of the bike path along Silver Creek Road.

PLANNING DIRECTOR'S REPORT

1. DPW Supervisor-Dennis Magadanz
2. Beaver Grove Recreation Grant
3. Cherry Creek Road speed limit and signs.

PUBLIC COMMENT:

Jim Edwards-549 Cherry Creek Road-informed the Planning Commission as to what is happening with the property owners on Cherry Creek Road and the Road Commission. He also made mention of a meeting with the residents at Walhstroms concerning their property.

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence-MDEQ-Re: Beaver Grove Rec. Area Grant
- B. Correspondence-Central Lake Superior Watershed Partnership-Re: Thank you
- C. Minutes-Township Board-July 17,2000
- D. Information-MTA-Legislative Updates

The meeting was adjourned at 10:45 p.m.

Estelle DeVoght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
September 11, 2000

PRESENT: Commissioners Gary Menhennick, Bill Sanders, Kendall Tabor, Mike LaPointe, Estelle DeVooght, Steve Kinnunen,

ABSENT: Scott Emerson

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Mark Maki, Andrea Beckman, Joe Fountain, Joseph Chranko, Julie Frazier, Tom Fountain, Dennis Magadanz

PUBLIC HEARING-CONDITIONAL USE REQUEST #61-AMERIKING (RESTAURANT/GAS STATION C-STORE/CAR WASH)- Northwest Corner of US-41 and Cherry Creek Road

Chairman Sanders called the public hearing to order at 7:33 p.m. Planning Director Riley gave an overview of the proposed Conditional Use permit for Restaurant/Gas Station/C-Store and Car Wash

Public Comments:

- We would welcome any new businesses in the Township.
- Concerns about traffic problem off of US-41 at the proposed driveway.

Public Hearing closed at 7:40pm.

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the Regular meeting of the Chocolay Township Planning Commission to order at 7:40 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission, dated August 14, 2000 were presented for approval.

Moved by Commissioner Kinnunen, supported by Commissioner Menhennick, that the August 14, 2000 minutes be approved as presented.

MOTION CARRIED

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Kinnunen, supported by Commissioner Sanders, to move New Business before Old Business.

MOTION CARRIED

PUBLIC COMMENT: None

NEW BUSINESS:

CONDITIONAL USE #61-(incl. Site Plan Review)-Ameriking (Restaurant/Gas Station-C-Store/Car Wash)- Northwest Corner of US-41 and Cherry Creek Road

The Planning Commission reviewed the project with the applicant. There were several areas of concern that were discussed including: access, on-site traffic circulation, landscaping proposed in the right-of-way or off-site, lack of lighting details, and building aesthetics.

Ameriking representative, Joseph Chranko, agreed that perhaps the best approach at this time was for the Planning Commission to table the request in order for his company to clean up the identified problems and work with the Road Commission regarding the concerns on access. In addition, Mr. Chranko indicated that they have discovered that they own the property to the west, (shown as a triangular piece on the site plan), and they will be able to use this property in their redesign and this should address many of the concerns that have been identified.

Moved by Commissioner Kinnunen, supported by Commissioner Tabor that the Planning Commission TABLE Conditional Use Request #61 (including Site Plan Review) in order to allow the applicant time to more fully address the concerns expressed by the Road Commission and Township Staff and to explore the redesign utilizing the additional property on the west side of the site.

MOTION CARRIED

DISCUSS/REVIEW-2001 PLANNING COMMISSION BUDGET REQUEST

The Planning discussed the 2001 Budget request and agreed with the recommended budget.

OLD BUSINESS:

REVIEW OF BY-LAWS- CONFLICT OF INTEREST PROVISIONS

Moved by Commissioner Menhennick, supported by Commissioner Kinnunen to leave the by-laws as currently written.

MOTION CARRIED.

PLANNING DIRECTOR'S REPORT

1. Introduction of Dennis Magadanz - New DPW Supervisor
2. Silver Creek Road Bike Path
3. Dry Hydrant-Mangum Road
4. Cherry Creek Road Meeting
5. Post Office Correspondence

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Memorandum/Correspondence-Marquette County-Re: Marquette County Recreational Trails Master Plan
- B. Minutes-Township Board-August 21, 2000
- C. Information-MTA-Legislative Updates

The meeting was adjourned at 8:25 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION
October 9, 2000

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

ABSENT: Scott Emerson

OTHERS: Doug Riley, Director of Planning & Research, William Savola, Tom Davis

PUBLIC HEARING- Private Road Request #14 - Amendment - Cathy & Gary Peterson - US-41 South

Chairperson Sanders opened the public hearing at 7:30 p.m.

- Public Comments: None

Public Hearing closed at 7:31pm.

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 THE MEETING MINUTES:

The minutes of the Regular meeting of the Chocolay Township Planning Commission dated September 11, 2000 were presented for approval.

Moved by Commissioner Menhennick, supported by Commissioner Tabor, that the September 11, 2000 minutes be approved as presented.

MOTION CARRIED

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Menhennick, supported by Commissioner LaPointe to approve the agenda as presented.

MOTION CARRIED

PUBLIC COMMENT:

William Savola presented the Planning Commission with a sketch and explanation of the tree clearing that he was completing on his property on US-41 near the rock cut. He explained that he was only trying to remove enough trees to open up the property a little bit for marketing purposes and did not have any specific development plans at this time. He would like to remove the trees that have been cut to date and the remaining trees that are dead on the site. He asked if the Planning Commission wanted a more formal plan at this stage.

The Planning Commission did not believe a more detailed plan was needed until an actual development was proposed. The Planning Commission thanked Mr. Savola for informing the Planning Commission of his intentions.

OLD BUSINESS:

CONDITIONAL USE #61-(incl. Site Plan Review)-Ameriking (Restaurant/Gas Station-C-Store/Car Wash)- Northwest Corner of US-41 and Cherry Creek Road (TABLED)

Planning Director Riley advised the Planning Commission that Joseph Chranko from Ameriking had requested the Planning Commission to leave their application tabled as they were working on several different issues. The issues indicated were that they have been approached regarding selling the site and they were also talking with a different potential gasoline distributor which may change their plans. In addition, they now realize that they do not own the additional property to the west of the site.

Item remained Tabled.

NEW BUSINESS:

Private Road Request #14 - Amendment - Cathy & Gary Peterson - US-41 South

The Planning Commission reviewed staff's memorandum explaining the rationale for the amendment to Condition #7 of the Peterson's Private Road approval regarding no lot access to US-41. The Planning Commission agreed that it was best not to require the further filling of the wetland area in order for a drive to be constructed to access the one small upland piece of property north of the private road.

Menhennick moved, Sanders second that the Planning Commission recommend to the Township Board that Condition #7 for Private Road Request #14 be amended to read as follows:

"The Declaration of Easement include wording to address needed culvert sizing for individual driveways to the private road and that no access be provided for lots directly to US-41 except for the parcel abutting US-41 on the north side of the private road with approval from the Michigan Department of Transportation."

MOTION CARRIED

US-41/M-28 Corridor Management Team - Resolution and Memorandum of Understanding - Support and Recommendation to Township Board

The Planning Commission discussed the Corridor Planning effort that was underway and the forwarded resolution and memorandum of understanding. The Planning Commission was supportive of the effort and the Township's involvement. The Planning Commission would like the Corridor Management Team to address a maximum time limit for reviews in their by-laws so that they do not hold up projects. Planning Director Riley indicated that he would address this at the group's next meeting.

LaPointe moved, Sanders second, that the Planning Commission recommend to the Township Board to pass the attached Resolution and Memorandum of Understanding in order to establish a cooperative and coordinated planning effort for the US-41/M-28 Corridor.

MOTION CARRIED

Discussion - Shoreline/Dune Protection

Planning Director Riley explained that shoreline and dune protection along Lake Superior is a topic that seems to be surfacing more frequently. The Township often receives calls regarding whether we have any regulations regarding grading or removal of the dunes near homes (primarily for view considerations). The Township does not have regulations pertaining to such work and even our Waterfront Setback requirements and related vegetative buffer requirements do not apply as the affected area is largely existing non-conforming lots and platted parcels which are exempt from these regulations. When we do receive calls these people are forwarded to the Soil Erosion people for an applicable Soil Erosion Permit or the State if they fall within the Critical Dunes area, (area east of the Turnouts). The concern that has been expressed, however, is whether the Township needs to get more involved as there is significant grading and erosion issues occurring and vegetation being removed. The Township Comprehensive Plan makes numerous mentions of the need to look at protecting this area.

The Planning Commission had significant discussion regarding the problems that are occurring and reviewed pictures showing the type of grading and erosion that can occur. Discussion centered on whether education may be all that is needed instead of more regulations. LaPointe explained the soil erosion requirements that must be complied with. Discussion also centered on enforcement of additional regulations and potential property value issues.

The Commission asked Planning Director Riley to research this issue further and put together some information for their review such as regulations from other locations that are dealing with this issue. It was also discussed to see if we could get some professional people knowledgeable with this issue to address this Planning Commission at a future meeting.

PLANNING DIRECTOR'S REPORT

1. Commercial Real Estate Signs - Needed text amendment
2. Adult Entertainment Regulations

PUBLIC COMMENT: None

COMMISSIONER COMMENT: None

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Information - MSPO - Community Planning Principles
- B. Minutes - Township Board - September 18 & October 2, 2000
- C. Minutes - Recreation Committee - July 26, 2000
- D. Minutes - AdHoc Trails Committee - August 1, 2000
- E. Information - MTA - Legislative Updates

The meeting was adjourned at 8:55 p.m.

Estelle DeVooght, Commission Secretary

Douglas Riley, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

November 13, 2000

PRESENT: Commissioners Gary Menhennick, Bill Sanders, Kendall Tabor, Mike LaPointe, Estelle DeVooght, Steve Kinnunen, Scott Emerson arrived at 7:40pm

ABSENT: None

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Patricia Leist, Steve Adamini, Glen VanNeste, Dorothy & Hugh Kahler, Mark Muscoe, Carol Margrif, Travis VanNeste

REGULAR MEETING CALLED TO ORDER:

Chairman Sanders called the regular meeting of the Chocoday Township Planning Commission to order at 7:33 p.m.

APPROVAL OF THE MEETING MINUTES:

The minutes of the regular meeting of the Chocoday Township Planning Commission, dated October 9, 2000 were presented for approval.

Moved by Commissioner Tabor, supported by Commissioner Sanders, that the October 9, 2000 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Kinnunen, supported by Commissioner Tabor, to move New Business A before Old Business B. **Motion carried.**

PUBLIC COMMENT:

- There has been development and expansion of mobile home park on Silver Creek Road. Is this a violation? (Planning Director Riley will follow-up).

OLD BUSINESS:

CONDITIONAL USE REQUEST #61 (Incl. Site Plan Review) Ameriking (Restaurant/Gas Station-C-Store/Car Wash)

Request Withdrawn by applicant.

NEW BUSINESS:

DISCUSS-ADAMINI CORRESPONDENCE REGARDING PROPOSED ZONING ORDINANCE TEXT AMENDMENT REGARDING SECTION 402-FRONTAGE REQUIREMENTS

Planning Director Riley explained to the Commission that the Township Board is requesting the Planning Commission's review of the correspondence received from Stephen Adamini regarding a proposed Zoning Ordinance Text Amendment.

Because of the significant neighborhood interest in this issue, the property owners within 300' of the parcel referenced in the Adamini correspondence were notified.

The Planning Commission reviewed the correspondence from Mr. Adamini and read the letters from property owners that were recently received that urged the Planning Commission not to change the Ordinance.

Mr. Adamini and Travis VanNeste urged the Planning Commission to look at reviewing the Zoning Ordinance as it relates to the difference between a "driveway" and a "private road" and to review the term "abut" as it is used in Section 402.

Moved by Commissioner Kinnunen, supported by Commissioner Emerson to send this item to the Ordinance Amendment Sub-Committee for review of the definition of a driveway versus a private road.

MOTION CARRIED

OLD BUSINESS:

DISCUSS-SHORELINE/DUNE PROTECTION

Planning Director Riley explained that as was discussed at last month's meeting, one of the fundamental elements in reviewing this matter is actually establishing the problem that is occurring to the shoreline/dunes along Lake Superior. This will be essential in establishing the need and argument for any new protection measures.

Mr. Riley indicated that he has been discussing this matter with Carl Lindquist of the Central Lake Superior Watershed Partnership who agrees that this is definitely an issue that needs to be explored. Mr. Lindquist was able to have a consultant review this area from several properties and his report has been completed for the Planning Commission to review. (Copies distributed and reviewed).

Planning Commission discussion centered on the best approach to take to address this issue. One option is to attempt to have the area looked at for inclusion on the State's Critical Dune Area where those regulations would be implemented. The other approach was for the Township to simply look at an overlay zoning district with some relatively straight forward regulations to address the key problems. The Planning Commission favored this approach and thought that if combined with educational efforts this may prove effective. There was consensus that before proceeding with a specific approach one of the key elements is to get plenty of public involvement and to establish consensus from the public and landowners regarding the problem and the need for protection.

The Planning Commission requested that Mr. Riley put together an initial draft of the needed elements (what may be the key regulations and/or educational aspects) to protect the dunes/shoreline for the next meeting for their review.

PLANNING DIRECTOR'S REPORT

1. Rezoning #113 has been approved by the Board, #114 has been tabled to await the County's comments.
2. Bike path along Silver Creek Road will be re-bid this spring.
3. Ordinance Sub Committee. Need for December meeting.

PUBLIC COMMENT: None

COMMISSIONER COMMENT:

The Planning Commission thanked Gary Menhennick for his time and efforts on the Planning Commission.

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence - Maki - Re: Railroad Grade
- B. Correspondence - Marquette County - Re: Hearing Date Change on County Trails Master Plan
- C. Minutes - Township Board - October 16, 2000
- D. Minutes - Zoning Board of Appeals - September 28, 2000
- E. Minutes - Recreation Committee - September 27, 2000
- F. Minutes - AdHoc Trails Committee - October 3, 2000
- G. Information - MTA - Legislative Updates

The meeting was adjourned at 10:15 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

December 11, 2000

PRESENT: Commissioners Thomas Shaw, Bill Sanders, Kendall Tabor, Mike LaPointe, Estelle DeVooght, Steve Kinnunen, Scott Emerson

ABSENT: None

OTHERS: Doug Riley, Director of Planning & Research, Stacy Busch, Recording Secretary, Travis VanNeste, Carol Sheeky, Dennis Magadan

REGULAR MEETING CALLED TO ORDER:

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

APPROVAL OF THE MEETING MINUTES:

The minutes of the regular meeting of the Chocolay Township Planning Commission, dated November 13, 2000 were presented for approval.

Moved by Commissioner Kinnunen, supported by Commissioner Emerson, that the November 13, 2000 minutes be approved as presented. **Motion carried.**

APPROVAL OF AGENDA/ADDITIONS TO AGENDA:

Moved by Commissioner Sanders, supported by Commissioner Tabor, to approve the agenda as presented. **Motion carried.**

PUBLIC COMMENT: None

OLD BUSINESS:

DISCUSS-ADAMINI CORRESPONDENCE REGARDING PROPOSED ZONING ORDINANCE TEXT AMENDMENT REGARDING SECTION 402-FRONTAGE REQUIREMENTS

The Ordinance Amendment Sub-Committee met on December 5th and reviewed the Adamini request and the related aspects of the Zoning Ordinance, (definitions, etc.), as was discussed at the last Planning Commission Meeting.

The basic decision was made by the Sub-Committee to recommend that no change be made to the language of the Zoning Ordinance. The Sub-Committee believed that the appropriate avenue was for the VanNestes to review re-applying for a variance to the Zoning Board of Appeals. This is the appropriate review body to review their individual unique property situation; (versus amending the Ordinance which would have Township wide implications on development patterns). The VanNestes have agreed to pursue this avenue versus the Ordinance Amendment. Travis VanNeste presented the Planning Commission with a site plan detailing the property and the setbacks that would be imposed that they would subsequently file as part of their application to the Zoning Board of Appeals.

Commissioner Emerson moved, Commissioner Sanders second to authorize the Planning Director to write a letter to Mr. VanNeste recommending that they reapply to the Zoning Board of Appeals concerning access and development to the property due to the unique nature of their situation.

MOTION CARRIED

DISCUSS-SHORELINE/DUNE PROTECTION

At the last meeting, the Planning Commission requested that Planning Director Riley put together an initial draft of the needed elements, (what may be the key regulations and/or educational aspects), of Lake Superior shoreline/dune protection for their review. This draft was presented in the Planning Commission packets.

Also, Mr. Riley recently spoke with Mike LaPointe as he had spoken with the staff of the Soil Conservation District regarding this issue. They would be willing to consider assisting the Township with administering the regulations that we may develop.

Mr. Maki and Mr. Riley discussed this internally and we believe that the Township must be fundamentally responsible for administering any regulations that we develop. This alleviates questions of legality and enforcement overlap since the Township is responsible for enforcing its own ordinances. We also do not want to create situations where property owners are frustrated by potentially having to work through 2 different agencies regarding the same set of regulations.

What may be beneficial, however, is if we can include the Soil Conservation District in the review/approval procedure for major earth changes along the shoreline that perhaps we would review as a conditional use permit. In conjunction with any educational assistance they can provide, it would certainly be beneficial to be able to utilize their expertise.

The Planning Commission discussed this issue and liked the draft of the elements/approach that could be taken. The Commission agreed that the key element is to correctly identify the area of protection as the 1st barrier dune. The Planning Commission asked Planning Director Riley to draft what may be the specific language for their review and discussed having affected property owner meetings to discuss this idea.

Commissioner LaPointe inquired as to whether the Township Board had made any comments regarding this issue?

NEW BUSINESS:

CONSIDER-ANNUAL ROAD RANKING

The Planning Commission reviewed the submitted road rankings to determine their recommendation to the Board.

1. Silver Creek Road
2. West Wright Place
3. Green Garden Road
4. Greenfield Road
5. Ford/Townline Road
6. VanEpps/Fairbanks
7. Country Lane Road
8. Shot Point Road
9. Old Little Lake Road (Citizen request for paving of gravel portion)
10. N Big Creek Road (Citizen request for paving of gravel portion)

CONSIDER-2001 MEETING DATES AND TIME

The Planning Commission has decided to leave their meetings dates and time as scheduled for 2001.

PLANNING DIRECTOR'S REPORT

1. TEA21 Grant
2. Planners Luncheon
3. Mobile Home Park Violation update
4. City/Township joint meeting

PUBLIC COMMENT: None

COMMISSIONER COMMENT:

Chairman Sanders welcomed Thomas Shaw to the Planning Commission.

Chairman Sanders requested that Planning Director Riley review Family Dollar's lighting in regards to compliance with their approval. The Commission discussed the potential need for more extensive lighting controls in the Township.

INFORMATIONAL ITEMS AND CORRESPONDENCES:

- A. Correspondence - Riley - Re: New Planning Commission Representative
- B. Correspondence - Maki - 2000 Zoning Report
- C. Correspondence - Maki - Re: Blondeau & Sons

- D. Correspondence - Magadanz - TEA 21 Grant Application
- E. Minutes - Township Board - November 6, 2000
- F. Minutes - AdHoc Trails Committee - November 8, 2000
- G. Information - MTA - Legislative Updates

The meeting was adjourned at 9:10 p.m.

Estelle DeVooght, Commission Secretary

Stacy L. Busch, Recording Secretary